PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BROYHILL of Virginia:

H.R. 9515. A bill for the relief of Milda Risso Colombo; to the Committee on the Judiciary.

H.R. 9516. A bill for the relief of Gisela Hanke; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 9517. A bill for the relief of Pietro Campagnuolo; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

93. Mr. HUTCHINSON presented a petition of Ruth Fischer and 910 other citizens of Berrien County, Mich.; protesting the tax burden upon the workingman resulting from welfare claims, which was referred to the Committee on Ways and Means.

SENATE—*Tuesday, June 29, 1971*

(Legislative day of Monday, June 28, 1971)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God and Father of us all, as we prepare to celebrate our national freedom make us mindful of all who are less free—the victims of injustice and oppression, all those yet enslaved, and all those whose personal and national destinies are determined by forces beyond their own control.

Hear our prayer once more, O Lord, for our own people who are prisoners of war, for men missing in action, for sons and fathers and brothers whose lot is known to Thee alone—and for loved ones who lonely wait the day of reuniting. Hear our prayer that they may have bread by day, rest by night, relief in suffering at all times, and in the long and lonely vigil the awareness of Thy presence.

Guide the leaders of the world in the ways of peace. Lead us to the time when the knowledge of Thee and the values of Thy kingdom guide all men and nations.

And to Thee shall be all the praise and glory. Amen.

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS—REPORT OF A COMMITTEE SUBMITTED DURING RECESS

Under authority of the order of the Senate of June 28, 1971, the Secretary of the Senate, on June 28, 1971, received the following message from the House of Representatives:

That the House had passed a bill (H.R. 9271) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes.

The bill was then referred to the Committee on Appropriations.

Subsequently, Mr. MONTOYA, from the Committee on Appropriations, reported the bill, with amendments, and submitted a report (No. 92-243) thereon, which was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, June 28, 1971, be approved.

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

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees, with the exception of the Banking, Housing and Urban Affairs Committee, which I have been requested to except be authorized to meet during the session of the Senate today.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 230, 231, and 234.

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

STATUS OF PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics.

Mr. KENNEDY. Mr. President, we have before us a concurrent resolution that requires that the Public Health Service hospitals and clinics system remain open and continue to perform their responsibilities through fiscal year 1972.

The resolution is made necessary, Mr. President, by the administration's plans to make basic changes in this congressionally mandate system, including the manner in which health services are provided to Federal beneficiaries.

We first heard of these plans through insistent rumors that HEW planned to close these facilities. Later, the President's budget for fiscal year 1972 reflected a radical decrease in funds and staff which gave credence to the rumors.

Together with 29 of our colleagues. I introduced Senate Concurrent Resolution 6 on February 11 in order to give the Senate an opportunity to review the administration's plans. Since that date, the Health Subcommittee of the Labor and Public Welfare Committee has held hearings on these matters.

We have found that the administration does intend to make profound changes in the Public Health Service hospital system. Plans are in preparation to turn the facilities over to the community control. Moreover, while closure of the facilities is not the goal of the plans, the administration is unwilling to rule out closure of some facilities.

Mr. President, the Public Health Service hospital system is one of the oldest and most venerable health institutions in America. It represents one of the earliest attempts by the Federal Government to respond to special health problems among a segment of the American people—namely the merchant seaman. These Public Health Service hospitals and clinics have over the years broadened their services and have established affiliations and associations with other institutions in their communities to assure that they offer the best medical care possible. They have become community landmarks in the areas they serve.

We understand that problems of utilization and efficiency exist in these facilities, and we do not wish to restrain creative responses to these problems.

However, the Congress should insist that any plan for the hospitals and clinics, first, assure that the Federal beneficiaries committed to HEW's charges are provided accessible, high-quality health care at a cost comparable to that currently paid by the beneficiary and by the Government; and second, assure maximum use of these institutions for providing health care to the community in which they are located.

The resolution before us would constrain the administration to a schedule that allows the Senate to review with the Secretary of HEW detailed proposals for each of these facilities in light of these concerns.

Mr. President, it is unfortunate that the Congress must emphasize its right to review administration actions of this magnitude. The General Counsel of the General Accounting Office has indicated that the proposed changes are contrary to the intent of current legislation. Nevertheless, it was clear from the administration's testimony that these plans went a long way before Congress was informed or consulted. The budget has never been changed—it still reflects, for example, a cut in full-time positions from 6,242 in fiscal year 1971 to 970 in fiscal year 1972. Frankly, Mr. President, I do not see how the hospitals can operate until the end of this calendar year—as administration has promised—with these low staffing levels. Every concrete indication I see indicates the administration intends to proceed with their plans with or without congressional consent.

Moreover, it was clear from our hear-

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ings that not only had the administration failed to consult with Congress, they also failed to consult with representatives of the Federal beneficiaries who are served by the hospitals, and representatives of the communities in which the hospitals are located. These groups deserve a voice in these matters, and the Congress should assure they are heard by passing Senate Concurrent Resolution 6.

Mr. President, there is an even more troublesome aspect to the administration's actions.

The Health Subcommittee is in the midst of hearings on the health care crisis in this country. We have heard disturbing testimony on how the shortage of health manpower and facilities have driven up the costs of medical care, and how the maldistribution of manpower and facilities has deprived our cities and rural areas of the most basic health services. The hospitals which serve the poor in the inner city are disastrously overloaded and in serious financial trouble. Witnesses have described outpatient departments in public and private hospitals where patients wait hours for service and wards which hold many times their intended capacity of patients.

Given this situation, it would be unconscionable to give up any usable health services or to fail to use these Public Health Service facilities to provide services—especially if these services could be turned toward our poorer citizens, who, of all Americans, suffer the greatest need for health care. We want to explore every possible means of utilizing these hospitals and clinics to this end—including the authority under the Emergency Health Manpower Act of 1971.

Many of the witnesses at our hearing testified to the benefits of using the Public Health Service hospitals and clinics to serve the underserved areas of their communities.

Mr. President, for all of these reasons, I urge the Senate to pass Senate Concurrent Resolution 6.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-238), explaining the purposes of the measure.

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

PRINCIPAL PURPOSE OF THE RESOLUTION

The resolution requires that Public Health Service hospitals and clinics remain open and continue to perform their multiple responsibilities through fiscal year 1972, during which time the Secretary of Health, Education, and Welfare and the Congress should explore how these facilities can best be used in the future to offer comprehensive health care to Federal beneficiaries and to best meet the needs for health services of the Nation at large—particularly the needs of medically underserved areas identified under the Emergency Health Personnel Act of 1971.

THE NEED FOR THE RESOLUTION

Senate Concurrent Resolution 6 was introduced in February because of recurrent rumors and a fiscal year 1972 Department of Health, Education, and Welfare budget which implied major changes in the status of Public Health Service hospitals and clinics. The fiscal year 1972 budget for the Public Health Service hospitals and clinics shows a drop in patient care dollars from $100.1 million in fiscal year 1971 to $71.7 million in fiscal year 1972, and a drop in permanent positions from 6,238 in fiscal year 1971 to 970 in fiscal year 1972. This level of funding and staffing is far from adequate to continue operation of the hospitals and clinics at their current level of service.

Hearings were held on Senate Concurrent Resolution 6 by the Health Subcommittee on March 8, 1971, to determine more exactly what the administration plans with regard to these facilities, to determine the appropriate and necessary role of the Congress in any proposed changes, and to provide a forum for communities and beneficiary groups affected by these plans to express the views on the future of the Public Health Service hospital and clinic system.

At the hearing, Assistant Secretary of Health, Education, and Welfare Roger O. Egeberg indicated that the Department does in fact intend to make basic changes in the status of Public Health Service hospitals and clinics, including the manner in which health services are provided to Federal beneficiaries. The primary change which the administration has under consideration is conversion of the facilities to local control and use. Dr. Egeberg, however, would not rule out closure of some of the facilities. These changes are to be implemented at the conclusion of a review of each facility but the administration has assured the Congress that no changes would be implemented before December 31, 1971.

The critical interchange on these matters at the March 8 hearing went as follows:

Senator KENNEDY. Thank you very much, Dr. Egeberg, for the statement which you have made.

I suppose the question which occurs to me and I am sure a number of other Members of the Senate is whether the public health hospitals will be closed this year.

Dr. EGEBERG. You mean between now and July?

Senator KENNEDY. Well, will they be closed between now and July, and then I will ask you between July and——

Dr. EGEBERG. No. I am sure this could not be arranged that quickly.

Senator KENNEDY. What about the following year? Senator Mathias brought this out, and I think it is important that we try and lay it out as clearly as possible for the people who are affected.

Dr. EGEBERG. They will not be closed at all if we can help it. They will be, we hope, transferred to the auspices of some strong local group, and how quickly we can go about that depends on how quickly the arrangements can be made to do as good a job or better than we are doing now.

Senator KENNEDY. If you can't find a strong local group within the community prepared to undertake the kind of extraordinary expenses which the Federal Government has been undertaking over the period of recent years, are you prepared to continue to request from the Congress the appropriations necessary to continue to operate these public health hospitals?

Dr. EGEBERG. We certainly are going to continue to see to it that the beneficiaries are taken care of. Now, it might be that a hospital in a certain area——

Senator KENNEDY. You can't say, then, that if there is not a local group that is strong financially and is prepared to underwrite these facilities, that you are prepared to continue to maintain the public health hospitals?

Dr. EGEBERG. Let me say one thing, and then my colleague will take over.

The point is that in some areas the beneficiaries have to come a long way to the hospital, and might do better being taken care of closer to their homes——

Dr. WILSON. There are two issues when you use the word "underwrite." I think that brought into relief two issues under discussion, one, the facilities themselves, which we would like to see turned over to someone in the community; particularly in those communities where the number of patients is apt to be greater from the community than from the seamen.

The other is the fiscal support of the beneficiaries we have. I think the statement is very clear that we intend to continue that fiscal support for the beneficiaries whom we have a responsibility for. So it seems to me that we have to sort out those two issues. We are not asking a local community to underwrite the beneficiaries for whom we are already giving care.

Senator KENNEDY. I don't think my question was whether you intended to free yourself from already existing responsibility under the Public Health Service Act.

That was not really the question, because I can understand from both what Dr. Egeberg has stated and the Secretary has stated that you are prepared to do that. You made that quite clear.

The question concerns these hospitals that are in existence. You are unwilling at least at this time to indicate that beyond this calendar year they will exist as they are at present?

Dr. WILSON. That is a fair statement.

Dr. EGEBERG. I would like to add one thing. There are, perhaps, some circumstances under which one would close the hospital. The only circumstances that I can think of would be a situation where the beneficiaries could better be taken care of somewhere else, and where the local community did not have the need for those beds.

Now, I think that the local community——

Senator KENNEDY. Who is going to make that decision? Is that going to be made solely within your department?

Dr. EGEBERG. I would think that would be up to the Secretary.

Dr. Egeberg also indicated that it would require $125-$175 million to modernize the hospital and clinic facilities. Since modernization was recommended by Special Assistant to the President Hornig in 1965, minimal renovations have been accomplished. Dr. Egeberg indicated that adequate provision for necessary renovations would be made in DHEW's plans for each facility.

Subsequent to Dr. Egeberg's testimony, representatives of most of the areas in which major PHS facilities are located testified to the critical roles these facilities play in community service, training of health professionals, and biomedical research. All expressed doubt that the communities could bear the cost of renovating and operating the facilities, and the concern that these essential services would be lost under community control.

These witnesses also testified to the suitability of the hospitals and clinics as focal points for services to medically underserved areas under the authority of the Emergency Health Personnel Act of 1971, Public Law 91-623. The location of most of the hospitals and clinics, their orientation to community service, and their affiliation with the Public Health Service in which the emergency health manpower would serve all suggest that these institutions offer an ideal opportunity to address the critical needs of such medically underserved areas.

Mr. Earl Clark, of the Labor-Management Maritime Committee, and Mr. William O. Moody, of the Seafarers International Union, testified to the higher costs and poor accessibility of services provided to beneficiaries under contract arrangements or by agreement with Veterans' Administration facilities. They testified that the net effect of previous hospital closures was curtailment of services to many beneficiaries due to inaccessibility. DHEW has no studies of the effects of previous closures. It was clear from this testimony that DHEW had not held serious discussions with beneficiary groups—or other affected community agencies—concerning the contemplated changes. A letter from the chairman of the Health Subcom-

mittee to Secretary Richardson in this regard, and the Secretary's reply, assuring consultation with such groups in the future, are appended to this report.

Finally, the General Counsel of the General Accounting Office, Mr. Paul Dembling, testified that the expressed intent of Congress is that the Public Health Service maintain a hospital *system* for offering care to Federal beneficiaries. He indicated the closure or transfer of the hospitals and clinics to community control would be contrary to this intent.

The key interchange on this point in the March 8 hearings went as follows:

Mr. DEMBLING. As was made clear in those opinions, the General Accounting Office would view action by the Department of Health, Education and Welfare to close down the entire public health service hospital system as an unwarranted extension of the legal authority contained in the Public Health Service Act of 1944 under which the Secretary operates and manages these facilities.

In our view, such an action by the Secretary would run contrary to the intent of the Congress as manifested in the 1944 act.

Moreover, as pointed out in our February 23 opinion, this interpretation, of the 1944 Public Health Service Act, is the only one in accord with the long history of the predecessor of the Public Health Service, the so-called Marine Hospital Service which was established by the act of July 16, 1798.

Whether the Public Health Service should be authorized to close the marine hospitals is a matter of policy for the Congress to determine, and one on which we would make no recommendation.

We agree, however, that Senate Concurrent Resolution 6, which expresses the sense of Congress that the present hospital system be maintained and considered as an integral part of the Nation's medical care facility is consistent with the present law and the long history of hospital use in this Nation.

That summarizes my statement, and I would like to offer the complete statement for the record together with the two opinions referred to.

Senator KENNEDY. They have been included in their entirety. Do I gather that you feel the administration could close the Public Health Service Hospitals with the exception of one and still be within its legal authority?

Mr. DEMBLING. Well, we put it in terms of the intent of the Congress to maintain a public health service system. Whether one could constitute a system is hard to reconcile with the basic concept of having some kind of a system. It was more directed to the fact that if they closed one or two, that might be within the intent of the Congress, but there has to be a system maintained under the law, as we interpret it.

Senator KENNEDY. Do you think it is completely within their authority to close eight?

Mr. DEMBLING. The closing of all eight would be an unwarranted extension of the legal authority. We felt as we read the law and the legislative history that this would be contrary to the intent of the Congress.

Senator KENNEDY. Would be contrary?

Mr. DEMBLING. Would be contrary, yes, sir.

Senator KENNEDY. Even providing for the beneficiaries in contractual kinds of arrangements?

Mr. DEMBLING. That appears to us as not maintaining a system. The long history of the public health service system starting in 1798, was always one where a system was spoken of, and considered.

The transfer of the authority, we felt, was not within that concept.

Senator KENNEDY. I know we are not getting into the legal niceties on this, but this is what we wanted to get from you. You think it is an unwarranted exercise of authority in closing eight hospitals. What about three?

Mr. DEMBLING. I don't want to beg the question, but I think what has to be considered is what is a system within the concept of the entire Public Health Service. If a system could be maintained with three hospitals or four hospitals and it was considered so by the Congress, then you would have complied with the law as we interpret it.

The clear intent of DHEW to make basic changes in a congresionally mandated system, the at best marginal authority of DHEW to effect such changes without legislative action, and the strong public concern expressed in connection with the proposed changes necessitate congressional action to keep the hospital and clinic system in operation until the Secretary can formulate and Congress review more detailed plans.

COMMITTEE VIEWS

The committee's consensus is that certain basic principles should be covered by the Secretary's plans for the hospitals and clinics, and that these principles should be the basis for a congressional review of these plans.

Basic principles

1. Any plan for the hospitals and clinics should assure Federal beneficiaries of accessible, high quality health care at a cost comparable to that currently paid by the Federal Government—and by the beneficiary himself.

Many Federal beneficiaries are not covered by employer/employee insurance programs or any other program for financing care. Based on existing data and testimony, care offered to beneficiaries by facilities under contract with Federal Government has proven more costly to the Government and less accessible to the beneficiary. DHEW's plan should show how their proposals for providing care will not leave the seamen to his own frequently nonexisting resources, will not impose higher costs on either the Government or beneficiary, and will not subject the beneficiary to undue inconvenience or delay in obtaining health care. The plan should reflect consultation with beneficiary representation.

2. Any plan for disposition of the Public Health Service hospitals and clinics should assure optimum use of the institutions for providing health care to the community in which they are located.

The plan must reflect exploration of how the institution might be used to address the needs of the community—especially the critical needs of medically underserved areas in the community. Opportunities for expanded use of the institution under the Emergency Health Personnel Act should be fully explored and documented.

A hospital is more than bricks and beds. The DHEW plan should show how the existing organization, programs, and staff relationships can be preserved under the plan. They should also show how the physical facilities will be modernized in a manner appropriate to their functions. In all cases, the plan should reflect the judgments of community organizations concerning the need for the institution and its manner of operation and control in the community.

3. Any plan for major changes in the method of providing care for beneficiaries or in the status of the hospitals and clinics should be clearly justified changes in terms of existing legislative authority and should define areas where new legislation or amendments are required.

Costs of the resolution

To carry out Senate Concurrent Resolution 6 would require that Congress appropriate for "Patient care and special health services" in the Department of Health, Education, and Welfare budget for fiscal year 1972, $91,155,000, and 6,238 permanent positions. The Department of Health, Education, and Welfare concurs in these figures.

The current Department of Health, Education, and Welfare fiscal year 1972 budget shows a budget authority of $71,682,000 and 970 positions in this category. Implementation of Senate Concurrent Resolution 6 would therefore require an increase in the currently proposed fiscal year 1972 budget authority of $19,473,000 and 5,268 permanent positions.

COMPARISON OF FISCAL YEAR 1971, CURRENT FISCAL YEAR 1972, AND PROPOSED FISCAL YEAR 1972 BUDGET AUTHORITY

	Fiscal year 1971 (estimate)	Current fiscal year 1972 (estimate)	S. Con Res. 6, fiscal year 1972 budget
Medical care for special groups	$100,762,000	$71,682,000	$91,155,000
Permanent positions	6,242	970	6,238

The committee further considers that adequate funds should be appropriated in fiscal year 1972 to cover the costs of such renovations required by each facility to permit its operation in its current or new status. While DHEW estimates that there are modernization requirements of between $125 million and $175 million no estimates of costs can be made until the committee and the Secretary have reviewed plans for the future status of each of the facilities.

PUBLIC HEALTH SERVICE HOSPITAL AND CLINIC DATA

[Location and size of hospitals and clinics]

State	Hospital	Beds	Clinics
Alabama			Mobile.
California	San Francisco	366	San Diego, San Pedro.
Florida			Jacksonville, Miami, Tampa.
Georgia			Atlanta, Savannah.
Hawaii			Honolulu.
Illinois			Chicago.
Louisiana	New Orleans	403	
Maryland	Baltimore	238	
Maine			Portland.
Massachusetts	Boston	190	
Michigan			Detroit.
Missouri			St. Louis.
New York	Staten Island	636	Buffalo, New York City.
Ohio			Cleveland, Cincinnati.
Oregon			Portland.
Pennsylvania			Philadelphia, Pittsburgh.
South Carolina			
Tennessee			Memphis.
Texas	Galveston	160	Houston, Port Arthur.
Virginia	Norfolk	210	
Washington	Seattle	281	
District of Columbia			Clinic.
Puerto Rico			San Juan.
Alaska			Annette Island, Juneau.
Canal Zone			Balboa Heights.
Virgin Islands			Charlotte Amalie.
Total	8	2,484	30.

Beneficiaries served by hospitals and clinics

American seamen:

Owners, operators of documented commercial fishing vessels.

Trainees.

MSTS personnel.

Alaska Native Service.

Army Corps of Engineers.

Army Signal Corps.

Fish and Wildlife Service.

Other Federal seamen.

Cadets, maritime.

Motorboat operators.

Applicants for positions as food handlers aboard vessels.

Uniformed service personnel:

National Oceanic and Atmospheric Administration (NOAA), commissioned officers, crewmembers, active and retired, and dependents.

Coast Guard officers and enlisted men, active and retired, and dependents, applicants for enlistment.

USPHS officers, active and retired, or candidates, and dependents.

U.S. Army, Navy, Air Force, Marine Corps officers and enlisted men, active and retired, and dependents.

Armed Forces applicants for enlistment.

National Guard officers (*dependents not eligible*).

Foreign NATO personnel attached to Army, Navy, or Air Force, and dependents.

Dependents of deceased commissioned officers.

Other beneficiaries:

Federal civilian employees.

Discontinued Federal programs.

Other beneficiaries of Federal Government agencies.

Special study (cancer, heart, by referral of private physician).

Miscellaneous: Foreign seamen; immunization and innoculation; emergencies.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The preamble was amended, so as to read:

Whereas the improvement of national health care is one of the Nation's great goals; and

Whereas the Nation urgently needs more medical services in areas that do not have adequate medical facilities; and

Whereas the Public Health Service was created by an Act of Congress in 1798, and the Congress broadened its responsibilities in 1956, in 1966, and in 1970 to provide comprehensive health care for merchant seamen, coast guardsmen, and military personnel and their families, and preventive medical care for urban and rural areas with inadequate medical facilities; and

Whereas the Public Health Service facilities provide medical services to more than one-half million people annually who could not obtain these services in the overcrowded private hospitals or on a first priority basis in the Veterans' Administration hospitals; and

Whereas the fiscal 1972 health budget proposes a reduction in funds and personnel for Public Health Service hospitals and clinics; and

Whereas the Emergency Health Personnel Act of 1971 provides an opportunity for expanded use of Public Health Service facilities to offer health care services to medically underserved areas: Now, therefore, be it

The concurrent resolution with its preamble reads as follows:

Whereas the improvement of national health care is one of the Nation's great goals; and

Whereas the Nation urgently needs more medical services in areas that do not have adequate medical facilities; and

Whereas the Public Health Service was created by an Act of Congress in 1798, and the Congress broadened its responsibilities in 1956, in 1966, and in 1970 to provide comprehensive health care for merchant seamen, coast guardsmen, and military personnel and their families, and preventive medical care for urban and rural areas with inadequate medical facilities; and

Whereas the Public Health Service facilities provide medical services to more than one-half million people annually who could not obtain these services in the overcrowded private hospitals or on a first priority basis in the Veterans' Administration hospitals; and

Whereas the fiscal 1972 health budget proposes a reduction in funds and personnel for Public Health Service hospitals and clinics; and

Whereas the Emergency Health Personnel Act of 1971 provides an opportunity for expanded use of Public Health Service facilities to offer health care services to medically underserved areas: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Public Health Service hospitals and outpatient clinics should remain open at this time. The importance of health care delivery in urban and rural areas is so great that the Administration should fund and staff these facilities at a sufficient level to allow them to perform their multiple responsibilities during the remainder of the fiscal year 1971 and during the entire fiscal year 1972. During this interval, the Secretary and the Congress should explore the resources and capabilities of these facilities in their communications, to determine which facilities should continue to be operated by the Public Health Service, which facilities should be converted to community operation, and which facilities, if any, should be closed.

It is the further sense of Congress that the hospitals and clinics of the Public Health Service should be considered an integral part of the national health care delivery system.

MORATORIUM ON KILLING OF WHALES

The Senate proceeded to consider the joint resolution (S.J. Res. 115) instructing the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales, which had been reported from the Committee on Foreign Relations with an amendment on page 2, line 3, after the word "is", strike out "instructed" and insert "requested"; so as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State is requested to call for an international moratorium of ten years on the killing of all species of whales.

The amendment was agreed to.

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

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas the blue whale, the largest creature on earth, has been reduced by the whaling industry to a point of near extinction, and

Whereas despite the fact that the International Whaling Commission has placed it in a totally protected category, numbers of these and other endangered species of whales continue to be taken in error by whalers, and

Whereas the severely endangered gray whale has increased its numbers successfully after years of protection, and

Whereas whales are mammals with large brains and a complex social life and produce fascinating and complex sounds which have inspired serious musical works, and

Whereas much remains to be learned about these unique creatures through scientific study of their behavior, and

Whereas it is the intent of the Endangered Species Act to prevent conditions that could lead to the extinction of animals, and

Whereas even those species of whales which are not in imminent danger of extinction will become so if present hunting pressures are continued, and

Whereas whales form a resource which may prove of importance to mankind in the future if their numbers are not decimated now, and

Whereas the United States of America has led the world in placing the baleen and sperm whales on the endangered species list so that products made from these and other endangered species may not be imported, and has also moved to end the last whaling by its nationals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State is requested to call for an international moratorium of ten years on the killing of all species of whales.

Amend the title so as to read: "Joint Resolution requesting the Secretary of State to call for an international moratorium of ten years on the killing of all species of whales."

The title was amended, so as to read: "Joint resolution requesting the Secretary of State to call for an international moratorium of ten years on the killing of all species of whales."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-239), explaining the purposes of the measure.

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

PURPOSE

For the purpose of focusing attention on the serious depletion of whale stocks, Senate Joint Resolution 115, as amended, requests the Secretary of State to call for an international moratorium of ten years on the killing of all species of whales.

BACKGROUND

Senate Joint Resolution 115 was introduced by Senator Scott on June 15, 1971. On introducing the resolution Senator Scott pointed out, "In the last decade more whales were killed than ever before in the history of the world—so many that species after species have been reduced to a pathetic remnant of once great numbers." The full text of Senator Scott's remarks is included in the appendix to this report.

Although international efforts recognized the seriousness of this problem as early as the 1930's, there is little evidence that these efforts have produced the desired results. The most determined effort in this regard has been the 1946 International Convention for the Regulation of Whaling which has as one of its primary objectives the creation of ". . . a system of international regulation for whale fisheries to ensure proper and effective conservation and development of whale stocks . . ." This objective was entrusted to an International Whaling Commission which the Convention established. While the Commission has taken some very positive steps, particularly in recent years, to protect several of the more endangered species, there is nevertheless a growing feeling that much more needs to be done and done quickly—if further irreparable damage is to be prevented. This feeling of urgency was expressed

by the Administration itself when Under Secretary of State for Political Affairs U. Alexis Johnson told the Whaling Commission on June 21, 1971.

Public opinion around the world clearly is growing impatient with what most people view as a failure by this Commission to move quickly enough to prevent destruction of a unique natural resource.

The full text of the Johnson statement is included in the appendix to this report.

COMMITTEE ACTION

The Foreign Relations Committee considered S.J. Res. 115 in executive session on June 22 and, again, on June 23, when it reported it out, as amended, by unanimous voice vote.

The Committee's quick action on the resolution came as a result of the urgency which it attached to the problem and the hope that such action would have a favorable impact on the proceedings of the International Whaling Commission which was engaged in its 23rd annual meeting in Washington.

In its consideration of S.J. Res. 115, the Committee gave particular attention to the fact that no formal opposition to the resolution had been brought to the Members' attention. On the other hand, there were a number of personal appeals made in support of the resolution, plus the Committee received a considerable amount of mail—all of it urging positive action on S.J. Res. 115. A sample of the Committee's mail on the matter is included in the appendix to this report.

AMENDMENT

As originally introduced, S.J. Res. 115 "instructed" the Secretary of State to call for a ten-year moratorium on the killing of all species of whales. The Committee felt that the use of this term might be viewed by the Executive Branch and the Secretary of State in particular as being somewhat abrasive. Mindful of this kind of sensitivity, the Members of the Committee voted unanimously to replace the terms "instructing" and "instructed" with "requesting" and "requested." The Committee felt that this change in terminology would still convey its strong sentiments on the whole issue.

PROTECTION, MANAGEMENT AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS ON PUBLIC LANDS

The Senate proceeded to consider the bill (S. 1116) to require the protection, management, and control of wild free-roaming horses and burros on public lands which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

SECTION 1. That it is the sense of the Congress, consistent with section 101(b)(4) of the National Environmental Policy Act (Public Law 91-190), that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; that these horses and burros are fast disappearing from the American scene; that it is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or unlawful death as a national heritage species, and as a national esthetic resource; and that to accomplish these ends they are to be considered an integral part of the natural ecological system of the public lands.

SEC. 2. As used in this Act, (a) "Secretary" shall mean the Secretary of the Interior, with the cooperation of and in conjunction with the Secretary of Agriculture when lands under his jurisdiction are involved or where it may be necessary to use veterinarians or other personnel of the Department of Agriculture; (b) "wild free-roaming horses and burros" refer to all unbranded and unclaimed horses and burros on public lands of the United States.

SEC. 3. (a) All wild free-roaming horses and burros are hereby declared to be under the jurisdiction of the Secretary for the purposes of management and protection under the terms of this Act. The Secretary is hereby authorized and directed to protect and manage wild free-roaming horses and burros as components of the public lands and in addition shall designate, establish, and maintain specified ranges on public lands for the protection and preservation of existing bands of wild free-roaming horses and burros. The Secretary shall manage wild free-roaming horses and burros in such a way as to achieve and maintain a thriving, natural, and ecological balance among fauna and flora; such balance shall be determined by qualified scientists in the field of biology and ecology, some of whom are independent of both Federal and State agencies and may include members of the Advisory Board established in section 6 of this Act; *Provided, however:* That such management activities shall be at as minimal a level as feasible. (b) Where a habitat is found to be over-populated, the Secretary, in consultation with his Advisory Board, may order destroyed in as humane a manner as possible, old, sick, or lame animals, and then if need be, may remove by capture and offer for private maintenance under humane treatment and care, additional horses and burros determined to be in excess provided that such animals shall not be used in rodeos or for monetary gain. (c) Nothing in this Act shall preclude the Secretary from ordering destroyed in as humane a manner as possible a wild free-roaming horse or burro when such action is considered an act of mercy.

SEC. 4. If wild free-roaming horses or burros wander from the public lands onto privately owned land or land leased from the Government, the owners or lessees of such land may inform the nearest Federal marshal or agent of the Secretary, who, in turn, shall arrange to have the animals promptly removed. In no event shall the wild free-roaming horses and burros under the jurisdiction of the Secretary be destroyed except by the agents of the Secretary. However, nothing in this section shall be construed as a prohibition against individuals maintaining wild free-roaming horses or burros on their private lands, or lands leased from the Government so long as these animals are being protected pursuant to the purposes of this Act. Any individuals who maintain such wild free-roaming horses or burros on their private lands shall notify the appropriate agent of the Secretary and supply him with a reasonable approximation of the number of animals so maintained.

SEC. 5. A person claiming ownership of a horse or burro on the public lands shall be entitled to recovery only to the extent provided by the branding and estray laws of the State in which it is found.

SEC. 6. The Secretary is authorized to enter into cooperative agreements with other landowners and with the State and local government agencies and may issue such regulations as he deems necessary for the furtherance of the purposes of this Act.

SEC. 7. The Secretary is authorized and directed to appoint an advisory board of not more than nine members to advise on any matter relating to free-roaming horses and burros and their management and protection. He shall select as advisers persons who are not employees of the Federal or State governments and whom he deems to have special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or natural resources management. Members of the board shall be reimbursed at a rate not to exceed $50 per diem for expenses in addition to actual travel expenses when engaged in the actual performance of duties vested in the board.

SEC. 8. (a) Any person who knowingly does, or attempts to do, any of the following, without authority, shall be guilty of a crime and punished by a fine of not more than $2,000 or imprisoned for not more than one year, or both:

(i) willfully removing of a wild free-roaming horse or burro, protected by this Act, from the public domain;

(ii) converting a wild free-roaming horse or burro to a private use;

(iii) maliciously causing the death of any wild free-roaming horse or burro or harassing it; and

(iv) processing or permitting the processing of a wild free-roaming horse or burro or its remains into commercial products.

(b) Any person otherwise violating the provisions of this Act, or the rules and regulations adopted pursuant hereto, shall be subject to a civil penalty, to be assessed by the Secretary, of not more than $1,000 for each such violation. No such penalty shall be assessed unless the person has been given notice and an opportunity for a hearing with respect to such violation. Any such penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed pursuant to this subsection the Secretary shall refer the matter to the Attorney General who shall institute, or have instituted, an appropriate civil action to collect such penalty in the United States district courts which shall have original jurisdiction to hear and decide such actions.

(c) Nothing in this section shall preclude the recovery of actual damages and costs, nor shall this Act preclude customary disposal of the remains of deceased wild free-roaming horses and burros, including those in the authorized possession of private parties, but in no event shall such remains, or any part thereof, be sold for any consideration, directly or indirectly.

SEC. 9. Any designated employee of the Department of the Interior or Department of Agriculture shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

SEC. 10. The Secretary is authorized and directed to undertake those studies of the habits of wild free-roaming horses and burros that he may deem necessary in order to carry out the provisions of this Act.

SEC. 11. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 12. Nothing in this bill shall be construed to give the Secretary power to relocate wild free-roaming horses or burros to areas of the public lands where wild free-roaming horses or burros do not presently exist.

SEC. 13. After the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four calendar months thereafter, the Secretary of the Interior will submit to Congress a report on the administration of this Act, including a summary of enforcement and a reasonable approximation of the number of wild free-roaming horses and burros under his jurisdiction, together with such recommendations

for legislative or other actions as he might deem appropriate.

Mr. SCOTT. Mr. President, reserving the right to object to the consideration of the bill and I shall not object—I note that the bill requires the protection, management, and control of wild, free-roaming horses and burros on public lands.

I should like the distinguished majority leader to advise me whether that includes members of the Democratic Party. [Laughter.]

Mr. MANSFIELD. Well, there are exceptions to every rule, and we are an exception.

Mr. SCOTT. Therefore, Mr. President, because I am in favor of wild, free-roaming burros——

Mr. MANSFIELD. The Senator will notice that the bill has been reported with an amendment.

Mr. SCOTT. I certainly am in favor of wild, free-roaming burros. I believe they are good for other people's causes. I therefore withhold objection.

Mr. JACKSON subsequently said: I am certainly pleased that S. 1116, which I introduced for myself and 34 cosponsors who have joined me, is to receive such prompt consideration by the full Senate. I am particularly grateful for the firm support and endorsement by the senior Senator from Oregon (Mr. HATFIELD), who was an initial cosponsor of this legislation. This concern for the wild horses and burros of our western range recognizes that a segment of our American heritage is very much in danger.

The need for action is immediate. If enacted into law, this bill will place all wild, free-roaming horses and burros on the public lands under the jurisdiction of the Secretary of the Interior. The slaughter and unspeakable cruelty that these animals have been subjected to is continuing unabated. Unofficial reports and newspaper articles indicate that hunting and harassment of these animals is happening now at the very time this bill is being considered. Unless action is taken promptly, a part of our Nation's pioneer heritage will be lost forever through callous cruelty. What is the price for our Nation's heritage? I certainly hope the answer is not 6 cents a pound delivered at the local slaughterhouse.

Affirmative action by the Senate will be a positive endorsement of the rugged independence and tireless energy of the western pioneer forebearers. The need is now. Since introduction of this measure on March 4, the estimate of the number of horses involved on lands administered by the Bureau of Land Management was revised downward from 17,000 horses to 9,500. This is an alarming trend and serves to illustrate the need for immediate action.

We are dealing with not only the welfare of these animals but with an important part of our history. Boys and girls in our country grow up with tales of pioneers, Indians, and wild horses. This is part of the dream of growing up in America. In spite of public outrage, this bloody traffic continues, and it is time that this senseless slaughter is brought to an end.

I hope that the Senate will demonstrate to the young people of our country the importance, interest, and concern that we have in preserving our wild animals and in particular the wild horses and burros of our great public domain.

I ask permission that portions of the committee report accompanying S. 1116 be inserted at this point in the RECORD.

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

COMMITTEE AMENDMENT

Many of the changes made by the committee are minor or technical in nature. However, several of the amendments significantly affect the purpose and intent of the recommended legislation and a brief explanation of the major changes is believed necessary in order that the intent of the committee be clarified.

The emphasis on specific ranges as a management tool for the protection of the wild free-roaming horses and burros as contained in the original version of S. 1116 has been eliminated by the committee. During the course of the April 20 hearing, witnesses repeatedly urged that the wild free-roaming horses and burros be considered a part of the multiple-use system of the public lands and not be placed in set-aside areas for their exclusive use. Testimony by administration witnesses indicated that the animals are already given consideration when programs are formulated for resource use and allocation and the committee believes that this practice should continue. The principal goal of this legislation is to provide for the protection of the animals from man and not the single use management of areas for the benefit of wild free-roaming horses and burros. It is the intent of the committee that the wild free-roaming horses and burros be specifically incorporated as a component of the multiple-use management plans governing the use of the public lands.

A basic difficulty in determining the intended scope of the legislation is the definition of what constitutes a wild free-roaming horse or burro. Particular concern was expressed by witnesses during the hearing that the original text of S. 1116 did not recognize claims by individuals to ownership of unbranded horses or burros on public lands. Addition of the word "unclaimed" in the definition of a wild free-roaming horse or burro serves to give recognition to the valid claims of individuals. In addition, a new section 5 was added to emphasize the ability of an individual to prove ownership of a horse or burro on the public lands under the branding and estray laws of the State in which it is found. It is certainly not the intent of the committee that the right of an individual to claim and prove ownership under the respective State branding and estray laws be abrogated, nor that the appropriate State or local body should not exercise their statutory authority and obligation if the question of private ownership of a horse or burro should be raised.

The committee wishes to emphasize that the management of the wild free-roaming horses and burros be kept to a minimum both from the aspect of reducing costs of such a program as well as to deter the possibility of "zoolike" developments. An intensive management program of breeding, branding, and physical care would destroy the very concept that this legislation seeks to preserve. A recurrent theme in testimony by witnesses before the committee advocates, in effect, leaving the animals alone to fend for themselves and placing primary emphasis on protecting the animals from continued slaughter and harassment by man. It is the intent of the committee that the protection of these animals from such unlawful death or harassment be paramount in management activities.

The committee recognizes that some control over the numbers of animals may be necessary in order to maintain an ecological balance in an area. Guidelines for reducing the population of wild-free-roaming horses or burros in an area are provided in the measure but it should be noted that any reduction should be carefully weighed before being undertaken. The committee does not intend that the provision for a reduction in numbers as contained in the measure be considered a license for indiscriminate slaughter or removal of the wild free-roaming horses or burros.

Careful consideration by the committee of the penalty provisions contained in the act led to inclusion of civil as well as criminal remedies for violations of the act. It is the belief of the committee that this suggested amendment would provide administrative flexibility thereby enhancing the overall effectiveness of the measure as well as relieving the burden which would otherwise be placed upon the Attorney General.

It is the expressed intent of the committee to remove the possibility of monetary gain from exploitation of these animals. However, the committee recognizes the difficulties that may be encountered when it is necessary to dispose of the remains of a deceased wild free-roaming horse or burro whether or not it is in the authorized possession of a private party. Because of this, the committee believes that it is essential that the customary methods of disposal of the remains of deceased wild free-roaming horses or burros be permitted; as long as the remains are not sold for any consideration directly, or indirectly. For example, this would not preclude an individual who has in his authorized possession the remains of a deceased wild free-roaming horse or burro from permitting the remains to be utilized in a commercial process if that is the customary method of disposal so long as the individual does not receive any consideration.

To insure that adequate provision is made for the enforcement of the act, the committee has amended the measure to confer upon certain employees of the Department of Interior and Agriculture the powers of arrest for violation of the act; such employees having been specifically designated by their respective Secretaries to receive such power. It is envisioned by the committee that such designated employees will be fully informed of the provisions of this act as well as their respective responsibilities for proper enforcement procedure.

Because of the lack of information concerning these animals the committee has included in the measure provisions for needed studies of the wild free-roaming horses and burros. It may very well be that studies of the habits of the wild free-roaming horses and burros may reveal the need for additional legislation in order to provide for their protection, management, and control. The need for flexibility is recognized and provision is made for submission to the Congress every 2 years by the Secretary of the Interior a report which may include his recommendations for legislative or other actions as he might deem appropriate.

SECTION-BY-SECTION ANALYSIS

Section 1 states the various purposes of the act. Specifically, it states that it is the sense of the Congress that the few remaining wild free-roaming horses and burros be given protection as part of our national heritage. It states that toward this end the animals are to be considered an integral part of the natural ecological system of the public lands.

Section 2 defines "Secretary", and "wild free-roaming horses and burros."

Section 3 places all wild free-roaming horses and burros under the jurisdiction of the Secretary for the purposes of management of the animals as components of the public lands.

Section 4 authorizes the keeping of wild

free-roaming horses or burros on private land or lands leased from the Government, if the animals are being protected from the harassment which this bill is designed to alleviate.

Section 5 recognizes the right of an individual to prove ownership of a horse or burro on the public lands under the branding and estray laws of the State in which it is found.

Section 6 authorizes the Secretary of Interior to enter into cooperative agreements with State and local governments and with private landowners, and to issue certain regulations as he deems necessary.

Section 7 calls for the establishment of an advisory board of nongovernmental experts to advise the Secretary of Interior as to carrying out the provisions of the act.

Section 8 provides penalties for those who might violate the provisions of the act or the regulations issued thereunder. In addition, it would permit the customary disposal of the remains of deceased wild free-roaming horses or burros.

Section 9 confers upon certain employees of the Departments of the Interior and Agriculture the powers of arrest for the violation of the act.

Section 10 authorizes and directs the Secretary to undertake those studies of the habits of wild free-roaming horses and burros that may be necessary to carry out the provisions of the act.

Section 11 authorizes the appropriation of sums necessary to carry out the provisions of the act.

Section 12 specifically limits the power of the Secretary of the Interior to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist.

Section 13 provides for periodic reports by the Secretary of the Interior with respect to the administration of the act.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–242), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

It is the view of the members of the Interior and Insular Affairs Committee that the wild free-roaming horses and burros presently inhabiting the public lands of the United States are living symbols of the historic pioneer spirit of the West and as such are considered a national esthetic resource.

THE NEED

The wild free-roaming horses and burrors which would be placed by S. 1116 under the jurisdiction of the Secretary of the Interior belong to no one individual. They belong to all the American people. The spirit which has kept them alive and free against almost insurmountable odds typifies the national spirit which led to the growth of our Nation. They are living symbols of the rugged independence and tireless energy of our pioneer heritage.

During the course of this century, the wild horse population has dwindled to a minuscule fraction of the estimated 2 million that once roamed the western plains and mountains. They have been cruelly captured and slain and their carcasses used in the production of pet food and fertilizer. They have been used for target practice and harassed for "sport" and profit. In spite of public outrage, this bloody traffic continues unabated, and it is the firm belief of the committee that this senseless slaughter must be brought to an end.

Widespread concern for the continued survival of these animals and their protection from continuing depredation by man is evident from the mail received by members of the committee. In addition, testimony by witnesses during the April 20, 1971, hearing before the Public Lands Subcommittee on S. 1116 and related measures served to further emphasize the need for prompt action if the remaining wild free-roaming horses and burros are to be protected from extermination.

Estimates of the total number of animals subject to the measure are open to question. However, it should be noted that in the case of the number of horses involved on lands administered by the Bureau of Land Management, estimates were revised downward from 17,000 horses to 9,500. This indicates an alarming trend as well as a surprising lack of information regarding the animals and prompted the committee to include a provision in the bill for necessary studies of the habits of the animals to be undertaken by the Secretary of the Interior.

During the course of the hearing, knowledgeable witnesses urged that emphasis be shifted from a range or refuge concept for protection and management of the animals to consideration of the wild free-roaming horses and burrors as a component of the public lands and an integral part of the multiple use management system. The committee believes that such action would be in the best interest of multiple use resource management and would best serve the overall intent of the legislation.

LEGISLATIVE HISTORY

National attention was focused on the plight of the wild horses and burros of the public lands of the western United States during the 1950's. At that time, widespread objection was raised to the use of motorized vehicles or aircraft in the pursuit of the animals. The campaign against these activities was culminated on September 8, 1959, when President Dwight D. Eisenhower signed into law Public Law 86–234 which prohibits the use of aircraft or motorized vehicles to hunt certain wild horses or burros on land belonging to the United States.

During the latter part of the 1960's, widespread publicity about the hunting of wild horses and burros served to once again focus national attention and led to increased interest in legislation at a Federal level for their protection. In the 91st Congress, legislation was introduced by Senator Frank Moss which would have designated the Spanish Barb and Andalusian wild mustangs as endangered species. The bill, S. 2166, was referred to the Senate Committee on Commerce but no further action was taken.

The first comprehensive measure to provide for the protection of all wild horses and burros on lands administered by the Bureau of Land Management was introduced in the second session of the 91st Congress by Senator Clifford Hansen. The bill, S. 3358, would have placed all free-roaming horses and burros under the exclusive jurisdiction of the Secretary of the Interior for purposes of management and protection. The bill was referred to the Senate Interior and Insular Affairs Committee but no action was taken.

Four measures were introduced in the Senate in the beginning of the 92d Congress which were patterned after the comprehensive nature of S. 3358. Hearings on the four measures, S. 862 by Senator Gaylord Nelson, S. 1090 by Senators Mike Mansfield and Mark O. Hatfield, and S. 1119 by Senator Frank Moss, were held on April 20, 1971, before the Public Lands Subcommittee of the Interior and Insular Affairs Committee. Following a staff study and consultation with representatives of the Department of the Interior, the committee considered S. 1116 in executive session on June 16, 1971. Following the adoption of a number of committee amendments, the measure was ordered reported to the Senate on June 16, 1971.

COMMITTEE AMENDMENT

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The committee wishes to emphasize that the management of the wild free-roaming horses and burros be kept to a minimum both from the aspect of reducing costs of such a program as well as to deter the possibility of "zoolike" developments. An intensive management program of breeding, branding, and physical care would destroy the very concept that this legislation seeks to preserve. A recurrent theme in testimony by witnesses before the committee advocates, in effect, leaving the animals alone to fend for themselves and placing primary emphasis on protecting the animals from continued slaughter and harassment by man. It is the intent of the committee that the protection of these animals from such unlawful death or harassment be paramount in management activities.

The committee recognizes that some control over the numbers of animals may be necessary in order to maintain an ecological balance in an area. Guidelines for reducing the population of wild free-roaming horses or burros in an area are provided in the measure but it should be noted that any reduction should be carefully weighed before being undertaken. The committee does not intend that the provision for a reduction in numbers as contained in the measure be considered a license for indiscriminate slaughter or removal of the wild free-roaming horses or burros.

Careful consideration by the committee of the penalty provisions contained in the act led to inclusion of civil as well as criminal remedies for violations of the act. It is the belief of the committee that this suggested amendment would provide administrative flexibility thereby enhancing the overall effectiveness of the measure as well as relieving the burden which would otherwise be placed upon the Attorney General.

It is the expressed intent of the committee to remove the possibility of monetary gain from exploitation of these animals. However, the committee recognizes the difficulties that may be encountered when it is necessary to dispose of the remains of a deceased wild free-roaming horse or burro whether or not it is in the authorized possession of a private party. Because of this, the committee believes that it is essential that the customary methods of disposal of the remains of deceased wild free-roaming horses or burros be permitted; as long as the remains are not sold for any consideration directly, or indirectly. For example, this would not preclude an individual who has in his authorized possession the remains of a deceased wild free-roaming horse or burro from permitting the remains to be utilized in a commercial process if that is the customary method of disposal so long as the individual does not receive any consideration.

To insure that adequate provision is made for the enforcement of the act, the committee has amended the measure to confer upon certain employees of the Department of Interior and Agriculture the powers of arrest for violation of the act; such employees having been specifically designated by their respective Secretaries to receive such power. It is envisioned by the committee that such designated employees will be fully informed of the provisions of this act as well as their respective responsibilities for proper enforcement procedure.

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ORDER OF BUSINESS

The PRESIDENT pro tempore. Does the Senator from Pennsylvania (Mr. SCOTT) desire to be recognized at this time?

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

CONTINUING APPROPRIATIONS, 1972

The PRESIDENT pro tempore. Under the previous order, the Chair now lays before the Senate Calendar No. 232, House Joint Resolution 742, which the clerk will state.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 742) making continuing appropriations for the fiscal year 1972, and for other purposes.

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

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Appropriations with amendments on page 4, line 8, after "Public Law 91–672", insert a comma and "except that none of the funds provided by this or any other Act may be used to cover costs incurred in connection with the movement of refugees from Cuba to the United States"; and, after line 23, insert:

activities of the Maritime Administration, Department of Commerce;

salaries of supporting personnel, courts of appeals, district courts, and other judicial services;

activities in support of Free Europe, Incorporated, and Radio Liberty, Incorporated, pursuant to authority contained in the United States Information and Education Exchange Act of 1948, as amended (22 U.S.C. 1437): *Provided,* That no other funds made available under this resolution shall be available for these activities;.

Mr. MANSFIELD. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER (Mr. STEVENSON). House Joint Resolution 742, Continuing Appropriations, 1972, is the pending business.

Mr. MANSFIELD. I thank the Chair.

The PRESIDING OFFICER. The Chair now recognizes the distinguished Senator from Louisiana (Mr. ELLENDER).

Mr. ELLENDER. Mr. President, the pending joint resolution will serve to continue appropriations after midnight tomorrow, June 30.

The Committee on Appropriations met on Friday, June 25, to consider this joint resolution, which provides funds and authority for the continuation of those programs and activities of the Federal Government for which appropriations for the fiscal year ending June 30, 1972, have not been enacted, and voted to report the resolution to the Senate with amendments.

The committee recommends the inclusion of a provision to provide for interim funding for the support of Radio Free Europe and Radio Liberty pending the enactment of legislation to provide for the open funding of these organizations. The recommended provision provides for the continuation of these activities at the fiscal year 1971 level pursuant to the authority contained in the U.S. Information and Education Exchange Act of 1948, as amended (22 U.S.C. 1437). It is the hope of the committee that the pending legislation with respect to the open funding of these organizations will be solved in the near future.

I understand that a resolution is pending to continue this program openly. It is possible that the legislation will be enacted within the next 3 or 4 weeks.

The committee recommends the inclusion of a provision to terminate the Cuban refugee transportation program. The 1972 budget estimate contemplated continuation of this program at a cost of $1,050,000 to bring an additional 42,000 refugees into the United States. It is estimated that from December 1, 1965 to June 30, 1971, the Government contract airlift from Havana to Miami has furnished free transportation to 240,000 Cubans. By curtailing the airlift, not only will there accrue a savings of over $1 million in direct costs, but an additional $4 million in related costs, for an estimated total savings of over $5 million in fiscal year 1972 alone. These savings would rapidly multiply in future years as the demands are lessened on other programs.

Mr. President, in proposing this amendment, we had hearings before the Foreign Operations Subcommittee of the Committee on Appropriations. The subcommittee is headed by the Senator from Wisconsin (Mr. PROXMIRE). The committee has nothing against Cubans. They have been coming to our shores, now, for over 10 years.

What we are trying to do is to reduce the number of Cubans who are coming in. I am sure that it is not the intention of Congress to have as many as 650,000 Cubans come to our shores. When this program was first started, our unemployment situation was nothing like it is today. We had normal employment of citizens at the time.

It is rather easy at such times to absorb a few more refugees from Cuba, particularly those with trades or who are proficient in certain endeavors.

But since 1965, we have been providing free transportation for Cubans. We have or we have had a contract with certain airlines to carry Cubans from Havana at the rate of 3,200 a month. This program, as I have said, has been going on now for over 6 years. I think it is time to halt the program, not because we are against the Cubans and not because we do not necessarily want them to come here, but because they ought to come through the regular channels.

For one thing, we have high rates of unemployment throughout the country at present. In some areas the unemployment rate is 16 percent. In my area of the country, the unemployment rate is in excess of 6 percent. Yet we are taking in more Cubans—at the rate of 3,200 a month.

Mr. President, in addition to finding employment for these people, we must provide education for their children. We must also provide food and fiber for them if they are unable to provide it for themselves.

As these people come in, they are automatically taken care of by the State of Florida or by whatever State they land in. Congress provides the money to the States to pay for their upkeep and for the education of their children.

Mr. President, I am not advocating that we cut off the program at the present time, because we have a large number of Cubans who are here now. The pending amendment will not affect them at all. What I am trying to do is to curtail or taper off this program to some extent.

We have had proposed to us an increase of almost $32 million this year over last year. That is due to the fact that we have been carrying these Cubans to our shores free of charge at the rate of about 42,000 a year.

Mr. President, we have on our shores now, as I have just stated, between 600,000 and 650,000 Cubans. I think that number is sufficient.

Mr. President, the Cuban refugees who are unemployed and need assistance receive better help than our own people,

because we provide funds for their upkeep; and under certain rules and regulations we are compelled through special appropriations to pay the State authorities of the States concerned a sufficient amount to take care of the needs of the refugees, including schooling and things of that kind.

Mr. President, I really believe that we have done enough. I am sure that no one will object to permitting Cubans to come to the United States the same as any other immigrants. My fear is that if we continue a program of this kind from a humanitarian standpoint, we will be asked to take care of many people from Peru. Many people from Argentina are seeking another place in which to live. Many people from Chile also are now seeking other places in which to live.

It seems to me that in this case we have done enough. All I am suggesting is that the program be curtailed to the extent of simply denying the right to free transportation from Havana to Miami at the rate indicated.

Mr. President, I realize that the means advocated may not be popular with some folks. It may be that the place to do this would have been in a regular bill. However, I thought the matter should be dealt with now and this program brought to the attention of the Senate. That is why the measure is before us today.

In addition, language has been included in the continuing resolution for the continuation of programs of the Maritime Administration and for salaries of supporting personnel, courts of appeals, district courts, and other judicial services.

Mr. President, this joint resolution is similar in content and purpose to continuing resolutions which have, of necessity, been enacted in past years so as to provide for the orderly functioning of Government.

Specifically, the joint resolution continues authority and funds available under certain prescribed conditions, until the enactment into law of the regular annual appropriation bills for fiscal year 1972 or until the expiration of this Joint Resolution, whichever first occurs. This present resolution expires on August 6, 1971, and in the event that all of the appropriation bills will not have been enacted by that date, additional temporary authority will be considered.

Mr. President, I hope that by that time Congress will be able to enact all of the appropriation bills. That will be possible only if we can get cooperation from the House of Representatives.

As of this date, two of the regular annual appropriation bills have passed both bodies—the Office of Education appropriation bill and the legislative branch appropriation bill for fiscal year 1972. It is my hope that the differences in the House and Senate versions of the bills will be resolved in conference without delay, enabling the bills to clear the Congress before the beginning of the new fiscal year.

In this connection, yesterday the House and the Senate conferees agreed on the education bill, so that bill undoubtedly will be brought before the two Houses and the conference report agreed to before midnight tomorrow.

Also we will have a conference today on the legislative appropriation bill. It is my hope that we can complete the work on that bill so that it can be sent to the President before midnight tomorrow.

With reference to the Treasury-Postal Service-general Government appropriation bill, I was first advised that it would be considered on the House floor on June 22. This was subsequently changed to June 24. Then I understood it would not be considered on the House floor until Monday, June 28. The bill was actually passed by the House last night June 28. At 5 o'clock yesterday afternoon the Senate Committee on Appropriations met, and we were advised a few minutes after 5 o'clock that the bill had been passed by the House. So yesterday I obtained permission to have the Senate receive the bill from the House and report it, so the bill that passed the House yesterday was immediately reported by the Senate Committee on Appropriations and is now on the Calendar. We hope to take up that bill sometime today. So I hope we will have action on that large bill concluded before midnight tomorrow.

With respect to the appropriation bill for the Department of Agriculture-environmental and consumer protection, the bill passed the House of Representatives on Wednesday, June 23, and was received and referred to the Senate Committee on Thursday, June 24. The Subcommittee on Agricultural Appropriations is diligently working on the bill, and we are hopeful that it can be reported and passed by the Senate early in July.

That is a very complicated bill. Quite a few programs under other appropriations were transferred to the agriculture bill. So far as the Senate is concerned, we completed hearings on that bill a few days ago. More than 100 amendments are involved. That is why we were unable to consider the bill and report it to the Senate prior to June 30, as was intended.

In view of the importance of providing authority, under its reorganization, to the new U.S. Postal Service by July 1, the Subcommittee on Treasury, Post Office, and General Government in the Committee on Appropriations of the Senate expedited its hearings and concluded them the middle of June. However, as I say, we have been waiting for the House to pass the bill, and if the House does so on Monday, June 28, I am very hopeful that the Committee on Appropriations of the Senate will be able to report it to the Senate on Tuesday, June 29.

The committee endeavored to get some of the "must" bills through—and I include among them the Treasury-Post Office bill.

As we all know, beginning July 1 the Post Office Department will be under different management than it has been in the past, and it is necessary, I believe, that that bill be enacted before June 30.

The continuing resolution does not touch that phase of our appropriation process.

I was told it is necessary that this bill be enacted before June 30, so the committee devoted its time and energy to reporting it to the Senate, which we have done and we will try to pass it before midnight tomorrow.

The appropriation bill for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies passed the House of Representatives Thursday, June 24. Hearings in the Senate committee will be completed July 8, and the bill should be reported to the Senate for its attention shortly thereafter.

Under the House schedule, the housing and urban development, space, science appropriation bill will pass the House of Representatives June 30. The hearings in the Senate committee will be completed today, and the bill should be reported to the Senate shortly after the Fourth of July recess.

I am very hopeful it does pass. If it does we will have completed the hearings except for a few witnesses and, as I said, the hearings in the Senate are almost complete. The bill should be ready for action by the Senate soon after we return from the July 4 recess.

The Department of the Interior appropriation bill is scheduled for consideration on the House floor on Tuesday, June 29. The hearings in the Senate have been completed on this bill and every effort will be made to report it to the Senate as soon as possible.

The Department of Transportation appropriation bill will not be considered on the House floor until Tuesday, July 13. Hearings in the Senate committee should be completed prior to that date, and I expect no delay in reporting the bill to the Senate.

On the remaining six regular annual appropriation bills, there is no schedule of floor action in the House of Representatives, so far as I have been able to determine. The Senate subcommittee has completed all of the hearings on the Public Works-Atomic Energy Commission bill except for 1 day of hearings after the bill is received from the House, but we are unable to take any action until we do receive it from the House of Representatives.

The hearings on the District of Columbia appropriation bill have been completed for weeks, and we are waiting on the bill from the House of Representatives so that we can make decisions on the figures and report it to the Senate.

The hearings on the Department of Defense appropriation bill have been completed for some time, and we are awaiting the receipt of the bill from the House of Representatives.

The hearings on the military construction, Departments of Labor and Health, Education, and Welfare, and foreign assistance appropriation bills are well underway in the Senate committee, and I am hopeful that the House will soon pass them so that they can be reported to the Senate for consideration prior to the announced August 6 recess.

All of the departments and agencies financed in the bills I have just mentioned will require authority to obligate funds commencing July 1 in the absence of their fiscal year 1972 appropriations. It is necessary, therefore, that this continuing resolution be enacted before that date.

As I stated earlier, this joint resolution is similar to prior-year continuing resolutions, and it provides for the continuation of existing projects and activities at the lowest of one of three rates:

First. The current, fiscal year 1971, rate;

Second. The budget estimate for fiscal year 1972, where no action has been taken by either House; and

Third. The more restrictive authority or rate adopted by either of the two Houses, until final enactment.

To amplify:

In those instances where neither House has passed a particular appropriation bill, appropriations are provided for continuing projects and activities conducted during fiscal year 1971 at the current rate, or the rate provided in the budget estimate for fiscal year 1972, whichever is lower, and under the most restrictive authority. In addition, if there is no budget estimate for a particular program continuing from fiscal year 1971, special provision is made in the resolution for minimum continuance until the matter is resolved in the processing of the regular annual appropriation bill.

If an appropriation bill has passed only one House, or if an item is included in only one version of the bill as passed by both Houses, the project or activity shall be continued at a rate of operations not exceeding the fiscal year 1971 rate or the rate permitted by the one House, whichever is lower.

In those instances where an appropriation bill has passed both Houses, but is not yet enacted, and the amounts or authority therein differ, the project or activity shall be continued under the lesser of the two amounts and the more restrictive authority.

And I assure the Senate that any obligations or expenditures incurred pursuant to the authority granted in this resolution will be charged against the applicable appropriation when the bill in which such funds or authority are contained is enacted into law.

Mr. President, I am very hopeful that the House will continue its hearings on the remaining bills and that the bills will be enacted by the House and sent here to the Senate. Insofar as I am concerned—I think I speak for the Committee on Appropriations of the Senate—we will be ready whenever we receive the bills. I am very hopeful that the authorizing bills will be enacted, particularly for defense and foreign aid. If we can get cooperation from the authorizing committees, it is my hope that, come August 6, we ought to be able to get through with all the appropriation bills. All we need is cooperation from the House of Representatives and Members of the Senate, and I am confident we will get that from the Senate.

I wish to say that the chairmen of the Senate Subcommittee on Appropriations have been working very diligently. My good friend from North Dakota (Mr. YOUNG) and I have attended practically all the subcommittee hearings, whether we were on the subcommittees or not, in order to try to get the hearings through, so that, come August 6, when we will get a little breathing spell, we will be able to have on the President's desk all of the appropriation bills for fiscal year 1972.

It is possible to do that, and, with the assistance—continued assistance, I may say—of the members of the Appropriations Committee of the Senate and the cooperation of the authorizing committees, and also cooperation of the House side, we should be able to get through all these bills by August 6.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I want to compliment the very distinguished Senator from Louisiana (Mr. ELLENDER) on the extremely fine statement he has made, but, more than that, I want to compliment him on the splendid leadership that he is showing as chairman of the Appropriations Committee in insisting upon hearings by the various subcommittees of the committee on appropriation bills in advance of those being enacted by the House of Representatives. I think it is the most remarkable display of diligent and expeditious handling of appropriation bills that I have seen during my 13 years in the Senate.

I congratulate the chairman of the Appropriations Committee. The Senate owes him a debt, and, speaking for the leadership, may I say the leadership is indebted to him and grateful to him for the splendid manner in which he has handled the chairmanship of the Appropriations Committee.

If the other body will get the appropriation bills over to the Senate, as the distinguished chairman has indicated, and if the administration will promptly submit its authorizing requests and if the authorizing committees will likewise act expeditiously, I am sure that the prophetic statement by the chairman—with respect to the completion of appropriation bills by August 6—will be realized.

These are "must" bills. The Congress must pass these appropriation bills if the departments are to function and the people who are employed in them are to be paid. In past years the legislative logjams that have kept the House and the Senate in session until December have often been caused by delay in acting on appropriation bills and appropriations conference reports. I believe that, under the great leadership of the Senator from Louisiana (Mr. ELLENDER) as chairman of the Appropriations Committee, we are not going to see a repetition of those years but that, come August 6, we will have acted on the "must" bills—the appropriation bills—and most of them will have been signed into law.

Mr. ELLENDER. I thank the Senator very much.

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

Mr. ELLENDER. I yield.

Mr. YOUNG. Mr. President, I, too, would like to commend the distinguished chairman of the Appropriations Committee for his excellent leadership and the hard work he has displayed. Day after day he has urged the subcommittees to get through their hearings and get to their markups. This year, I think, we are ahead of where we have been on the appropriations bills for many years. The hearings on most bills have either been completed or are about to be completed. If we are not involved in long filibusters on authorizing bills, we could easily get through all the appropriation bills before the recess in August.

Mr. ELLENDER. I thank the Senator from North Dakota. I repeat, I feel confident that, with the least bit of cooperation from the House as well as the authorizing committees, we will have all of these bills on the President's desk by the 6th of August. Then we could go home happy for a 30-day vacation. I know I would enjoy it very much if we could do just that.

I urge the adoption of House Joint Resolution 742.

Mr. GURNEY. Mr. President, on behalf of the distinguished senior Senator from Connecticut (Mr. RIBICOFF), my able colleague from Florida (Mr. CHILES), and myself, we object to the inclusion of the first committee amendment, that is, the language on page 4, beginning on line 8 with the word "except" and through the language on line 11. We object to the inclusion of that language.

And now, Mr. President, I want to talk a little about the first committee amendment and explain why we think this language should not be included in the committee amendment. I do want to say at the very outset that it does not give me the greatest of pleasure to disagree with the very able and distinguished chairman of the Appropriations Committee, the senior Senator from Louisiana (Mr. ELLENDER), or, for that matter, with the distinguished ranking Republican member of the Appropriations Committee, the Senator from North Dakota (Mr. YOUNG).

However, I do think that here there has been a misunderstanding of the whole concept of the Cuban airlift, the so-called Cuban freedom flights.

I would like to first go back into the history of this matter. This refugee program from Cuba has encompassed four different administrations, going back to the Eisenhower administration beginning in 1959. As a matter of fact, in January 1959, when Castro first came into power in the Cuban revolution, the refugee program from Cuba began and it has almost never stopped. At first it was a trickle. At first it existed as certain refugees got on commercial airline flights to the United States, mostly to Florida.

These flights have brought in so many refugees from Cuba that President Eisenhower set up a Cuban Refugee Center as early as 1960 to handle special problems in connection with the Cuban refugee program.

When President Kennedy succeeded President Eisenhower, he transferred this Cuban refugee program into the Department of Health, Education, and Welfare, which was then headed, as we know, of course, under the leadership of the now very able Senator from Connecticut (Mr. RIBICOFF), then Secretary of the Department of Health, Education, and Welfare.

The interesting thing is that back in those years, when the Cuban refugee program first began, the actual numbers who came into the United States during the commercial airflight program was greatly in excess of the number coming into the United States now. As a matter of fact, there were some 1,600 to 1,800 Cuban refugees a week who came into the United States during that period of the refugee flights from Cuban, from the very harsh Communist regime established by Fidel Castro.

Then came the October missile crisis of 1962, when, of course, President Kennedy clamped a quarantine around the island of Cuba. He did that on October 22, and the day after he did so, Fidel Castro stopped all commercial airplane flights from Cuba to the United States; and then, of course, the ability of the refugees who wanted to get out of the island and away from the Communist regime slowed to a trickle, because they had no readily available means to leave Cuba.

However, it did not stop their desire to leave Cuba, and, as a matter of fact, they resorted to all kinds of ways of getting out of the island. They would take old, leaky boats and attempt to cross the Straits of Florida. There were even some who used rowboats to get across. Of course, this precipitated a great deal of publicity worldwide; there were drownings involved, and loss of life, and Fidel Castro was getting such a bad image in the eyes of the world, with many people beginning to suspect that his country was not the paradise he was claiming it to be, that he began to think he ought to change his program of making it hard for refugees to leave Cuba.

And so, on September 16, 1965, he announced to the world that anybody who wanted to leave Cuba could do so. He also announced that he would make one port in Cuba open to boats from anywhere, that could come in and pick up refugees from Cuba who wanted to go. President Johnson, a few days later, on October 3, also took up the matter of the Cuban refugees, accepting the challenge, if you want to put it that way, of Fidel Castro, and said all Cubans who wanted to come to the United States could have an asylum in our country and be free to come in as refugees.

This precipitated a chaotic condition. Boats left Florida and other ports in the United States and Latin America, all headed for this port to pick up Cuban refugees. Many of the boats were unseaworthy and sank, and again there was large loss of life, and something had to be done about it.

The something that was done was the entering of a memorandum of agreement between the United States and Cuba—not directly, of course, but through the Swiss Embassy representing the American Government in Cuba, but nonetheless a binding international agreement between the United States of America and Cuba.

Mr. ELLENDER. Mr. President, will the Senator yield for a moment?

Mr. GURNEY. Yes, of course.

Mr. ELLENDER. I have been informed by the Parliamentarian that we are now proceeding under limited time, and I wish to say to the Senator from Florida that I certainly will yield him such time as he may require. How much more time does the Senator require?

Mr. GURNEY. I would say not long.

Mr. ELLENDER. I yield the Senator 10 more minutes.

Mr. GURNEY. I thank the Senator from Louisiana.

This memorandum of agreement was entered into between the United States and Cuba, which set up the Cuban airlift as a means of transporting Cuban refugees who wanted to get out of Cuba to the United States of America. Between 3,000 and 4,000 Cuban refugees left monthly on this airlift, to come to the United States, and that has been going on ever since December 1, 1965. Approximately 240,000 have been airlifted.

One other fact of great importance is this: After the memorandum of agreement was entered into, the Cuban Government established a list, and on this list anyone could enter his name who wanted to leave Cuba. Scores of thousands of Cubans entered their names upon the list, expressing their desire to leave Cuba on the airlift when their turn came.

Those people were obviously marked people at once. Certain steps were taken by the Castro government immediately. One was the lifting of ration cards; another was the loss of jobs on the part of these Cubans who wanted to leave Cuba. Their property was confiscated, they were given work of the most menial kind of hard labor, working in the cane fields and other agricultural pursuits. The old, the young, the sick were forced to work in this fashion in order to obtain enough sustenance to keep them alive. In other words, as soon as they registered on that list—and, as I say, scores of thousands did so—they became noncitizens in Cuba, really people without a country as far as the Castro regime was concerned, and they were arrested and persecuted.

Now, there are only about 40-odd thousands left on this list of people who want to get out, and those are the people who will be affected by this amendment if it is adopted.

Mr. ELLENDER. Mr. President, will the Senator yield at this point?

Mr. GURNEY. I yield.

Mr ELLENDER. I wish to point out to my friend from Florida that on March 29, 1966, when this program was changed to the way it is now being handled, a question came up in hearings before the House Subcommittee on Foreign Assistance—page 399—as to the number of Cubans who would qualify under the new rules and regulations under which we are now proceeding. The question was asked of Mr. Wynkoop:

> Mr. CONTI. Do you have an estimate of the number of Cubans presently in Cuba in the various priority categories, that you established for the movement, directly to the United States?
>
> Mr. THOMAS. The best figure that we have got is one that the State Department received from the Swiss authorities. It numbers about 200,000.

Mr. President, that was just a few months after this new method of transporting Cubans to the United States was put into effect; and since that time, as I pointed out a while ago, we have received not 200,000 here, but 240,000. What my good friend from Florida wishes to do is to get 42,000 more, which would be 80,000 more than the estimates made when this new method was really decided upon.

I believe we have done enough of that. In other words, the estimate, when the new method was adopted, was that there were about 200,000 Cubans eligible under the new order. But since that time, as I have said, we have received 240,000, and unless this amendment is agreed to, there will be 42,000 more to come, which will be 82,000 more than the estimate made in 1966. There seems to be no end to it.

I thank the Senator from Florida, and I take that out of my own time.

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

Mr. GURNEY. I would comment on that by simply saying that the 200,000 figure the distinguished chairman of the Appropriations Committee has mentioned is only an estimate, and that it is not at all surprising that 200,000 people wanted to leave Cuba, to get away from the Communist regime that Castro instituted. As a matter of fact, I am surprised that the figure was not 300,000, 400,000, or 500,000.

I do not see that that particular argument cuts any ice. When the President of the United States, President Johnson, instituted this program—and I certainly agree with the action he took and back him up all the way—he extended the hand of friendship and the opportunity for freedom to anyone in Cuba who wanted to come to the United States.

That is the important thing here, not that there was an estimate somewhat less than those who finally wanted to come, but the fact that we actually made a commitment to the people of Cuba who wanted to seek asylum in the United States, and extended the opportunity to all who wanted to come.

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

Mr. GURNEY. I am happy to yield to the Senator from Connecticut.

Mr. RIBICOFF. In an effort to create a safe and orderly flow of refugees, the Johnson administration, through the Swiss Embassy in Havana, negotiated a memorandum of understanding with Cuba. Under this pact, the Government agreed to provide air transportation for between 3,000 and 4,000 refugees a month to the United States. In order to reunite families which had been separated, priority was to be given to relatives of Cubans living on the mainland.

To renege on this commitment now would provide Castro with a considerable political, psychological, and propaganda victory. Would we not be accused—and rightly so—of playing politics with the lives and welfare of innocent victims of the cold war?

Mr. GURNEY. The Senator from Connecticut makes an extremely viable point. As a matter of fact, this is what I pointed out in the beginning of my argument. What we have here is an international binding agreement; no question

about it. If we should break it, we would indeed be breaching a legal agreement and breaking our side of the bargain.

The Senator does make an extremely viable point.

Mr. RIBICOFF. I recall that one of my first tasks as President Kennedy's Secretary of Health, Education, and Welfare was to organize and administer a program to assist the refugees as they tried to enter the mainstream of American life. Even before I had a chance to settle down to my new duties, President Kennedy asked me to personally go to Miami, and assist the local and State authorities. The President deeply believed, that we in this country had an obligatiton to the Cuban refugees and should make every possible effort to alleviate their burden.

I went to Miami and spent considerable time with the Federal, State, and local authorities who were trying to bring order to a chaotic situation. Florida was the natural place for these refugees to come, because of its proximity, its weather, and the large Cuban community. In order to take some of the pressure off the State of Florida and the city of Miami, we established a program to spread these refugees throughout the United States. During the 10 years, the program has been in operation some 200,000 refugees have been able to move throughout the United States.

What struck me at that time was that the flood of people we were taking in for humanitarian reasons contained some of the most able, dedicated individuals this Nation had ever seen.

Although the flow of escapees has included persons from all walks of life, the men and women have always had a higher skill level than would be found in a perfect cross section of the Cuban population. Castro's loss has certainly been America's gain.

We received accountants, doctors, dentists, nurses, businessmen, technicians, mechanics. Practically the entire faculty of the University of Havana Medical School left for America.

During the past 10 years, either as a public official or as a private citizen visiting Florida, I have noted the contribution the Cubans have made to American life. I am sure the distinguished Senators from Florida are even more aware of the contribution than any of us.

Studies made in the Miami-Dade County area have shown that the refugees who arrived virtually penniless have made dramatic economic advances.

The total annual income of families of Spanish origin—nearly 90 percent Cuban—rose from $342 million in September 1968, to $588 million by October 1970. During the same period, median family income rose 38 percent from $5,200 to $7,200. Nearly 40 percent of these families own their own homes.

Very few refugees have had to receive public assistance. Refugees who do need public assistance apply for welfare in the same manner as other American citizens and are subject to the same eligibility requirements, but unlike normal welfare programs, the Federal Government pays the States 100 percent of the welfare costs for refugees.

It is interesting to note that 80 percent of those on welfare are 60 years of age or older.

It has not been easy for the once penniless refugees especially because of the language barrier, to join American society.

I recall setting up a program in cooperation with the University of Miami Medical School in which the doctors who came from Cuba could be trained to take the medical examination of the State of Florida on a bilingual basis.

I cannot imagine that for a million dollars, and that is all it amounts to, the United States would break its diplomatic and moral agreements.

The entire world has watched this situation. There was great skepticism as to whether Castro would allow these refugees to come to this country, as to whether he would keep his agreement. The thought was that he would just send the poorest and the sickest. But he allowed these people to come.

As of June 4, 1971, over 230,000 Cubans have been airlifted to freedom. Most of these registered for the program shortly after its inception. Many more, however, are still waiting their turn. They have become nonpersons in their native land. Many of their rights and privileges have been canceled because they expressed a desire to leave. They have been forced to forfeit all their property, possessions, and savings and are allowed to carry out only the clothes on their backs and the most meager of personal possessions. They have been removed from their jobs and forced to do heavy agricultural labor. The only reason they are willing to endure their government's wrath is the knowledge that someday they will board a plane for the United States.

The action taken by the Senate Appropriations Committee last Friday deleting the Cuban airlift funds from House Joint Resolution 742 may mean that these men and women may never be able to leave a country which now considers them nothing more than pariahs.

I would hope that the Senate will reverse the decision of the Appropriations Committee. With due respect to the distinguished Senator from Louisiana, the agreements made by President Kennedy and President Johnson, to the people and the Government of Cuba are too important to forsake now. We should not abandon our centuries-old position as a haven for oppressed people around the globe.

Mr. President, we must not forget for one moment that this Nation is responsible for these people unlike no refugee group in history. By agreeing with the Cuban Government to take in those who expressed a desire to emigrate, this Nation placed thousands of Cubans in an untenable position—one for which the airlift is the only solution. For us to turn our backs now would be intolerable. Termination of the airlift would not only betray our historic humanitarian tradition, but would directly penalize those men and women who took us at our word and in good faith registered to leave.

Mr. GURNEY. Mr. President, I am in complete agreement with the eloquent arguments made by the distinguished senior Senator from Connecticut.

He mentioned the Cuban refugee center in Miami. I should like to point out that he had a great deal to do with setting up that center and the extremely able work it did when he was Secretary of HEW.

As a matter of fact, this has become a showplace of freedom. People from all over the world, some in skepticism and some in suspicion about how the United States was handling this refugee problem. In many instances, press people from abroad have left the United States and—even though they were not all friends—have written favorable articles on how we have been handling the matter.

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

Mr. GURNEY. I yield.

Mr. RIBICOFF. At the time, the refugee assistance program was started we had nothing to go on. We had to start from scratch. In 1961 a program of relief loans patterned on the National Defense Education Act, was set up for Cuban refugees. Under this program, 12,000 college loans have been granted and only 147 of these loans have been declared delinquent. I would challenge any other group in American society who have had loans of any kind from Government to equal that record.

Wherever I have gone around the country, various people in the social service field who have handled similar problems speak in the most glowing terms of how the Cubans have been able to enter the mainstream of American life.

This is something this Nation should be proud of. We should continue the program—not terminate it.

Mr. GURNEY. There is no question about that. I would like to amplify what the Senator has said about the wonderful experience we have had with this immigration. The Senator mentioned the lower amount of delinquencies on student loans. One of the interesting things about the Cuban immigrants is the low unemployment rate. Only 2 percent of the Cubans coming into this country under the refugee program are unemployed. This is far below the national average. The median income for a family in the Miami area is $7,200, which is considerably above the national average. That figure is up 36 percent in the past 2 years. The Cubans do work. The husband works. The wife works. The children work. They have made a tremendous contribution to American society. We have example after example where people who have come from Cuba with literally nothing but the clothes on their backs, and no cash, have begun at once to work hard and provide for themselves. I know one president of a bank in Miami who came from Cuba that way. There are many other success stories like that all over the United States. So they have made a tremendous contribution to American society.

One other point that is extremely interesting: Only 15 percent are on welfare, and those who are on welfare are the old and the sick. The able-bodied Cubans are out working. The rate of those on welfare is considerably lower than the national average, too.

Mr. RIBICOFF. Will the Senator from Florida yield for another thought?

Mr. GURNEY. I yield.

Mr. RIBICOFF. If these people had not been refugees but had always been in the United States, practically all of them would be covered by social security. The result would be that almost no Cubans would be on welfare. Those who are now on public assistance are those that did not have social security of any kind, as most people over the age of 65 in this country have.

Mr. GURNEY. That is true. While the rate of the figures I just gave may have been lower, I think that 17 or 18 percent of those coming here from Cuba are on welfare now; but they help themselves, too. Relatives give money. People coming in and friends coming in do a great deal to help in the private sector by taking care of people, helping them to get started, to buy homes, and to get jobs. They do this more than any other immigrant class we have had in this country.

Mr. RIBICOFF. I think that the Senator from Louisiana (Mr. ELLENDER) would find it interesting to note that the special services programs set up for Cuban refugees have been even more successful than the normal American welfare system. For example, at the outset of the relief program, approximately 3,700 female heads of families with children were receiving public assistance. The day care and training programs for these people were so successful that virtually none of these 3,700 women are now on welfare. The same success rate certainly does not apply to the AFDC program.

The PRESIDING OFFICER (Mr. ALLEN). The additional time of the Senator has expired.

Mr. GURNEY. Mr. President, will the Senator from Louisiana yield me 5 more minutes?

Mr. ELLENDER. Mr. President, how much time is left?

The PRESIDING OFFICER. Until 1:05 p.m., unless other amendments are called up.

Mr. ELLENDER. I shall be glad to yield 5 more minutes to my good friend from Florida; but before I do so, I yield myself 1 minute in the period of the 5 minutes to ask the Senator from Florida to tell us how many more Cubans have been registered to come here.

When the new program was put into effect, the record shows 200,000 were eligible, but since that time over 240,000 have come in. If this amendment is not agreed to, 42,000 more will be coming in on the airlift. I would like to know how many there are now in Cuba who are eligible to come to this country. It seems there is no end to it. That is what I am fussing about, Mr. President. It is not that I am against Cubans, or anything like that, but there should be an end to it.

Let me say to my good friend from Florida, who may wish to answer this also, that in the welfare hearings, the following was stated:

Mr. PROXMIRE. What percent of Cuban refugees participating in the program are receiving welfare benefits?

Mr. PALMATIER. At this time, through March 1, our assistance caseload was 78,000 which represents about 18.9 percent of the 414,000 who had registered with us as of the end of March 1971.

Mr. President, that is almost double the present national average.

Mr. GURNEY. May I answer that question?

Mr. ELLENDER. I yield 5 minutes to my good friend from Florida to tell us how many Cubans are eligible to come into the United States, because I am quite certain that the good news goes out to the Cubans in Cuba from those who are here, and that encourages them to want to come to the United States.

Mr. GURNEY. In direct answer to the question, let us go back, first, to how the lists were prepared. In the first place, after the Cuban freedom flights were inaugurated by the U.S. Government, a list was opened up with the Swiss Embassy, with permission of the Cuban Government—the Castro government—to register Cubans to come to the United States where they wanted to live, and scores of thousands registered to do that. I do not know the exact number, but I do know that in May of 1966 the Castro government cut off any further registering. The reason why Castro did that was that he was so embarrassed that so many Cubans wanted to leave Cuba.

As I understand it, there are two lists today. On the first list the Castro government permitted, which was cut off in May 1966, somewhere around 40,000 Cubans wanted to come to the United States. That is all that remains, as I understand it.

There is another list that the State Department has, a list prepared by U.S. citizens for U.S. citizens who had relatives in Cuba.

That list totaled 65,000. There is probably some duplication between the State Department list and the Cuban-Swiss Embassy list in Cuba, but no one knows what the duplication is. We do know that the respective figures are 40,000 and 60,000, with the rate of people coming into the United States through the Cuban airlift being somewhere between 3,000 and 4,000 a month. Thus, it is obvious that there will be no more than 2 to 2½ years more of the airlift when the whole of both lists will have been exhausted. So we are talking about 2½ years and $2 to $3 million being involved. That is what it would take.

Mr. ELLENDER. The Senator should take into consideration the fact that it is not a matter merely of the cost of the airlift, but we have to take care of those people when thev come in here. The number we are cutting off here, of 1,050,000, covers only the airlift; but we also are cutting off $4 million, which would be the cost of taking care of the people after they get to this country.

I might add that still later estimates have indicated that the amount to be saved in fiscal 1972 alone could run as high as $15 million. If we continue this program, as I pointed out awhile ago, the proposal is to raise the amount by over $32 million over last year, and this amount will be increased from year to year as we permit more and more Cubans to come in.

Mr. President, we have spent on this program $583 million. We are now spending at the rate of $144 million a year. This amount will increase as the number of Cubans who come into this country from here on out is increased.

Mr. GURNEY. In rebuttal to that argument, I would say that, of course, we have spent a great deal of money on this program, the whole encompassment of it and all the facets of it, but that is what our commitment is. That is what we agreed to. That is exactly what we proposed to do when we established the program in the first instance.

So far as concerns the additional number coming in from Cuba—40,000 to 60,000, or whatever it is—actually the increase in cost which will result from that as compared with what we are spending now will probably be a rather small amount, because of the small portion of people who come in who will actually go on welfare and because of the expenditure of dollars in that regard.

Mr. ELLENDER. How about schooling? We have got to take care of their schooling, have we not?

Mr. GURNEY. Finally, I would say that the economic figures I have seen have meant a tremendous increase in the amount of welfare which has come from the Cuban community itself, integrating business-economics-workwise, not only in Miami, which has half of the program living there—but also from the Cubans who have emigrated to the 49 other States. This has contributed enormously to the economy of this country.

There is no question in my mind that the work product of those people will mean more than the pay for themselves in the end, in terms of what they have put into the economy of this country and what we will get back in taxes.

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

Mr. ELLENDER. Mr. President, I yield 3 additional minutes to the Senator.

Mr. GURNEY. Mr. President, I want to make one additional point. It is an extremely important point. I know that some Senators will say, "Well, this costs $1.05 million. Why does not the Cuban community carry this burden themselves? They would be able to do this."

The point is that if we interfere with the airlift that is now operating, there is every likelihood that Castro will cut it off completely. Obviously it will be interrupted if this authority expires in a few days.

If the Cubans within the United States try to establish an airlift, they will have to communicate with Castro themselves or through the State Department or some other means. I would say that Castro would not agree to that. He cut off those who were going to come here immediately in a pronouncement of May 1 of this year to the effect that no person, after May 1971, who indicates for the first time that he wants to come to America can come to America.

The best thing we could do for Castro would be to cut off the airlift and avoid further embarrassment to Castro by eliminating the airlift. I would bet that there would be no more people coming out of Cuba after tomorrow. I refer to the people to whom we made a commitment.

Believe me, the nonpersons, as the Senator from Connecticut (Mr. RIBICOFF) described them, would indeed be nonpersons and noncitizens and subject to persecution and harassment. I suppose that they would have little more status than the status of slaves in Cuba.

We made a legal international agreement of a binding nature to go ahead with this program. In addition, we have a moral commitment. We cannot leave those persons at the mercy of Castro.

I hope that the U.S. Senate will not turn its back on the good things that have gone on for almost 300 years, from the first day that people set foot in this country from other areas of the world.

Mr. President, I ask unanimous consent that there be printed in the RECORD an article from the newspaper Diario Las Americas dated June 2, 1971, an article from the U.S. News & World Report dated May 31, 1971, and an article from Business World dated January 11, 1969.

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

THE FREEDOM FLIGHTS AND THE HONOR OF THE U.S.A.

In the Washington Capitol are now taking place events tending to the drastic end of the Freedom Flights between Cuba and the United States of America, which have been coming since December 1965, in line with the offer made by President Johnson at that time.

As it is known, when in behalf of his government and of his country President Johnson offered the Cuban people the facilities of the Freedom Flights, and this was negotiated through the Swiss Embassy in Havana with the Castro regime, there were thousands of Cubans who, relying on Washington's official word, registered in accordance with procedures set up to leave Cuba fleeing from the communist terror. All those who registered until the registration period was closed in May 1966, have not yet left Cuba. But, from the very moment in which their names were included in the corresponding lists, they began to suffer, in one way or another, the consequences of the communist persecution. This persecution goes from the loss of their jobs to the withdrawal of the ration booklet to buy food. The Cuban communist dictatorship interpreted that all those persons who registered not only were not communists, but were against the regime. And for several years those persons have suffered, with the hope of leaving, the measures taken against them by the communist tyranny.

If the appropriations for the Freedom Flights are eliminated by Congress, as unfortunately it seems is going to happen, those thousands of persons who were already officially registered to leave Cuba will remain marked as enemies of the dictatorship, with all that this implies, and without any possibility of leaving Cuba, because what it seems would be offered to those Cubans is exactly the same that is available for other immigrants. And it is well known what this means. Those persons who believed in the official promise of the President of the United States will feel deceived and despondent. And this involves the prestige and the dignity of the United States of America, whose given word will not be kept in this case.

Let's make clear that what damages the moral position of the United States of America is the fact that individuals who officially registered for the flights when the promise was in force, will not be able to leave the country. Therefore, it is not a question of indefinitely and at any time allowing the registration of Cubans who may want to abandon the communist inferno. It is a question of fulfilling what could be considered as a right of those who, before the registration was closed, had complied with the requisites.

Though everything seems to indicate that much has been advanced towards the elimination of the Freedom Flights, it is to be hoped that in the last stage of the discussions an honorable rectification takes place.

[From U.S. News & World Report, May 31, 1971]

FLIGHT FROM CUBA—CASTRO'S LOSS IS U.S. GAIN

In the 12 years since Fidel Castro came to power, nearly 650,000 Cubans have sought refuge in the United States.

Most have found far more than refuge. They have found homes, jobs—and opportunities. Thousands of refugees, in only a few years, have launched new careers in professions and business.

The story of this big wave of immigrants is a success story seldom matched in this country's long history of immigration. Few other nationality groups have taken root so quickly or progressed so rapidly.

WARM WELCOME

Some of this rapid progress can be credited to the aid given by the U.S. Government. No other group of immigrants in history has been accorded such a helpful welcome.

Much of the Cuban success, however, is generally attributed to the efforts and ability of the Cubans themselves.

Talk to the Cuban refugees and you get still another explanation.

"What we have found in America is the land of opportunity—the greatest nation on earth," says Carlos Arboleya, who in nine years rose from an almost penniless refugee to be president of a Miami bank.

The mass migration of Cubans to the United States is still continuing. Each month about 3,600 stream in on an airlift financed by the U. S. Government. These are people Castro let go with the contemptuous remark that they were the "worms" of his Communist society.

In America, however, they are proving, by and large, to be capable, hardworking people who are making major contributions to American life.

A CROSS SECTION

The Cuban refugees are scattered widely around the country. But about half of them have settled in south Florida. Nowhere else is the Cuban success story so visible as it is in this area.

Wherever you turn, the Cuban influence can be seen and felt. The new mechanic at the corner garage may not speak English fluently—but he can fix your car. The Cuban bus boy in the restaurant, the record suggests, may soon be running that restaurant.

Whole hospitals are now staffed by Cuban doctors. A prime example is the 300-bed Pan-American Hospital in Miami. In all, about 2,000 Cuban doctors have settled in the Miami area.

These refugees, records indicate, are good credit risks. Those who have borrowed money have, for the most part, paid it back. Cubans on relief are generally too old or too ill to work.

The Cuban impact on the U.S. is felt at many levels. There is a growing and articulate Spanish-language press. Movie houses in Washington, D.C., in Newark, in New York and in dozens of other cities show films in Spanish for tight-knit Latin-American communities. Across the land, restaurants with Cuban food and entertainment are opening.

Dade County, Florida, which includes Miami, is the hub of Cuban life in the United States.

Mayor Stephen P. Clark of Miami estimated that 350,000 Cubans now live there. Nobody can be positive about the number—but it is known that some Cubans, after resettling elsewhere, return to Dade because of the mild climate and the proximity to other Cubans and the homeland. Cubans tend to dislike the cold North American winters.

TRADE CENTER

Because of the bilingual pool of talent in the Miami-Dade area, more and more American companies have set up their Latin-American trade headquarters there—33 in Coral Gables alone.

Among those companies are Alcoa, Dow Chemical, Chicago Bridge & Iron, Coca-Cola, Goodyear, Atlas Chemical, International Harvester, Johns-Manville and Bemis. Many of these trade headquarters are run by Cubans.

Of course, it's not all clear sailing for the refugees, but in the main their story is one of astonishing achievement.

President Arboleya of the Fidelity National Bank of Miami explains the success formula of his Cuban compatriots in these words:

"They work. The man works, the wife works, the children who are old enough work."

Mr. Arboleya has shown what a refugee can do. In 1960, at age 31, he arrived with his wife, an infant son and $40 in cash. Banking was his field, but banks were not bidding for the services of refugees. He started as an inventory clerk in a shoe factory at $45 a week. Eighteen months later he was the office manager. Eventually, he got a bank job. By 1966, he was executive vice president of Fidelity National. In February of 1969 he became an American citizen—and president of the bank.

RETAINING OLD TIES

Mr. Arboleya, whose son became an Eagle Scout at 13, likes to tell of the special camps for Cuban Boy Scouts in Miami, where the Cuban flag is flown alongside the American flag.

"Our Boy Scouts salute the Cuban flag with respect for our homeland," he says. "But," he adds, "they not only salute the American flag—they pledge allegiance to it."

Tully Dunlap, president of the Riverside Bank in Miami, credits Cuban business with lifting his bank out of the doldrums in the mid-'60s.

Deposits started to move up in 1965, breaking a steady downward trend which set in with the flight of American customers to the suburbs in 1961, Mr. Dunlap says, and "Cuban deposits now total over 16 million dollars and we have 18,000 Cuban accounts."

The New York-New Jersey area is another place where Cubans congregate. Some 75,000 are estimated to be living in New York and 52,000 in New Jersey. One of them is Dr. Carlos Marquez Sterling, who was a candidate for President of Cuba in 1958.

Today Dr. Sterling is professor of Spanish literature at C. W. Post College of Long Island University at Greenvale, N.Y. He says this:

"Most of the people who have come to the United States from Cuba have succeeded. Their success has been outstanding in many fields—business, medicine, university teaching, accounting, law and transportation."

Oscar Rodriguez was 16 and his brother, Omar, was 20 when they came to New Jersey as refugees in 1960. Their first jobs were as sweepers in a garment factory. Today they run their own garment factory, employing 75 people.

A DOCTOR'S STORY

Dr. Ramon Rodriguez-Torres walked away from his own private hospital in Cuba after Castro took over. The doctor, his wife, two small children and his parents arrived virtually penniless in Puerto Rico. A year later he was in Brooklyn's Downstate Medical Center as an instructor in pediatrics. From there, his advancement was swift.

Dr. Rodriguez-Torres studied for and passed

several State medical examinations. He is now a full professor and director of the center's pediatric cardiology department. He also started an intensive-care unit for children at Kings County Hospital—said to be the first of its kind in the U.S.

"My family and I are very proud and happy to be in this wonderful country where we have seen all our work and effort rewarded," he says.

At Milledgeville, Ga., 68 Cubans are among the 113 physicians on the staff at Central State Hospital, the big complex for mental patients. Five of the 10 directors are Cubans, each heading units with 700 to 1,000 patients.

Central State's top heart specialist is a Cuban, Dr. Sergio C. Alvarez-Mena. He is chief of cardiology at the hospital and also associate clinical professor of medicine at the Medical College of Georgia.

Dr. Addison M. Duval, director of Georgia's mental-health division, declares: "We just couldn't have made the improvements that we have without the help these people gave us; it was a mutually beneficial thing."

In Atlanta, where most of Georgia's 5,000 Cubans live, assimilation has been no problem. Cuban leaders estimate there are 100 of their countrymen in various businesses, while about 50 per cent of the adults hold positions as college or university professors, doctors, engineers, accountants or business executives.

A HOUSTON GROCER

Typical of the Cubans who have made good as tradesmen—there are thousands of them—is Hector Cardet, 41, who owns a grocery store in Houston. The store specializes in Cuban foods and is a gathering place for the Cuban community.

Before fleeing Cuba in 1963, Mr. Cardet owned a grocery store in Havana. Like so many others, he reached the U.S. without funds or knowledge of the English language. He found work as a stockman for a chain of convenience grocery stores.

"At night," Mr. Cardet says, "I would load up the back of my car with Cuban-type groceries and sell them door to door to Cuban families in Houston."

In two years, he saved enough to open his own grocery store—and later a restaurant which employs Cubans as waiters and cooks.

Mr. Cardet calls the U.S. "the greatest country on earth." But given the chance, "I'd go back home," he says.

The Cuban population of Ohio has been estimated at 2,300. There are 3,000 Cubans in Michigan. Concentrations of these refugees are found in major cities of both States—especially in Detroit and Cleveland,

Occupations are varied, ranging from the pastor of Our Lady of Guadalupe Catholic Church in Flint, Mich.—Father Eduardo Lorenzo—to an assembly-line worker for the Ford Motor Company in Ypsilanti—Jose A. Cabrera. Mr. Cabrera is also president of the Cuban association of Michigan.

David Caveda, a manufacturers' representative in Columbus and president of the Cuban refugee group there, says he knows of only three Cuban families on welfare, all of them aged. He adds:

"There are no able-bodied Cubans on welfare. We belong to a society where people take care of one another. There is a pattern—the ones established here help the newcomers."

A Cuban refugee in Detroit, Reinaldo Gonzalez, is now an executive for an auto-parts supplier. In 1961, he joined the company as an export clerk. Now, 10 years and eight promotions later, he is responsible for manufacturing schedules for Federal-Mogul Corporation in Western Europe and Latin America.

Mr. Gonzalez explains his attitude toward America and Cuba:

"I feel . . . the way I feel about my mother and my wife. I love both, and my love for one does not interfere with my love for the other."

As the only Spanish-speaking person in his suburban neighborhood. Mr. Gonzalez has a standing joke with his next-door neighbor: "I'm better off than you are—I don't have a Cuban living next door to me!"

THE CHICAGO SCENE

Between 20,000 and 30,000 Cuban refugees are estimated to be living in the Chicago area. About 500 of these are doctors and there are approximately 100 Cuban lawyers.

One Cuban in Chicago makes this appraisal: "Some have done well, some not so well, depending mainly on how they did in Cuba."

Another refugee took a more positive view, pointing out that a Cuban had to be highly motivated to leave his homeland—overcome the obstacles to getting permission to depart—and then buckle down to work in a strange land. Motivated people, he explained, generally succeed. And, he said: "We were prepared, whether we knew it or not."

In Columbus, Cuban Orlando Alonso, made himself so valuable that he ended up taking over the business when the owner died in 1969.

When Mr. Alonso left Cuba in 1962, he went to work as a truck driver for Columbus Pest Control Company. In a few months, he was chosen to run the business whenever the owner was away. The business had its most profitable year in 1970—under Mr. Alonso's management. He and his wife and three children live in a Columbus suburb. The 18-year-old daughter will soon marry an American.

Cuban family ties, traditionally close, account in part for the low number of failures among the refugees.

A newly arrived refugee often will receive money by mail from relatives and close friends who preceded him. A contribution may be $1.50, or it may be $50—whatever the donor can afford.

The established Cuban will give up something he needs and uses every day to help a relative get a foothold. For example, one head of household returned to his Miami home one night to find the table and chairs missing from his kitchen. His wife had given them to a relative just moving into the area.

These close ties, a willingness to help one another and a fanatical belief that hard work is the key to success lie behind the Cuban experience in America.

Few success stories are more dramatic than that of Mr. and Mrs. José Torres and their daughter, Norma. The Torres family arrived in New Orleans in 1967 with nothing but the clothes they wore—and the Braille ruler Mr. Torres had fashioned from wood. Both he and his wife were blind.

But José Torres was also a skilled cabinetmaker and before long he was hard at work, learning English and setting up shop with borrowed funds.

Business is slow at the moment but he keeps going with sales of doll houses, jewelry cases, candlesticks and liqueur cups. His daughter is an outstanding student in the nursing school at Louisiana State University.

RECORD AS SCHOLARS

In the field of scholarship loans, young Cubans have been especially responsible in meeting their obligations. Congress recently heard testimony that of the 12,800 loans granted to Cubans for college education, only 147 were delinquent—a performance which outstrips the national average.

The Cuban experience in the U.S. is not an unbroken string of economic miracles. Many old persons find they cannot learn English, or that ill health keeps them from working. There are problems of assimilation in some areas—and complaints of discrimination.

In Los Angeles, the Cuban is in a particularly strange situation—he is a minority within a minority, and thus, in effect, invisible to the indigenous community.

There are some 1.1 million Spanish-speaking persons in this area. The presence there of perhaps 50,000 newscomers from Cuba makes scant impression on people in general.

These Cubans appear to have little interest in becoming part of the Mexican-American scene. They have settled instead in a variety of small pockets throughout the city.

MASS TRANSPLANTS

Organizations like the International Rescue Committee and the Cuban resettlement division of the Catholic Welfare Bureau have helped some 35,000 Cubans go from Miami to Los Angeles. It is estimated that an additional 10,000 to 15,000 went to southern California on their own.

About 11,000 Cubans in the area are on welfare. Los Angeles County officials say the relief bill for Cubans comes to a million dollars a month—which is refunded by the U.S. Government.

Observers report a lack of rapport between Cubans and other Spanish-speaking persons there. The Cubans seem to identify more with the "Anglos," whereas Mexican-Americans tend to cling to their old Mexican culture.

There is another big difference. The militant Mexican-American sometimes leans leftward politically. Cuban refugees aren't buying anything that smacks of Communism. It's hard to find a Cuban with a Castro-type beard.

Even in Los Angeles, however, there are bright spots for Cubans. A community spirit, for a time dormant among them, has begun to develop. A Cuban Chamber of Commerce now has 100 members. About 300 Cuban-owned businesses have been established. A biweekly tabloid newspaper—"La Prensa"—has a Spanish-language circulation of 15,000, predominantly Cuban.

And like every other area, Los Angeles has its successful refugees.

A GROWING RESTAURANT

Eddemio Lopez came from Cienfuegos, Cuba, nine years ago—penniless he says, "like everybody." He sold Bibles and encyclopedias door to door. He and his brother saved enough to open a little restaurant. It seated 25. Then the brothers bought an adjoining building and enlarged their operation. Today the prospering restaurant seats 110—and employs 13 Spanish-speaking persons.

In San Francisco, some of the Cubans complain about discrimination, especially when it comes to getting good jobs and job training. Some have had difficulty in finding any jobs at all.

And a discouraged high-school student said: "Florida is the best place for Cubans; there are enough others there to help you, to support your business."

Cubans admit—and express gratitude—that U.S. Government programs help them get started in this country.

On their arrival in Miami on the U.S.-financed airlift, they are welcomed by U.S. officials and given temporary housing in "Freedom House" at the airport. There they register with the Cuban Refugee Program of the U.S. Department of Health, Education, and Welfare, and also with a volunteer agency of their choice.

The volunteer agencies arrange transportation for refugees to homes of relatives, with the cost met by the Federal Government. Refugees also receive checks from the Florida welfare department—$100 for a family, $60 for a person. Washington repays Florida for this.

As soon as they reach their relocation city, refugees are eligible for public welfare, with Washington again reimbursing the States.

All told, from the time the Cuban Refugee Program began in February, 1961, through the end of this fiscal year on June 30, the U.S. Government's obligations for aiding Cuban refugees will total 583.8 million dollars.

A GOOD INVESTMENT

Federal officials regard this as a good investment. Howard H. Palmatier, director of HEW's Cuban Refugee Program put it this way:

"We cannot overlook the Cubans' incalculable contribution to our nation. They have paid millions of dollars in local, State and federal taxes. Their presence and efforts have created, directly or indirectly, literally thousands of jobs throughout the United States—which generate even more tax revenues. And perhaps most important, they are still making this contribution."

CUBAN REFUGEES WRITE A U.S. SUCCESS STORY—IN THE 10 YEARS SINCE CASTRO CAME TO POWER, THE NUMBER OF EXILES WHO HAVE MADE IT IN MAJOR COMPANIES OR IN NEW CAREERS HAS STEADILY GROWN, MANY HAVE STARTED SUCCESSFUL NEW ENTERPRISES

Miguel Amezaga, 64, who fled his native Cuba shortly after Fidel Castro's takeover, on Jan. 1, 1959, took to the complexities of U.S. corporate life like many executives once took to Havana cigars. Today he is a vice-president for the commercial products division of St. Regis Paper Co. "If there's been any problem at all," says Amézaga, "I'd have to say it's been difficult to adjust to the Chicago weather and the lack of domestic service."

In Cuba, Amézaga had a one-third interest in a company that did business exclusively with U.S. companies selling in Cuba, including St. Regis. When he came to this country, he didn't have to search for a job—he was offered one by St. Regis.

Amézaga's experience is typical of that of other Cuban emigres who have done well in U.S. corporations. Those who have made it typically have been well-educated. Most attended U.S. universities (Amézaga went to M.I.T.), and hence were fluent in English. They knew U.S. corporations first-hand because most major corporations operated in pre-Castro Cuba.

Roberto Goizueta, a Coca-Cola vice-president in charge of the corporate technical division, worked for Coke in Havana long before arriving in Atlanta, where Coke transferred him after Castro nationalized its facilities in 1961. Felipe Silva, 49, export manager of American Tobacco Co., worked for a subsidiary in Cuba before coming to the U.S. in 1960; six other Cubans with American Tobacco are veterans of its pre-Castro subsidiary.

WAVE

More than 300,000 Cubans have arrived in the U.S. in the decade since Castro came to power. The majority have been women, children, and students. But in the first two years of the immigration wave, those who came were mostly the propertied elite and the professional and managerial people who were the first to feel the growing Communist assertiveness of the Castro regime.

"We call ourselves the Cuban Mafia," says Alberto Luzarraga, of the early emigrants. Luzarraga, 31, is vice-president and zone executive for Mexico and Central America at Chase Manhattan Bank. Most of the Cubans who fled knew each other, and many were related, he says.

Like any other kind of pioneer, the Cubans who first reached freedom tended to regard themselves as special. Henry Fanjul, 51, vice-president and Latin American area manager of Marsh & McLennan International, Inc., says: "The ones that came in 1960 were the cream of the crop."

Few Cubans can be found in the top echelons of management, but many are in important positions with companies doing business with Spanish-speaking countries.

"We were skeptical about taking on Cubans at first," says an executive of one U.S. company doing business internationally. "We had the idea they were playboys. But now when we think of sending someone to Latin America, somebody asks, 'Isn't there a Cuban for the job?' "

The result has been an unusually strong concentration of Cubans in international business, particularly in banking and related fields. Says Jose A. Maruri, 43, assistant treasurer of the international division of the Bank of New York: "There are so many Cubans involved in international business that it's easy for us to communicate. We have a lot in common." His boss is vice-president Victor R. Zevallos, 54, a Cuban.

"When I want to know something about another company," says Luzaraga of Chase, "I call on any Cuban in that company. It helps a lot."

NEW VENTURE

Businessmen who have been able to integrate effortlessly into corporatons or banks have had it easier than their professional brethen, who frequently have been frustrated by the requirements of medical or bar examinations. "The law was a dead end," says Ernesto de Zaldo, 48, a lawyer in Cuba. But the contacts he made while majoring in economics at Yale made it easier to land a job at PepsiCo International, where he is now area vice-president for Southern Europe.

Not all Cuban refugees came here. Some 20,000, for example, landed in Puerto Rico. Elsewhere in Latin America, Cuban exiles frequently run U.S. subsidiaries. In Argentina, for instance, Sherwin-Williams, Seagram, and New Chemical subsidiaries are run by Cubans. Ralston Purina's top man in Caracas, Venezuela, is former Havana lawyer Fernando Macia who lost a brother in the ill-fated Bay of Pigs invasion.

NEST EGGS

The corporation is not the only opportunity for Cuban emigres. Quite a few of the refugees had sizeable stakes which they managed to salvage from fortunes accumulated or inherited before the Castro takeover. Manual Fernandez Blanco, 75, had his $10-million slaughter-house and packing business confiscated. But he used holdings maintained outside Cuba to start a bakery business in Miami with his son-in-law, Eduardo Sardina. Today, their Wayjay Bakery—specializing in Cuban-style crackers sold in Cuban communities throughout the U.S.—has annual sales of over $475,000.

Some engines have made it without backup funds, Jorge de Quesada, an architect, left behind his own architectural and construction company when he fled Cuba in 1960. Arriving in the U.S. without a dime and unable to speak a word of English, he got a job with a small San Francisco architectural firm headed by a fellow Cuban. Three years ago, he struck out on his own and since then he has designed over $10-million worth of structures, including a $2-million office building for Owens-Illinois.

José Zorrilla, who ran a plastics plant with 40 employees when Castro took over, took a plastics company production job in Los Angeles in 1961 for $165 a week. A year and a half later, with $700 of savings and a $1,300 loan, he made a down payment on a blow mold and was back in business. Today, his Liberty Plastics Co. turns out $1-million worth of plastic turtles, ducks, and other toys a year.

AMBITIOUS

If there is a common thread uniting most Cubans who have embarked on new careers in the U.S., it is their determination and capacity for hard work. A case in point is that of Justo P. Garcia Du-Quesne, assistant manager of Francis I. du Pont's brokerage office in Miami. For over a year after arriving in Miami on Jan. 1, 1959, he held a variety of jobs, from a night clerk in a hotel to bedding salesman, all the while refusing financial assistance available to needy refugees. "I don't think a young man of 25 ought to be on relief," he says.

Eventually, Garcia signed on as a trainee with Merrill Lynch, Pierce, Fenner & Smith in New York before going to work in the company's Miami office. He switched to Francis I. du Pont in 1962 and began selling sugar futures to his Cuban friends. The commodities market boomed, and Garcia soon became one of the company's top salesmen.

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

Mr. ELLENDER. Mr. President, I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I thank the distinguished Senator from Louisiana, for whom I have the deepest respect. I know that it is not because of any lack of compassion that he raises this question.

Mr. President, I feel compelled to join with the Senator from Florida, my own native State, in saying that, for the thousands of Cubans who reject Communist rule, the United States is a refuge, a haven, a hope, just as it has been a refuge, haven, and hope for so many millions from all over the world. Those of us whose forebears came to this country to embrace freedom cannot now turn our backs on the Cubans who seek our shores.

When one considers that the cost of this program is less than $17 per passenger, can we say that this is too high a price to pay for a man's freedom?

In a report published in the Washington Post of March 28, 1971, the distinguished correspondent, Haynes Johnson, wrote that the Cubans have written one of the most notable American success stories. Coming to Miami with "nothing but their abilities, and often without knowledge of English," they have made their way well in this alien culture. It is estimated that 83 percent of them are fully self-supporting, and their income level is rising steadily.

According to Mr. Johnson's research, the average income of the Cuban family is about $8,000 a year, while in the higher educated and professional groups it exceeds $18,000 a year. Half of the Cubans own their own homes, and 22 percent more are in the process of buying one. Thousands are teaching in public schools and working in hospitals.

I am sure that the American people will not turn back the Cubans who wish to share our freedom. I support the continuation of funding for the Cuban airlift program, and I call on Senators to join in keeping the bridge to freedom open.

Today, 65,000 Cubans are on the waiting list. Their yearning for freedom must not be denied. Many of these people can contribute as much as the fine Cubans who have in the past come to the State of Illinois and are working in hospitals, in professional areas, in the mental institutions, and in many other areas where we have a shortage of personnel. These fine people have contributed much to our society.

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

Mr. ELLENDER. Mr. President, I yield 10 minutes to the junior Senator from Florida.

The PRESIDING OFFICER. The junior Senator from Florida is recognized for 10 minutes.

Mr. CHILES. Mr. President, I wonder

if the distinguished Senator from Louisiana would yield for a question before I proceed.

Mr. ELLENDER. I yield.

Mr. CHILES. I notice that the distinguished chairman of the committee, the Senator from Louisiana, said in his presentation that perhaps this matter could have been considered in the regular bill, but that it is his feeling that the problem did need to be brought to the attention of the Senate and should be brought to the attention of the Senate. He said, therefore, that he thought he would offer his amendment at this time.

I wonder if the distinguished Senator, having brought this matter to the attention of the Senate very forcefully by virtue of the amendment to the continuing resolution, would consider withholding the amendment and allowing the matter to be considered in a regular bill. At that time we could get all of the information and bring it into focus.

I think that the distinguished Senator has presented some valid points. He asked whether there are too many people on welfare who are refugees and if so, why; whether there are some malingerers; or whether it is because of the age of the refugees, the young or the old people, who are coming out of Cuba.

I think the points he raises as to how many remain, whether it is an open list that is available for anyone who desires to come, or whether it is limited in number could all be answered through regular hearings.

In a letter of June 2, I requested the right to appear before hearings that were held by the Senator from Wisconsin (Mr. PROXMIRE). The Senator from Wisconsin told me that I would be entitled to appear and that I could present witnesses before his Subcommittee on Foreign Operations. That would be the way to focus attention on this matter and determine whether we are dealing with an unlimited number or are dealing with a question of establishing when the cutoff time could be.

Could the distinguished Senator respond to that inquiry?

Mr. ELLENDER. Mr. President, I would suggest to the distinguished Senator from Florida, as I stated awhile ago, I did not want to take the Senate by surprise, but I felt that I would not inasmuch as we held hearings before the Subcommittee on Foreign Operations, and the matter was fully covered.

Mr. CHILES. Mr. President, I asked for the privilege of appearing before those hearings. I was told that I was going to get the right to do so. My request was prior to that time. I am sure that the Senator from Wisconsin was thinking of the hearings on the regular bill.

Mr. ELLENDER. Mr. President, the continuing resolution would affect the program only until August 6.

There will be ample time to provide more funds if the Senate desires to do so upon the introduction of new evidence. I am awaiting information from those who propose that we continue the airlift as to how far we are going to go with this program. As I pointed out a while ago, in 1966 when this matter was being seriously considered by both Houses and when the so-called agreement—with which I am not familiar—was made with Castro, about 200,000 Cubans were entitled to come under the new rules and regulations.

Mr. CHILES. Mr. President, I know that the Senator pointed out that an estimate was made at that time.

Mr. ELLENDER. I know that. But we have gone over and above that number by over 44,000. Some want to go over and above that by another 42,000. I want to quit now if it is possible.

I ask unanimous consent that an editorial from the Miami Herald of June 11 be reprinted at this point.

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

FROM THE SENATE: STOP THE AIRLIFT

Again, a practical question on whether the Cuban Airlift should continue has come up in Congress. This time Sen. Allen Ellender (D., La.), powerful chairman of the Senate Appropriations Committee, has called for an end to the airlift.

Last year, U.S. Rep. William Clay (D., Mo.) pressed the issue and was narrowly defeated in the House when it came to a vote.

This is one of those questions that has been cussed and discussed for nearly three years. It remains our view the airlift is contradictory of U.S. policy toward Cuba; that it benefits Fidel Castro more than the United States; that it sets up a situation of special federal privilege for Cuban exiles that is denied others in this hemisphere who wish to make their homes in the United States and offers an umbrella of help that exceeds that available even to underprivileged U.S. citizens; that the continually rising cost of the program cannot be justified in light of this country's severe economic strains.

We think that there should not be a separate welfare program for Cubans, but one program under which they and all the other needy in this country receive the same concern and care.

This view is no reflection on the Cubans among us who have distinguished themselves in business and have made contributions to the community in many ways. The fact is simply that the original purpose of the airlift as an emergency humanitarian gesture has been fulfilled. It has developed into a permanent relief program for Cuba.

This year the Congress is being asked to provide an additional $32 million over what it gave last year—a total of $144 million. As long as the airlift continues, the costs will keep going up.

We note that Howard Palmatier, director of the refugee program, told the Senate subcommittee that "a very good resettlement program" is in the national interest.

It always has been, Mr. Palmatier, but the rate at which the Cuban population has grown in the Miami area raises doubts about whether we have one.

Those excellent resettlement percentages so often cited by the program's officials do not seem to match that growth rate.

Mr. CHILES. Mr. President, one of the problems we are trying to pinpoint here is the shock and the reaction of those, not just in Cuba, but really in Latin America and perhaps in other countries in the world, if we go back on a commitment that we made that we will get out anyone that signed up. If people did sign up and as a result of signing up and saying they want to go to the United States they lose their jobs, their ration cards, and their property, and if they have been in the canefields or working since the time, the shock of our saying that we are going to cut off these flights, without phasing them out, or establishing some date, or determining how many are going to come out, is going to hurt the image of this country.

That is why we should consider this in a regular bill so we can see the impact of it. Should there be a cutoff date? Should the cutoff be by date and number? That is how we should determine how we should attack this problem.

Mr. ELLENDER. I say that can be decided when the bill is taken up on the floor later this year.

Mr. CHILES. The Senator is correct, but I think by then we would have had the shock of this decision. I appreciate the chairman's indulgence in allowing me to present this matter because I wanted to know if there was any way that we could have hearings on the regular bill.

In January a year ago, when I was first getting my campaign for the Senate underway, I visited Miami International Airport on the West Side. What I saw there has left an impression with me that I have never been able to shake.

Streaming off an airplane were hundreds of Cuban refugees, men, women, children. They were dressed as one would expect any refugee to dress. They had old clothes for the most part, ill-fitted and nonstylish according to American standards, and carried all of their possessions in a sack. But it was not their clothes that got my attention, it was their hands.

Their hands were raw. Many of their hands were still raw as if they had been hustled straight from the canefields to the airplane, and that is exactly what had happened to them. These people, for the past several years, had spent their time at hard labor. When they signed their name on the list of those wanting to come to the United States, their ration cards, their homes, and their jobs were taken away from them. Their entire lives centered around the fact that someday they would climb aboard an American airplane and leave their Cuban prison.

It was not an easy decision for them to make, because it meant poverty, inhumane treatment, and the scattering of their families. It was their price for freedom.

Mr. President, we have a commitment to uphold today, a commitment made on October 3, 1965, when President Johnson offered asylum for Cuban refugees. He said:

> I declare this afternoon to the people of Cuba that those who seek refuge here in America will find it. The dedication of America to our traditions as an asylum for the oppressed is going to be upheld.

I think it is significant that the President made this statement on Liberty Island, beneath the Statue of Liberty, the mother of exiles.

Reflect back for a moment. When the earliest settlers poured into an American wild continent, there was no one to ask them where they came from. And so it has been through all the great testing moments of American history. And in Vietnam men are dying, men named McCormick, Swartz, and Fernandez. No one asks where they came from.

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

Mr. ELLENDER. I yield the Senator 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. CHILES. I thank the Senator.

Mr. President, earlier this week I received a telephone call from a 16-year-old girl, a Cuban, who had taken a freedom flight 3 years ago. She told me her father was still in Cuba, working in the cane fields. She said she would never see her father again if the airlift was terminated. She said we had promised to keep the airlift going and did not understand what was happening.

What this little girl wanted is what is before us today. We are talking about our commitment to this girl, and thousands of other Cubans who still live under prison conditions. There is an obvious moral obligation on the part of the Congress of the United States to fulfill this commitment.

There is an impression left that those who flee from Cuba, the majority of them, end up on the welfare roles. This is not so. In fact, it seems remarkable, when we consider that these refugees arrive here with nothing but their skills and abilities, 83 percent are fully self-supporting and only 17 percent require any kind of Federal assistance. These figures are quoted by Mr. Howard Palmatier, director of the Cuban refugee program.

Mr. Palmatier also said:

> Cubans know more about the American dream than we do. They really believe that this is a country where you can do anything and be anything . . . so they do it.

We see this day after day in Miami where many of these people have become presidents of banks and hold some of the best jobs in the area.

If the action taken by the Senate Appropriations Committee is upheld, the Cuban freedom flight program will be terminated less than 3 years before it has completed its mission. We cannot, under any circumstances, allow this to happen. The program means just what it says, Cuban freedom flight. We are not talking about a vacation or business flight from one small nation to the United States, we are talking about the freedom of people, freedom we have promised them.

When President Johnson offered his asylum for Cuban refugees, he also said while standing at the foot of the Statue of Liberty:

> Now, under the monument which has welcomed so many to our shores, the American Nation returns to the finest of its traditions today.

I intend to vote today to uphold this tradition. I urge each Member of this distinguished body to oppose the committee amendment calling for an end to the Cuban freedom flights.

Mr. President, it seems to me it could be said that this is the way we reward anticommunism. It could be said we reward anticommunism in this way. Where people have signed their names on the list and signified they would give up their rights to property, their rations, for freedom in this country, we would seem to reward all of that by ending these flights. I do not think we can do that.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "The Freedom Flights and the Honor of the U.S.A.," statements by President Johnson on October 3, 1965, on signing of the immigration bill, and on November 6, 1965, following the reaching of an agreement on procedures and means, and a letter addressed to me by Stephen P. Clark, mayor, Metropolitan Dade County, Fla.

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

THE FREEDOM FLIGHTS AND THE HONOR OF THE U.S.A.

In the Washington Capitol are now taking place events tending to the drastic end of the Freedom Flights between Cuba and the United States of America, which have been coming since December 1965, in line with the offer made by President Johnson at that time.

As it is known, when in behalf of his government and of his country President Johnson offered the Cuban people the facilities of the Freedom Flights, and this was negotiated through the Swiss Embassy in Havana with the Castro regime, there were thousands of Cubans who, relying on Washington's official word, registered in accordance with procedures set up to leave Cuba fleeing from the communist terror. All those who registered until the registration period was closed in May 1966, have not yet left Cuba. But, from the very moment in which their names were included in the corresponding lists, they began to suffer, in one way or another, the consequences of the communist persecution. This persecution goes from the loss of their jobs to the withdrawal of the ration booklet to buy food. The Cuban communist dictatorship interpreted that all those persons who registered not only were not communists, but were against the regime. And for several years those persons have suffered, with the hope of leaving, the measures taken against them by the communist tyranny.

If the appropriations for the Freedom Flights are eliminated by Congress, as unfortunately it seems is going to happen, those thousands of persons who were already officially registered to leave Cuba will remain marked as enemies of the dictatorship, with all that this implies, and without any possibility of leaving Cuba, because what it seems would be offered to those Cubans is exactly the same that is available for other immigrants. And it is well known what this means. Those persons who believed in the official promise of the President of the United States will feel deceived and despondent. And this involves the prestige and the dignity of the United States of America whose given word will not be kept in this case.

Let's make clear that what damages the moral position of the United States of America is the fact that individuals who officially registered for the flights when the promise was in force, will not be able to leave the country. Therefore, it is not a question of indefinitely and at any time allowing the registration of Cubans who may want to abandon the communist inferno. It is a question of fulfilling what could be considered as a right of those who, before the registration was closed, had complied with the requisites.

Though everything seems to indicate that much has been advanced towards the elimination of the Freedom Flights, it is to be hoped that in the last stage of the discussions an honorable rectification takes place.

MOVEMENT OF CUBAN REFUGEES TO THE UNITED STATES

(Statement by the President following the reaching of an agreement on procedures and means. November 6, 1965.)

[As read at the Press Secretary's briefing]

"I am pleased with the understanding which has been reached. It is an important forward step in carrying out the declaration I made on October 3 to the Cuban people. I said that those who seek refuge here will find it. That continues to be the policy of the American people."

NOTE: The statement was read by the Press Secretary to the President, Bill Moyers, at his news conference at 10:04 a.m., c.s.t., on Saturday, November 6, 1965, at Austin, Tex. It was not made public in the form of a White House press release.

For the President's declaration of October 3, made at the ceremony for the signing of the immigration bill on Liberty Island, see 1 Weekly Comp. Pres. Docs. 364 attached in following material.

MOVEMENT OF CUBAN REFUGEES TO THE UNITED STATES

(Announcement of exchange of diplomatic notes established procedures and means. November 6, 1965.)

The President announced today that at 9 a.m., c.s.t., the Swiss Embassy in Havana, representing United States interests in Cuba, and the Cuban Foreign Ministry had exchanged diplomatic notes establishing procedures and means for the movement of Cuban refugees to the United States. The arrangements for the movement were set out in a memorandum of understanding incorporated in the notes.

SWISS EMBASSY TO CUBAN FOREIGN MINISTRY

The full text of the note from the Swiss Embassy to the Cuban Foreign Ministry follows:

"The Embassy of Switzerland presents its compliments to the Ministry of Foreign Relations and, in its capacity as representative of the interests of the United States of America in Cuba, has the honor to refer to recent conversations which have taken place between the Embassy and representatives of the Government of Cuba with respect to the movement to the United States of Cubans who wish to live in the United States.

"The Embassy also has the honor to set forth below the text, in English and Spanish language versions which shall be equally authentic, of the memorandum of understanding agreed upon in those conversations:

"Memorandum of understanding between the Embassy of Switzerland in Havana, representing the interests of the United States of America in the Republic of Cuba and the Foreign Ministry of the Government of Cuba concerning the movement to the United States of Cubans wishing to live in the United States.

"1. The Government of Cuba agrees to permit the departure from Cuba of, and the Government of the United States agrees to permit the entry into the United States of, Cubans who wish to leave Cuba for the United States, in accordance with the provisions of this memorandum of understanding.

"2. In recognition of the prime importance of the humanitarian task of reuniting divided families, the two Governments agree that persons living in Cuba who are immediate relatives of persons now living in the United States will be given, as a group, first priority in processing and movement. The two Governments agree that the term 'immediate relatives' is defined to mean parents of unmarried children under the age of 21, spouses, unmarried children under the age of 21 and brothers and sisters under the age of 21.

"3. The two Governments agree that they will include as members of this first priority group other close relatives living in Cuba of persons now in the United States who reside in the same household as the immediate relatives when such inclusion is required by humanitarian considerations. In order to protect the integrity of the agreed principle of first priority for immediate relatives, the two Governments agree that it will be necessary to verify the relationship and the actual existence of the humanitarian considerations referred to. The two Governments agree that this task of verification will be carried out by the Embassy of Switzerland in Havana and that the judgment of that Embassy will be accepted by the two Governments as final.

"4. The Government of Cuba agrees to present to the Embassy of Switzerland in Havana as soon as possible a list (hereinafter called 'Cuban Master List A') of immediate relatives living in Cuba of persons now living in the United States, and of other persons living in Cuba described in paragraph 3 above, who wish to live in the United States. The Embassy of Switzerland in Havana will transmit Cuban Master List A to the Government of the United States. The Government of the United States for its part, will have prepared a list (hereinafter called 'US Master List A') based on information supplied by persons now living in the United States who have immediate relatives living in Cuba and who are prepared to receive and are interested in receiving such relatives. It is understood that the lists provided for in this paragraph may be prepared in installments and shall be supplemented from time to time.

"5. Those names which appear on both Cuban Master List A and US Master List A will be incorporated by the Government of the United States in a single list (hereinafter called 'Joint Consolidated List A'), which will be transmitted by the Embassy of Switzerland in Havana to the Government of Cuba. With respect to Joint Consolidated List A, there will be a presumption that the persons on the list will be permitted by the Government of Cuba to depart Cuba and will be permitted by the Government of the United States to enter the United States, but final permission will be granted in the form of approval by both Governments of embarkation lists for each flight from Cuba to the United States.

"6. The cases of persons whose names appear on Cuban Master List A or on US Master List A but not on both (and therefore not on Joint Consolidated List A) will be the object of further examination by the two Governments, utilizing the services of the Embassy of Switzerland in Havana as required, with a view to the inclusion of such persons in addenda to Joint Consolidated List A, or, in any case, in the second priority group described below in paragraph 8.

"7. The two Governments agree that from Joint Consolidated List A, and its addenda, embarkation lists for each flight from Cuba to the United States will be drawn. The two Governments agree that they will make every effort to ensure that the following categories of persons appearing on Joint Consolidated List A are transported in the order of priority indicated: First, parents and unmarried brothers and sisters under the age of 21 living in Cuba of children living in the United States under the age of 21; second, unmarried children under the age of 21 living in Cuba of parents living in the United States; and third, spouses living in Cuba of persons living in the United States. Families and other members of the households will be permitted to travel together in accordance with the principles of paragraph 3 above.

"8. When both Governments agree that the persons appearing on Joint Consolidated List A and its addenda no longer require full utilization of the transportation provided, the movement of other persons living in Cuba who wish to live in the United States will begin. First consideration will be given to relatives living in Cuba of persons living in the United States who do not fall within the definition of immediate relatives.

"9. The Government of Cuba agrees to present, in due course, to the Embassy of Switzerland in Havana, for transmission to the Government of the United States a list (hereinafter 'Cuban Master List B') of all such persons who will be permitted to depart from Cuba. The Government of Cuba agrees to consider, in preparing Cuban Master List B, names of persons living in Cuba submitted by the Government of the United States on the basis of information supplied by friends and relatives living in the United States.

"10. The two Governments agree that Cuban Master List B will form the basis of the preparation of embarkation lists for each flight from Cuba to the United States, in accordance with procedures described below.

"11. The Government of Cuba agrees that, with respect to persons on either Joint Consolidated List A or Cuban Master List B, it will prepare, in consultation with the Embassy of Switzerland in Havana, prospective embarkation lists for individual flights from Cuba to the United States. Such lists will be provided the Government of the United States at least seven days prior to the date of the flight.

"12. The Government of the United States agrees in turn to inform the Government of Cuba without delay, through the Embassy of Switzerland in Havana, or persons on the embarkation lists approved for entry into the United States, with the understanding that final formalities will be completed at the point of embarkation by officers of the U.S. Immigration and Naturalization Service and Public Health Service.

"13. The Government of Cuba agrees to assemble such persons at the airport at Varadero.

"14. The two Governments agree that such persons will be subject to a final departure inspection by officials of the Department of Immigration and the Ministry of Public Health of Cuba and to an entrance inspection by officials of the Immigration and Naturalization Service and the Public Health Service of the United States, at the airport in Varadero. Persons found to be ineligible for departure from Cuba by Cuban officials in accordance with the laws and regulations in force in Cuba or those found by American officials to be ineligible for entrance into the United States under laws and regulations in force in the United States will not be permitted to embark.

"15. The Government of the United States agrees to provide air transportation to carry persons permitted to depart Cuba and to enter the United States from Varadero to a convenient point in the United States.

"16. The Government of the United States agrees to provide air transportation with such frequency and capacity as to permit the movement of between 3,000 and 4,000 persons per month.

"17. The two Governments agree that the first movement under the terms of this memorandum of understanding will begin not later than December 1, 1965.

"18. The two Governments agree that any problems that may arise in the implementation of this memorandum of understanding will be considered jointly by the Embassy of Switzerland in Havana, representing the interests of the United States of America in the Republic of Cuba, and the Government of Cuba.

"In the course of the conversations which led to the memorandum of understanding set forth above, the Government of Cuba stated its position concerning the departure of technicians and men from 15 to 26 years of age in Cuba who are obliged to perform compulsory military service. The Government of Cuba also stated that it would set forth its position on these matters in a separate note.

"The Government of the United States stated that it would reply, through the Embassy of Switzerland, to the note of the Government of Cuba referred to in the preceding paragraph and would set forth its own position on these matters as it had been expressed in the course of the discussions. Furthermore, the Government of the United States stated it would transmit to the Government of Cuba, through the Embassy of Switzerland, a separate note concerning the position of the Government of the United States on the matter of the inclusion in the movement from Cuba of persons imprisoned in Cuba for offenses of a political nature as that position had been expressed in the course of the discussions.

"The Government of Cuba stated that it would reply to the note of the Government of the United States concerning the inclusion in the movement to that country of persons imprisoned in Cuba for offenses against the revolution and would set forth its own position on this matter as it had been expressed in the course of the discussions.

"The Embassy has the honor to propose that, if the understandings described in the memorandum of understanding set forth above are acceptable to the Ministry of Foreign Relations, this note and the Ministry's reply concurring therein shall constitute an acceptance by the Government of the United States and the Government of Cuba of the terms of the memorandum of understanding, which shall take effect on the date of the reply."

(Spanish language version omitted)

A concurring note from the Cuban Foreign Ministry to the Swiss Embassy completed the exchange and put the memorandum of understanding into effect.

In addition to these main notes, there were four other notes exchanged separately at about 9:30 a.m., c.s.t. The first of these, from the Cuban Foreign Ministry to the Swiss Embassy, reads as follows (complimentary introduction and close omitted):

CUBAN FOREIGN MINISTRY TO SWISS EMBASSY

"The Government of Cuba, in accordance with the statement in the note containing the memorandum of understanding, and in order to prevent errors in interpretation on the part of, or in relation to, certain persons who, by reason of the social function they perform or because of legal obligations from which they cannot be excused, are subject to certain restrictions in regard to their departure or who do not have the right to leave the country, considers it useful to confirm in writing, and also to publish, what was stated orally in the conversations with the Swiss Embassy which preceded the said (memorandum of) understanding, in reference to priorities, form and manner of departure of Cubans who wish to join their relatives or live in the United States, namely that in the case of technicians or skilled personnel whose departure from the country may cause a serious disturbance in a specific social service or in production, because a replacement for such person would not immediately be available, the Government of Cuba will authorize the departure of such person within the period during which the trips will take place, but will postpone it until the time when such person may be replaced in the duties which he performs.

"Likewise, and in conformity with the statement in the Cuban note containing the memorandum of understanding, and for the same reasons set forth in the preceding paragraph, the Government of Cuba considers it desirable to confirm hereby, and at the same time to publish, what it clearly stated during the course of the negotiations; namely that no citizen who under the law is included in the first call-up for compulsory military service, that is, between 17 and 26 years of age, or who will be included in the call-up in the next two years, that is to say, who is at present 15 years of age, has the right

to leave the country and therefore will not be authorized to leave."

SWISS EMBASSY REPLY

The Swiss Embassy replied to this note as follows (complimentary introduction and close omitted):

"During the recent discussions which led to the memorandum of understanding of November 6, 1965, the Embassy of Switzerland made clear that it had been the understanding and hope of the Government of the United States that the statement by the Prime Minister of Cuba on September 30, 1965, would encompass persons in these categories who wished to leave Cuba to live in the United States. Thus, for example, there was no suggestion in that broad statement that any technicians who wished to leave Cuba for the United States would be prevented from departing, even temporarily.

"The Government of the United States regrets that at this time the Government of Cuba has not permitted men subject to military service and certain technicians to be included under the terms of the Memorandum of Understanding. The Government of the United States expresses the hope that the Government of Cuba will be willing to reconsider this position expressed in the course of the discussions mentioned above and repeated in the note of the Ministry. The Government of the United States wishes to stress the particular importance which such reconsideration would have in permitting the reunion of many families.

"For its part, the Government of the United States reaffirms its readiness to grant entry to the United States of the persons who are the subject of this note through procedures consistent with those established in the Memorandum of Understanding of this date."

SWISS EMBASSY TO CUBAN FOREIGN MINISTRY

The third separate note was from the Swiss Embassy to the Cuban Foreign Ministry (complimentary introduction and close omitted):

"As the Embassy of Switzerland made clear during the course of the recent conversations which led to the Memorandum of Understanding on the movement of persons from Cuba to the United States, accepted by both Governments on November 6, 1965, the Government of the United States regards with special humanitarian concern the cases of those persons imprisoned in Cuba for offenses of a political nature. It had been the understanding and hope of the Government of the United States that the statement by the Prime Minister of Cuba on September 30, 1965, would encompass persons in this category who wished to leave Cuba to live in the United States.

"The Government of the United States regrets that at this time the Government of Cuba has not permitted political prisoners to be included under the terms of the Memorandum of Understanding. The Government of the United States expresses the hope that the Government of Cuba will be willing to reconsider this position. The Government of the United States wishes to stress the particular importance which such reconsideration would have in permitting the reunion of many families.

"For its part, the Government of the United States reaffirms its readiness to grant entry to the United States of such political prisoners through procedures consistent with those established in the Memorandum of Understanding of November 6, 1965."

CUBAN FOREIGN MINISTRY REPLY

The final separate note, a response by the Cuban Foreign Ministry to the note initiated by the Swiss Embassy, read as follows:

"The Ministry of Foreign Relations presents its compliments to the Embassy of Switzerland, representing the interests of the United States of America in Cuba, and in acknowledging receipt of its note dated November 6, has the honor to inform it that the Cuban position on the matter is that expressed in its note of October 12 of the present year."

NOTE: The announcement was released at Austin, Tex.

SIGNING OF THE IMMIGRATION BILL

The President's Remarks at the Ceremony on Liberty Island, With His Offer of Asylum for Cuban Refugees. October 3, 1965

Mr. Vice President, Mr. Speaker, Mr. Ambassador Goldberg, distinguished members of the leadership of the Congress, distinguished Governors and mayors, my fellow countrymen:

We have called the Congress here this afternoon not only to mark a very historic occasion, but to settle a very old issue that is in dispute. That issue is, to what congressional district does Liberty Island really belong—Congressman Farbstein or Congressman Gallagher? It will be settled by whoever of the two can walk first to the top of the Statute of Liberty.

This bill that we sign today is not a revolutionary bill. It does not affect the lives of millions. It will not reshape the structure of our daily lives, or really add importantly to either our wealth or our power.

Yet it is still one of the most important acts of this Congress and of this administration.

For it does repair a very deep and painful flaw in the fabric of American justice. It corrects a cruel and enduring wrong in the conduct of the American Nation.

Speaker McCormack and Congressman Celler almost 40 years ago first pointed that out in their maiden speeches in the Congress. And this measure that we will sign today will really make us truer to ourselves both as a country and as a people. It will strengthen us in a hundred unseen ways.

I have come here to thank personally each Member of the Congress who labored so long and so valiantly to make this occasion come true today, and to make this bill a reality. I cannot mention all their names for it would take much too long, but my gratitude and that of this Nation belongs to the 89th Congress.

We are indebted, too, to the vision of the late beloved President John Fitzgerald Kennedy, and to the support given to this measure by the then Attorney General and now Senator, Robert F. Kennedy.

In the final days of consideration, this bill had no more able champion than the present Attorney General, Nicholas Katzenbach, who, with New York's Emanuel Celler, and Senator Ted Kennedy of Massachusetts, and Congressman Feighan of Ohio, and Senator Mansfield and Senator Dirksen constituting the leadership in the Senate, and Senator Javits, helped to guide this bill to passage along with the help of the Members sitting in front of me today.

This bill says simply that from this day forth those wishing to immigrate to America should be admitted on the basis of their skills and their close relationship to those already here.

This is a simple test, and it is a fair test. Those who can contribute most to this country—to its growth, to its strength, to its spirit—will be the first that are admitted to this land.

The fairness of this standard is so self-evident that we may well wonder that it has not always been applied. Yet the fact is that for over four decades the immigration policy of the United States has been twisted and has been distorted by the harsh injustice of the national origins quota system.

Under that system the ability of new immigrants to come to America depended upon the country of their birth. Only three countries were allowed to supply 70 percent of all the immigrants.

Families were kept apart because a husband or a wife or a child had been born in the wrong place.

Men of needed skill and talent were denied entrance because they came from southern or eastern Europe or from one of the developing continents.

This system violated the basic principle of American democracy—the principle that values and rewards each man on the basis of his merit as a man.

It has been un-American in the highest sense because it had been untrue to the faith that brought thousands to these shores even before we were a country.

Today, with my signature, this system is abolished.

We can now believe that it will never again shadow the gate to the American Nation with the twin barriers of prejudice and privilege.

Our beautiful America was built by a nation of strangers. From a hundred different places or more, they have poured forth into an empty land, joining and blending in one mighty and irresistible tide.

The land flourished because it was fed from so many sources—because it was nourished by so many cultures and traditions and peoples.

And from this experience, almost unique in the history of nations, has come America's attitude toward the rest of the world. We, because of what we are, feel safer and stronger in a world as varied as the people who make it up—a world where no country rules another and all countries can deal with the basic problems of human dignity and deal with those problems in their own way.

Now, under the monument which has welcomed so many to our shores, the American Nation returns to the finest of its traditions today.

The days of unlimited immigration are past.

But those who do come will come because of what they are, and not because of the land from which they sprung.

When the earliest settlers poured into a wild continent there was no one to ask them where they came from. The only question was: Were they sturdy enough to make the journey, were they strong enough to clear the land, were they enduring enough to make a home for freedom, and were they brave enough to die for liberty if it became necessary to do so?

And so it has been through all the great and testing moments of American history. This year we see in Viet-Nam men dying—men named Fernandez and Zajac and Zelinko and Mariano and McCormick.

Neither the enemy who killed them nor the people whose independence they have fought to save ever asked them where they or their parents came from. They were all Americans. It was for free men and for America that they gave their all, they gave their lives and selves.

By eliminating that same question as a test for immigration the Congress proves ourselves worthy of those men and worthy of our own traditions as a Nation.

ASYLUM FOR CUBAN REFUGEES

So it is in that spirit that I declare this afternoon to the people of Cuba that those who seek refuge here in America will find it. The dedication of America to our traditions as an asylum for the oppressed is going to be upheld.

I have directed the Departments of State and Justice and Health, Education, and Welfare to immediately make all the necessary arrangements to permit those in Cuba who seek freedom to make an orderly entry into the United States of America.

Our first concern will be with those Cubans who have been separated from their children and their parents and their husbands and their wives that are now in this country. Our next concern is with those who are imprisoned for political reasons.

And I will send to the Congress tomorrow a request for supplementary funds of $12,600,000 to carry forth the commitment that I am making today.

I am asking the Department of State to seek through the Swiss Government immediately the agreement of the Cuban Government in a request to the President of the International Red Cross Committee. The request is for the assistance of the Committee in processing the movement of refugees from Cuba to Miami. Miami will serve as a port of entry and temporary stopping place for refugees as they settle in other parts of this country.

And to all the voluntary agencies in the United States, I appeal for their continuation and expansion of their magnificent work. Their help is needed in the reception and settlement of those who choose to leave Cuba. The Federal Government will work closely with these agencies in their tasks of charity and brotherhood.

I want all the people of this great land of ours to know of the really enormous contribution which the compassionate citizens of Florida have made to humanity and to decency. And all States in this Union can join with Florida now in extending the hand of helpfulness and humanity to our Cuban brothers.

The lesson of our times is sharp and clear in this movement of people from one land to another. Once again, it stamps the mark of failure on a regime when many of its citizens voluntarily choose to leave the land of their birth for a more helpful home in America. The future holds little hope for any government where the present holds no hope for the people.

And so we Americans will welcome these Cuban people. For the tides of history run strong, and in another day, they can return to their homeland to find it cleansed of terror and free from fear.

Over my shoulder here you can see Ellis Island, whose vacant corridors echo today the joyous sounds of long-ago voices.

And today we can all believe that the lamp of this grand old lady is brighter today, and the golden door that she guards gleams more brilliantly in the light of an increased liberty for the people from all the countries of the globe.

Thank you very much.

NOTE: The President spoke at 3:08 p.m. on Liberty Island, New York City, N.Y. As enacted, the Immigration bill is Public Law 89-236.

Hon. LAWTON CHILES,
U.S. Senate
Washington, D.C.

DEAR SENATOR CHILES: Before leaving for Tel Aviv, Israel to dedicate a South Florida wing to a hospital in Beersheba, I, as Mayor of Dade County, Florida, would like to go on record as requesting of you the good use of your honorable office by interceding on behalf of keeping the Cuba-Miami airlift open. Due to the fact that Western Union continues on strike, I am sending my message to you in the form of this letter.

I firmly feel that to halt the Cuba-Miami airlift is to negate the history and basic principles of the United States of America. The decision taken by the Senate Appropriations Committee, presided by Senator Allen J. Ellender of Louisiana, is extremely unfortunate and is not in keeping with our country's heritage.

Our nation has traditionally maintained its doors open to the suppressed, the persecuted and to those who came to seek brighter horizons in our United States. It is conceivable, in these turbulent times, the Cuba-Miami airlift could be the only means by which our nation can demonstrate to the world that America is, still, a refuge to the persecuted. To stop the freedom flight would be to foresake the principles of our forefathers and to deny that the grandeur of our country is founded upon their quest for liberty and freedom. The Cubans who arrive through the airlift to our shores come, not because they wish to migrate to the United States, but—because they are persecuted by a barbaric, totalitarian, communist-oriented regime—they come to seek the liberty which was found by so many of our ancestors.

As Mayor of Dade County, Florida, where more than 325,000 Cubans reside, I am chief witness to the drama and tragedy of those Cubans who have come to our shores; I am witness to the contribution they have made to our country; and I am witness to and affirm that this contribution more than compensates for the $5 million allocated toward the operation of the freedom flights.

I sincerely hope that the liberty and hope symbolized by the Statue of Liberty in New York harbor will not be defrauded by the Senate nor the House, in spite of the fact that there are some in our country who have, indeed, lost sight of what is represented by this statue and instead measure the price of liberty in dollars and cents.

I wish, today, to reaffirm the position I have taken in the past and declare myself unequivocally in favor of the Cuba-Miami air-lift and say that never before has a migration contributed so much to our culture and economy as the migration of those who are suffering from communistic persecution just 90 miles from our shores.

Respectfully submitted.

STEPHEN P. CLARK,
Mayor, Metropolitan-Dade County, Fla.

Mr. SCOTT. Mr. President, I wish to speak in support of continued funding of the Cuban refugee airlift. In doing so, I speak also in support of the continued adherence by the United States to its international commitments, to its humanitarian traditions, and to its strong moral commitment to all of those Cubans who have lost everything because, in good faith, they registered to leave Cuba on an airlift that we established to allow them to do just that.

Over 235,000 Cubans have come to the United States on the airlift since it began on December 1, 1965. Over 100,000 are still awaiting their turn. Who are these people? What happens to them when they get here?

I would recall that the guiding principle of the memorandum of understanding between the United States and Cuba which established the airlift is "the humanitarian task of reuniting divided families." As such, the airlift is, in fact, a family reunion scheme. Almost 65 percent of those who have come on it are the wives and children of Cuban males already in the United States or who are coming to the United States with their families. Of the remainder, over 26 percent are professional and managerial people, clerical and sales personnel, and skilled workers.

It is said that the costs of bringing these people to the United States, and of caring for them when they get here, are too much for the United States to bear. It costs about $17 each to bring them here. Soon after arrival, eight out of 10 become fully self-supporting. They bring valuable and needed skills. They are known as hard workers throughout the United States. The businesses they have established provide employment not only to fellow refugees but to native Americans as well. And most important and relevant, the estimated taxes paid by Cuban refugees in the United States far exceed the cost of this program.

It is also said that we are doing Castro a favor by continuing the airlift—that we are taking all of the people he wants to get rid of. But he himself has been complaining that we are getting many of the people he wants to keep. Over the past year and more he has been complaining that Cuba's shortage of technically qualified people is holding back its economic progress toward communism. He has complained that a lack of qualified teachers has contributed to the problems caused by a poorly staffed educational system. The airlift has brought over 61,000 persons of this kind, including over 2,000 physicians, and countless dentists, architects, nurses, and other professional people.

I submit that abruptly cutting off the Cuban refugee airlift is not the way to deal with a people who give more to us than they receive from us. It is not the way to "punish" Castro—we would merely be providing him a way out of an embarrassing situation. And, most importantly, it is not the way to reward the hopes and dreams of the many thousands of people who, literally at our invitation, signed up for the airlift years ago and have been patiently waiting for their turn on the airplane—waiting while working in the fields, after having been dispossessed of their jobs, homes and belongings because they choose our way of life rather than that offered to them in their own homeland by Castro and his Communist cohorts.

Mr. KENNEDY. Mr. President, I wish to indicate my support for continuing the airlift of refugees from Cuba. To do otherwise would be unconscionable, unless viable alternative arrangements are immediately available to permit the exit of Cubans wishing to leave their homeland to join their family members in this country.

The able Senators from Florida have fully outlined the situation, so I will not burden the record with lengthy comment at this time. Let me just say that I feel very strongly that our country has a very heavy moral obligation to welcome those Cubans, whose names remain on the active waiting lists for airlift to Miami. To abandon them—when they have waited for so many years in an atmosphere of hostility and harassment—would grossly violate a national commitment and the humanitarian traditions of our people.

I fully understand and appreciate the rationale of those who would end the airlift. As chairman of the Judiciary Subcommittee on Refugees, I share their deep concern over the escalating costs of the Cuban refugee program, especially those costs involving welfare. Over the past year the subcommittee has made a definitive inquiry into the program and there appears to be a number of areas where savings could be made. The findings of this inquiry are currently under review, and I anticipate that a subcommittee report will be issued soon.

But this is really an issue separate from what is at stake today. At stake today is a national commitment to welcome refugees—who in good faith added their names to a list some 5 years ago, with the assurance of two Governments that they would be able to join relatives elsewhere.

To snatch away this hope would be unjust and inhumane.

Mr. STEVENSON. Mr. President, one of our country's oldest and most honored traditions is that of providing shelter to the oppressed. We all recall the storm of indignation which arose when this tradition was violated last year in the case of the Lithuanian seaman, Simas Kudirka, who was tragically refused safe haven on a U.S. Coast Guard ship. I fear that this tradition would suffer if the freedom flights from Cuba are terminated.

We have a sacred commitment to the Cubans who have risked their lives and fortunes by stating their intention to come to the United States to reunite with their families. They have lost their jobs and have been persecuted because of their decision to leave Cuba. They have been waiting to come for more than 5 years, and during this time the indignities they have been forced to endure at the hands of the Cuban Government have been eased only by the promise of their eventual departure to the United States. To deny them this hope and to renege on our pledge would be a tragic abrogation of our ideals and a violation of our given word. It would discourage the hopes of men everywhere who look to the United States as the land of the free.

Mr. PELL. Mr. President, the United States, from its founding, has enjoyed a reputation throughout the world as a place of refuge and asylum for the persecuted and the dispossessed. I believe it would be a grievous error now to reverse this proud humanitarian policy by abruptly eliminating the transportation program for persons who wish to leave Cuba.

I am advised that there are now, in Cuba, from 40,000 to 65,000 persons who have made known their intention to leave their homeland—many of them having done so as long as 5 years ago—and to emigrate to the United States. In most cases, these people have either given up or been deprived of their possessions and their jobs. They are in limbo, awaiting clearance and transportation. By ending the transportation program abruptly and without notice, as the committee amendment proposes, the United States would break faith with these thousands who have looked to our country with hope.

Ending the transportation program would be a cruel act—an act that would, without exaggeration, deprive these people of their future.

If the transportation program is ended, I believe the result might well be a renewal of the efforts by Cubans to leave their country illegally, by whatever means are possible, including hijacking of aircraft and stealing of vessels, at great danger to themselves, and at the risk of international incidents in and over the Florida straits.

I hope very much that the Senate will vote to continue the transportation program and to uphold this country's enviable humanitarian reputation.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, may I ask the distinguished chairman if he would like to ask unanimous consent at this point that the committee amendments beginning on page 4, line 24, extending through line 8 on page 5 be adopted, inasmuch as there seems to be no opposition to these amendments?

Mr. ELLENDER. As I understand it, I do not know of any opposition to the resolution except the subject we are now discussing.

I further understand that the distinguished Senator from Wisconsin and the distinguished Senator from Maryland are going to offer an amendment to cut back on defense by about $8 billion dollars. They are about ready to begin their remarks. That will consume some time.

As I understand the agreement, we will not vote on any of these amendments until the end of the 4 hours allotted. Is that correct?

Mr. BYRD of West Virginia. The Senator is correct. In view of the agreement, the Senate would not be voting on the first committee amendment until immediately following the vote on the amendment which is to be called up by the distinguished Senator from Wisconsin (Mr. PROXMIRE).

Owing to the fact, as I understand it, that there is no opposition to the second committee amendment, I wondered if the distinguished chairman would like to ask unanimous consent that that amendment be agreed to so that the only thing remaining so far as committee amendments are concerned would be the first committee amendment.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the amendment on page 4, ending on page 5, be adopted, since I do not know of any opposition to it. Therefore, the only remaining amendments to vote on will be the pending one, that is, the committee amendment we are now discussing, and the amendment to be offered by the distinguished Senator.

The PRESIDING OFFICER. Is there objection?

Mr. GURNEY. Mr. President, I understand the Senator is speaking of the amendment beginning on line 24, page 4; is that correct?

Mr. ELLENDER. That is beginning on line 24 page 4, and ending on line 8 on page 5.

Mr. GURNEY. I have no objection.

The PRESIDING OFFICER. Is there objection to the request? Without objection, the second committee amendment is agreed to by unanimous consent.

The amendment agreed to reads as follows:

On page 4, after line 23 insert:

activities of the Maritime Administration, Department of Commerce;

salaries of supporting personnel, courts of appeals, district courts, and other judicial services;

activities in support of Free Europe, Incorporated, and Radio Liberty, Incorporated, pursuant to authority contained in the United States Information and Education Exchange Act of 1948, as amended (22 U.S.C. 1437): *Provided*, That no other funds made available under this resolution shall be available for these activities;

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I send an amendment to the desk. This is a modification of the amendment that we had printed earlier.

The PRESIDING OFFICER. The clerk will please read the modified amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with. I will explain it.

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

The amendment is as follows:

On page 4, line 2, before the semicolon at the end thereof insert a comma and the following: "except that such amounts for all military functions administered by the Department of Defense shall not exceed a rate equal to $68,000,000,000 a year."

Mr. PROXMIRE. Mr. President, I offer this amendment on behalf of myself, the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), and the Senator from West Virginia (Mr. RANDOLPH).

The amendment proposes that during the life of the continuing resolution a ceiling be placed on the amount the Pentagon can spend for Department of Defense military functions at the annual rate of $68 billion.

In fiscal year 1972, the budget proposes outlays for the Pentagon of $75 billion. Congress has since added $1.7 billion in pay raises. Our amendment, therefor, if effective for the full year, would reduce the rate of spending for the Pentagon from a $76.7 billion rate to a $68 billion rate. This is a cut of 11 percent, or $8.7 billion at an annual rate.

It represents a smaller cut from fiscal year 1971 spending. This year the Pentagon spent $73.4 billion. Our amendment would cut $5.4 billion from the 1971 rate. This is a 7-percent cut. And, of course, it is this rate which the continuing resolution authorizes until August 6.

What this amendment does is provide for this reduction until August 6—only for the period from July 1 to August 6, which is about 37 days. Actually this would amount to about $435 million during that period.

The effect of the amendment is simple. It would limit military spending between July 1 and August 6 to an annual rate of $68 billion. It is as simple as that.

MILITARY SPENDING UP—VIETNAM SPENDING DOWN

There are many reasons why this amendment should pass. First and foremost, why should military spending go up while Vietnam spending and the Vietnam war are being wound down?

Who stole the peace dividend?

The incremental costs of the Vietnam war have been cut from $24 billion, at the peak in fiscal year 1969, to $8 billion for fiscal year 1972—or by $16 billion.

Personnel in the military services are being reduced from 3.5 million at the peak of the Vietnam buildup, to 2.5 million at the end of next year. That is a cut of 1 million in military personnel. At $10,000 per person, this should save $10 billion. That would add up to a $26 billion saving. But I am not talking about that much. Because it is true that some of this is overlapping, that is, that the cut in the Vietnam war is tied to some extent to our reduction of military spend-

ing, but taking that into account, some $20 to $22 billion in gross military cuts have occurred. But where has that savings gone? Even generous estimates for inflation and pay raises leave $8 to $10 billion unaccounted for. And next year the Pentagon proposes to spend from $75 to $77 billion, and is asking for $77 billion in new obligational authority—the key to future spending.

Thus, in fiscal year 1972 the Pentagon is asking for the same $77 billion it spent in fiscal years 1968, 1969, and 1970—the peak years of the Vietnam war.

The purpose of this amendment is to give the hard-pressed American taxpayer a share in the Vietnam savings which up until now the Pentagon has usurped for itself, and which it intends to usurp for itself next year as well.

THE PRIORITIES AMENDMENT

There is a second reason why this amendment should pass. This is the priorities amendment.

If we are going to have any opportunity to devote our Federal revenues to meeting the very serious problems of this country, they must come largely from some slowdown in military spending.

Former Budget Director Charles Schultz has told us that existing programs will use up every dollar of new revenues generated by an increase in the gross national product through fiscal year 1974 even if unemployment is reduced to 4 percent.

Unless we are prepared for huge deficits, for rigid economic controls over prices and wages, or gigantic tax increases, there is no other major way, except by cutting the military budget, to pay for the needed programs now proposed or enacted.

Unless we cut the military budget, there will be no funds to pay for new health programs, to enlarge the fight on pollution, to meet our national housing goals, for a Federal assumption of State and local welfare costs, or to put a floor under family income.

It is time the Congress and the Senate faced that hard, cruel, objective fact.

And, unless we relieve the pressure on the budget and on spending, the deficit will rise, inflation will increase, and our economy will remain in a condition which has been dubbed stag-flation—inflation and stagnation at the same time.

In this sense, this is the fiscal responsibility amendment.

THE PENTAGON OBJECTS

The Pentagon opposes this amendment. That is to be expected. In doing so they have brought up their heavy weapons. In a letter to the chairman of the Senate Appropriations Committee, Secretary Laird claims that this small amendment would require "reductions up to 50 percent of our planned military and civilian manpower at the end of fiscal year 1972."

Secretary Laird also says it would require action of "up to a 40 percent cutback in on-going weapons systems and 30 percent in operational levels."

That is a very artful expression by Secretary Laird. He is a brilliant man and he knows how to use language and how to persuade Congress and the public.

Note the words "up to 50 percent" and "up to 40 percent." That is ambiguous language. Is he talking about 1 percent or 2 percent? And is he talking about all weapons systems or just up to 40 percent of one weapon?

It is obviously impossible that an 11-percent cut in proposed spending could bring a 50-percent cut in military and civilian manpower.

The fact is that the Secretary's language in opposition to this amendment is a form of "rhetorical overkill." It is political blunderbuss.

What we want is for the Pentagon to return to the taxpayer some of the $10 billion in personnel cuts already made.

They can save money and improve efficiency by reforming procurement. What about reducing the $33 billion in overruns the General Accounting Office reported for some 61 weapons systems?

IRRESPONSIBLE CHARGE

The Secretary charges that the amendment would create "a crisis in national security." That is an irresponsible and outrageous charge.

Last year—fiscal year 1971—the President initially proposed a military budget of $71 billion—only $3 billion above the $68 billion we are proposing today. But last year we were spending $13 billion in incremental costs in Vietnam. This year—the new fiscal year—we will be spending only $8 billion. That is a cut of $5 billion. How then can our proposal, which is only $3 billion below what the President himself proposed a year ago, create a crisis in national security when Vietnam costs alone have been cut by $5 billion?

But there is more proof than that. The National Urban Coalition this year proposed a $60 billion military budget. Their estimate was based on detailed studies by former Pentagon experts, including Mr. Robert Benson, formerly in the comptrollers' office in the Defense Department, and the former comptroller of the Pentagon, Mr. Robert Anthony. This was a constructive, detailed, objective job done by those who have worked in the Pentagon. They proposed a $60 billion budget this year. This could be done without endangering national security, according to these Pentagon experts. Thus, our modest $68 billion ceiling, or a cut about half the size they propose, cannot possibly endanger national security. That is nonsense.

SCARE TACTICS

What we find here are scare tactics, not facts. These small cuts, with intelligent planning, could be put into effect without disruption. By cutting back the fat, the frills, and the waste, we could increase our military strength while reducing costs.

Look at the record. At the end of World War II, we cut military spending by over $60 billion in 2 years. Some 10 million men and women were discharged from the military. That was a cut some 15 to 20 times bigger than we propose here. There was no mass unemployment. No economic catastrophe. Unemployment in 1947 stood at only 3.4 percent.

What we are really being told is that military spending is a form of welfare or a gigantic WPA project. Instead of reordering our priorities and providing for an orderly reconversion from the Vietnam war, we are told we must continue a wasteful procurement system, which the Deputy Secretary of Defense called a "mess," an Army of a million men where less than one in 10 is a combat soldier, an emergency Reserve force and National Guard of almost 1 million men at an annual cost of $2.4 billion, which was not even called up in the Vietnam emergency, and to continue funding many redundant overseas bases numbering some 400 major and almost 3,000 minor ones scattered in 30 countries throughout the world 25 years after the end of World War II.

That is where the money can be saved. Instead of threatening a blunderbuss, the Pentagon should start a major efficiency drive.

Our amendment could start the Pentagon down the road to military efficiency, combat readiness, and reform in procurement.

There is another reason why this amendment should go into effect. In the last 4 fiscal years, Congress has appropriated almost $8 billion less than the Pentagon has spent. How can they spend more than we appropriate? The answer is that they have a backlog of almost $40 billion in obligated and unobligated funds to draw from. When Congress cuts their funds, they dip into this multibillion-dollar kitty to help make up the difference. Here is the size of the kitty.

The Pentagon has $27 billion in their procurement backlog—about a year and a half's supply. But they are asking for $19 billion more this year.

They have a $3.9 billion backlog in R. & D. funds. That is more than half the $7.88 billion they want in new funds in fiscal year 1972.

They have a $2.7 billion construction backlog—more than double the $1.2 billion spent in fiscal year 1971.

They have a $2.8 billion backlog in operation and maintenance, $892 million of military personnel funds, and $2.2 billion in "other" balances.

Altogether the Pentagon has stashed away in its obligated and unobligated balances almost $40 billion backlog.

That is why, like Old Man River, even when we cut the budget, Pentagon spending just keeps rolling along.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD two tables, one showing the Federal fund obligated balances and the other an analysis of Federal fund unobligated balances.

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

TABLE 1. *Federal fund obligated balances*

[In millions of dollars]

Obligated balances end of fiscal year 1972

Department of Defense—Military:	
Procurement	$16,992
Research and development	3,896
Operation and maintenance	2,816
Construction	1,314
Military personnel	892
Other	1,185
Total	27,095

SOURCE: Special Analyses G, Table G-3, Budget of the United States, 1972 p. 103.

TABLE 2. *Analysis of Federal fund unobligated balances*

[In millions of dollars]

Unobligated balances end of fiscal year 1972	
Department of Defense—Military:	
Procurement	9,030
Construction	1,421
Research and development	956
Other	1,042
Total	12,349
Total: Obligated and unobligated Department of Defense balances, end of year 1972	39,444

SOURCE: Special Analyses G, Table G-2, Budget of the United States, 1972, p. 99.

NOW IS THE TIME TO ACT

Mr. PROXMIRE. We offer our amendment now, on this bill, because now is the time to act. The fiscal year is just beginning. And the only way Congress has to control military spending is by placing a ceiling—a limitation—on the Pentagon.

Some will say, wait for the authorization bill. Wait for the appropriations bills.

We did that last year. And we offered a similar amendment to the authorization bill, the manager of that bill argued that it came too late in the year for the Pentagon to make plans to cut the budget. He waxed eloquent about how a cut in September would not be effective until even more of the fiscal year had passed, making it impossible for the Pentagon to absorb the cuts in an orderly way.

We offer this amendment now, on this bill, as a specific response to that argument. I hope Senators will not now argue that it comes too early in the year.

REASSERT CONGRESSIONAL CONTROL

In addition, there is exact relationship between appropriations, on the one hand, and outlays or actual spending, on the other. Outlays are determined by the Pentagon. Unless we place a limit on them, we lose control over military spending.

That is the reason why the more than $13 billion Congress has cut from Pentagon requests in the last 3 years has resulted in a drop in outlays of only $3 billion.

This is the "Return Control Over Pentagon Spending to the Congress" amendment.

Finally, there are those who say, I favor specific cuts but I am against imposing ceilings as a matter of principle.

There are two answers to that.

First, a large number of those who say this, did not vote for the specific cuts to military weapons systems when they were offered. It was argued that the Pentagon experts were the ones who knew where to cut and that we should leave the cuts to them. If those who in the past made that argument will vote for this amendment, it should carry overwhelmingly.

Second, most Senators who have been Members of this body throughout the past 4 years have, in fact, voted at one time or another to impose a ceiling on expenditures of one kind or another. When a Senator says he is against "ceiling" amendments, look at the record. In almost every case one can say to him, "But Senator, you voted for the Cotton amendment in 1970 or the Williams amendment in the same year."

For all of these reasons, this amendment should be agreed to.

The PRESIDING OFFICER. Who yields time?

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

Mr. BYRD of West Virginia. I ask unanimous consent that the time for the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The time for the quorum call will be taken equally from both sides.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ELLENDER. Mr. President, the original amendment that was to be proposed by the distinguished Senator from Wisconsin and the distinguished Senator from Maryland dealt, as I understood it, with expenditures. I wonder—and I do not see them in the Chamber—whether the amendment as now proposed by them affects expenditures or appropriations. I am assuming that the original intent is still there, which is to impose a limitation on Department of Defense expenditures for military functions.

The reason why I am asking that is simply this: We have a backlog of several billion dollars subject to expenditure in the Defense Department. For instance, we are building today two large nuclear powered aircraft carriers, for which the money was appropriated several years ago. We have a lot of other programs going on for which the moneys have been appropriated, and they are subject to existing valid contracts that involved fiscal year 1972 expenditures of about $20 billion.

Mr. President, my position on reduction of expenditures by the Department of Defense and all other Government agencies, I am sure, is well known to Senators. However, I think the proper way to accomplish this is through the appropriation process, which requires Congress and the Committees on Appropriations to make a thorough review of the appropriations requested by the various agencies, and to make reductions based on this examination of the requirements.

The Department of Defense subcommittee has held extensive hearings on the requests totaling $73.2 billion that will be considered in the regular Department of Defense appropriation bill for fiscal 1972. For the most part we have completed our hearings and are in a position to report the bill shortly after it passes the House.

I have in mind certain areas where I believe substantial cuts can be made. However, I cannot support this more or less meat-ax approach for cutting expenditures for military functions. Furthermore, I do not think we should give to the executive branch the right to allocate such a reduction without any guidelines.

The appropriations for military functions involve about 50 different accounts, and if the pending amendment is adopted a system for the control of expenditures for each of these accounts will have to be set up. Of course, this cannot be accomplished by July 1.

The total of $75 billion for military functions expenditures involves appropriations for "military personnel," "Reserve personnel," "National Guard personnel," "retired pay," "operation and maintenance," "procurement," "research and development" and "military construction."

Of this total of $75 billion, about $20 billion is required for going programs under contract. A large amount is required for fixed charges for the support of military and civilian personnel. As I recall there is only about $15 billion for expenditures for new programs.

When you consider that about $60 billion is required for personnel support costs and contracts for going programs it is clear that this meat-ax approach is not a good one. I think it would be a fatal mistake, so far as our security is concerned, for us to adopt the pending amendment.

I am very hopeful that the Senate will leave this matter in the hands of the Appropriations Committee. As I have indicated, we have held hearings on the subject for weeks; and it strikes me that we would be in a better position, as members of the Appropriations Committee, to tell where the cuts should be made in respect to the appropriations for fiscal year 1972.

For fiscal 1971, as I recall the figures, expenditures for military functions exceeded appropriations by $1.9 billion, and this difference came from appropriations previously made. Are we going to cut back on that? Are we going to renege? Are we going to stop contracts that have been in effect for a long time on the construction of many ships, aircraft and other weapons that are now being constructed? Are we going to stop repairing certain ships that we now have under contract? Are we going to stop programs that have been in effect for 4 or 5 years?

If we make a meat-ax approach, as is contemplated under this amendment, I repeat that either some of these on-going programs will have to be terminated, and this would involve substantial sums for contract termination costs.

As I said earlier, it is our hope to have the Department of Defense appropriation bill before the Senate soon—I hope before August 6, if the required authorizations are enacted by that time.

Mr. President, as chairman of the Appropriations Committee and as chairman of the Defense Subcommittee, I have had the full cooperation of the entire committee, particularly the distinguished Senator from North Dakota. We sat day after day, listening to many witnesses on the fiscal 1972 appropriation requests, and it is my sincere belief that we are in a better position to say what ought to be done as to the appropriation bill for 1972 than to simply take an amendment such as the one now pending.

Before the debate is over, I would like to find out from the sponsors of this amendment what is going to become of all the programs that we now have in effect—the procurement and construction programs. Will this cut apply to those programs? How will this amendment affect the moneys necessary for our defense—that is, to pay the men and women in the Army, Navy, Marine Corps, and Air Force. It is bound to affect them.

This amendment has been changed from its original text, and it now applies for only 5 weeks. That would involve a large amount of work in the Defense Department, where there are about 50 different accounts, and each of these accounts would have to be made subject to expenditure controls. It would mean, in my opinion, the hiring of many more clerks to do this work.

We do not know where this cut is going to be made. The amendment is not specific as to where it is to be made. It will be something that will be left in the hands of the executive, and with the executive it might be pure guesswork as to which of these 50 accounts must be charged with what. It offers a tremendous job which may entail the work of a few more thousand clerks, in order to get the figures straight and in order for the Department of Defense to do a job in keeping with what the amendment contemplates.

The Department of Defense subcommittee has held extensive hearings—running for 6 weeks—on the requests totaling $73.2 billion which will be considered in the regular Department of Defense appropriation bill. I can assure the Members of the Senate that the Committee on Appropriations will recommend some substantial reductions in these requests, but these recommendations will not endanger national security, as, in my opinion, will be done now if the amendment is adopted.

The proposed amendment providing for a ceiling of $68 billion on fiscal year 1972 expenditures for military functions of the Department of Defense represents a reduction of $6,975,000,000 in the estimated $74,975,000,000 expenditures for these purposes as set out in the President's budget. Furthermore, the House of Representatives has approved one version of a military pay increase that will cost about $1.7 billion during fiscal year 1972, and the Senate has passed a different version of a military pay increase which would cost about the same amount. For our discussion of this amendment, I think we have to assume military pay increases coming out of conference on the draft extension bill that will increase fiscal year 1972 expenditures for military functions by $1.7 billion. Therefore, the proposed amendment represents a reduction of $8,675,000,000 in the adjusted planned expenditures.

I regret that we did not have time to hold hearings on the proposed amendment. As I stated, we have spent 6 weeks in hearings on the request for appropriations of $73.2 billion, A comparable period would be required to review fully the impact on national security of an $8.7 billion reduction in military functions expenditures.

In considering the proposed amendment, one has to take into consideration the fact that the estimated fiscal year 1972 expenditures for military functions are based on the availability of $77.8 billion in new appropriations requested for fiscal year 1972 and $37.7 billion provided in prior fiscal years, as I indicated a moment ago. In other words, the planned expenditure program of $75 billion for military functions during fiscal year 1972 is based on a total available for expenditure of $115.5 billion.

This is the amount of money, as I said a moment ago, that will be available for expenditure during fiscal 1972. It has been appropriated and when it will be expended will depend largely on progress made on programs previously funded as well as fiscal 1972 funding.

The source of the appropriations on which the planned $75 billion expenditure estimate is based is another important factor. The total Department of Defense planned expenditures of $76 billion, which includes approximately $1 billion for military assistance programs, will come from the following appropriation sources: fiscal year 1972 funds, $55.1 billion; fiscal year 1971 funds, $13.6 billion; fiscal year 1970 and prior year funds, $7.9 billion; budget concepts adjustments, minus $0.6 billion.

Mr. President, these are the types of factors that need to be thoroughly reviewed in extensive hearings before we vote on an amendment such as we are now considering.

I did request Secretary Laird to review the proposal as it was transmitted to me by its sponsors on June 18. Secretary Laird replied by letter dated June 24, and I ask unanimous consent to have the letter printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, D.C., June 24, 1971.

Hon. ALLEN J. ELLENDER,
Chairman, Department of Defense Subcommittee, Committee on Appropriations, U.S. Senate

DEAR MR. CHAIRMAN: I appreciate the opportunity to furnish comments on the proposed Proxmire-Mathias amendment to the Continuing Resolution, in response to your request for our views on this very important matter.

The amendment would limit Defense expenditures for military functions to $68 billion. In support of the amendments, the proponents claim that the Department of Defense is spending $73.4 billion when only $68.7 billion was appropriated and further, that expenditures in excess of appropriations is a consistent practice of the Department.

The attached statement outlines the erroneous basis upon which the proponents attempt to support the amendment and the very serious impact it would have on our national defense posture.

The supporting data furnished by the proponents contain very significant errors:

Appropriations for FY 1971 are misstated. The amount appropriated was $71.4 billion—not $68.7 billion. After adding the $2.0 billion the Congress directed Defense to use from prior year balances, Defense expenditures programmed at $73.4 billion are equal to the program approved by Congress. Apparently the proponents of the amendment overlooked the Second Supplemental Appropriation of 1971.

The $10.4 billion claimed expenditures FY 1968–71 above appropriations is incorrect. The correct figure is $7.4 billion and this is derived only by using the years selected. If you compare the period FY 1966–72, which more accurately covers the cycle of war spending, Defense expenditures are $7.6 billion *less* than appropriations.

The proponents failed to understand the control your Committee and the Congress exercise over the use of prior year fund balances.

Defense has been required by the Congress to apply billions of such balances over the years to fund current programs, thereby reducing the appropriations enacted. A review of the record by the proponents would have shown the steady decrease in Defense unexpanded balances since the fiscal year 1967 peak, reflecting the actions of the Congress to reduce these balances.

The above factors are serious; but the impact of the amendment on Defense programs would be so extreme as to create a crisis in national security. In summary, the amendment would require unacceptable actions involving:

Reductions up to 50% of our planned military and civilian manpower at the end of fiscal year 1972.

Up to a 40% cutback in on-going weapons systems and 30% in operational levels.

Reductions would be far in excess of the percentage dollar cut because of necessary phasing, transportation, terminal leave, severance pay, etc. The attached statement provides the detailed computation underlying these required reduction actions.

Your Committee has made a detailed review of the planned force structure and operating levels and is aware that significant progress is being made to increase the cost effectiveness of Defense programs and to improve management throughout the Department. This review has emphasized the fact that in dollars of real buying power, the Defense budget is back to the pre-war level while still financing almost $8.0 billion of war costs. Personnel are 133 thousand below pre-war levels indicating the progress being made in eliminating unnecessary overhead staffing as well as force reductions consistent with the Nixon Doctrine.

The Proxmire-Mathias proposal would endanger the national security posture of the United States and should be defeated. Your support in opposition to the amendment is urgently requested.

Sincerely,

MELVIN R. LAIRD.

Enclosure.

TABLE 1.—APPROPRIATIONS AND OUTLAYS, MILITARY FUNCTIONS, DEPARTMENT OF DEFENSE
FIGURES PRESENTED WITH SENATOR PROXMIRE'S LETTER OF JUNE 18, 1971

[Dollars in millions]

Fiscal year	Appropriations	Outlays	Excess of outlays over appropriations
1968	76.4	77.4	1.0
1969	76.1	77.9	1.8
1970	74.3	77.2	2.9
1971	68.7	73.4	4.7
Total			10.4

CORRECT FIGURES

[Dollars in millions]

Fiscal year	Appropriations	Outlays	Excess of— Outlays over appropriations	Excess of— Appropriations over outlays
1966	61,839	54,178		7,661
1967	71,935	67,457		4,478
1968	76,332	77,373	1,041	
1969	76,221	77,877	1,656	
1970	74,386	77,150	2,764	
1971	71,449	73,370	1,921	
1972 (request)	77,804	74,975		2,829
Totals	509,966	502,380	7,382	14,968

Note: Net excess of appropriations over outlays, fiscal year 1966–72, cumulative (7 years), 7,586. The table does not include figures for military assistance.

Mr. ELLENDER. Mr. President, in this letter, the Secretary points out that there is no direct relationship between the total appropriated for military functions and the expenditures for military functions for a given fiscal year. This is true because of the fact that the major portion of the appropriations provided for procurement, R.D.T. & E., and military construction do not result in expenditures during the year in which appropriated. However, more importantly, the Secretary goes on to state:

. . . the impact of the amendment on Defense programs would be so extreme as to create a crisis in national security. In summary, the amendment would require unacceptable actions involving:

Reductions up to 50 percent of our planned military and civilian manpower at the end of fiscal year 1972.

Up to 40 percent cutback in on-going weapons systems and 30 percent in operational levels.

What I was talking about a while ago. As I said, if such an amendment is adopted, there is no telling the effect it will have on our national security.

Based on 6 weeks of hearings on the planned defense programs for fiscal year 1972 and Secretary Laird's letter, I am convinced that the adoption of the proposed amendment would have a disastrous effect on our defense posture.

Mr. President, I do hope that the amendment will be rejected.

Mr. YOUNG. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. Mr. President, I yield 15 minutes to the Senator from North Dakota.

The PRESIDING OFFICER (Mr. CHILES). The Senator from North Dakota is recognized for 15 minutes.

Mr. YOUNG. Mr. President, I rise to oppose the amendment offered by the distinguished Senators from Wisconsin and Maryland (Mr. PROXMIRE and Mr. MATHIAS).

As the ranking minority member of the Senate Appropriations Committee and the Subcommittee on Defense Appropriations, I cannot help but resent to some extent the offering of an amendment that would cut $8.7 billion from fiscal year 1972 Defense Appropriations when neither of the sponsors even bothered to attend the approximately 2 months of hearings. And when our subcommittee, which listened carefully to both the proponents and opponents of the Defense Appropriations request, has not even had a chance to take any action as yet.

Naturally, action by the Senate Appropriations Committee itself cannot come until after the House sends their appropriations bill to the Senate. This amendment is so out of the ordinary that it is subject to a point of order under the rules of the Senate, unless the amendment has been corrected in the meantime, or changed. The Proxmire-Mathias amendment would be more properly offered to the forthcoming Defense Appropriations bill.

Mr. President, what we are asked to consider today amounts to a reduction of $7 billion in the fiscal year 1972 planned expenditures for the military functions of the Department of Defense. When the expenditure impact of the $1.7 billion in the military pay raise proposals that have recently been passed by both the House and Senate are considered, we are actually considering a reduction of $8.7 billion in the adjusted total of $76.7 billion in estimated expenditures of the Department of Defense.

There are a number of reasons for my opposition to this amendment.

The first of these is its effect on the defense posture of our Nation. I am certain that the authors of this measure do not wish to strip us of the means of adequately defending ourselves. To a degree, at least, this is what it would do.

Secretary of Defense Melvin Laird in a letter to the Chairman of the Senate Appropriations Committee, Senator ELLENDER, stated:

The Proxmire-Mathias proposal would endanger the national security posture of the United States and should be defeated.

Actually, the Defense budget request for fiscal year 1972 will provide approximately the same level of expenditures for defense as we had in 1964, prior to the Vietnam war. This results from inflation which has added $25 billion to the Defense budget since 1964. Without adding a single man or piece of new equipment, the 1964 Defense program would cost about $76 billion in 1972.

For military personnel, for example, costs have increased by 85 percent since 1964 as a result of pay raises necessitated by inflation. For civilians in the Defense Department, this equals about 56 percent. Between 1968 and 1972 alone civilian salaries have increased by 37.7 percent.

Retired pay costs have tripled since 1964 because of increases related to the cost of living and especially the greater number of personnel now on the retired rolls. During the same period, the cost of living has risen by almost 28 percent.

Since the peak of the war in 1968 the Defense Department has made marked reductions in both manpower and contract spending. Unfortunately, these reductions have not had the dollar impact that one would normally associate with rather widespread reductions because inflation has eaten up the planned savings.

Since 1968 civilian and military personnel have been reduced by 1.2 million. At the same time total personnel costs have sharply increased by over $7 billion.

In a like manner total purchases have been reduced by almost a third from the peak war spending of over $45 billion—$6 billion of this cut, too, has been eaten up by rising prices.

Thus, although our Defense strength is well below the wartime peak, inflation has escalated costs tremendously.

During the last 9 years, the Department of Defense has experienced a cumulative inflation of 49.2 percent. This means that each dollar we appropriate or spend this next fiscal year will produce just about half the defense we obtained from a dollar 9 years ago. As a matter of fact, in a general sense, the cost overruns on such items as the F–14, and the C–5A that have plagued the Department of Defense in recent years can be largely attributed to the unforeseen effects of inflation.

This amendment, therefore, would have a far more serious effect on our military strength than the 10-percent cut in spending which the proposal would impose. The Defense Department has stated that such action would require tremendous cuts in both military and civilian personnel, extensive contract termination, a greatly reduced operating level for our ships, aircraft and land forces, as well as extensive base closures. In today's world I do not believe that we can afford to decimate our military forces, put huge numbers of civilians out of work, and jeopardize our national security.

Disregarding all of these comparisons, the Defense Department today, measured in terms of aircraft, ships, and personnel is at the lowest strength we have had in 20 years. For this reason alone, I strongly oppose the amendment.

But there is another reason why I oppose this amendment, a reason that involves the very nature of our work in the Senate. This amendment is not good legislative procedure. Although I am sure that the sponsors of the amendment do not so intend it, the amendment makes a mockery of all the work of the Apropriations Committees and Armed Services Committees on the budget and authorization requests of the Department of Defense.

The chairman of the Senate Appropriations Committee has conducted many weeks of hearings on the Defense Department budget for fiscal year 1972. Its members have conducted a searching scrutiny into every important aspect of Defense appropriations. I have attended every one of these hearings and I can unequivocally state that never in my experience has there been a more painstaking review of military requests.

Last year substantial reductions were accomplished. I hope and believe that sizable reductions will be made in this year's requests and without harming our vital defense posture. But this amendment would profoundly affect the orderly and studied recommendations of the committee.

We are asked to accept this proposal without hearings and without consideration of its effect.

Some Members might question why expenditures presently are expected to be above requested appropriations. Let me explain. In the first place, there is little direct relationship between appropriations and expenditures for a specific fiscal year. Appropriations that are made in 1 year, particularly in the areas of procurement and research, are translated

into expenditures not only in that year but for several years thereafter.

For example, an aircraft carrier for which funds are provided in a given year will have an expenditure impact over a period of about 5 years. Unless we were to go back to the contract authorization method of appropriating, which was largely discarded years ago, research and production money must be provided several years in advance of its use. This is the normal procedure. To change this so that expenditures and appropriations are roughly comparable at this time would mean a reversal of recent past decisions of the Congress.

There is another reason why expenditures, particularly in recent years, have exceeded appropriations. Congress in the last 3 fiscal years has provided four pay raises for the military and civilian personnel of the Defense Department. This amounts to a 43.9 percent pay increase for military personnel and a 33.1 percent increase for civilian personnel in the DOD. The total amount of money added to the Defense appropriations bill by these actions for solving increases is $10.5 billion. Subsequent to these pay raise authorizations by Congress, the appropriations committees have had to increase Defense appropriations to pay for them. Two of these pay increases occurred during the present fiscal year. No doubt, we may have two or three more next year.

Mr. President, these are just two of the many examples that could be given as to why expenditures currently exceed appropriations.

History provides us with a warning. At the end of World War II the United States disarmed unilaterally. Let us not repeat this without being fully aware of the possible consequences of unchecked aggression.

For these and many other reasons, Mr. President, I urge that this amendment be defeated.

Mr. PROXMIRE. Mr. President, would the distinguished Senator from North Dakota yield briefly?

Mr. YOUNG. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I point out that I think the Senator from North Dakota and the Senator from Louisiana have made excellent statements and very persuasive statements. However, the Senator asks why we offer this amendment to this particular resolution. He says that it would be much better if we wait for the military procurement bill to come up, possibly in the coming month.

Mr. President, I quote from a statement by the Senator from Mississippi (Mr. STENNIS) when we tried to do this last year. The Senator from Mississippi said:

> If we impose a strong reduction now of, say, over $2 billion, it would have to be absorbed within the last six months of the calendar year. It is just a fact of life that we have already cleared July and August. We are operating on a continuing resolution.

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

Mr. ELLENDER. Mr. President, I yield an additional 5 minutes to the Senator from North Dakota.

Mr. PROXMIRE. Mr. President, I continue reading:

> This bill cannot possibly be passed and signed by the President in less than a month from now. And that will be three months gone.

If we put this amendment in the bill that is coming before the Senate later, we will have the same problem as we had last year. There is no satisfactory vehicle into which to put this provision. All this does is provide that it will be for the life of the continuing resolution, until August 6. Then we can take another look at it.

So I submit to the distinguished Senator that I understand his point. I think it is a good point. We would have preferred to wait for many reductions, but if we are going to limit spending for fiscal year 1972, we have to make an effort to do it before fiscal year 1972 begins.

Mr. YOUNG. The example the Senator gave is not apropos. The Senator was talking about the statement by the Senator from Mississippi (Mr. STENNIS) with regard to an appropriation after about one-half of the fiscal year had expired.

Mr. PROXMIRE. It was in August.

Mr. YOUNG. Now, we are considering a continuing resolution which provides an extension to August 6, or for only about a month. Certainly the Senator should give some consideration to the Committee on Appropriations and let them have a chance to look over the cuts.

Undoubtedly Senators should have an opportunity to propose cuts, but to do this on a resolution that is only effective until August 6, is bad procedure.

Mr. PROXMIRE. This is only for the next 35 days and it does give the Committee on Appropriations an opportunity to decide what to do at that point. If we do not accept it at that time the Department of Defense is in a position of moving ahead on the $73.4 billion expenditure during the first part of the fiscal year.

Mr. YOUNG. The Senator weakened his own case by trying to impose reductions of this magnitude for only 35 days.

Mr. PROXMIRE. The reduction would be $435 million for the 35-day period.

Mr. YOUNG. How does the Senator expect the Department of Defense to apply the reduction? Would the Senator have them cancel some production contracts? They could reduce personnel but personnel has already been reduced by over 1 million since 1968, and this reduction is continuing.

Mr. PROXMIRE. There are many ways, as the Senator knows, that they could apply it. A reduction in personnel would be the big way. That covers a little more than one-half of the expenditure. They could cut personnel more. In addition, they could cut back on bases. Or they could speed up the withdrawal of men from Europe and Vietnam. They could make some hard, tough choices in procurement.

This is only about a 7-percent reduction at the rate at which they would be allowed to spend under the continuing resolution. So it is not the immense cut the Department of Defense officials have said it would be.

Mr. YOUNG. I do not think that there is a corporation in the United States with a worth of a billion dollars that would be able to effect a 10-percent cut in expenditures in a month or 35 days, much less a huge department of the Government, like the Department of Defense. It involves intricate procedures, military personnel, and even the war in Vietnam.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MOSS. Mr. President, will the Senator yield to me?

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Utah.

Mr. MOSS. Mr. President, I rise to support the amendment by the Senators from Wisconsin (Mr. PROXMIRE) and Maryland (Mr. MATHIAS) which would set an aggregate ceiling of $68 million on funds to be expended for Department of Defense military functions for the fiscal year ending June 30, 1972. I do so for the following reasons:

A reasonable ceiling on defense spending has as its principal purpose an overall reduction in defense spending to create a more efficient use of the Nation's material and human resources. Billions of defense dollars are wasted annually through excessive layers of civilian and military staffs, inordinate coordination and duplication, impractical, overlapping and unneeded weapon system, and wasteful stockpiling of nuclear armaments. Such crippling and unproductive defense spending is a major cause of inflation that consumes the taxpayer's earnings.

By curbing overall military expenditures, the amendment will force the President and Department of Defense to restructure defense priorities within the imposed dollar ceiling and undertake significant economy changes of a nature that will not be offset by increased spending in other areas. The ceiling will impose moderate cuts which can be absorbed on a timely basis without endangering national security.

Moreover, the amendment gives the Congress power not just to appropriate funds but to control spending. The Department of Defense consistently spends amounts in excess of congressional appropriations. A ceiling allows Congress to reduce overall military spending by setting a limit, but leaves the specific determination of where to restructure to the President and the Department of Defense with their substantially greater access to information. Once Congress's authority over all spending is established, Congress can deal with specific expenditures without fear that these saving programs will be offset by increased spending in other areas.

In Vietnam, for example, the annual incremental costs of the war have been cut back over $16 billion from the war's peak. Military manpower will be down 1 million men by the year's end. These significant reductions are not reflected in defense spending, however, as the military budget is increasing. The new budget's estimated $4 billion savings due to continued winding down of the Viet-

nam war will more than be consumed in other areas.

Over the years, military programs have had first call on our Nation's resources. Overall military cost reductions are desperately needed if we are to reorient our national priorities and provide for domestic programs aimed toward overcoming social and economic deprivation, waste of our Nation's resources, urban decay, pollution, and many other domestic problems which need improvement to make our industrial automated societies fit for human existence. Unless excessive defense spending is constrained, revenues and resources generated from increased economic growth will be consumed by the military with serious consequences to human development.

Mr. President, I shall vote for the above reasons.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, once again we are debating the significant issue of military spending and national priorities.

There is no Senator in this Chamber who wishes to jeopardize our national security or the vital interests of this Nation. Every Senator knows that we must be equipped with a strong and viable national defense posture in our lawless world.

The question, however, of spending billions of dollars for our military needs must be approached in a rational and realistic manner. As Richard Barnet has stated in his fine book "The Economy of Death":

> The greatest danger of making a religion of national security is that it discourages the application of either reason or experience to human affairs.

For over a generation the American people have been confronted with a continual buildup of our massive military arsenal. We must question ever more closely and ever more seriously, the real needs of our society and the true needs of our national defense. There have been many careful studies by many highly qualified individuals, committees and groups concluding that for far more drastic reduction called for in the pending amendment are in order.

For example, the National Urban Coalition, in its exhaustive, detailed counter budget, recommends a cut of $24 billion—making a strong case for the view that with the military budget conservantly down to $50.4 billion we would have a stronger, more secure Nation than we do under the current far higher military budget with its many wasteful and inefficient programs.

Although we do not in this amendment purpose the major changes recommended by the National Urban Coalition we should take every safe and sound step we can to eliminate costly military programs which do not really enhance our national security.

The Proxmire-Mathias amendment would limit military outlays to approximately $68 billion. This is clearly adequate for our national defense needs.

The effect of this amendment is to avoid imposing specific cuts on the experts in the Department of Defense. They are not, by this amendment, required, for example, to eliminate the B-1 bomber, while I and some other Senators happened to support, while other Senators oppose it, nor are they required to eliminate the ABM which I and some other Senators happen to oppose, while other Senators support it.

The amendment simply tells the Pentagon: Sharpen your pencils, think this through with all the experience and expertise at your command, eliminate duplication, waste, and cut away at those programs of the least proven and most dubious value, and provide us with the most secure defense you can at a cut of $68 billion.

Finally, Mr. President, we must keep in mind that we are not only discussing the needs of our national defense. In a broader, more significant sense, we are really discussing the critical issue of a deep and fundamental reordering of our national priorities. We must pass this amendment so the process of altering our priorities can begin in a meaningful manner.

In the ultimate analysis our national security does not depend alone on our weapons and our military might. It depends also, to a very, very great degree, on our internal strength, solidarity and security—on our ability to provide for all Americans adequate food, clothing and shelter, and a true equality of opportunity to live a life of one's choosing. It is the hope and faith that this will give to every American in our way of life that will, most of all, make our Nation a secure nation.

That is truly our real security and that is what this amendment attempts to provide. I urge my colleagues to support this amendment.

Mr. PROXMIRE. Mr. President, I yield to the Senator from Maryland (Mr. MATHIAS) 10 minutes.

Mr. MATHIAS. Mr. President, the long debate on military spending once again leaves me somewhat perplexed. As last year, I find I agree with most of the serious arguments made by the opponents of this amendment to cut the Defense budget. I agree that the Soviet Union has made massive gains in recent years in the quantity and quality of their weapons. I agree that in many respects their posture is now comparable to ours. I agree with my distinguished colleague, Senator JACKSON, that—

> Those politicians who downgrade national security and denigrate national defense are mistaken. Too many of them fail to recognize what is really going on in the world—and some of them seem to care less . . .

Senator JACKSON said:

> Those who say we must take risks for peace by cutting the meat from our military muscle are not proposing risks for peace, they are unwittingly proposing policies that would heighten the risk of confrontation and war . . .

I agree with Senator JACKSON. National security and deterrence must be paramount national priorities. Any politicians who downgrade these indispensable objectives—who urge cutting the sinews of our national strength—indeed reveal a twisted view of international realities. For it is clear that the Soviet Union will not become less belligerent as the balance of power shifts in its favor.

I agree, moreover, with the seven members of President Nixon's Blue Ribbon Defense Panel who declared that—

> The consequences of becoming a second rate power, even if national survival is not threatened, could be seriously detrimental to U.S. interests. They are right in contending that the road to peace has never been through unilateral disarmament . . .

As I said last year at this time, only a strong America can insure a safe world—if the military strength of the United States is in jeopardy, so is the global balance of military power that has preserved peace among the great powers since World War II.

In fact, it is because I agree with these principles, asserted by Senator JACKSON as well as by the President and his Secretary of Defense, it is because I agree that world peace will depend in coming decades on the maintenance of American military power, it is because I agree that the American lead in the arms race is threatened for the first time since World War II, it is because of our new security problems—not in spite of them—that I advocate this amendment to set a ceiling of $68 billion on military outlays for fiscal year 1972. I believe this move is urgently needed as a first step toward a thoroughgoing reappraisal and reorientation of our defense policies—a first step to halt the current deterioration in our long-range national security.

And may I say I am perplexed by those who believe that advocates of this amendment "fail to recognize what is going on in the world." How, may I ask, after a decade when the United States spent nearly twice as much money on defense as the Soviet Union, approximately 60 percent more on strategic systems, and perhaps 50 percent more on research and development—all in constant dollars—how, I ask, after such a decade can we seriously suppose that our problem is inadequate spending? The fact is that the deterioration in our national security position has little to do with how much money we have spent—except to the extent that the availability of relatively unlimited funds has cultivated improvident and undisciplined military spending policies.

These policies might have been tolerable during a period when the Soviet Union was far behind. But today, as Soviet strength significantly grows, we can no longer afford any but the most coldly realistic view of "what is going on in the world" and what new strategies and weapons systems are truly responsive to changing world conditions. I submit that an attitude of cold realism toward our national security will not sustain the notion that we have been spending too little money on the military.

In order to understand what went wrong it is necessary to appraise the changing nature of the arms race at a time of accelerating technological progress.

Since World War II, the modes of strategic war have been transformed roughly every 5 years. Bombers were supplanted as the key offensive force by

several generations of liquid fueled missiles, which in turn were replaced by solid fueled Minutemen and by mobile Polaris submarines. Strategies depending upon immediate response to enemy attack preparations—and thus on often unreliable intelligence reports—have given way to a policy of waiting out an attack before retaliating. Now the development of multiple independently targeted reentry vehicles—MIRV's—is working another transformation of the criteria of deterrence. The Poseidon missile—a submarine based MIRV system, placing 10 independently aimed warheads on each launcher—seemed until recently the ultimate in mobile, invulnerable retaliatory power. But the Navy is now proceeding with development of ULM's—an underwater long-range MIRV system with much longer reach and greater accuracy.

This pace of change, which has affected conventional capabilities to an only slightly lesser degree, means that most existing military technology is obsolescent. That is, in most cases, more effective alternative or countervailing weapons are already required. Under these conditions, heavy investment in multiplying and embellishing current systems—or implementing current strategies—or responding to current threats—is often wasteful. The real arena of competition has moved ahead to new technologies which dictate changing strategies. In this arena the side that concentrates its resources on obsolescent weapons and strategies may be at a disadvantage, even if it spends more than its opponent on advanced research and development. For scientific genius and technical expertise are limited. If a country employs its best manpower refining old systems, designed to carry out obsolete strategies, it may not be able to compete as well on the technological frontiers no matter how much money it spends. Only long run investments directed at scientific achievements 5 and 6 years from now can redeem a side falling behind in a qualitative arms race.

Research on new systems, moreover, is much cheaper than deployment of old ones. In a qualitative race, therefore, the criterion for success is not chiefly money; it is our resourcefulness in using scarce scientific and technical resources in tandem with changing strategies. Again, spending money in the wrong places will actually retard a side's performance if it diverts scarce manpower. Such are the special constraints of a qualitative arms race.

Although for many years the United States was so far ahead technologically that it could afford to ignore these new realities, that time has now passed. The Pentagon, however, has yet to recognize it The proposals for new bombers, carriers, redundant fighters, new air defense, and other traditional systems necessitate enormous commitments of resources to strategically obsolescent weapons. The fact that they are embellished with the most formidably advanced new technology just means that the waste of resources is compounded by diversion of scarce personnel.

One of the prime examples of this mistake is ABM, used to protect Minutemen. Minutemen in fixed bases are already a technology of predictable obsolescence, for they are ultimately vulnerable to refinement in offensive missile accuracy. ABM, for all its redoubtable intricacy and ingenuity, is also of little usefulness in the strategic environment of the 1970's. It is a system of the 1960's that we wisely refrained from deploying in different forms earlier in this decade despite repeated demands from the military. The Pentagon, in effect, now is putting together two obsolescing technologies in the hope of getting one useful system. And the result is a vast wasteland of money and personnel.

Technologically advanced and conceptually retarded, ABM symbolizes the American defense posture. We overreact to current or impending threats by purchasing, elaborating, and multiplying any technology which lies at hand. Thus we greatly reduce our flexibility in preparing for future exigencies.

Apart from the same $28 billion spent on unnecessary prototypes of missiles that were not deployed, billions have been spent on repeatedly replacing our land-based missiles with new models as soon as they were developed—from successive forms of Atlases and Titans to Minutemen I, II, and III. We have spent many billions trying to maintain our surface naval fleet at near World War II levels—and protecting it with expensive and sometimes ineffective new defenses—despite the increasing vulnerability of all surface systems to Soviet submarines, missiles, and other offensive weapons. Over $15 billion has been spent on air defense against the minimal Soviet bomber threat.

It would be possible, of course, to contrive the nightmare catalog of unpromising weapons we have acquired, in our resolve to deploy every novelty we develop in response to every possible threat, despite our overall superiority—and without any overall strategic plan or scale of priorities. Suffice it to say that the total exceeds $100 billion.

Meanwhile, John Foster, the Defense Department Director of Research and Engineering, suggests that we may be falling behind in some facets of research and development, the one arena that matters most and costs least. In Dr. Foster's own words:

> In the next five years breakthroughs in military technology will tend to occur in the Soviet Union rather than in the United States.

Foster's statistics, showing a Soviet lead in military R. & D. spending, have been challenged by the Federation of American Scientists. And it may be that we are not in fact vulnerable to the kind of technological surprise he envisages. But there is no doubt that the Russians have massively increased their investments in R. & D. Combined with their heavy programs of scientific and technical education, this effort portends danger for the United States.

Foster, however, does not propose new investment in American education. Nor does he advocate new Federal programs of basic research to prevent technological surprise. Instead, he urges continuation of the same mistaken pattern that has brought us to our present position of extravagent futuility. He demands more money to multiply and embellish the obsolescent systems in our arsenal; employing new technology not to produce more cost-effective and useful systems but to redeem old modes of thought and outmoded hardware: New ICBM's, bombers, and carriers—with often futile new defenses for them—redundant fighters and tanks, raised to egregious cost with unnecessarily sophisticated accessories. Even though some of these systems may well be supportable for the moment, they are irrelevant to our problems of technological surprise—except again to the extent they divert valuable manpower from work on the frontiers of development.

It is because the Soviet Union is greatly improving its strategic panoply—greatly expanding its efforts in R. & D.—that we cannot afford to continue our present pattern. It is because Dr. Foster and Secretary Laird and Senator JACKSON are generally right about the long-term Soviet threat that they are hopelessly wrong in their proposals for short-term deployments.

Let me repeat. Even Secretary Laird acknowledges that the threat to our security is not immediate. It resides in the long-term impact of Soviet programs. The persistent problem of our defense policy has been over-reaction to current and sometimes spuriously anticipated threats. The Soviet Union digs some holes; Marshal Grechko makes a speech; and we are provoked into wasting billions. In effect, we have let our adversaries dictate our defenses. And our overreaction to immediate threats has undermined our ability to meet our long-term security problems.

The result has been an erratic course of spending that summons whole defense industries into being—and then dissolves them, when our initial alarms are disproven. We make little effort to promote conversion of valuable facilities to civilian purposes. We demoralize valuable manpower. And for all our expensive effort we never seem to have enough.

I believe that we will have to maintain high levels of defense spending for years to come. If we continue in our current manner, however, there is a real danger that at some future day, we will direly need some form of armament and will not be able to produce it in time. Our huge Military Establishment would then indeed be a pitiful, helpless giant. For if we are really subjected to technological surprise—or to a truly menacing enemy program—we cannot meet the threat by spending more on last year's novelties, or by expanding our maginot lines on ABM's. We will have to have a stable and productive economy; we will require a reservoir of scientists and technicians prepared to work effectively; we will need an industrial base ready to produce new systems; and we will need a society that is eager to support the effort. If we continue on our currently erratice course, we will have an increasingly large Defense Establishment superbly prepared for last year's illusory threat, last year's questionable gap; a society unwilling to believe the new alarms; and an industrial base in disarray. In making these cuts,

therefore, I urge, as I did last year, that the Pentagon take a special effort to assure that scientific and other technical manpower are not permanently lost to our national security programs. Over the last few years, our defense procurement programs have been cut by a total of nearly one-third without close attention to the long-term effects. Our future mobilization base has been jeopardized. It is crucial that current retrenchments—like current expenditures—be designed with our long-term security in mind. Conversion of our defense industry for peaceful purposes should not be considered as a part-time concern. Conversion is a necessary instrument of intelligent defense planning, preserving our mobilization base for a future crisis.

In the future our defense spending should be maintained at a relatively steady and balanced level. We should not allow uncertain new appraisals of Soviet intentions and capabilities to panic us into erratic splurges of investment in untested systems. A balanced approach would prevent literal crash programs for new aircraft—and titanic new efforts in divining and forging—that bring public disillusionment and abrupt retrenchment.

There is another point which should be considered as we approach a decision on this amendment. Last week the joint committee on internal revenue taxation estimated that the deficit for this year's budget will reach $23.3 billion. As programs are currently planned, the same report indicates a deficit next year, fiscal year 1972, of around $23 billion again. This report does not include in its estimates many major programs in health, transportation, environmental protection, education, housing, and in other fields which are of vital concern to many members of this body.

The hard fact is that we must make a decision. If we are serious and responsible about our attempts to alleviate these desperate needs at home, we may have to accept a substantial tax increase or an increasingly larger budget deficit with all its accompanying inflationary consequences. I submit that both these alternatives are unacceptable.

There is a third choice. We can and must undertake a basic reevaluation of our defense posture and policies and the national treasure which is expended upon them. For the reasons which I have been discussing, such a step is mandatory to insure our future national security. It is also mandatory for the future security of our citizens, our cities, and our society.

I would like to close by saying that retrenchment of the defense spending is squarely in the Republican tradition. Senator Robert A. Taft in his last public speech appealed for "severe scrutiny of the defense budget." And President Eisenhower, perhaps our most knowledgeable recent President on national security policy, and a man whose wisdom looms greater as time passes—summed up the problem in now famously prophetic words, which I would like to quote again today. For we should never forget them:

> No matter how much we spend for arms, there is no safety in arms alone. Our security is the total product of our economic, intellectual, moral, and military strengths . . .
>
> Let me elaborate on this great truth . . . It happens that defense is a field in which I have had varied experience over a lifetime, and if I have learned anything, it is that there is no way in which a country can satisfy the craving for absolute security—but it easily can bankrupt itself, morally and economically, in attempting to reach that illusory goal through arms alone. The military establishment, not productive of itself, necessarily must feed on the energy, productivity and brainpower of the country, and if it takes too much, our total strength declines.

Beyond all the issues raised in this debate, this fundamental principle still stands firm.

Mr. ELLENDER. Mr. President, I yield myself 5 minutes.

We had quite a discussion awhile ago on the Cuban refugee problem. Last night I discussed the matter with my counterpart from the House side, Representative MAHON. He said that the House of Representatives has had no hearings on the Cuban refugee problem, and that, if the Senate insists on its amendment, there may be difficulty in having the resolution enacted before midnight tomorrow night.

I know the time is short, Mr. President, and personally I do not want to take any steps that would delay final action on the continuing resolution. I have discussed this matter with my good friend from North Dakota, the ranking Republican member of the Appropriations Committee, Mr. YOUNG, and other Senators, and I am prepared now to withdraw that amendment.

Mr. President, I ask unanimous consent that the language on page 4 of the joint resolution, beginning on line 8 with the comma after the figures "91–672" and ending with "United States" on line 11, be stricken from the joint resolution.

The PRESIDING OFFICER. Is there objection? Without objection, the language will be stricken.

The language of the committee amendment referred to reads as follows: ", except that none of the funds provided by this or any other Act may be used to cover costs incurred in connection with the movement of refugees from Cuba to the United States".

Mr. GURNEY. Mr. President, will the distinguished Senator yield to me?

Mr. ELLENDER. Yes, indeed.

Mr. GURNEY. Mr. President, I wish to express my appreciation to the chairman for this action. I know I speak for my colleague from Florida (Mr. CHILES), who is not now able to speak for himself, because he is occupying the Chair as Presiding Officer, but we do indeed appreciate this action and the compassion and understanding of the chairman.

I am sure that as hearings develop later on other bills, we can look into the matter and come up with some solution that will be fair and equitable to all of us.

I thank the chairman.

Mr. ELLENDER. Mr. President, it is my purpose to get more information on the matter, and the subject matter will be taken up when the Foreign Assistance and Related Programs Appropriation Act of 1972 is considered.

(Mr. PROXMIRE assumed the chair as Presiding Officer at this point.)

The distinguished Senator from Wisconsin (Mr. PROXMIRE) who is now presiding is the chairman of that subcommittee. It will be my purpose, and I am hopeful his purpose, to go more thoroughly into detail about this matter, and to try to fix some definite date and find out the number who can come in under the present setup.

As I said awhile ago, it strikes me that we have gone too far with this Cuban refugee program. It was never contemplated that we would have as many as 650,000 Cubans enter this country under the program. As I pointed out, when the subject was discussed after Castro decided to permit so many to come in, the estimate made then was around 200,000, and it seems that that number increases from year to year.

I believe that subject matter can better be dealt with, and we will get more facts and be in a better position to present it to the Senate, when the bill to which I have referred comes before us for consideration.

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

Mr. GURNEY. I believe this is the way to get at it, in a full fledged hearing that develops all the facts.

Mr. ELLENDER. As I have heretofore stated, I had discussed the matter with Mr. MAHON, and he made a good point. Last night before I went to sleep I thought about it, and I hinted this morning that I would take that action, because I do not wish to delay the passage of this continuing resolution. The joint resolution must be passed by midnight tomorrow night; if we do not do so, many departments will be without money, and I do not want that to happen. I am willing to wait 5 or 6 more weeks until we can go into more detail and have more facts, so that we can deal with the subject matter more intelligently next month.

Mr. CHILES. Mr. President, I also commend the chairman for taking this action. He has now called the matter fully to the attention of the Senate, and the hearings should be able to determine what number of people we have made a commitment to, and whether it is a commitment that we are obligated under or should be bound by, what are the reasons for these people being on welfare, and we can get all the facts in the hearing. I certainly commend the action of the chairman in withdrawing that amendment at this time.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Have I used my 5 minutes?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ELLENDER. I take 5 more minutes, Mr. President.

Mr. President, with respect to the amendment that is now pending, as I pointed out earlier, I do not know whether the amendment applies to appropriations or to expenditures. Last year, Congress appropriated for fiscal year 1971 $71,449 million for military functions, and we spent $73,370 million plus.

I am informed by the Defense Department that of the estimated $75 billion for military functions about $40 billion

is required for personnel-related costs—this will be about $41.7 billion when we consider the additional military pay increase.

To support ongoing programs that are now under contract, that have been authorized by Congress in prior years, would require $20 billion, in round figures; and for new programs that will be authorized and that Congress will make provision for, or some of which we will make provision for, $15 billion will be required, for a total of $76.7 billion, including the $1.7 billion for the additional military pay increases.

If we simply conclude now that we will spend at the rate of only $68 billion, as this amendment provides, I say to the Senate that our security would certainly be in trouble. Therefore, Mr. President, I am hopeful that this amendment will be rejected.

Earlier I referred to the $20 billion required for many programs for which no new appropriations are requested. Let me cite a few examples.

The Navy's nuclear-powered aircraft carriers: The estimated expenditure for the basic construction for fiscal 1972 is $265 million. We have nothing in the appropriation bill to continue that program, and yet this amendment would affect that.

As to the Navy's general purpose assault ships—LHA—the estimated expenditure is $172.7 million. New appropriations requested for fiscal year 1972, none. Yet, under this amendment, part of that would likely be cut off. These are contracts that have been solemnly entered into by our Government and privately owned concerns. I do not want to contemplate the effect this will have, because the cutback on that means that probably we will have to enter into new contracts. There is no telling what it will cost the Government.

For the Navy's A-4 attack aircraft, estimated expenditures for fiscal year 1972, $42 million. No new appropriation is being asked for in the appropriation bill we are now considering and that, hopefully, will be reported to the Senate next month.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. ELLENDER. I yield myself 2 additional minutes. For the Army's CH-47 Chinook transport helicopter, estimated expenditures, $26.2 million. Appropriations requested for fiscal 1972 are none. That would be affected.

For the Army's UH-1H tactical helicopters, estimated expenditures, $38 million. New appropriations, none. Yet, it would be affected by this amendment.

For the Army's AH-1 Cobra armed helicopters, estimated expenditures, $31.9 million. New appropriations requested for fiscal year 1972, none. Yet, it would be affected.

For the Army's Shillelagh antitank missile, estimated expenditures, $27.4 million. No new appropriations are requested.

For the Air Force's UH-1H Iroquois tactical helicopters, estimated expenditures, $46 million. No new appropriations are requested.

For the Air Force's A-37B attack aircraft, estimated expenditures, $20 million. New appropriations, none.

All these contracts are in effect or in force, and the moneys for them have been appropriated in the past. Yet, under this amendment, those contracts may be affected.

I hope the Senate rejects this amendment.

Mr. PROXMIRE. Mr. President, I yield myself 1 minute, and then I will yield to the Senator from Massachusetts.

I should like to modify my amendment so that it will read as follows:

> Except that the amounts available for expenditure for military functions administered by the Department of Defense shall not exceed a rate equal to $68,000,000,000 a year.

The reason for that correction is that I think the Senator from Louisiana raises a proper criticism of the ambiguity of the amendment. It could apply to appropriations or expenditures. This clarifies it.

Mr. ELLENDER. I am glad the Senator has clarified that, because I interpreted the first amendment as affecting appropriations. So that it will be expenditures.

The PRESIDING OFFICER. Will the Senator send the modification to the desk?

The amendment, as modified, reads as follows:

> On page 4, line 2, before the semicolon at the end thereof insert a comma and the following: "except that the amounts available for expenditure for military functions administered by the Department of Defense shall not exceed a rate equal to $68,000,000,000 a year."

The PRESIDING OFFICER. The amendment will be so modified.

Mr. PROXMIRE. Mr. President, I might also point out that the Senator from Louisiana, of course, is right, that it is painful and difficult for the Defense Department to adjust to a reduction of 7 percent in spending. That is what this will amount to. There are all kinds of ways in which this can be done. The fact is that we put ceilings on the civilian agencies——

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

Mr. PROXMIRE. I yield myself 1 additional minute. I think we can get some time from the manager of the bill.

Mr. ELLENDER. How much time does the Senator want?

Mr. PROXMIRE. An additional 5 minutes.

Mr. ELLENDER. I yield 5 minutes to the Senator.

Mr. PROXMIRE. I yield myself 1 minute now.

I might point out that this ceiling is an old business. Congress has done this several times in the past, and most Members of the Senate have voted for those ceilings. Those ceilings are difficult and painful. We all know the complaints we heard from the civilian agencies. But we know that none of those agencies came to a halt. People were not deprived of their pay. Contracts were not canceled. There are ways this can be done with stretchouts. Choices have to be made. I think it is about time those tough choices were made by the Defense Department, and that is why we are offering this amendment today.

Mr. President, I yield 2 minutes to the distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I fully support the Proxmire-Mathias amendment to limit Pentagon spending to $68 billion for fiscal year 1972. I urge the Senate to accept the amendment today, as part of the pending "committee resolution," so that the ceiling may take effect for the entire new fiscal year that begins on Thursday.

Today, the Senate has the opportunity to translate our action on the SST earlier this spring into an across-the-board vote on the principle of reordering our national priorities. Like a colossus of the ancient world, the Pentagon budget stands astride all our hopes for real action on the countless domestic issues we face—issues like inflation and unemployment, law enforcement and crime control, race and poverty, health and education, pollution and transportation, and the crisis in our cities.

The President boasts about winding down the war, about hundreds of thousands of troop reductions in Vietnam, about a generation of peace, but the Pentagon budget goes on, virtually unchanged—as though, somehow, it has a life of its own, free of real control by Congress or even by the President.

To be sure, there have been modest reductions in military spending in the past two fiscal years, but hardly of a magnitude that gives us any confidence that we actually have the problem under control.

Time and again, the pattern is the same. Faithfully each spring, as the military budget juggernaut begins to roll in Congress, we get the reports of "terrifying" new weapons breakthroughs by the Soviet Union, followed hard by calls for renewed American commitments—and spending—to meet the challenge.

But, as we have heard so often in recent days, the crisis lies as much in credibility as it lies in substance. After each new wave of spring defense alarm subsidies, and the budget is enacted, calm returns, and once again, we see the inevitable result of the annual process—defense spending programs emerge virtually unscathed, while urgently needed domestic programs have had to run the gauntlet of drastic budget cuts.

We know the dismal figures, but they bear constant repetition. In 1969, for example, for every man, woman, and child in the United States, we spent the following sums: $410 on national defense; $125 on the war in Vietnam; $19 on the space program; $19 on foreign aid; and only 80 cents on cancer research.

Today, however, we can see that things are changing. Priorities have become a major national issue in their own right. Gone are the days of weak and ineffective scrutiny of the annual requests for military spending. Gone is the blank check policy that Congress has given the Pentagon for so long.

That is why I favor a ceiling on Pentagon spending for the next fiscal year. It is the most effective single step we can take at this time if we are to buy the

time we need to begin to meet the challenge of the seventies.

In the course of the coming debate on the various individual military appropriations bills, we will have the opportunity to examine spending for specific defense programs. Today, however, we have the opportunity to take the important overall step of setting an outer limit for overall military spending, and thereby to establish the basic framework within which all the later programs will be examined.

The $68 billion figure for the ceiling is essentially the amount appropriated by Congress for the current fiscal year. In light of the substantial force reductions we have already made in Vietnam during the current year, the ceiling is a realistic figure within which the Pentagon can reasonably be expected to operate. If the ceiling must be raised, it is entirely appropriate for the administration to come back to Congress later, when the need arises.

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

Mr. KENNEDY. Will the Senator yield me 1 additional minute?

Mr. PROXMIRE. I yield 1 additional minute to the Senator.

Mr. ELLENDER. Two minutes.

Mr. KENNEDY. Unless we take the steps we must to limit the soaring costs of military spending, and to reflect the real force reductions we made so far, all our dreams for progress on our domestic problems will be postponed, and the problems will grow worse. The time has come for Congress to make a comprehensive commitment in favor of new priorities, and to make clear to the people of the Nation that we can practice what we preach. We can begin by setting a realistic limit on defense spending.

I thank the distinguished Senator from Louisiana for yielding to me, and I yield back the remainder of the time of the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, of the 5 minutes the Senator from Louisiana yielded to me, do I have time remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 3 minutes remaining.

Mr. PROXMIRE. Mr. President, may I say to the Senator from Maryland, first, that I am delighted that he stressed, as he did—the fact that we face a deficit of $23 billion this year and probably more than $23 billion for next year.

We all recognize that we must provide more money for our cities, for combatting pollution, for health, and for many other programs. Where is the money coming from? It is true that we may be able to pass some kind of tax increase, but that is doubtful. If we are going to meet these problems to any extent at all, we have to hold down military spending. There is no other answer, as I see it.

Charles Schultz, former Director of the Budget testified that for the next 3 years there will be no fiscal dividend that even if we reduced unemployment to 4 percent and we had a booming economy, we still would not get the Federal revenues. To do more than the limited domestic programs we now have on the books.

Mr. MATHIAS. The Senator is exactly right. We face a serious problem, as I pointed out, of chalking up a $23.3 billion deficit at the end of the current fiscal year. We look forward, at least conservatively, to the same deficit next year, so that it would be over $46 billion. We are probably talking in the ball park range of $50 billion.

As the Senator from Wisconsin asks, where is the money coming from? It has got to come from the people of the United States either in the form of new taxes or in the more insidious, unfair and inequitable form of robbing them through inflation. That is where it will come from. That is really the decision being made here today.

The distinguished Senator from North Dakota (Mr. YOUNG) says—and I am very much interested in his statement, he has a lot of sound wisdom in it—that we are asking the Department of Defense to undertake a 10 percent cut in a 30-day period and that no $500 million or $1 billion corporation in the country could do that.

Well, let me say, those companies are responsive to the disciplines of the markets in which they operate. They react quickly. They see the handwriting on the wall. What I am suggesting to the Senate to vote on here today is that companies like that, which see the handwriting on the wall, corporate boards, and corporate executives, observe these things and they will say either, "Keep going full blast, the signals are up," or "adjust to market conditions." Which button will we push because we have got a customer here that will react to those signals.

Mr. YOUNG. I would be very much interested in knowing where the Senator would suggest the cuts be made. Would he make them in personnel? Would he close some bases? Would he close out military contracts in Maryland or North Dakota? Just where would the Senator suggest the cuts be applied?

When we on the Defense appropriations make cuts, we usually state where they should be made.

Mr. MATHIAS. As the Senator from Wisconsin explained, we have felt that this should be a function of the Defense Department. We are willing to give the Defense Department the widest latitude. This is not an unusual device. It is a device the Senate has adopted before and Congress has adopted before; namely, an overall spending limitation. It has worked in the past successfully. It has worked in terms of the total budget as well as a department budget. I think we can apply this kind of limitation successfully and that we should do it because if we do not, we will face more red ink.

I might inquire of the Senator from North Dakota, as the Senator from Wisconsin inquired of me, where will the money come from?

The PRESIDING OFFICER (Mr. GAMBRELL). The 3 minutes of the Senator have expired.

Who yields time?

Mr. YOUNG. I yield more time to the Senator from Maryland if he wants it.

Mr. PROXMIRE. Mr. President, will the Senator from North Dakota yield me 5 additional minutes?

Mr. YOUNG. I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. PROXMIRE. Mr. President, may I say to the distinguished Senator from Maryland that in the past 2 years we have had five bills proposed to Congress setting ceilings on the amount to be spent by executive agencies. I have here a list of the membership of the Senate, and virtually every Senator has voted for at least one of the ceilings. A number of Senators, including those Senators most vehement in opposing the pending amendment, have voted for all the ceilings—at least four out of five of them.

Further, I point out that this is nothing new. It has been done before. The only way we can get at something that is as complex and as technical and that requires such a high degree of knowledge as the defense budget does is to make the general reduction and leave the specific ones to the agency experts. Time and time again, as the Senator recalls, how we debated the aircraft carrier or the B–1 bomber or some of the technical fighter planes, that time and again we would be told that we did not understand the tremendous complexity of our modern defense establishment, on how important a particular weapons system was, that if we spent a week in study we still would not know as much as the men who have devoted their whole lives to the subject.

We should ask the Secretary of Defense, who is a competent man—I have great faith in his judgment and his ability—as he has back of him the most competent people, people who have devoted their lives to this subject. The Secretary is in the best position to make a careful, thoughtful, priority judgment on where to make the cuts with the least possible damage. It would be better to do that than to wipe out wholesale two or three weapons systems on which we have, unfortunately, in the Senate little knowledge, or even to wipe out some bases on which we can make a foreign policy judgment, or a defense judgment; but I doubt that would be wise, certainly in the limited period we have, that that kind of judgment could be made by the Executive.

Mr. MATHIAS. Let me point out, in response to the Senator from North Dakota, that there has been a lot of alarming talk about what would result from adoption of the pending amendment. The Defense Department indicated that if the amendment is agreed to, they would have to cut personnel 50 percent and procurement 40 percent. Of course, that is ridiculous.

The Secretary of Defense himself has estimated that each U.S. soldier costs the Government $10,000 annually, so that if we took the entire $7 billion cut out of military personnel alone, we would still end up with 1,805,000 plus troops, and that would accomplish the whole thing. Of course, I am not suggesting that we do that, but it is just a measure of what is taking place in responding to the very modest and limited suggestion that is incorporated in the pending amendment.

Mr. YOUNG. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I am glad to yield to the Senator from North Dakota, if I have the right to do so.

Mr. YOUNG. A cut like this has not been leveled at the Department of Defense in 20 years, so far as I know. There have been overall cuts in Government spending, but defense cuts have never been singled out before, and for very good reasons. Many people still consider the national security as having the highest priority. To me, without adequate national security, all other priorities become meaningless.

Mr. MATHIAS. I would respond to the Senator from North Dakota by saying that I think national security does have the highest priority. But I think we are finding that our national security priority is being betrayed by fiscal policies that are unwise.

Mr. WEICKER. Mr. President——

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, how much time does the distinguished Senator from Connecticut desire?

Mr. WEICKER. About 3 minutes.

Mr. ELLENDER. I yield 5 minutes to the Senator from Connecticut.

Mr. WEICKER. I regret to find myself in opposition to the amendment of the Senator from Maryland and the Senator from Wisconsin, and for the very reason enunciated by the Senator from Maryland, who said that this amendment gives the widest latitude to the Department of Defense to make cuts. That is the whole problem.

Some of us feel that the widest latitude is given to the Department of Defense to go ahead and raise its budget. Clearly, in my mind, that is a job that belongs to Congress, both as to the cutting of any moneys, and in the way of raising the budget for the Department of Defense. Our job is to consider the specific weapons for a system and to see if, in fact, they enhance the security of the United States.

The defense budget should be examined both in this body and in the House of Representatives. I am not willing in any manner, shape, or form, to give wide latitude to the Defense Department.

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

Mr. WEICKER. I yield.

Mr. MATHIAS. We are not proposing this amendment without precedent and experience. The distinguished former Senator from Delaware, Mr. Williams, proposed a ceiling on procurement that operated in simple fashion with respect to imposing limitations. Certainly there was no more knowledgeable, more thorough, or more conscientious Member of the Senate than he with regard to fiscal policy. He felt it to be a desirable and responsible way to proceed, and the Senate concurred with him.

Mr. WEICKER. Mr. President, I repeat to the distinguished Senator from Maryland that the job of examining the budget and making cuts is not the job of the Defense Department. It is the job of the Senate. We have ourselves in the bind we are in today because we gave to the Defense Department the job of getting whatever they asked for without coming to Congress. If it applies for one situation, it applies for the other.

Mr. PROXMIRE. Mr. President, what the Senator said has a lot of appeal. I wish we could proceed in that way. However, we tried for years. I do not know of one single weapons system that the Congress ever eliminated. In that connection, the Defense Department stopped the B–70 and temporarily stopped the Cheyenne and several other programs. But not Congress. Congress does not do this for many reasons. One reason is that any big project has involved in it considerable employment in a number of States. Senators feel that they have to fight against that kind of a cutback and for specific jobs back home.

I think that theoretically the Senator from Connecticut makes a very good point and a very logical point. It would be a good thing if we could sit down and convince our colleagues that a weapons system should be cut back. We have tried to do so, but unfortunately we could not.

Mr. WEICKER. Mr. President, of all Senators in the Chamber, the Senator from Wisconsin should realize that a change has taken place and that whereas in the past the Senate did not exercise its right on specific items in the President's budget, we have now seen a turn of events.

The Senator from Wisconsin knows this very well, having focused the attention of the country and the Senate on a matter and succeeded in defeating a project. In times past we handed the authority to the Defense Department and did not contest any single item. It was only with an item such as the ABM system that Congress did start to apply itself and occupy itself with the matter and did not allow the Defense Department to beef up the budget in an instance where more money did not necessarily mean better defense.

I think the time has come when we should scrutinize the budget line by line I am not willing to let them decide where the cuts should be made.

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

Mr. McINTYRE. Mr. President, House Joint Resolution 742 provides continuing authority to the Department of Defense to pay for the support of its operation after June 30, 1971, which marks the end of the current fiscal year. My distinguished colleagues from Wisconsin and Maryland have introduced an amendment which would limit expenditures by the Department of Defense during fiscal year 1972 to $68 billion. This amendment would have the effect of reducing defense spending during that year by some $7 billion.

There are a great number of arguments which can be made against this proposed $7 billion reduction in spending, which in its very concept must be considered as bordering on the irresponsible, illogical and self-defeating. Not only would it jeopardize an adequate level of defense, it would retreat from congressional responsibility in such matters by leaving it up to the Pentagon to decide where the spending cuts are to be made. In effect, it defeats its own purpose. Instead of reasserting civilian control, it abandoned it.

I am concerned about the total operation of the Department of Defense, but I am even more concerned about the research and development portion of the total defense program since I have a direct responsibility for that program as chairman of the Ad Hoc Subcommittee for Research and Development of the Armed Services Committee. The proposed amendment would be totally disruptive of the Department of Defense program for fiscal year and would be chaotic in its effect on the research and development program which provides in large measure for the orderly and time-phased development of major weapons systems that spans a period of years.

The proposed amendment would undermine all of the long and tedious efforts of the Armed Services Committee, which has been engaged in an item-by-item review of all of the appropriations comprising the military procurement authorization bill. The entire staff and membership of this committee has devoted literally hundreds of hours in exhaustive briefings and hearings involving each of the Department of Defense programs for which authorization is requested for fiscal 1972. This is the sensible and responsible way to effect savings without jeopardizing national security. I might recite my own experience several years ago when because of the overriding pressures of a lack of time, a lack of experience, and a lack of sufficient numbers of people to conduct a proper review, a somewhat arbitrary percentage reduction was adopted as the basis for cutting the authorization request for research and development. In good conscience and in retrospect, this approach at best was arbitrary and could not withstand the test of logic. When I consider what effect the proposed amendment would have, I am overcome by the same emotional uncertainties and discomfort which I felt when I recommended a percentage reduction several years ago.

The lesson which I have learned and which I would share with my colleagues is the lesson which I have applied last year and again this year in discharging my responsibilities for review of the research and development program. The total defense program, which has been described by the Secretary of Defense as "rock bottom," has been referred to the various committees under established procedure for their review and consideration. The committees do not take their responsibilities lightly. They have been given a task and they are pursuing it with their utmost capability and with keen sensitivity to the serious economic situation which confronts this country.

The reordering of national priorities can be meaningful only if we maintain an adequate level of defense. In my judgment, an adequate level of defense would not be possible if we were to limit spending in such an arbitrary manner.

Moreover, a spending cut of such magnitude is certain to have some adverse effect on the national economy priority.

The economy is in trouble. We all know that. And while I do not believe

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prosperity must depend on military spending, there is little doubt that a wholesale reduction in military and civilian manpower, the closing of bases, the deactivation of our operating forces, the widespread termination of essential contracts, and the chain reaction throughout industry which would occur if this amendment should pass would deal our reeling economy still another blow.

I strongly urge my colleagues to vote against the amendment and permit the Senate to consider the recommendations of the responsible committees and to make its decision on the merits of the evidence in each case.

Mr. HART. Mr. President, it is estimated that Michigan will receive only enough Federal money in the next fiscal year to fund 25 percent of applications already on hand for public and senior citizen housing projects.

Budget restraints may limit Detroit's summer feeding program to 20,000 poor children rather than the 40,000-child program the city was encouraged to develop.

Senate-House conferees have completed work on the education appropriation bill, and, at least in part, because of budgetary problems, have agreed to eliminate impact aid for communities affected by Federal housing projects and to cutback the Senate-approved increase for title I of the Elementary and Secondary Education Act.

The budget contains no funds to develop many national parks and national forest recreation areas despite the Federal Government's pledge to local communities that early development would help offset loss of tax revenues.

The past weekend we applauded the opening of youth conservation camps, ignoring the fact that we spend billions to operate camps to train people to kill, but only $1 million to train youths for the battle to save our environment.

Detroit has been waiting since 1963 for construction of the Pat McNamara Federal Office Building, a project delayed because of budgetary restraints. In a city with a high unemployment rate, in a city struggling to revitalize itself, the empty, unused lot purchased as the site for this building is both a constant reminder of a commitment not kept and a deterrent to private investment in the future of the city.

A Michigan mother recently wrote about the lack of facilities for her mentally sick son, who, because he is now over 21, is sent to prison rather than to a treatment center. She wrote not to ask for help for her son, but for the mentally ill of the future.

She asked, "Doesn't anyone care?"

The same question is asked by residents of Sault Ste. Marie, where Indian and white alike live in houses without water and sewer service.

"Doesn't anyone care?"

That question is asked not in Michigan alone, but in every State and community in our country.

That is the question which spells out in human terms the sterile rhetoric which calls for a change in national spending priorities.

Today, we can give some meaning to that rhetoric by voting to set a spending limit of $68 billion for military functions.

If we are to hold down Pentagon spending, it is important that we establish an expenditure rather than an appropriations limit.

In each of the past 3 years, the Pentagon, making use of carryover funds, has spent more than Congress appropriated.

For example, Congress last year appropriated $68.7 billion for military functions. It is now estimated Pentagon expenditures for that year will run about $73.4 billion.

The spending limit proposed in this amendment would limit the Pentagon to outlays totaling about what Congress appropriated for the Pentagon last year.

An expenditure limit of $68 billion would be about a 9 percent reduction from the $75 billion the Pentagon anticipates spending this year.

It has been argued that such a limit will force base closings and add to the unemployment rate.

National defense figures and Pentagon budget requests do not support that position.

Spending on the Vietnam war is down from a high of $24 billion a year to an estimated $8 billion for the next fiscal year. That reduction of $16 billion, along with a cutback of 1 million men in uniform by the end of the year, means the Pentagon should be able to absorb a $7 billion decrease without endangering the national security.

Also, the overkill capacity of our nuclear deterrent and the history of arms limitation negotiations indicate that we can safely and should delay expenditures on deploying the Safeguard ABM and MIRV's.

For example, only 400 of 4.200 nuclear warheads are needed to destroy 30 percent of the Soviet Union's population and 70 percent of its industry. Yet we plan to double the number of warheads by putting multiple warheads on our Minuteman and Polaris missiles.

And not only should we delay deployment of Safeguard because of its extremely doubtful effectiveness as a defensive weapon, but history indicates chances for a meaningful SALT agreement would be improved by such a delay.

When President Eisenhower sought a treaty to maintain the Antarctic a nuclear-free zone, he did not embark on a program to deploy nuclear weapons in the Antarctic.

And today we have an agreement not to place nuclear weapons in the Antarctic.

When President Kennedy sought a treaty banning atmospheric testing of nuclear weapons, this Nation did not embark on an accelerated program of atmospheric testing. To the contrary, the President announced that not only would the United States suspend all such testing so long as other nations did not test, but he promised that this Nation would not be the first to resume testing.

And today we have an agreement controlling atmospheric testing of nuclear devices.

When President Johnson sought a treaty to control the proliferation of nuclear weapons, this Nation did not launch a program to give nuclear arms to other countries.

To the contrary, under the leadership of Senator PASTORE, the Senate helped create the atmosphere which resulted in the signing of a nonproliferation agreement.

During the negotiations, Moscow expressed concern that under one guise or another, the United States might seek to transfer nuclear weapons to West Germany.

The Pastore resolution commended the President's efforts to negotiate a nonproliferation treaty. The wording of that resolution, combined with its legislative history, and the expressions of the Senator from Rhode Island in the course of the hearings, helped convince Moscow that we had no intention of transferring nuclear arms to West Germany.

Under the reasoning that we should continue to deploy Safeguard, that resolution should not have been passed; the proper course would have been to amend the Atomic Energy Act to permit the transfer of nuclear weapons to other countries. But today, because of our restraint at the time, we have a nonproliferation treaty.

In brief, there is ample opportunity to cut Pentagon spending without endangering the national security and without widespread closing of military bases necessary for the national defense.

Let us take this opportunity to back up rhetoric about changing national spending priorities by setting a limit of $68 billion on Pentagon spending.

If we do not take this step now at the beginning of the fiscal year, it will be more difficult to establish such a limit later in the fiscal year.

A switch of $7 billion from the Pentagon to domestic programs would not solve all or even many of our problems at home, but it will help.

And let us not forget that in choosing between Federal spending on education, health, and housing programs and on Pentagon projects, the latter type of expenditure is the more inflationary.

Mr. STEVENSON. Mr. President, everyone who has served in the Armed Forces in recent years is aware of military waste and extravagance. Eleven million-dollar aircraft are used to destroy $3,000 trucks in South Vietnam. Expensive equipment is sometimes too sophisticated to be used effectively or even maintained in the field. Legions of uniformed chauffeurs, bartenders, and gardeners are maintained at taxpayers' expense. At one Army facility I visited recently I could detect no activity, except on a well manicured 18-hole golf course. But what concerns me most is that the Armed Forces are the prisoners of old and wasteful habits and obsolete ideas.

The Navy has in recent years built many ships. It wants to build more. But a warship is a platform for weapons—and it has not built the weapons. We now find ourselves with a fleet outfitted with not one surface-to-surface missile. The Soviet Union does not spend money on aircraft carriers. It puts its resources

into relatively inexpensive platforms for advanced weaponry, including nuclear submarines with cruise missiles. Not for lack of money, but because of the Navy's misplaced priorities, our fleet and our merchant marine are vulnerable to attack from the sea. The Army still seems to place its confidence in large land armies of conscripts. And yet Vietnam demonstrates, painfully, that wars of insurgency are not won by large conventional land armies any more than by B-52s or helicopter gunships. If wars must be fought again they will be won by men skilled in the arts of counter insurgency—and by others in highly mobile units dependent upon technology for firepower—not by huge armies of semi-trained men forced to serve against their will.

I believe that we in the Congress have cause to wonder if the military will ever break the chains of habit and inertia if we fail to provide it an incentive.

The Proxmire-Mathias amendment offers such an incentive—and at no risk to our national security. No Member of this body disputes the need to spend enough to insure a strong national defense. But I believe it can be proved that to spend $76 billion instead of $68 billion is to contribute $8 billion to the waste in the military. Its problems will not be solved by that money. They will be solved by new ideas and new leadership. And to spend $8 billion needlessly on the military, instead of on education, health, transportation, or on tax cuts for overburdened taxpayers, is to spend it for national insecurity, instead of for national security.

It is entirely possible that this amendment, if adopted, could lead to a leaner, tougher military. Let me, Mr. President, discuss but one example of what I mean. I could discuss the tendency to ever more expensive hardware in the military, the cost overruns and mismanagement in the Pentagon, the millions for dubious activities such as military spying and public relations. Instead, I would concentrate on the largest portion of the military budget: personnel costs.

According to Secretary Laird's statement before the Senate Appropriations Committee, manpower costs amount to 52 percent of the Defense budget. After the recent congressionally enacted pay increases, each man will cost an average of $9,000 per year to maintain in the armed services.

The total number of military personnel is an important factor in determining the total military budget. And manpower levels would be reduced if we had the same level of military manpower per division, ship, and airplane now as we did in 1964. Annual manpower costs would be nearly $3.7 billion less than at present. Public Law 91-441, passed last year, requires Congress to authorize a ceiling on average annual active duty personnel strength for each component of the Armed Forces. It also provides that no funds may be appropriated for military personnel in any fiscal year until this ceiling had been set by Congress.

For fiscal 1972, the Defense Department requested an average annual strength of 2.609 million which is equivalent to an end strength—as of June 30, 1972—of 2.505 million. The request was broken down, as required by law, into the following components:

MILITARY MANPOWER BY SERVICE, FISCAL YEAR 1972

	Average strength	End strength
Army	1,024,000	942,000
Navy	613,000	604,000
Marine Corps	209,000	206,000
Air Force	755,000	753,000
Total	2,601,000	2,505,000

The House Armed Services Committee, after examining the Defense Department's requests and justifications, observed:

> Inevitably in an organization the size of the Department of Defense, there is adequate room for effecting greater efficiencies in the utilization of military personnel. Therefore, the Committee urges the Department of Defense and the individual services to continue to explore the possibility of substituting the use of civilian manpower whenever practicable, as well as attempting to achieve overall reductions in manpower requirements.

Nonetheless, the committee saw fit to set the manpower ceiling at the level requested by the Department of Defense.

The Senate Armed Services Committee, under the outstanding leadership of Senator STENNIS, recommended a reduction of 56,000 in average strength for fiscal year 1972, the equivalent of a 112,000 reduction in end strength. As a result of these recommendations, the level of military personnel would stand at 2.4 million at the end of fiscal year 1972 and Federal military outlays would be reduced by $1 billion annually—$504 million during the first year. Ninety percent of the reduction recommended by the committee would occur in Army personnel.

The committee did not specify exactly where the cuts should occur. But it did point to two factors which persuaded it to reduce the Department's requests:

First. An acceleration of the withdrawal rate from Vietnam announced by the President after his original submission of manpower requests, and

Second. Excessive command, supply, and logistics personnel in Europe.

Senator STENNIS has announced his intention to hold further hearings this year focusing on the subject of military manpower levels. Without diminishing in the least my respect for the committee efforts, I would suggest that military manpower needs could be satisfied—by an end strength for fiscal year 1972 substantially below the 2.4 million men the committee recommended. This reduction can be made through more effective utilization of military manpower and more efficient personnel management. Additionally, it is possible that other cuts could be made to make our military force levels more consistent with stated national security policy.

The most relevant standard to which the Defense Department's 1972 manpower request can be compared is the baseline general purpose military force in existence at the end of fiscal year 1964—before the Vietnam war began.

Since 1964, we have added 36 additional nuclear attack submarines, and 4 C-5A squadrons. But we have also eliminated three Army divisions, five tactical air wings, eight attack and antisubmarine carriers, 38 escort ships, 64 amphibious assault ships and 19 non-C-5A airlift and sealift squadrons. Strategic—nuclear—force manpower has decreased as well.

Mr. President, I ask unanimous consent that a table comparing the structure of our military forces in 1964 with those scheduled by the Defense Department for the end of fiscal year 1972 be included at this point in the RECORD.

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

	End fiscal year 1964		End fiscal year 1972	
	Forces	Manpower (thousands)	Forces	Manpower (thousands)
I. General purpose:				
Divisions	19⅓		16⅓	
Army division	16⅓		13⅓	
Marine division	3		3	
Tactical air wings	40		35	
Air Force	22		21	
Navy attack wings	15		11	
Marine Corps	3		3	
Naval forces:				
Attack and antisubmarine carriers	24		16	
Escort ships	265		227	
Amphibious assault ships	139		75	
Nuclear attack subs	19		55	
Airlift and sealift forces:				
C-5A	0		4	
All others	32		13	
Troopships, cargo ships, tankers	100		98	
General purpose forces		1,068		1,032
II. Strategic forces:				
Land-based missiles	654		1,054	
Sea-based missiles	336		656	
Strategic bombers	1,277		521	
Strategic forces manpower		221		139
III. All other manpower		1,398		1,344
Total		2,685		2,505
Army		975		942
Navy		668		604
Air Force		857		753
Marines		190		206

Mr. STEVENSON. Mr. President, despite these reductions in our general purpose force structure, military personnel—although it has fallen by a total of 180,000 men between 1964–72—has not been reduced correspondingly. In its study of the fiscal year 1972 budget, the Brookings Institution calculates that total Army manpower per active division has increased by 19 percent, total Navy manpower per ship has increased by 28 percent, and total Air Force manpower per aircraft has risen by 16 percent.

If the same ratios of total military manpower per division, ship, and airplane existed today as existed at the end of fiscal year 1964, military manpower needs for fiscal year 1972 would be 408,000 less than the Defense Department has requested. Required military outlays for personnel alone would be $3.7 billion less. Those reductions in personnel would be followed by a reduced cost of training and military facilities.

Mr. President, I ask unanimous consent that a table listing 1972 manpower needs based on the 1964 ratios of men per force unit be inserted in the RECORD at this point:

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

	Total men per division, ship, aircraft		Actual 1972 manpower	1972 manpower based on 1964 rates of men per division, ship, aircraft	Difference
	1964	1972			
Army	59,632	70,829	942,000	763,000	178,980
Navy	716	918	604,000	495,280	108,720
Air Force	67	78	753,000	632,520	120,480
Total			2,505,000	2,096,820	408,180

Mr. STEVENSON. Mr. President, these figures make it apparent that there has been a proliferation of support forces since 1964. But where has this proliferation occurred?

The concept of military support is a confusing one. The Department of Defense divides its military personnel into four classifications: strategic forces personnel, general purpose forces personnel, other mission forces personnel, and general support personnel. Total military personnel has decreased by 182,000 since 1964—7 percent.

Strategic forces personnel man our nuclear deterrence systems. Since 1964, strategic forces personnel has fallen from 221,000 to 139,000—a decrease of 82,000—37 percent.

General purpose forces are prepared to engage in combat or provide direct support or services—such as communication, logistics, transportation, construction, and maintenance—to those in combat. The nonnuclear force structure outlined in table I is manned by general purpose forces. Army general purpose forces are structured into divisions of approximately 16,000 men each. Each division is backed up by an initial support movement capable of providing support for the first 60 days of combat and by a sustaining support increment required for any combat after 60 days. These increments are equal in size to the division itself. A division slice—the division itself, plus its initial and sustaining support increments—consists of about 48,000 men. Since 1964, general purpose forces personnel has decreased from 1,068,000 to 1,032,000—a total reduction of 36,000—3 percent.

In the same period, Army general purpose force personnel has decreased by only 28,000, even though the number of divisions has fallen by three. A decline of three divisions ought to result in a reduction of 144,000 positions and nearly 130,000 men since each division of 16,000 is backed by two support increments of similar size, manned to an average of 90 percent capacity.

Other mission forces personnel engaged in functions such as intelligence and security, research and development, and support to other nations. Personnel for this function has remained relatively stable, increasing by only 9,000—5 percent.

Finally, general support manpower is involved in training, logistics, command, and base support including upkeep, police, construction, and provision of medical services. Army general support manpower is formally outside the division structure and should not be confused with division combat service support increments. Total general support manpower has decreased by 73,000—6 percent.

Mr. President, I ask unanimous consent to put in the RECORD at this point a table comparing our 1964 and 1972 military manpower profile.

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

	Fiscal year 1964	Fiscal year 1972	Percent change 1964–72
Strategic	221	139	−37
General purpose	1,068	1,032	−3
Other mission	190	199	+5
General support	1,208	1,135	−6
Total	2,687	2,505	−7

Mr. STEVENSON. Although the four categories are conceptually distinct, there is actually some spillover and overlap among them. General support forces in some cases act as combat support and combat service support personnel for general purpose forces, particularly for those general purpose forces based in the United States. Similarly, according to the Defense Department, general purpose personnel sometimes perform general support duties, particularly for overseas Army bases—NATO—and on ships at sea. For example, the 2⅓ division sustaining support increments now deployed in Europe are required to perform peacetime functions such as repair, maintenance and operation of commissaries and other services provided for the dependent population, rather than support for the combat divisions.

The Defense Department has focused on the category called "general support forces" in its efforts to prove that the military has not become overburdened with support. Its claim that only 40 percent of total military manpower is in support obviously refers solely to the category of general support. It should be clear that the other 60 percent are not all combat troops—they are strategic personnel, general purpose, and other mission forces, a very small portion of which are actually combat personnel.

I particularly question the increase of manpower within the general purpose forces. Despite the significant cuts in force structure, the number of men in the general purpose force has decreased by only 67,000 since 1964. Although total military manpower at the end of fiscal year 1972 will be 7 percent less than 8 years ago, general purpose forces will have been reduced by only 3 percent—less than one-half the rate. The unexplained slower reduction in general purpose manpower is reflected in the price we pay for it. It actually costs more—even after adjustments for inflation—to pay for our general purpose forces now than it did for the larger force we had in 1964. Using constant 1972 dollars, the Brookings Institution has calculated the cost at $50.5 billion in 1972 compared to $49.5 billion in 1964.

Why has the number of personnel increased in the general purpose forces? We have spent billions of dollars to develop and equip our general purpose forces with more sophisticated weaponry designed to increase the productivity of each person involved in combat. As the productivity of each man increases, fewer men should be needed to accomplish a specific combat mission. Having paid extra costs for machines, we have a right to expect reduced costs in manpower. Yet general purpose manpower per force unit has increased since 1964. The number of command, combat support, and combat service support personnel have burgeoned.

I am well aware of the fact that more sophisticated weapons require increased maintenance. And some of the increased manpower undoubtedly can be attributed to increased maintenance needs. But I seriously question whether all or even a significant portion of it can. Since 1964, an army combat division, for example, has increased in size by about 1,500 men, but, according to Col. Edward King, a former Regular Army officer who served with the Joint Chiefs of Staff, the number of men in a division who are prepared to directly engage in combat has actually decreased from around 9,000 to about 7,500. Combat support and combat service support troops per division have increased by 3,000. I find it difficult to believe that most of this increase is necessary to fill reasonable maintenance needs.

The category of general support—as distinct from combat support and combat service support of general purpose forces—has decreased by 6 percent since 1964, nearly the same rate as total mili-

tary manpower. General support forces increased rapidly with the Vietnam buildup and then dropped precipitously as Vietnam withdrawals accelerated. Between fiscal year 1970 and projections for fiscal year 1972, general support personnel was reduced by 323,000—22 percent. However, all of the reduction has occurred in three services; since 1970, Air Force general support personnel has increased by 6,000 while Army general support has fallen by 226,000, Navy by 54,000, and Marine Corps by 41,000.

GENERAL SUPPORT PERSONNEL

	1970	1972	Percent change 1970–72
Army	590	364	−40.0
Navy	329	275	−16.4
Marine	129	88	−31.8
Air Force	407	409	+.5

I would also call the attention of my colleagues to the military grade distribution as well as to the excessive number of support personnel. During the Vietnam war, the military has become topheavy with officers and higher ranking enlisted men. At the end of fiscal year 1972, there will be 5,000 more officers holding the equivalent rank of lieutenant colonel or above than there were in 1964. Yet there will be 187,000 fewer enlisted men to command. An example is in the grade of colonel/captain. On June 30, 1969, when the active Armed Forces numbered around 3.5 million men, there were 18,277 colonels/captains on duty, compared to a June 30, 1945 total of 14,898 when there were around 12 million men in the Armed Forces.

Mr. President, I ask unanimous consent to place in the RECORD at this time a table comparing military grade distribution in fiscal year 1972 compared to fiscal year 1964.

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

	Percentage of total end strength	
	Fiscal year 1964	Fiscal year 1972
Officers	12.6	13.8
Senior enlisted (E-6 to E-9)	14.5	18.3
Middle enlisted (E-4 to E-5)	31.6	38.0
Low enlisted	40.8	29.6
Officer candidates	.4	.5

Mr. STEVENSON. The causes of this inflation of the military grade distribution are no mystery. During all wars, more men get promoted than would normally be expected, and there are shorter waiting periods between promotions. Given an incentive, the Defense Department might take action to bring the grade distribution back into balance. Robert S. Benson, former special assistant to the Comptroller of the Defense Department, has estimated that this top heavy grade distribution will result in $1.3 billion extra in budgetary outlays than if we had the same grade distribution applied to the 1972 manpower levels requested by the Defense Department that we had in 1964.

Management inefficiencies also contribute significantly to excessive manpower levels. Many of these were detailed last year in the Defense Department's own blue ribbon defense panel management study, known popularly as the Fitzhugh Commission report.

First is the question of rotation policy. The short tours of duty for service in Vietnam temporarily increased the frequency and number of permanent change in station moves throughout the military. In fiscal year 1969, at the height of our involvement in Vietnam, 5.1 percent of military manpower slots were set aside to offset productive time lost by personnel in transit. As we have withdrawn troops from Vietnam, the number of slots set aside for rotation because of service in Vietnam has fallen. It is estimated that in 1972, only 175,000 moves will be Vietnam related. Yet the Defense Department is nonetheless setting aside 3.8 percent of its total manpower slots—96,000 men—for this purpose in 1972.

Although it is obviously desirable to rotate personnel frequently when they are stationed in combat areas or hardship areas—and this requires more frequent rotation throughout the force during a wartime situation—I am convinced we routinely rotate military personnel much too frequently during normal times. As my colleague, Senator PERCY, pointed out last year in his effort to reduce appropriations for permanent change of station moves by 25 percent, no business would think of moving personnel around the way the Defense Department does.

The Fitzhugh Commission made two recommendations on rotation policy that have yet to be implemented.

The duration of assignments should be increased, and should be as responsive to the requirements of the job as to the career plan of the officer.

In technical assignments, the officer's replacement should be assigned to the job sufficiently in advance of his predecessor's departure to be ready to take over without loss of momentum when he leaves.

Poor utilization of military manpower is another example of inefficiency. Many tasks now performed by military personnel could be performed more effectively and with lower long-term costs by civilian personnel—as experts inside and outside of the Defense Department have been saying for some time. The Department of Defense itself has long supported civilianization of military personnel slots where appropriate—particularly in the general support category—and has undertaken programs to accomplish this goal.

Civilianization would result in a more efficient performance of tasks because of the lower turnover of personnel and consequently, the reduced need for retraining inexperienced recruits. In addition, primarily as a result of lower turnover, the number of civilians needed to perform civilianized tasks would be less than the number of military personnel now performing them. The Defense Department estimated in 1965 that 10 civilian employees could replace 12 military employees—a ratio of 1:1.2; the Gates Commission last year posited a ratio of 1:1.1. Although total budgetary costs might increase in the short run in order to meet civilian wage scales, there would be substantially lower long term cost due to the lower turnover and the aggregate reduction in required personnel.

In 1965 the Department of Defense identified 373,000 "relatively substitutable" positions and undertook an immediate program to convert 74,300 of them. In 1966 it began the second phase of the program designed to civilianize an additional 40,000 positions. By June 1968, 114,000 military positions had been eliminated and 95,000 additional civilians had been hired. However a GAO study of the civilianization program disclosed that 30 percent of the military positions converted had been vacant before conversion. For this reason, only 70 percent of the positions civilianized actually resulted in the release of military personnel for military duties and an ultimate reduction in military personnel and cost.

In addition, for reasons largely beyond the Pentagon's control, many of the positions civilianized later reverted to military positions. The Revenue and Expenditure Control Act of 1968 put severe constraints on civil service personnel available to all Government agencies. Section 201 of that act prohibited any civilian hiring when the total number of employees in the executive branch exceeded the number employed on June 30, 1966. The same section also permitted a Department to fill only 75 percent of the civilian positions vacated through resignation, retirement, removal, or death. Nearly 30,000 civilian positions were lost during fiscal year 1968.

Although the Revenue and Expenditure Control Act of 1968 was repealed in July 1969, the Budget Bureau nonetheless continued to prescribe manpower ceilings.

However the Office of Management and Budget has recently announced that it will lift manpower ceilings for an experimental 1-year period in fiscal year 1972. This would appear to present an excellent opportunity to recoup past losses in the civilianization program and to move vigorously ahead.

Mr. President, I ask unanimous consent to place in the RECORD at this point, a table comparing civilian personnel strength between 1964–72.

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

[In thousands]

	Civilian personnel strength	Civilian additions due to civilianized program
Fiscal year—		
1964	1,035	
1966	1,126	60
1967	1,278	35
1968	1,287	
1970	1,161	
1971	1,104	
1972	1,082	

Mr. STEVENSON. A recent GAO study of four installations found that 10 percent of their personnel were assigned to duties—military occupational specialists—MOS—for which they had not been

trained. A similar study conducted in 1964 disclosed only 4 percent of military personnel misassigned. Use of personnel in assignments for which they are not trained results in reduced morale and effectiveness as well as lower productivity per man and requires more men to accomplish the same duties than would be necessary if the men were qualified.

These misuses of manpower resources I have cited indicate we do not require the high number of military personnel requested by the Defense Department. My vote for the Hatfield amendment to end the draft reflected my belief that our real manpower needs could be met entirely through volunteer enlistment. The Senate's acceptance of the Mansfield amendment to the selective service extension legislation was a principal reason for not opposing final passage of a bill containing a 2-year extension of the draft.

In the long run, the level of our military manpower will depend upon the level and distribution of force structures necessary to satisfy our national security needs. And there is reason to question whether our general purpose force levels and allocation are consistent with our stated national security goals.

In his testimony on the proposed fiscal year 1972 defense budget, Secretary Laird reiterates the Defense Department's switch from planning for a 2½ war contingency to a 1½ war contingency.

How does this stated policy translate into force allocations? At the end of the fiscal year 1971 we had 13⅔ Army divisions and three Marine divisions.

According to Secretary Laird, the Defense Department is planning 13⅓ active Army divisions and three active Marine divisions for the end of fiscal year 1972—a reduction of only one-third of an army division. How will these forces be allocated?

Will forces returning from Vietnam be assigned to European contingencies? If so, what changes in the European theater would justify these additional force allotments? Will the returning forces be assigned to Asian contingencies? How would such a decision square with the Nixon doctrine which posits an Asian policy of providing material and logistic support, but not combat manpower to our Asian allies?

I also have questions concerning the size of U.S.-based forces assigned to a European contingency. If all the divisions are necessary, must they immediately be accompanied by their full ISI and SSI components? According to the Defense Department's statement on military manpower defense requirements, the SSI consists of "personnel assigned to nondivisional units required to support a combat division and its ISI after 60 days of combat." Why do we not eliminate the three SSI components associated with U.S. based divisions earmarked for Europe and transfer the support functions of these increments to Army reserve units. The SSI units perform predominantly combat service support duties which are quite closely related to civilian skills held by many reservists, so they would require very little additional training after they were called up. Certainly it should be possible to call up reserve units and transport them to Europe within 60 days of the initiation of combat. Eliminating three SSI units would reduce military manpower by nearly 60,000. An additional 60,000 reserves would be needed, but the cost per man of maintaining reserves is much less than for maintaining active personnel and many existing reserve units could be readily converted to these civilian type duties.

The above option would allow us to retain all active combat divisions assigned to Europe plus the full support—ISI and SSI—components of Europe based divisions. The Europe allocated force structure would include:

	Division	ISI	SSI
In Europe	4⅓	4⅓	2⅓
Dual-based	⅔	⅔	⅔
In United States allocated to Europe	3	3	[1] 2

[1] At present, 5 SSI units are in the United States, but allocated to Europe.

Perhaps a similar argument could be applied to our remaining division in Korea, should it prove necessary to maintain a division there. Certainly the argument could apply in Vietnam where most of the original eight ISI and SSI units remain despite the fact that all but two of the combat divisions have been withdrawn.

In summary, the evidence suggests that military manpower levels can be reduced significantly—and consequently so can military expenditures. The burden of proof for justifying the seemingly excessive manpower request lies with the Defense Department. So far a convincing justification has not been made.

Enactment of the Proxmire-Mathias amendment would provide the Defense Department with a powerful new incentive to make the long overdue personnel changes I have outlined above.

Mr. BENNETT. Mr. President, I have become increasingly concerned with the attitude that is developing here in the Senate regarding our Nation's defense. The feeling generated here is one of complacency and growing lack of interest in the state of America's security. I recognize, as we all do, that America faces urgent domestic problems, but I do not believe that the answer to these problems is to be found in hasty precipitous moves, to cut, across the board, large amounts from our defense budget. The long-term effects of such a cutback should be carefully analyzed, not only in terms of what we stand to lose in a security sense, but in a domestic sense as well. I believe that the Proxmire amendment falls short in its consideration of both of these vital aspects.

We have become aware of a gradually and consistently increasing Soviet destructive capability. We cannot afford to remain complacent or uncaring while the Soviets and the Chinese continue to make strides and investments in weapons technology. I am aware of the importance of the SALT talks and of what we hope to achieve there, however, I do not believe at this point we are in a position where we can afford to make across the board nondiscriminatory defense cutbacks.

On April 22, of this year, Dr. John Foster, Jr., testified before the House Armed Services Committee regarding the Safeguard system. Dr. Foster pointed out that the number of Soviet ICBM launchers had risen to 1,440 and was expected to rise to 1,500 by mid-1971. This, compared with the 1,054 operational facilities in the United States at the time. He went on to explain that recent intelligence shows that the Soviets have started a new ICBM silo construction program and that the silos under construction are unlike any previously constructed. We do not know what they are for or how many there will be. In addition, Dr. Foster cited increased missile production and stepped up production of "Y" class submarines.

I cite Dr. Foster to indicate that large-scale indiscriminate cutbacks at this time are foolish to say the least. I would like to look at the proposed amendment in two brief aspects:

First. The concern over DOD expenditures which generated this amendment does not appear to be justified by the actual figures involved;

Second, the disruption to our economy and to the employment situation is certainly not justifiable.

It is claimed that the Defense Department has spent some 4.7 billion in excess of its appropriations for fiscal last year. Defense Department figures indicate that spending was $1.9 billion in excess of the original estimate for last year. That spending was authorized by Congress. The Defense Department was given direct authorization to use its prior balance to meet its needs. In addition, the Department received two supplemental appropriations, the last one in May of this year. The Department has not had a free hand in spending the taxpayers money.

It is true that overall defense needs were lower last year than in previous years—1968–69, and that projections for the coming fiscal year are lower than that; however costs have increased. Manpower needs are down 24 percent, but payroll costs are up. From fiscal year 1969 to fiscal year 1972:

First, military basic pay rates increased by 36.2 percent;

Second, civilian salary rates increased by 29.8 percent;

Third, military retired pay increased by $1.3 billion or 55 percent;

Fourth, the volunteer force, a new item in fiscal year 1972 was included in the budget at $1.4 billion.

Nonpayroll costs found increases through inflation, which was estimated at 12.3 percent from fiscal year 1969 to fiscal year 1972.

If concern over "unauthorized" DOD expenditures was the motivating force behind this amendment, I doubt that it was really warranted. The program pact of a $7 billion cut would be catastrophic for our defense programs, let alone the economic and unemployment impact of such a cutback. A $7 billion cut would involve:

First, a cut of about 1.7 million in military and civilian manpower from the

level budgeted for June 1972—nearly one-half—this assumes that $3.5 billion of the cut is applied in the pay area.

Second, terminations affecting about 40 percent of all outstanding contracts for major weapons systems.

Third, cuts of about 30 percent in operating and training rates—ships, aircraft, and land forces.

These reductions would be the minimum required to save $7 billion outright for fiscal year 1972.

I contend that enactment of the amendment would cause serious economic dislocation, increased unemployment, and serious damage to our Nation's defenses.

Senator PROXMIRE and others have observed that we must reorder our priorities. I submit that today we are changing our priorities. Nondefense spending has increased on the average of $14 billion per year for the last 4 years. We cannot expect to change the face and the attitudes of America overnight, but we can expect progress, and we see progress. I fail to see where a nonselective across-the-board cutback in our defense expenditures could do more than is being done. Indeed, it could succeed in undoing much which has been accomplished and in endangering our security.

Mr. BAYH. Mr. President, I will vote for the amendment introduced by my distinguished colleague from Wisconsin (Mr. PROXMIRE) and the distinguished Senator from Maryland (Mr. MATHIAS) to put a ceiling of $68 billion on defense spending for fiscal year 1972.

Such a ceiling would save $8 billion in defense spending. I would like to see these resources applied to the pressing human and social needs of our time, to meet the crisis within that is as deadly to our society as any enemy without.

With $8 billion we could—build 2,600 hospitals of 125 beds each, or—construct 500,000 decent low-cost housing units, or—send 800,000 deserving students through 4 years of public college or university with full tuition, room and board, or—build 120,000 new elementary or high school classrooms, or—eradicate hunger in the United States and create 300,000 public service jobs to find useful work for those who have lost their jobs in the current recession.

Not only could that $8 billion be effectively applied to begin to solve some of the domestic problems which now confront us, but a reduction in defense expenditures in that amount need not mean weaker, less effective U.S. armed services.

I believe the Proxmire-Mathias amendment, by establishing a reduced ceiling on defense spending, is an important and essential first step. It is imperative that we halt and reverse the trend toward an ever-more ponderous and expensive military establishment which seems increasingly inefficient, self-serving, and redundant. This amendment would do so.

Mr. President, I regard the $68 billion figure suggested by this amendment to be a reasonable one. But I believe that the Congress fulfills only a portion of its responsibility by writing into law this or other legislation that cuts Defense spending on a percentage basis or which selects a particular figure as a spending ceiling.

I believe it is our responsibility to examine on a rational and analytic basis each of the components which are part of the Defense budget. We must be sure that we are buying the kind of defense that we really need; that our defense posture conforms in a realistic way to our vital responsibilities and the potential threats we might face; and that we are not spending our national resources on weapons which are unnecessarily redundant or which are requested because they conform to some obsolescent tradition rather than to current needs.

Mr. President, last week the Senate passed by a voice vote an amendment which I and the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) introduced. Among other things it called on the Defense Department to project how it might make a further 10-percent cut in our military manpower levels below fiscal year 1972 levels. I believe that study could show both to the Pentagon and to the Congress new ways in which a more efficient and austere use and deployment of military personnel could result in considerable savings in military spending—without damaging our capacity to protect our truly vital interests.

Should Congress authorize a 10-percent reduction in military manpower—we could save $5.4 billion in the coming year alone.

Beyond possible manpower savings, I believe there are a number of ways in which we can save on military procurement and operations. In coming days I will be speaking on this question in greater detail. But for now let me suggest at least several widely publicized weapon systems on which we could save substantial amounts without damaging our capacity to defend ourselves and meet our vital commitments.

We could save $1.2 billion next fiscal year by postponing further ABM deployment. Not only is the Safeguard system itself highly questionable, but the administration has indicated it believes an ABM limitation agreement at the SALT talks is close. It would be unwise and potentially wasteful to appropriate funds for continued construction of an ABM system which such an agreement might make unnecessary—or even cause to be dismantled.

We could save $1.64 billion by postponing further deployment of MIRV warheads—both for Poseidon submarines and Minuteman III land-based ICBM's. MIRV was justified as necessary to penetrate a Soviet ABM system. The ICBM's we now have are more than sufficient to penetrate the small Moscow ABM system that now exists. If an agreement is reached at SALT freezing the Soviet ABM capability at about the current level, we clearly need no more MIRV's. Even if the SALT talks failed, we could buy and deploy MIRV's next year—still far ahead of the capacity of any Soviet ABM expansion to deal with them.

We could save over half a billion dollars by deferring procurement of the F–14 Navy fighter plane and related weapon systems. The House has already acted to delete funds for F–14, due to serious cost overruns and the questions of some experts about the usefulness and desirability of this aircraft. We need not now make a final decision on this weapon system, but we certainly should defer procurement until cost problems are clarified and until more advanced models are available for "fly-offs."

We could save $370 million by postponing appropriations for the B–1 bomber. The question of whether a "triad" deterrent is essential is currently under serious consideration in the Foreign Relations Committee. But even if some kind of a manned bomber is desirable, it is doubtful that B–1 is the manned bomber we need. B–1, in fact, could be one example of a weapon system derived more from past tradition than from current needs.

This is only a partial list of military items which, if examined carefully enough, could result in savings of at least $8 billion, if not more.

In a different context, 10 days ago Judge Gurfein of New York declared—

> The security of the Nation is not at the ramparts alone. Security also lies in the value of our free institutions.

What concerns me is that, if we perpetuate the past distortion of priorities, we will allow those institutions and the society from which they have sprung to wither from inattention and inadequate resources. If we do, all the guns and missiles we have will not save America.

EMERGENCY SCHOOL ASSISTANCE PROGRAMS

Mr. MONDALE. Mr. President, the purpose of the resolution now before the Senate, House Joint Resolution 742, is to extend, at current levels, funding of ongoing programs for which the Congress will not have completed appropriations by the end of the fiscal year, June 30.

I am most disturbed to find that, at the request of the administration, the resolution as passed by the House contains an extension of the $75 million "Emergency School Assistance Program."

This program, funded under the Economic Opportunity Act and other existing authorities, was established in the Office of Education appropriation last year. Its purpose was to assist school districts desegregating under the decision of the Supreme Court in Alexander against Holmes County Board of Education, and it was to be replaced by a comprehensive $1.5 billion program to encourage and assist school integration throughout the Nation.

I and many of my colleagues had serious misgivings at the birth of the program. We doubted that the Office of Education had engaged in sufficient planning and preparation, and we knew that Congress had not been given an opportunity to closely examine the proposed program.

I have no wish to belabor the point. It is clear, however, that our worst fears were borne out. Reports by civil rights groups and the General Accounting Office revealed widespread mismanagement. Major violations of civil rights and program requirements were frequent.

Last April the Senate passed a comprehensive school desegregation assistance measure, as the President had requested. That carefully designed, nationwide proposal is currently awaiting action in the House of Representatives.

I fear that any substantial extension of the ESAP program will jeopardize enactment of that vital legislation.

Secretary Richardson states that additional funds to meet the immediate crisis needs of school districts desegregating under the recent rule of the Supreme Court in Swann against Charlotte-Mecklenburg. I am sympathetic with the Secretary's argument, but I believe that the $6½ million authorized by the continuing resolution presently before this body should be more than enough to accomplish his purpose.

I wish to make clear my very profound hope that the limited extension of the ESAP program here authorized will not be subject to the abuses documented last fall. And I would warn the administration not to take the Senate's action as endorsement of extension of the ESAP program beyond August 6.

I ask unanimous consent that letters to me from Clarence Mitchell, legislative chairman of the leadership conference on civil rights and Secretary Richardson be printed in the RECORD.

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

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, D.C., June 28, 1971.

Hon. WALTER F. MONDALE,
Chairman, Senate Select Committee on Equal Educational Opportunities, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your inquiry, the Leadership Conference on Civil Rights, which supported the Emergency School Aid and Quality Integrated Education Act passed recently by the Senate, recognizes that the continuing resolution approved by the House last week contains funds to continue temporarily the so-called Emergency School Assistance Program (ESAP). As you know, it was ESAP for which Congress last year appropriated $75 million and in which several civil rights groups and the General Accounting Office have found serious abuses and misuse of the appropriated funds.

The Leadership Conference had been hopeful that the Senate-passed school aid authorization measure or a similar bill would have been enacted by now so that funds could be appropriated under that new authority. In the absence of enactment of such a bill, we have no objection to continuing the funding of ESAP on a temporary basis so that funds might be made available to desegregating school systems to meet emergency additional expenses this fall—to assist in the purchase of buses, for example, in districts which must undertake substantially more transportation of students in order to comply with the standards of integration set forth in the Supreme Court's recent *Swann* decision.

We wish to make it absolutely clear, however, that while we do not oppose the continuing resolution temporarily refunding ESAP until August 6, we would not support any move to secure Congressional approval of a special appropriation along the lines of the $75 million item of last year. We believe the Congress should instead be focusing its attention upon the school aid legislation authorizing $1.5 billion in assistance to school systems which are desegregating and/or reducing racial isolation.

Respectfully,
CLARENCE MITCHELL,
Chairman, Legislative Committee.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C.

Hon. WALTER F. MONDALE,
Chairman, Select Committee on Equal Educational Opportunity, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: I thought it would be helpful to provide you with some background on the Department's request to continue the emergency school assistance program.

As you know, early in this session of Congress, the President submitted the proposed Emergency School Aid Act designed to help school districts carry out successful desegregation programs. The Administration feels that legislation of this nature is of the greatest importance, and we hope that a bill acceptable to both Houses of Congress will be approved in the very near future.

Essentially, our current dilemma is that with the opening of the 1971–72 school year, a number of school districts are faced with additional desegregation requirements, and there is very little likelihood that the Emergency School Aid Act or similar legislation will be enacted in time to meet their immediate and critical needs.

The continuing resolution (H.J. Resolution 742) now before the Senate would continue emergency school assistance funding provided in the fiscal year 1971 Office of Education Appropriations Act.

The authority proposed in the continuing resolution becomes very important given the Supreme Court's decision in *Swann* v. *Charlotte-Mecklenburg Board of Education* and in companion cases handed down on April 20, 1971. The effect of the *Swann* ruling is to impose additional desegregation requirements on those school systems which do not now meet the Constitutional standards set forth in that decision. At the moment and until the Emergency School Aid Act or its equivalent becomes law, the only authority to provide emergency assistance to school districts is that which is embodied in the continuing resolution as proposed by the Senate Committee.

We should point out that, under the Continuing Resolution, we would be providing such emergency assistance only to school districts which must make significant adjustments this fall in response to the Supreme Court's *Swann* decision. Revised program regulations to this effect will be issued shortly in the event the Congress approves the continuing resolution. The statutory provisions applicable to the present program will, of course, remain in force. Our purpose under the resolution is to assist comprehensive desegregation programs, including activities such as teacher training, curriculum revision, and support services.

As I have indicated, we anticipate that a considerably smaller number of districts will be eligible to participate in the program during the period of the continuing resolution. This will facilitate a more thorough review of each application in light of the lessons we have learned in administering the funds during the course of the 1970–71 academic year.

This interim action under the continuing resolution would, of course, continue only for such time as the continuing resolution remains in effect or until such time as the Emergency School Aid Act or its equivalent becomes law.

Again, let me emphasize that a continuation of this limited emergency measure in no way preempts the larger scope and purpose of the school aid legislation now being considered by the House.

The President's objective is to encourage all school districts to deal affirmatively with the problems of minority group isolation in the schools and the funds provided by the continuing resolution will not meet this vital objective. I urge the Congress to act on this crucial legislation.

With kindest regards,
Sincerely,
ELLIOT RICHARDSON,
Secretary.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HÉBERT, Mr. PRICE of Illinois, Mr. FISHER, Mr. BENNETT, Mr. ARENDS, Mr. O'KONSKI, and Mr. BRAY were appointed managers on the part of the House at the conference.

ENROLLED MEASURES SIGNED

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

H.R. 5257. An act to extend the school breakfast and special food programs; and

House Joint Resolution 744. A joint resolution making an appropriation for the fiscal year 1972 for the Department of Agriculture, and for other purposes.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore.

CONTINUING APPROPRIATIONS, 1972

The Senate continued with the consideration of the joint resolution (H.J. Res. 742) making continuing appropriations for the fiscal year of 1972, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I had in mind addressing myself to a different part of this measure which is a continuing resolution on many matters, but which specifically deals with the emergency school assistance program which is also contained in the continuing resolution.

That involves assistance in the desegregation of the public schools of the country. It will be remembered that we provided $75 million for that purpose, anticipating the emergency school aid program which would amount to $1.5 billion for 2 years as proposed by the President and contained in the budget.

The Senate passed such a bill which I think is a very admirable bill. The House has not yet acted. May I say first that I am deeply regretful that the House has not acted. Members of the Senate

have been in consultation with Members of the House in the hope of laying the groundwork for action: I urge the Members of the House of Representatives to act expeditiously upon this very urgently needed legislation. We will perhaps have a conference on the bill. However, we should face up to the responsibility of having the availability of $1.5 billion for such urgently needed purposes in the country which is contained in the President's budget and is unused, although the need is towering and great.

That is my first point, as to the continuation of this operation which would mean, until August 6, a continuance of the right to spend at the prevailing rates in the current fiscal year.

Mr. President, after much thought I have decided to be in favor of the proposal notwithstanding the fact that there are obvious difficulties which I will specify. First, of course, and foremost is the failure existing in the other body to act on the full $1.5 billion to promote equal opportunity. The bill passed the Senate on April 28.

Second, there has been a deep feeling that there is much abuse in the utilization of the $75 million which we appropriated last year.

Mr. President, I ask unanimous consent in respect of the specificity of that which relates to the spending activities unrelated to the desegregation process, and discriminatory activities in funded districts, for example, the in-school segregation among children of a different color as well as wholesale firings and demotions of black principals and black teachers, that excerpts from a report of General Accounting Office to the Select Committee on Equal Educational Opportunity of which I am a member, be printed in the RECORD, as well as excerpts from comments on this program and its operation by a group of voluntary organizations, including the American Friends Service Committee, the NAACP legal defense fund, and the Washington research project.

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

COMPTROLLER GENERAL'S REPORT TO SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

WHY THE REVIEW WAS MADE

At the request of the Chairman, Senate Select Committee on Equal Educational Opportunity, the General Accounting Office (GAO) reviewed the policies and procedures of the Department of Health, Education, and Welfare (HEW) for approving grants of Federal funds to school districts to defray the costs of meeting special problems arising from school desegregation.

To meet the emergency needs of school districts that were desegregating, the President, on May 25, 1970, requested that the Congress appropriate, under six existing legislative authorities, $150 million to be made available immediately to these school districts. On August 18, 1970, the Congress appropriated one-half of this amount and thereby established the Emergency School Assistance Program.

In accordance with the Committee's request, GAO selected grants made to 50 school districts for its review of approval procedures. The 50 grants, which were made by five of the HEW regional offices, totaled about $14 million, or about 25 percent of the approximately $55 million in grants made to 793 school districts as of November 13, 1970.

This review was conducted at HEW headquarters, Washington, D.C., and at five HEW regional offices. No work was done at the grantee school districts. Consequently, this report does not contain comments on the procedures and expenditures of the school districts relating to these grants. As a follow on to this review, GAO plans to make reviews at the school districts to examine into the expenditures of the grant funds.

The Office of Education and HEW have not been given an opportunity to formally examine and comment on this report, although most of the matters were discussed with agency officials.

FINDINGS AND CONCLUSIONS

Pocedural weaknesses

GAO believes that, in many cases, school districts did not submit with their applications, nor did HEW regional offices obtain, sufficient information to enable a proper determination that the grants were made in accordance with program regulations or that the grants were in line with the purpose of the program.

Most of the applications did not contain comprehensive statements of the problems faced in achieving and maintaining desegregated school systems, nor did they contain adequate descriptions of the proposed activities designed to comprehensively and effectively meet such problems. Particularly, there was a lack of documentation in the regional files as to how the proposed activities would meet the special needs of the children incident to the elimination of racial segregation and discrimination in the schools. (See pp. 26, 45, and 55.)

Therefore GAO believes that the applications in many cases did not provide HEW with an adequate means for determining that project approvals were based upon consideration of such required factors as the applicants' needs for assistance, the relative potential of the projects, or the extent to which the projects dealt with the problems faced by the school districts in desegregating their schools.

The files supporting most of the grants reviewed did not evidence full compliance by the school districts with the regulations concerning the formation of biracial and student advisory committees. Also most of the applications did not contain, contrary to the regulations, adequate descriptions of the methods procedures, or objective criteria that could be used by an independent organization to evaluate the effectiveness of each project. (See pp. 38, 39, 47, 51, 58, 61, 67, and 69.)

Officials in HEW's Atlanta Regional Office which made 28 of the 50 grants reviewed, told GAO that they generally did not have detailed information beyond that in the project files concerning the program activities set forth in the applications. Some said that they did not have time, prior to grant approval, to seek additional information and had to rely on school district officials to identify the major problems which the districts faced in desegregating their schools and to propose programs to deal with those problems.

Officials in HEW's Dallas Regional Office, which made 12 of the grants agreed, in general, that many of the applications did not contain adequate statements of the problems or descriptions of the activities designed to meet these problems. Officials in both the Dallas and Philadelphia Regional Offices—the Philadelphia office made seven of the grants reviewed—told GAO that they had satisfied themselves with respect to the merits of the projects, prior to project approval, on the basis of their knowledge of the school districts' problems and of their contacts with school officials to obtain additional information as considered necessary. There was an almost complete lack of documentation in the files with respect to the additional information that was known to, or obtained by these regional officials on the basis of which they had determined that the projects merited approval.

In the Kansas City and San Francisco Regional Offices which approved a total of three applications, the applications seemed to have provided sufficient information to enable regional officials to determine that the proposed activities were in line with the purposes of the program.

Transfer of property in Louisiana

GAO noted that Louisiana law requires that school districts furnish school books and school supplies to students in private schools and provides that transportation may be furnished to students attending parochial schools. HEW regional officials contacted 14 Louisiana school districts prior to grant approval and determined that the majority had transferred property or had provided transportation to private schools under the State law. For the two Louisiana districts included in GAO's review, HEW determined that neither district had transferred property or had provided transportation to private schools. HEW decided to certify that the Louisiana school districts were eligible for program funding if it had no indications of civil rights violations other than the transfers allowed by Louisiana law.

Questionable Situations

GAO believes that HEW should have questioned, prior to grant approval, the following situations noted during GAOs review.

One school district appeared to have been ineligible to participate in the program, because it had entered the terminal phase of its desegregation plan prior to the time period specified in the regulations for eligibility. After GAO brought the situation to the attention of HEW officials, payments under the grant were suspended, pending a final determination of eligibility. (See p. 20.)

Information pertaining to another school district indicated that program funds may have been used, contrary to regulations, to supplant non-Federal funds available to the district prior to approval of its grant. (See p. 37.)

Information in the regional files at the time that one districts application was reviewed showed that the ratio of minority to nonminority faculty in each school within the district was not substantially the same as the ratio for the entire school system, contrary to the regulations. (See p. 59.)

GAO noted another case where information that had become available after the grant was made indicated that program funds may have been used to supplant non-Federal funds otherwise available to the school district. (See p. 37.)

Reasons for Weaknesses

GAO believes that the weaknesses in the HEW procedures and practices were due, to a large degree, to HEWs policy of emphasizing the emergency nature of the program and to its desire for expeditious funding, at the expense of a more thorough review and evaluation of school districts applications, particularly as to the adequacy of described program activities in satisfying program requirements.

GAO believes that, to overcome the weaknesses in the HEW grant approval procedures, HEW should undertake a strong monitoring program to help ensure that the grant funds already made available to the school districts are being used solely for program purposes and not for educational assistance in general. GAO recognizes that postgrant reviews at certain grantee school districts are currently being made by HEW regional officials.

RECOMMENDATIONS OR SUGGESTIONS

GAO believes that, in the event additional Federal funding is authorized for similar assistance to school districts to defray the costs of meeting special problems arising from the desegregation of elementary and secondary

schools, HEW should strengthen its procedures for approval of grants to school districts. Such action should:

Provide sufficient time for regional officials to make a thorough review and evaluation of each application received so that approval will be based on an understanding of the problems faced in achieving and maintaining a desegregated school system and on an adequate determination that the proposed activities are designed to meet such problems.

Require that all information relied upon in approving school district applications, whether obtained orally or in writing, be made a matter of record so that the basis upon which grant approvals are made will be readily available to HEW program managers or to others authorized to review the conduct of the program.

Provide for an effective monitoring system to help ensure that (1) grant funds made available to the school districts are being used for the purposes specified in their applications and (2) the school districts are complying with HEW regulations or nondiscrimination as well as with the other assurances given in their applications.

THE EMERGENCY SCHOOL ASSISTANCE PROGRAM—AN EVALUATION

INTRODUCTION AND SUMMARY

The promise of the Emergency School Assistance Program has been broken.

Funds that were appropriated by the Congress last August to help desegregated public schools have been used for general school aid purposes unrelated to desegregation. In many instances, funds have been granted to school districts that are continuing to discriminate against black children.

This report, prepared by a group of private organizations concerned with the problems of race, education and poverty, is an evaluation of the first months of the administration of the Emergency School Assistance Program (ESAP).[1] The report is based upon personal visits to nearly 300 school districts receiving ESAP grants by attorneys and by other persons experienced in school desegregation problems, and upon a review of the grant proposals of over 350 successful applicant districts.

We found serious defects in the administration of the program.

1. Large numbers of grants have gone to districts engaging in serious and widespread racial discrimination. Of the 295 ESAP-assisted districts which we visited, 179 were engaged in practices that rendered them ineligible for grants under the statute and the Regulations. In 87 others, we found sufficient evidence to consider the districts' eligibility questionable. In only 29—less than 10 percent—did we find no evidence of illegal practices. Specifically, we found:

94 clear and 18 questionable cases of segregation of classrooms or facilities within schools;

47 clear and 10 questionable cases of segregation or discrimination in transportation;

62 clear and 4 questionable cases in which faculties and staff had not been desegregated in accordance with applicable requirements;

98 clear and 123 questionable cases of discrimination in dismissal or demotion of black teachers or principals;

12 clear and 4 questionable violations of student assignment plans approved by HEW or ordered by the courts;

13 clear and 39 questionable cases of assistance by the grantee school district to private segregated schools.

[1] The organizations involved in the preparation of this report are: American Friends Service Committee, Delta Ministry of the National Council of Churches, Lawyers' Committee for Civil Rights Under Law, Lawyers Constitutional Defense Committee, NAACP Legal Defense and Educational Fund, Inc., and Washington Research Project.

2. ESCP funds have been used to support projects which are racist in their conception, and projects which will resegregate black students within integrated schools.

3. A substantial portion of the "emergency" desegregation funds have not been used to deal with desegregation emergencies; they have been spent for purposes which can only be characterized as general aid to education. Many of the grants are going to meet ordinary costs of running any school system, such as hiring more teachers and teacher aides, buying new textbooks and equipment, and repairing buildings—needs that desegregating districts have in common with school systems throughout the United States.

4. Grants were made to school districts that are not operating under terminal desegregation plans and therefore do not meet the initial condition of eligibility for ESAP funds.

5. In the haste to get some money to as many southern school districts as possible, ESAP money has been dissipated in grants which in many cases are too small to deal comprehensively and effectively with the problems of desegregation.

6. In contrast to the hasty and haphazard way in which grants for school districts have been approved, the significant provision of the ESAP Regulations authorizing community groups to receive grants under the program to lend their assistance to the desegregation process has been virtually ignored—not a single grant has been made to a community group.

7. In many districts, biracial advisory committees have not been constituted in accordance with the requirements of of the Regulations.

8. The funding priorities used by ESAP administrators have been distorted. Only a very small portion of ESAP funds have gone to projects that emphasize student and community programs designed to improve race relations in desegregating districts.

Mr. JAVITS. Mr. President, the bill passed by the Senate contains several safeguards against discrimination, as we found in the utilization of the $75 million, safeguards principally contained in section 5(d)(1). I ask unanimous consent that material be printed in the RECORD as well as the findings relative to desegregation activities permissible—and which we think should be permissible—with the use of this money as contained in section 6 of the Senate-passed bill.

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

ELIGIBILITY FOR ASSISTANCE

* * * * *

SEC. 5(d)(1) No local educational agency shall be eligible for assistance under this Act if it has, after the date of enactment of this Act—

(A) transferred (directly or indirectly by gift, lease, loan, sale, or other means) real or personal property to, or made any service available to, any nonpublic school or school system (or any organization controlling, or intending to establish, such a school or school system) without prior determination that such nonpublic school or school system (i) is not operated on a racially segregated basis as an alternative for children seeking to avoid attendance in desegregated public schools, and (ii) does not otherwise practice, or permit to be practiced, discrimination on the basis of race, color, or national origin in the operation of any school activity;

(B) had in effect any practice, policy, or procedure which results (or has resulted) in the disproportionate demotion or dismissal of instructional or other personnel from minority groups in conjunction with desegregation or the conduct of an activity described in section 5, or otherwise engaged in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency (or other personnel for whom the agency has any administrative responsibility);

(C) in conjunction with desegregation or the conduct of an activity described in section 5, had in effect any procedure for the assignment of children to or within classes which results in the separation of minority group from nonminority group children for a substantial portion of the school day: *Provided, however,* That the foregoing does not prohibit the use of bona fide ability grouping by a local education agency as a standard pedagogical practice; or

(D) had in effect any other practice, policy, or procedure, such as limiting curricular or extracurricular activities (or participation therein by children) in order to avoid the participation of minority group children in such activities, which discriminates among children on the basis of race, color, or national origin;

except that, in the case of any local educational agency which is ineligible for assistance by reason of clause (A), (B), (C), or (D), such agency may make application for a waiver of ineligibility, which application shall specify the reason for its ineligibility, contain such information and assurances as the Secretary shall require by regulation in order to insure that any practice, policy, or procedure, or other activity resulting in the ineligibility has ceased to exist or occur and include such provisions as are necessary to insure that such activities do not reoccur after the submission of the application.

* * * * *

AUTHORIZED ACTIVITIES

SEC. 6. (a) Sums appropriated pursuant to section 3(a) and apportioned to a State pursuant to section 4 (which have not been reserved under paragraph (2) or (3) of section 4(a)) shall be available for grants to, and contracts with, local educational agencies in that State which have been established as eligible under section 5(a), to assist such agencies in carrying out the following programs and projects under the comprehensive districtwide plan submitted pursuant to section 5(a) as necessary and appropriate to carry out the purposes of this Act:

(1) The development and use of new curricula and instructional methods, practices, and techniques (and the acquisition of instructional materials relating thereto) to support a program of instruction for children from all racial, ethnic, and economic backgrounds, including instruction in the language and cultural heritage of minority groups.

(2) Remedial services, beyond those provided under the regular school program conducted by the local educational agency, including student-to-student tutoring.

(3) Guidance and counseling services, beyond those provided under the regular school program conducted by the local educational agency, designed to promote mutual understanding among minority group and non-minority group parents, children, and teachers.

(4) Administrative and auxiliary services to facilitate the success of the project.

(5) Community activities, including public information efforts, in support of a plan, program, project, or other activities described in this section.

(6) Recruiting, hiring, and training of teacher aides: *Provided,* That in recruiting teacher aides, preference shall be given to parents of children attending schools assisted under section 5(a).

(7) Inservice teacher training designed to enhance the success of schools assisted under section 5(a) through contracts with institutions of higher education, or other institutions, agencies, and organizations individually determined by the Commissioner to have special competence for such purpose.

(8) Planning programs and projects under this section, the evaluation of such programs and projects, and dissemination of information with respect to such programs and projects.

(9) Repair or minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of instructional equipment) and the lease or purchase of mobile classroom units or other mobile education facilities.

In the case of programs and projects involving activities described in paragraph (9), the inclusion of such activities must be found to be a necessary component of, or necessary to facilitate, a program or project involving other activities described in this section or subsection (b), and in no case involve an expenditure in excess of 10 per centum of the amount made available to the applicant to carry out the program or project. The Commissioner shall by regulation define the term "repair or minor remodeling or alteration".

(b) Sums reserved under section 4(a)(2) with respect to any State shall be available for grants to, and contracts with, local educational agencies in that State making application for assistance under section 5(b) to carry out innovative pilot programs and projects which are specifically designed to assist in overcoming the adverse effects of minority group isolation, by improving the educational achievement of children in minority group isolated schools, including only the activities described in paragraphs (1) through (9) of subsection (a), as they may be used to accomplish such purpose.

(c) Sums appropriated as set forth in section 6 shall also be available for grants to, and contracts with, any local educational agencies in such State, to assist such agencies in carrying out programs as may be required or provided for in the court order applicable to such agency referred to in section 5(a)(1)(A)(i)(I).

Mr. JAVITS. Mr. President, I express the hope that the Department will issue guidelines under this continuing resolution that are compatible with the judgment of the Senate as contained in its bill.

Mr. President, in withholding opposition to the continuing resolution on this subject, for the reasons I have stated, I am deeply moved by a letter to me from the Secretary of Health, Education, and Welfare, received today. I ask unanimous consent that that letter be printed in the RECORD.

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

THE SECRETARY OF HEALTH, EDUCATION AND WELFARE,
Washington, D.C.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I thought it would be helpful to provide you with some background on the Department's request to continue the emergency school assistance program.

As you know, early in this session of Congress, the President submitted the proposed Emergency School Aid Act designed to help school districts carry out successful desegregation programs. The Administration feels that legislation of this nature is of the greatest importance, and we hope that a bill acceptable to both Houses of Congress will be approved in the very near future.

Essentially, our current dilemma is that with the opening of the 1971–72 school year, a number of school districts are faced with additional desegregation requirements, and there is very little likelihood that the Emergency School Aid Act or similar legislation will be enacted in time to meet their immediate and critical needs.

The continuing resolution (H.J. Resolution 742) now before the Senate would continue emergency school assistance funding provided in the fiscal year 1971 Office of Education Appropriations Act.

The authority proposed in the continuing resolution becomes very important given the Supreme Court's decision in *Swann* v. *Charlotte-Mecklenburg Board of Education* and in companion cases handed down on April 20, 1971. The effect of the *Swann* ruling to to impose additional desegregation requirements on those school systems which do not now meet the Constitutional standards set forth in that decision. At the moment and until the Emergency School Aid Act or its equivalent becomes law, the only authority to provide emergency assistance to school districts is that which is embodied in the continuing resolution as proposed by the Senate Committee.

We should point out that, under the Continuing Resolution, we would be providing such emergency assistance only to school districts which must make significant adjustments this fall in response to the Supreme Court's *Swann* decision. Revised program regulations to this effect will be issued shortly in the event the Congress approves the continuing resolution. The statutory provisions applicable to the present program will, of course, remain in force. Our purpose under the resolution is to assist comprehensive desegregation programs, including activities such as teacher training, curriculum revision, and support services.

As I have indicated, we anticipate that a considerably smaller number of districts will be eligible to participate in the program during the period of the continuing resolution. This will facilitate a more thorough review of each application in light of the lessons we have learned in administering the funds during the course of the 1970–71 academic year.

This interim action under the continuing resolution would, of course, continue only for such time as the continuing resolution remains in effect or until such time as the Emergency School Aid Act or its equivalent becomes law.

Again, let me emphasize that a continuation of this limited emergency measure in no way preempts the larger scope and purpose of the school aid legislation now being considered by the House.

The President's objective is to encourage all school districts to deal affirmatively with the problems of minority group isolation in the schools and the funds provided by the continuing resolution will not meet this vital objective. I urge the Congress to act on this crucial legislation.

With kindest regards,
Sincerely,
ELLIOTT L. RICHARDSON,
Secretary.

Mr. JAVITS. Mr. President, the Secretary points out the urgency of providing some additional and continuing funds for the districts in the country now facing the process of undertaking substantial new desegregation. It will be remembered that the decision in Swann against Charlotte-Mecklenburg Board of Education required busing to achieve desegregation.

Mr. President, may I have an additional 3 minutes?

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired. He has no time to yield.

Mr. ELLENDER. Mr. President, I yield time under the bill to the Senator from New York.

Mr. JAVITS. Mr. President, could the Senator from North Dakota yield me 3 minutes?

Mr. YOUNG of North Dakota. Mr. President, I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I thank both Senators.

Mr. President, this letter spells out the fact that these districts which are now under the mandate of busing require ongoing sums in order to do what the country and the Court expects them to do. So, in withholding any opposition to this continuing resolution, I am deeply motivated by the letter.

Mr. President, I ask unanimous consent that there be printed in the RECORD a letter from the Leadership Conference of Civil Rights, under the signature of Clarence Mitchell, chairman of its legislative committee. The Leadership Conference is really a consortium of civil rights organizations in this field. They, too, for the reasons which I have stated, feel that we should not stand in the way of the enactment of this particular continuance.

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

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
Washington, D.C., June 28, 1971.

Hon. JACOB K. JAVITS,
Senate Select Committee on Equal Educational Opportunities, Washington, D.C.

DEAR SENATOR JAVITS: In response to your inquiry, the Leadership Conference on Civil Rights, which supported the Emergency School Aid and Quality Integrated Education Act passed recently by the Senate, recognizes that the continuing resolution approved by the House last week contains funds to continue temporarily the so-called Emergency School Assistance Program (ESAP). As you know, it was ESAP for which Congress last year appropriated $75 million and in which several civil rights groups and the General Accounting Office have found serious abuses and misuse of the appropriated funds.

The Leadership Conference had been hopeful that the Senate-passed school aid authorization measure or a similar bill would have been enacted by now so that funds could be appropriated under that new authority. In the absence of enactment of such a bill, we have no objection to continuing the funding of ESAP on a temporary basis so that funds might be made available to desegregating school systems to meet emergency additional expenses this fall—to assist in the purchase of buses, for example, in districts which must undertake substantially more transportation of students in order to comply with the standards of integration set forth in the Supreme Court's recent *Swann* decision.

We wish to make it absolutely clear, however, that while we do not oppose the continuing resolution temporarily refunding ESAP until August 6, we would not support any move to secure Congressional approval of a special appropriation along the lines of the $75 million item of last year. We believe the Congress should instead be focusing its attention upon the school aid legislation authorizing $1.5 billion in assistance to school systems which are desegregating and/or reducing racial isolation.

Respectfully,
CLARENCE MITCHELL,
Chairman, Legislative Committee.

Mr. JAVITS. Mr. President, to make it clear, we emphasize that we reserve the right of opposition to the continuing

resolution for this purpose after August 6 in the absence of the passage of a bill by the other body. We feel that to continue the emergency school assistance program by means of a continuing resolution thereafter would only be one way of blocking action on an essential piece of legislation with $1.5 billion waiting to be used for these vital purposes nationwide.

We wish to serve unequivocal notice that we shall not be disposed favorably to a continuance beyond the August 6 date for the reasons stated and we go along with the continuance at this time precisely for the reasons I have set forth and which are set forth in the respective letters of the Secretary of Health, Education, and Welfare, and the chairman of the legislative committee of the Leadership Conference on Civil Rights.

Mr. PROXMIRE. Mr. President, will the Senator from North Dakota yield to me 1 minute so that I may ask for the yeas and nays on the pending amendment?

Mr. YOUNG. I yield.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, will the Senator from North Dakota yield to me 1 minute so that I may ask a question?

Mr. YOUNG. I yield.

Mr. JAVITS. Would the Senator tell me precisely why he picked $8 billion? How does that compare with the situation last year, when, I recall, the figure was considerably less?

As one who has to vote, I am worried about the arbitrariness of the cut rather than the desirability of a cut, with which I agree. I am concerned about its steepness and its arbitrary character.

Mr. PROXMIRE. The reason was that last year the Committee on Appropriations originally appropriated $68.7 billion. After that there was a supplemental. The difference between the amount we are providing in this continuing resolution amendment is about $5.2 billion. This would amount to about 7 percent in reductions below the expenditure of last year. That was about the same percentage. That compares with approximately what we tried to do last year. We made a similar resolution and the difficulty is that this year the administration asked for an increase.

In addition, there is one other complication.

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

Mr. YOUNG. I yield 1 minute to the Senator from Wisconsin.

Mr. PROXMIRE. I thank the Senator.

The complication is that the Allott amendment was agreed to and a similar amendment was agreed to in the House, which increased pay by $1.7 billion above the budget.

In addition, the President expects to spend more this year. Altogether, we would reduce the requested expenditure, including the pay increase, by about $8.7 billion or about 11 percent. That is a reduction below what they project, but a much more modest reduction below what they are spending this year.

In view of the fact there is a cutback in Vietnam of about $16 billion since the peak, and a cutback in military personnel of about 1 million since the peak, if those savings are added up there is a $26 billion reduction, we should have a peace dividend of some kind. Even with the overlap, there should be at least a $20 billion reduction.

Allowing all that one wishes to for inflation, it would seem there would be $8.5 or $9 billion we could reduce, and permit the Department of Defense to operate as they did. I realize that is in dispute, but that is our hope.

Mr. YOUNG. Mr. President, I yield myself 2 minutes so that I may reply to the Senator from New York.

The unwise or unreasonable part of this amendment is that the House has not acted. They have acted on the authorization but not on the appropriation. The Senate did not act on the authorization. The Subcommittee on Defense Appropriations held hearings for 6 or 7 weeks day after day. We did not have a chance to take action and we cannot until the House takes action.

Why must the Senate take this precipitate action? This only applies for the next 5 weeks.

Where will the cut be made? It would take 1 month to make plans. Therefore, it is unreasonable. The unreasonable part is that the proponents will not give the Committee on Appropriations a chance to take action.

We cut appropriations for defense rather sharply last year. They were deeper this year than I wanted to go. But we should have a chance to act, to consider it, and to consider, particularly, where the cut should be made.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. Who yields time?

ORDER OF BUSINESS

Mr. YOUNG. Mr. President, I suggest the absence of a quorum and I ask that the time be charged against me.

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

The second assistance legislative clerk proceeded to call the roll.

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

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

Mr. YOUNG. Mr. President, I yield the remainder of my time to the Senator from Wisconsin (Mr. NELSON).

EMERGENCY EMPLOYMENT ACT—CONFERENCE REPORT

Mr. NELSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. GAMBRELL). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in House proceedings of June 28, 1971, pp. 22444–22448, CONGRESSIONAL RECORD.)

Mr. NELSON. Mr. President, the Senate-House Conference Report on S. 31, the Emergency Employment Act, has been filed with the Senate.

Senators will recall that this is the bill which passed the Senate on April 1 by a vote of 62 to 10. It is designed to put unemployed people to work during times of high unemployment by providing Federal financial assistance to State and local governments which will hire unemployed people for vital, necessary jobs which could not otherwise be financed because of State and local budget limitations.

The Senate and House conferees agreed essentially to accept the Senate bill, although a number of features from the House bill—originally H.R. 3613—were incorporated into the conference report at the request of House Members and the Labor Department.

Thus, the bill authorizes a 2-year program of transitional employment, as authorized by the Senate, to help the Nation move from a period of high unemployment to more normal unemployment levels. Funds authorized by the legislation are triggered when the national unemployment rate averages 4.5 percent or more for 3 consecutive months. If the national unemployment rate averages below 4.5 percent for 3 consecutive months, no further funds may be obligated under this legislation, except that even after the national rate of unemployment recedes below 4.5 percent, areas of substantial unemployment—6 percent or more—will remain eligible under the Special Employment Assistance section of the bill.

The original Senate bill authorized up to $750 million in fiscal 1972 and up to $1 billion in fiscal 1973. The conference report authorizes these amounts, triggered by 4.5 percent unemployment, but also authorizes an additional special employment assistance program authorizing appropriations of $250 million each year to be made available to units of general government which have within them areas of 6 percent unemployment or higher.

Other major differences between the original Senate bill S. 31 as it passed the Senate and the conference report are as follows:

The Senate bill included private nonprofit agencies among eligible applicants for public service employment programs. The conference report eliminates such agencies.

The House bill provided preference for veterans who served in Korea or Indochina subsequent to August 4, 1964. The Senate bill contained no comparable provision. The conference report requires that special consideration be given to such veterans in filling jobs under this bill.

The House bill provided that no more than one-third of people hired under the program would be professionals as de-

fined in the Fair Labor Standards Act. The conference report adopted this provision. Also adopted was a provision that Federal funds could not pay salaries greater than $12,000 under this act. If a State or a community chose to supplement an employee's salary, the act would not forbid such supplementation.

The conference also adopted the House provision which limits the amount which may be used for training and related expenses under such programs to 15 percent of the funds appropriated under this act, excluding the special employment assistance program.

Mr. President, both Houses of Congress passed a historic comprehensive manpower reorganization and public service employment bill last year entitled the Employment and Manpower Act of 1970. The President vetoed that act for two principal reasons: He expressed fear that the public service employment jobs might become dead-end jobs, and he disagreed with the manner in which manpower training programs were to be reorganized under the bill. I want to emphasize that this bill avoids both of those objections.

In his veto message, the President said:

> Transitional and short-term public service employment can be a useful component of the nation's manpower policies.

After the President vetoed the Employment and Manpower Act of 1970, national unemployment continued to increase. It reached 6 percent and then 6.2 percent, the level at which it presently stands. It appeared obvious to those of us in the Congress who were responsible for manpower legislation that something immediately had to be done. Therefore, during the brief recess period between the adjournment of the 90th Congress and the convening of the 91st Congress we drafted a new bipartisan bill, the Emergency Employment Act, to provide precisely that program of "transitional and short-term public service employment."

The extent to which we succeeded in designing a bill to meet the wishes expressed in the veto is shown by the fact that representatives of the administration informed the conferees that if they would agree on essentially the Senate-passed bill, S. 31, they could have a reasonable assurance that the bill would be signed.

This was very welcome news to conferees in both parties. The willingness of the administration to accept essentially the Senate bill led to a speedy resolution of the differences between the houses. The compromise was agreed to unanimously by all the participants in the conference, and all but one of those appointed as conferees have signed the conference report.

Mr. President, here is how the Emergency Employment Act will work.

It will take effect immediately upon being signed by the President. Of course, appropriations must first be enacted.

Any unit of general government is eligible to submit applications to operate programs under this act to the Secretary of Labor. This includes cities, counties, States, Federal institutions, and public agencies and institutions which are subdivisions of State and local government.

Rather than undertake the development of a new system of prime sponsorship as proposed in comprehensive manpower reform legislation, this legislation emphasizes the eligibility of a broad array of public sponsors so as to achieve the quickest possible implementation of the act, and the maximum benefit toward easing the Nation toward more normal employment levels. While it is recognized that the Department of Labor will have to make choices among applicants on reasonable grounds, it is not intended that a new system of prime sponsorships be established under this emergency program.

The Federal Government will pay up to 90 percent of the cost of any program approved by the Secretary of Labor. The remaining contribution may be in kind as well as in cash. Because the purpose of this bill is to fund additional jobs to reduce unemployment, 85 percent of the Federal cost of any approved program must go to the employees in the form of wages or employment benefits.

Persons employed under this act are to be paid the highest of three possible wage levels—the Federal minimum wage, the State minimum wage, or the prevailing wage for that job—or a comparable job—paid by the same employer. This means that if a person is employed in a city owned hospital, for example, he will be paid the prevailing wage for the job which would be paid any other employee filling that job or a comparable job.

The conference report and the statement of the conferees emphasize repeatedly that the intent is not to create dead-end or make-work jobs. The intent is to provide necessary, bona fide full-fledged jobs throughout the whole range of government service. Conferees emphasized that the phrase transitional employment applies to the nature of the Emergency Employment Act rather than to the nature of the jobs to be filled under the act. The jobs to be filled are not to be inherently temporary. They should be the same as any other job in State or local service. The person to be hired should be no different from any other employees to be hired in State and local service. They may serve in jobs funded under this act for as long as the act is in effect. Neither they nor the unit of government sponsoring the program need make any showing that they are being trained for future placement in some other job. Conferees used the examples of schoolteachers and policemen to indite that the purpose of this act is to employ full-fledged public employees in full-fledged jobs, not to create some new categories of substandard jobs or to impose conditions upon potential employees which are not imposed upon other governmental employees.

The legislation uses the term "transitional employment."

Transitional employment simply describes the fact that a person is being employed for up to 2 years with funds provided by this act—or until the national unemployment rate recedes below 4½ percent or local rates below 6 percent, as the case may be—which period of employment is contemplated by the legislation to be transitional to continued employment or advancement. Such further employment or advanced position can be in public service—although, of course, federally assisted public service employment will depend upon future legislative action. This bill does not prejudge that possibility one way or the other. It is on that basis that members of Congress with differing views as to a permanent public service employment program can join together in supporting this emergency legislation.

But the conferees are agreed that the nature of the jobs must not be prejudiced on account of the transitional assistance under this legislation for employment in such jobs. Public service jobs under this legislation must be like any regular job and the participant's work on the job should not be distinguishable from other persons employed by the the same employer in similar work.

What, then, is the meaning of the legislation's emphasis upon transitional employment?

The legislation is clear in spelling this out. The job itself is in no way different from a regular job; but special training, counseling, and supportive services are required to assist persons in securing better employment if the public service job is not providing sufficient prospects for advancement or continued suitable employment. In any event, as the legislation approaches its expiration or is detriggered due to the unemployment rate approaching 4.5 percent, assistance and counseling must be offered to help the person secure another job opportunity. The joint explanatory statement of the manager enumerates the act's provisions in this respect.

Mr. President, when the Emergency Employment Act was before the Senate on April 1, 1971, I made the following statement:

> It is most important to make clear that that is not the manpower bill—the Employment and Manpower Act of 1970—which the Congress passed and the President vetoed last December 16. That was a much broader and more comprehensive reorganization of Federal manpower training programs, combined with a permanent public service employment program on a much more substantial scale. That bill, which passed the Senate 68 to 6, is deserving of further consideration and will be taken up in due course by our committee along with the administration's recently introduced new manpower bill, the Manpower Revenue Sharing Act. However, no matter how hopeful supporters of these bills may be, there is no question whatsoever that their effective date would have to be delayed until sometime in 1972.

I want to reiterate that statement today. As soon as our subcommittee completes action on bill S. 2007 extending the Economic Opportunity Act for 2 more years, we will begin hearings on comprehensive manpower reform legislation including the administration's manpower revenue-sharing bill, S. 1243, on which we have already had one public hearing. At that hearing the Secretary of Labor testified that the bill was not ready for action and required further work particularly in regard to the development of an allocation formula which he said created certain difficulties.

Mr. JAVITS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. JAVITS. Is debate limited?

The PRESIDING OFFICER. Under the previous order, debate will be terminated at 1:05 p.m., in order to lay before the Senate the business under the order.

Mr. JAVITS. I thank the Chair.

Mr. President, I should like to ask the assistant majority leader when he will call up this conference report for a vote, in view of the parliamentary situation facing the Senate.

Mr. BYRD of West Virginia. Mr. President, in response to the inquiry of the distinguished senior Senator from New York (Mr. JAVITS), it will be the intention of the leadership, at some point following the vote on the NASA authorization bill this afternoon, if possible, to proceed to the consideration of the bill making appropriations for the Treasury Department, and, following action on that, to proceed to the further consideration of the conference report on S. 31.

Mr. JAVITS. I thank the Senator.

I should like to state to the Senate that I shall seek the yeas and nays on this conference report and that another member of the minority at least—perhaps other Members as well—will wish to address himself to it. I can find no disposition to delay the matter, but I am not in a position to concur in any unanimous consent request limiting time. I am confident that every effort will be made to expedite this matter and the business of the Senate.

Mr. BYRD of West Virginia. The leadership appreciates the position as expressed by the distinguished Senator, and will act in conformity therewith.

Mr. JAVITS. Mr. President, I commend the conference report on S. 31 to the Senate.

The conference bill is excellently tailored, in my opinion, to respond to five basic aspects of the current unemployment situation which the Nation now faces, and which is very serious.

First we have the unemployment crisis generally—with the national level holding at above the 6-percent level—and its effects being felt not only by the disadvantaged—who suffer even in times of so-called "acceptable" unemployment—but by all socioeconomic groups, many of which have been affected also by cutbacks in defense and aerospace expenditures. The conference bill would help to meet this general unemployment crisis through an authorization of $750 million for fiscal year 1972, and $1 billion for fiscal year 1973 for public service employment programs and related training and services—amounts which could create as many as 150,000 jobs annually. These are amounts which were authorized in the Senate bill; they would be available only so long as national unemployment remains above 4.5 percent—the benchmark included in a similar "trigger" provision first proposed in the administration's own Manpower Training Act of 1969.

Second, we have the particular crisis of local areas where unemployment is continuing substantially above the national average, for example, in poverty areas such as Bedford-Stuyvesant in Brooklyn, N.Y., where the unemployment among certain groups—for example, black teenagers, may be as high as 45 percent. To meet the special needs of particular urban and rural geographic areas, the conference bill adopts with some modifications, the provision of the House bill for special emergency employment assistance to zero-in on areas of unemployment equal to or in excess of 6 percent with an authorization of $250 million for each fiscal year.

Third, we have the individual employment crisis which faces the returning veteran. As noted in the conference report, an average of 375,000 veterans 20 to 29 years of age were unemployed each month during the first quarter of this year. While there are many groups in our society which face employment difficulties, the situation of the veteran is an especially tragic one. The conference bill, following generally the House provisions, requires that "special consideration" in filling jobs be given to persons who served in the Armed Forces in Indochina or Korea on or after August 5, 1964. This provision, coupled with the other programs which the President has announced, should provide an important tool to deal with the current situation as it affects this important group.

Fourth, we have the all too familiar welfare crisis—with the welfare rolls almost doubling in the last decade. This crisis can be significantly met by the President's proposed Family Assistance Act, but even upon enactment, it will not go into effect at the earliest until the middle of next year and we need to provide opportunities in the meantime. If we are going to encourage people to work, then we have to be sure they find work. The conference bill contains provisions which I included in the Senate bill, and to a lesser extent in the House bill, insuring that the Secretary can utilize funds to provide financial assistance on an equitable basis among welfare recipients as well as other segments of the population of unemployed and underemployed persons.

Fourth, related to the welfare crisis is the fiscal crisis with States and cities unable to meet new staggering social and environmental needs—and in many cases unable even to maintain past efforts.

There are two substantial assurances that the funds made available under this act will be put into meaningful jobs. The conference bill itself contains a number of provisions against "make-work" jobs, for example, paragraph (8) of section 7(c) which requires applicants to set forth "a description of unmet public service needs and a statement of priorities among such needs." A second lies in the fact that this emergency bill can meet less than one-eleventh of the more than 4.3 million real jobs which studies have indicated could be filled in the public service, and we can assume that public sponsors will direct their efforts to the greatest need.

To meet the fiscal crisis, the conference bill, like the House bill, limits eligible sponsors to State, county, and municipal governments; the Senate bill included also nonprofit organizations.

I wish to state in that regard that my support for this limitation in this context is based solely on the need to reach an agreement on this emergency legislation and that in the consideration of future comprehensive long-term legislation, I regard as an essential element the ability of nonprofit private organizations such as community action agencies, community development corporations, opportunities industrialization centers, and other indiginous groups to serve a prime sponsorship role.

And I suggest to the potential governmental sponsors under this Emergency Employment Act that they look to such nonprofit organizations as subcontractors to insure that these funds reach those most in need and effectively meet those needs.

Mr. President, I commend the conference bill to the Congress and to the administration not only in respect to the focus of public service employment programs in terms of particularly affected individuals and areas—as I have noted—but in respect to the nature of the public service opportunity that would be created.

The conference bill expressly states that the purpose of the act is:

> To provide unemployed and underemployed persons with transitional employment in jobs providing needed public services . . . and wherever feasible, related training and manpower services to enable such persons to move into employment or training not supported under this Act.

As noted in the joint explanatory statement of the committee of conference, the term "transitional" refers both to the fact that we are dealing with a short-term 2-year program, and as to the individual that public service employment opportunities are to lead wherever possible to positions in the public or private sector not supported under the act.

Mr. President, the conference bill contains a number of provisions—many of which were included by myself and other members of the minority in the Senate bill. These include substantial training provisions and a very key provision contained in section 11 of the bill.

These provisions—which were not successful in including the Employment and Manpower Act which was vetoed last year, clearly directs the Secretary of Labor to establish procedures for periodic review of the status of public service employees to insure that "maximum efforts" are made to locate other training or employment opportunities not supported under the act.

Subject to the conditions noted in the Joint Explanatory Statement of the committee of conference—to insure against any arbitrary limit on the length of jobs or on the kind of jobs—this section provides the Secretary with substantial authority to insure the transitional nature of the employment opportunity granted.

Mr. President, I am extremely pleased that the administration—which originally opposed this emergency legislation—now supports it. In that connection, I read from the President's message of today, vetoing S. 575, containing an accelerated public works program:

I hope the two Houses of Congress will soon vote final passage of the Emergency Employment Act of 1971 (S. 31), on which the Conference Committee has now completed its report, which would create new job opportunities in the public sector.

Mr. President, the important aspect of this entire matter is that we need comprehensive manpower training legislation. The principals in these committees of the other body and our own—Senator NELSON, myself, Senator WILLIAMS, our chairman, and Representatives PERKINS, DANIELS, and QUIE—are pledging ourselves to hold hearings on manpower training in this session—that is, this year—and to do everything in our power to report a comprehensive manpower reform bill.

This bill is for 2 years. That makes it transitional on its face, and that is the way we had it in mind, perhaps somebody will go on a public service job for some period of time beyond the 2 years. But the 2-year concept is the program, and it is limited at least to that time, which we will finance.

Second, we have elaborate means for doing everything that humanly can be done to direct the individual worker who comes under this program into permanent nonsupported private and public employment, including supporting services such as training, and so forth. These are the touchstones of the bill. It estimates $5,000 to $6,000 a year as the average cost per job slot.

For all these reasons, it is a bill which comes at the right time, in the right prescription, in the right amount, and in the right term to do the job which needs to be done to carry us over between now, when we are in a crisis, and definitive manpower legislation. I hope that the Senate will agree to the conference report.

Mr. President, I have rarely seen a more statesmanlike conference, without any regard to party, than that chaired in such a distinguished way by the Senator from Wisconsin (Mr. NELSON), with the House counterpart being Representative PERKINS. It was an absolutely magnificent demonstration of yielding everything that men and women held very dear in order to bring about a result at a time when a result was really what counted.

I have every faith that this is a bill which the President of the United States will sign, if for no other reason than in deference to the high order of statesmanship which characterized the negotiation which resulted in this excellent conference report and a piece of legislation very beneficial to our country.

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

Mr. JAVITS. I yield.

Mr. NELSON. Mr. President, I endorse the comments of the distinguished senior Senator from New York concerning the bipartisan effort, both within our committee to work out a bill and the bipartisan effort in the conference to work out a bill. It was one of the finest conferences I have ever attended.

I congratulate the Senator from New York, who played such a significant role in the conference, as well as Representative PERKINS and the conferees on both sides of the aisle, on the House side as well as our own.

I wish to say also that we in the subcommittee will conduct hearings as early as possible on a new manpower bill, including specific hearings on the Manpower Revenue Sharing Act introduced at the request of the administration. We will do that at the earliest possible date in the hope and expectation that we will be able to report a new manpower bill to the floor of the Senate yet this year.

Mr. President, I ask unanimous consent that, since the conference report has been printed in the House as a conference report, that the rule for printing this same report as a Senate document be waived.

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

Mr. NELSON. Mr. President, I ask unanimous consent that a joint explanatory statement of the managers, be printed in the RECORD.

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

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the Senate bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The points in disagreement and the conference resolution of them are as follows:

First, on the issue of a "transitional" public service employment program the House receded and accepted the Senate language.

As agreed to by the conferees the word "transitional" describes, first of all, the limited duration of the authorized program, in that this act expires on June 30, 1973, and the fact that funds for the principal program cease to be obligated when the national rate of unemployment recedes below 4.5 percent.

Second, for individuals employed under the program it is the intention of the conferees that public service employment jobs lead wherever possible to positions not supported under this act in the public or private sector.

To acomplish this the application section requires that, to the extent feasible, local programs be designed with a view toward developing new careers or providing opportunities for career advancement, or continued training directly related to the job to be done. But a limitation of 15% is placed on the amount of funds under this act that can be spent on training. Funds for wages and benefits—for jobs—are the first priority.

In addition the conferees agreed that applications shall include provisions setting forth assurances that special consideration will be given to filling jobs which provide sufficient prospects for advancement, and provide persons employed with needed skills, and assurances that jobs are provided in fields likely to expand and a description of career opportunities and job advancement potentialities for participants.

Applications must also provide assurances that the hiring jurisdiction will analyze job descriptions, reevaluate skill requirements at all levels of employment, and reevaluate civil service requirements and practices in order to provide upward mobility within public employment, provide linkages with upgrading and other manpower training programs funded under other authorities to help individuals find permanent, upwardly mobile careers in public or private employment.

Section 11 of the conference agreement provides that the Secretary shall establish procedures for periodic review of the status of persons employed in a public service job in order to help employees secure a better job of his or her choice if one is available.

All this language is intended to make it crystal clear that public service employment shall not be of the "dead end, make work" sort that is feared by the critics of public service employment.

It is the clear intention of the conferees that the program not be administered in such a way as to make of the jobs simply training "slots" with stipends, or, just as bad, a sort of disguised welfare, or transfer payment program. Such a result would be demeaning for the workers, waste taxpayers' money and represent a fraud on the American people.

It was with these concerns in mind that the conferees agreed that the word "transitional" as used in this act—

Does not in any way limit that length of time an individual can stay on a specific public service employment job during the term of this Act—and no regulation may require such limitation;

Does not limit the kinds of jobs to be made available under the program; specifically, jobs are not to be limited to those which are inherently temporary; jobs to be funded under this act are to include such jobs as policemen, teachers, nurses, firemen, and other jobs widely recognized as necessary and permanent in nature;

Does not prohibit the re-employment of those who have been laid off regular public service jobs because of fiscal problems at the local level. In fact, the conferees expect that many localities will rehire such employees.

At a time when the unmet needs in the public sector of the economy are so enormous—in health, teaching and child care, in public safety and probation work, in conservation and the environment—it would be tragic if the valuable skills and energies of those employed under this act were wasted on meaningless jobs. Designing programs that will quickly get people into meaningful employment is not easy. Therefore the conferees wish to emphasize the importance they place on paragraph (8) of section 7(c) providing for eligible applicants to set forth "a description of unmet public service needs and a statement of priorities among such needs."

2. The statements of findings and purpose of the Senate bill and the House amendment are substantially similar with one exception. The Senate bill contains the word "transitional" in several instances; the House amendment does not. The House recedes to the language of the Senate bill with the understanding that the word transitional shall be construed by the Secretary in accordance with the discussion of the word "transitional" above.

3. The Senate bill authorizes the Secretary to enter into arrangements with public and private nonprofit agencies; the House amendment authorizes agreements with eligible applicants (which do not include private nonprofit agencies). The Senate bill also stipulates that the employment be transitional and that it enables persons employed thereunder to move into employment or training not supported under this Act, a discussion of which appears above. The conference agreement does not authorize the Secretary to enter into arrangements with private nonprofit agencies.

The House amendment provides that financial assistance under the Act would be made available to meet "the full cost of providing employment" in public service jobs. The Senate bill does not contain this language.

The conference agreement provides that not less than 85 per cent of the funds appropriated shall be expended only for wages and employment benefits to persons employed in public service jobs pursuant to this Act.

It is the explicit intent of the conferees that funds made available under this Act for other purposes, such as planning and evaluation, training and other manpower and supportive services, administrative expenses, and any program costs other than wages and any program costs other than wages and employment benefits, shall be paid for from the funds not set aside for wages and benefits.

4. Both the Senate bill and the House amendment authorize units of Federal, State and general local government, Indian tribes, public agencies and institutions which are subdivisions of state or general local government, and institutions of the Federal Government to be eligible applicants. In addition the Senate bill also makes eligible applicants of private nonprofit agencies and institutions (including local service companies) and other public agencies and institutions. The Senate recedes.

5. The House amendment authorizes $200 million immediately, $750 million for fiscal year 1972 and $1 billion for each of the three succeeding fiscal years. The Senate bill authorizes up to $750 million for fiscal year 1972 and up to $1 billion for fiscal year 1973 with the stipulation that the Secretary shall obligate $500 million when the rate of national unemployment equals or exceeds 4½ percent, and shall obligate an additional $100 million for each one-half of one percent by which the rate of national unemployment exceeds 4½ percent. The Senate recedes with an amendment authorizing $750 million for fiscal year 1972 and $1 billion for fiscal year 1973.

6. The House amendment provides that if, subsequent to a determination by the Secretary that the national unemployment rate has receded below 4½ percent and a cessation of the obligation of funds, the national unemployment rate returns to the level of 4½ percent or more for three consecutive months, the Secretary shall resume the obligation of funds. The Senate bill contains no comparable provision. The Senate recedes.

7. The House amendment contains a provision which transfers any unobligated balances left over at the end of any fiscal year to the Special Employment Assistance Fund. The Senate bill contains no comparable provision. The House recedes.

8. The House amendment provides that, for the purpose of determining national unemployment rates as used in this section only, persons who were being counted as unemployed before their employment under this Act would continue to be so counted. The Senate bill contains no comparable provision. The conference agreement contains the House provision with the stipulation that persons would continue to be so counted as long as they continue to be employed under this Act.

9. The House amendment contains a provision establishing a Special Employment Assistance Fund. The Fund operates separately from the main program of public service employment and is not affected by shifts in the national unemployment rate. It is to be used to provide funds for public service jobs in local areas where the unemployment rate is 6% or more. Eligible applicants are units or combinations of units of general local government, public agencies and institutions which are subdivisions of such units or Indian tribes. For the purpose of carrying out the provisions of the Fund there is authorized $250 million for fiscal year 1972 and such sums as may be necessary for each of the three succeeding fiscal years. In addition, any balances remaining unobligated by the end of the fiscal year in the principal program are transferred to the Fund. The Senate bill contains no comparable provision. The conference agreement authorizes a "Special Employment Assistance Program" similar to the provisions of the House amendment with an authorization of $250 million for each of the fiscal years ending June 30, 1972, and June 30, 1973. The concept of a special fund in the Treasury was deleted from the conference agreement.

The conference agreement also includes a definition of the word "area" as it is used in this section. The conferees intend that the Secretary will exercise discretion, consistent with the provisions of this Act, in determining what constitutes an area for the purpose of this section.

It is the understanding of the conferees that areas within cities (or areas within rural counties) such as Chinatown or the Mission District in San Francisco, Uptown or Lawndale in Chicago, Watts or East Los Angeles in Los Angeles, portions of Seattle, Harlem, or Bedford-Stuyvesant in New York will be so designated by the Secretary.

With respect to rural areas, it is expected that in most cases the entire area served by an eligible applicant will qualify. The conferees wish to make it unmistakably clear, however, that the same principles outlined for cities would apply to counties, and in particular to areas within rural counties, and where such areas qualify the conference agreement requires the Secretary to designate them just as he would an area within a city.

It should be understood that it is not our purpose to encourage the designation of areas which are so small in size as to hold little promise of making an impact on the unemployment problem in that community. While the principal concern is to narrow the area which would qualify for designation, the conferees wish to indicate that any such area should be large enough so that an individual can reasonably commute to a place of employment within such area.

While the conferees intend and the bill states that persons employed in jobs paid for by funds authorized by this section reside within the area designated by the Secretary, it is not our intent that the places of employment necessarily be within the designated area, but merely within the jurisdiction served by the unit of general local government submitting the application.

10. Both the House amendment and the Senate bill require the submission of an application setting forth a public service employment program designed to provide employment and, where appropriate, training and manpower services which are otherwise unavailable, in jobs providing needed public services. The Senate bill also contains the word "transitional" in describing the public service employment program. The House receded with the understanding that the word "transitional" would be construed by the Secretary in a manner indicated earlier in the joint statement.

11. The Senate bill also provides that programs assisted under this Act shall be designed with a view toward: (1) developing new careers, (2) providing opportunities for career advancement, (3) providing opportunities for continued training, and (4) providing transitional employment enabling individuals to move ito public or private employment or training not supported under this Act. The House amendment contains no comparable provision. The conference agreement provides that programs shall, to the extent feasible, be designed with a view toward such objectives.

12. Both the Senate bill and the House amendment require a description of the area to be served, and certain other data. In addition, the House amendment requires the submission of a plan for serving all significant segments of the population within that area. The Senate bill contains no comparable provision. The Senate recedes.

13. The House amendment provides that preference in filling public service jobs will be given to veterans who served in Korea or Indochina subsequent to August 4, 1964. The Senate bill contains no comparable provision. The conference agreement provides that special consideration in filling public service jobs will be given to veterans who served in Korea or Indochina on or after August 5, 1964 and who received other than dishonorable discharges.

The conferees take special cognizance of the appalling unemployment problem of returning veterans. Section 12(b) of the conference agreement requires, at a minimum, that public service jobs will be equitably allocated to recently return veterans (along with other groups, especially those generally associated with high unemployment); and section 7(c)(4) of the conference agreement requires that special consideration be given to such veterans in filling public service jobs. The conferees were particularly aware of the latest quarterly figures for veterans unemployment which showed that an average of 375,000 veterans 20 to 29 years of age were unemployed each month during the first quarter of 1971—almost twice the number of veterans that age unemployed during the same period a year earlier (199,000).

The conferees strongly urge the Secretary of Labor to ensure that all possible efforts are made to assure the equitable employment of returning veterans in public service programs.

14. Both the House amendment and the Senate bill contain provisions requiring an annual review of the status of each participant by an appropriate agency, and, where appropriate, assistance to the participant in locating alternative employment or training opportunities. The House amendment requires that this assurance be given in the application submitted by an eligible applicant. The Senate bill makes this a special responsibility of the Secretary. The House recedes.

15. The Senate bill provides that all persons employed under this Act, except for technical, supervisory, and administrative personnel, will be selected from among unemployed persons. The House amendment contains no comparable provision. The House recedes to the Senate language with the understanding that the exception herein created would apply only to those persons hired to provide full-time technical or administrative services to programs funded under this Act, or to supervise persons employed under this Act.

16. The House amendment provides that no more than one-third of the program participants will be professionals as defined by the Fair Labor Standards Act (except school teachers). A waiver is provided in exceptional circumstances. The Senate bill contains no such restriction. The Senate recedes.

17. The Senate bill provides that the Federal share of public service employment programs may not exceed 90 percent of the cost. The House amendment contains no such limitation. The conference agreement retains the provision of the Senate bill with respect to the maximum federal share but adds that the local share may be in cash or in kind. The conferees intend that administrative expenses incurred by eligible applicants in carrying out programs under this Act will count toward the fulfillment of the local share requirement. It is the intent of the conferees that the Secretary take cognizance of the financial plight of state and local governments, and that he will make full use of his authority to waive the matching requirement wherever it would cause a hardship or prevent a community from participating in the programs authorized by this Act.

18. The Senate bill provides that a community action agency in the area to be served shall have an opportunity to submit

comments with respect to a public service employment application to both the applicant and the Secretary. The House amendment contains no comparable provision. The Senate recedes.

19. The House amendment provides for the allocation of 80 percent of the funds according to a formula based on the proportion which the total numbers of unemployed persons in an area bears to the total in that state and the total in the state bears to the total nationally. The remaining 20 percent may be allocated by the Secretary as he deems appropriate. The Senate bill requires the Secretary to apportion funds on an equitable basis among and within states, and among urban and rural areas, giving consideration to the relative incidence of unemployment in the area served by an applicant. The Senate recedes.

20. Both the House amendment and the Senate bill provide that funds appropriated under this Act may be used for training and manpower services for persons employed in public service jobs under this Act. The House amendment limits the amount of the funds which may be used to 15 percent of the amounts appropriated under section 5; the Senate bill limits the amount to 20 percent of the amounts available for carrying out the Act. The Senate recedes.

21. Both the House amendment and the Senate bill contain restrictions against displacing currently employed workers and against impairing existing service contracts or substituting federal for other funds in connection with work that would otherwise be performed. In addition, the Senate bill requires that the public service employment program will not substitute public service jobs for existing federally assisted jobs. The House amendment contains no comparable provision. The House recedes.

22. The House amendment requires that an employer pay his employees the higher of the Federal minimum, the State minimum, or the prevailing rate of pay in the same area for persons employed in similar public occupations. The Senate bill requires that the employer pay the higher of the Federal, State or local minimum, or the prevailing rate that the employer pays for persons he employs in similar occupations, to the extent that such rates are determined by the Secretary to be consistent with the purposes of this Act.

The conference agreement accepts the Senate language with respect to the prevailing wage "by the same employer," but deletes the proviso "to the extent that such rates are determined by the Secretary to be consistent with the purposes of this Act.".

With particular reference to the language dealing with prevailing wages, the conferees agree that in determining prevailing rates, the determination is to be based upon the prevailing rates of pay for other persons employed by the eligible applicant in similar public occupations. To illustrate, in the case of a city using Federal funds received under this Act to employ nurses in municipal hospitals, the prevailing wage would be that paid to other nurses in the same or similar jobs in municipal hospitals. If, however, another city agency or department—for example, the Department of Public Health—also employed nurses with funds reecived under this Act, the prevailing rate of pay for those nurses would be the rate paid by that department to other nurses even if it differed from the rate paid at the municipal hospitals.

23. The House amendment provides that no person employed in a public service job under this Act may be paid in excess of $12,000 per year. The Senate bill contains no comparable provision. The conference agreement limits the payments under this Act to $12,000 per year per job. The conferees do not intend this provision to limit the total amount an individual can receive, but simply limits the Federal contribution.

24. Both the Senate bill and House amendment provide that participants will have the same fringe benefits and working conditions as other employees of the employer. The Senate bill also stipulates that particpants will enjoy promotional opportunities neither more nor less favorable than other employees enjoy. The House recedes.

25. The House amendment provides that no funds will be used for the acquisition or rental or leasing of supplies, equipment, materials or real property. The Senate bill contains no such restriction. The Senate recedes.

26. The Senate bill contains a provision which stipulates that if the provisions of the Davis-Bacon Act would otherwise apply to a project, nothing contained in this Act shall exempt such project from such coverage. The House amendment contains no comparable provision. The Senate recedes.

27. The House amendment contains a provision requiring that where programs involve physical improvements, special consideration be given to those improvements used by low-income families or located in areas having high concentrations of low-income persons. The Senate bill contains no comparable provision. The House recedes.

28. The Senate bill contains a provision authorizing the Secretary to make expenditures for construction, repairs, and capital improvements. The House amendment contains no comparable provision. The Senate recedes.

29. The Senate bill provides that the acceptance of family planning services provided to participants will be voluntary, and that no participant may be required to accept them in order to qualify for a public service job. The House amendment contains no comparable provision. The Senate recedes.

30. The Senate bill requires the submission of periodic reports to the Secretary including such data as: (1) characteristics of program participants including age, sex, race, health, education level, and previous wage and employment experience, (2) duration in employment situations, and (3) cost per participant broken down into categories. The House amendment contains no comparable provisions. The House recedes.

31. The Senate bill contains a provision requiring the Secretary to review every six months the implementation of the procedures requiring periodic reviews of each participant. The House amendment contains no comparable provision. The House recedes.

32. The Senate bill provides that up to 1 percent of the funds appropriated pursuant to section 5 may be reserved by the Secretary in order to provide for a continuing evaluation of programs assisted under this Act. The House amendment contains no comparable provision. The House recedes.

33. Both the Senate bill and the House amendment require the Secretary to transmit an annual report to the Congress including information on whether or not participants subsequently secure and retain public or private employment or participate in training or employability development programs. The Senate bill requires additional information on the extent to which all segments of the unemployed population are being served, and also requires insertion of the evaluations required under the Act. The House recedes.

34. The House amendment contains a definition of the term "area" as used in section 11 of the Act. The Senate bill contains no comparable provision. The conference agreement retains the definition of the term "area" for the purposes of section 12(c) of the conference report.

35. The Senate bill contains a definition of the term "city." The House amendment has no comparable provision. The Senate recedes.

36. The Senate bill contains a definition of "public service." The House amendment contains no comparable provision. The House recedes.

37. The Senate bill contains a definition of "health care." The House amendment contains no comparable provision. The conference agreement adopts the Senate language but inserts the word "voluntary" before the words "family planning services."

38. The Senate bill contains a definition of "local service company." The House amendment contains no comparable provision. The Senate recedes.

39. The Senate bill contains a definition of "unemployed persons." The House amendment contains no comparable provision. The conference agreement includes the Senate definition of unemployed persons, and adds a definition of underemployed persons as being those persons who are working part time and seeking full time employment and those working full time but earning less than the poverty level income. It is the intent of the conferees that persons already employed by the eligible applicant not be included in the definition of "underemployed persons" for the purposes of this Act.

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the RECORD a number of letters and statements from public officials endorsing the Emergency Employment Act.

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

MILWAUKEE, COUNTY,
Milwaukee, Wis., June 16, 1971.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: For the past 18 months, Milwaukee County, Wisconsin, has been providing jobs for 500 males and females who have found it necessary to apply for public assistance. Utilization of these 500 job slots has reduced our welfare rolls by more than 4,000 cases during that time.

At present we have a substantial number of individuals who could be placed on public sector jobs if additional funds were made available. Even though there is additional work that could be done within the public sector, there is very little that Milwaukee County can do to provide such jobs under its present financial limitations.

Milwaukee County, which has a population of over one million people, can well attest to the need for public service jobs. We have found these jobs to be most meaningful and helpful to both the individual employed and to the community. Approval of Senate Bill No. 31 would be a great step forward in solving one of our nation's most pressing problems. I can assure you that Milwaukee County would then be in a position to provide meaningful work which would not be a dead end for the person employed.

With kindest personal regards, I remain

Very truly yours,

JOHN L. DOYNE,
County Executive.

ONEIDA COUNTY,
Utica, N.Y., June 18, 1971.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: Since the unemployment rate in our area has exceeded 8% in recent months, I strongly support S. 31, the Emergency Employment Act, which you co-sponsored in the Senate.

In addition to providing the vital jobs necessary now, the bill structures them as short term with job-holders moving to permanent, regular jobs as unemployment decreases. This feature not only provides job opportunities when needed but also insures that they will not become a fixed burden to the taxpayer.

I would also recommend that in the final version of the bill as submitted to the President, local governments should be given flexibility in determining what type of jobs would be made available. This additional safeguard would maximize the total benefits of the Act.

Sincerely yours,

HARRY S. DANIELS,
County Executive.

COUNTY OF HILLSBOROUGH,
Tampa, Fla., June 17, 1971.

The PRESIDENT OF THE UNITED STATES,
The White House Office,
Washington, D.C.

MY DEAR MR. PRESIDENT: Due to the critical financial conditions of our urban area government, we urgently request your approval of the Congressional Emergency Employment Act to provide some relief to our area.

Respectfully submitted,

ELLSWORTH G. SIMMONS,
Chairman, Board of County Commissioners.

COUNTY OF LORAIN,
Elyria, Ohio, June 17, 1971.

Hon. GAYLORD NELSON,
Chairman, Senate Subcommittee, on Employment, Manpower, and Poverty, U.S. Senate, Washington, D.C.

DEAR SIR: I received your letter of June 7 regarding passage of the Emergency Employment Act, to help relieve unemployment, and have, this day. written letters to Senators Taft, Saxbe and Congressman Mosher to continue assistance on reaching final approval of this bill by the President. The Board of Commissioners and myself will also follow through on the local level to increase its support.

Yours very truly,

D. A.. DELLISANTI,
County Administrator.

CITY OF JACKSON,
OFFICE OF THE MAYOR,
Jackson, Miss., June 21, 1971.

Senator GAYLORD NELSON,
Chairman, Senate Subcommittee on Employment, Manpower, and Poverty, U.S. Senate, Washington, D.C.

DEAR SENATOR NELSON: In regards to your letter of June 7, 1971, the following statistics have been collected:

1) A canvas of all departments that could make use of people who might qualify for employment under the Employment and Training Opportunities Act, the City of Jackson could, in a relatively short time, place 493 disadvantaged and unemployed persons on jobs. It is felt this number would grow rapidly.

2) A cursory survey of the Department of Welfare, Mississippi Employment Security Commission, and Jackson Chamber of Commerce indicate that there is, at present, 4,300 able-bodied adults locally who are not gainfully employed. Indications are that this number will rise to somewhere between 5,000 and 6,000 in the third quarter of 1971. These figures do not include those people who may be involved in manpower development training act programs or training and educational activities, for which the individual or his family is paying. Additionally, I believe, based on conversations with agents of local private industries, that a number of people are currently unemployed, but have not as yet been identified by either the Welfare Department or the Employment Security Commission.

3. There is at present 10,721 welfare cases in the Jackson area. Some of these are, of course, reflected above as unemployed. Clearly, the number on the welfare rolls could be reduced by providing gainful employment.

The 493 jobs that the City of Jackson would be able to provide would be in entree job levels and they would perform such tasks as parks and recreation coordination and facility attendance, street and neighborhood clean-up projects, minor repairs on streets and public works property, pest and rodent control, municipal parks and golf course maintenance and up-keep.

Obviously, the hiring of such a large number of new employees is impossible from the cities current revenues. However, the jobs mentioned need to be done and the degree to which they can be accomplished from the Public Service Employment or Public Service Careers Programs will relate directly to the federal funds made available to the City of Jackson.

Jackson, like all other major cities, is confronted with a rapidly deteriorating inner city, spiraling cost and countless young people for whom there are no jobs and all too limited recreation facilities. We in Jackson attacked this problem vigorously during the summer of 1970 and are continuing again this summer and it is all too clear that, due to lack of funds, we are nowhere near solving the problem. It is evident that help in some form similar to that proposed by the Nelson Bill would go a long way toward helping us solve these problems.

I hope that this information will aid you in your support of Public Service Employment. If I can provide any additional information, please contact me.

Sincerely,

RUSSELL C. DAVIS,
Mayor, City of Jackson.

CITY OF CANTON,
Canton, Ohio, June 16, 1971.

Hon. GAYLORD NELSON,
U.S. Senator, Chairman, Senate Subcommittee on Employment, Manpower, and Poverty, Senate Office Building, Washington, D.C.

DEAR SENATOR NELSON: Once again, I am urging consideration be given to passage of a constructive Public Service Employment bill that will help relieve the growing roles of unemployment and at the same time rekindle America's strength through the working man.

It is imperative now, more than ever, that we as Americans take every step possible to put the many available people to work and back into the Main Stream of American life.

Canton and many communities of similar geographic make-up are in need of this type of constructive federal assistance without unrealistic restrictions.

The economic facts of life have put thousands in the Greater Canton area in an "instant poverty" category and the government has the responsibility to seek to correct the current ills.

It tetsimony concerning this type of legislation before a special House committee in February, I indicated my support, without a trigger clause, contending that everyone who is without a job deserves consideration regardless of his geographic location.

I further indicated that the City of Canton is prepared to move forward with such a program that will be constructive to the entire community.

Your support of this bill is mandatory to help maintain the lifeblood of this community.

Very truly yours,

STANLEY A. CMICH,
Mayor.

CITY OF GALVESTON, TEX.,
June 15, 1971.

Hon. GAYLORD NELSON,
Chairman, Senate Subcommittee on Employment, Manpower and Poverty, U.S. Senate, Washington, D.C.

DEAR SENATOR NELSON: Your letter of June 7th, addressed to former Mayor Edward Schreiber, concerning the Emergency Employment Act, is appreciated.

I also share the belief that S. 31 is an effective way for the Federal government to take immediate action against unemployment and inadequate state and local services and am personally in favor of this Act.

Sincerely,

M. L. ROSS, M.D.,
Mayor.

CITY OF ATLANTA, GA.,
April 15, 1971.

Hon. GAYLORD NELSON,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR NELSON: Thank you for your letter of April 5, 1971. I was pleased to hear of your success with the Emergency Employment Act of 1971. I feel that this legislation is a major step in assisting cities in meeting the urban crisis.

I would be pleased to lend my continued support to your efforts. If I may be of assistance in expediting this bill, please contact me.

Sincerely,

SAM MASSELL.

CITY OF PHILADELPHIA, PA.,
June 3, 1971.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: Thank you for your letter with respect to the Emergency Employment Act, H.R. 3613. I am aware of the many positive aspects of this legislation which would make federal funds available to fill vital public service jobs.

I do concur with your belief that the Emergency Employment Act is an essential piece of legislation. I have advised our Congressional Delegation on several occasions throughout the past few months regarding the importance of supporting the Emergency Employment Act intact and to defeat any weakening amendments or unacceptable alternatives.

I was gratified to learn yesterday afternoon about the great victory of the Emergency Employment Act in Congress. I believe that prompt action is necessary on a Joint Conference Committee report. Every effort must be made to insure that the President signs this significant legislation.

With all goods wishes and kindest personal regards, I remain

Sincerely yours,

JAMES H. J. TATE,
Mayor.

THE DISTRICT OF COLUMBIA,
Washington, D.C., June 16, 1971.

Hon. GAYLORD NELSON,
Chairman, Subcommittee on Employment, Manpower, and Poverty, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR NELSON: Mayor Washington has asked that I respond to your letter of June 7, concerning S. 31, the "Emergency Employment Act of 1971." The Mayor, as I am sure you are aware, is currently out of the country on a trip on behalf of the Department of State.

We share your strong concern about both the national unemployment situation, especially as it affects the citizens of our central cities, and the need for expanded and improved public services, as those services are provided by State and local governments. These problems were discussed at length before your Committee by the Mayors of a number of other large cities throughout the country, and the unemployment problem and public service needs which they described can also be found in the District of Columbia.

The various proposals to meet these problems, including S. 31, are currently under

study by the District Government and we will support any appropriate, effective solution to these important questions.

Sincerely yours,

GRAHAM W. WYATT,
Deputy Mayor-Commissioner.

CITY OF DETROIT, MICH.,
April 14, 1971.

Hon. GAYLORD NELSON,
U.S. Senator,
Washington, D.C.

DEAR SENATOR NELSON: Thank you very much indeed for your efforts in behalf of the Emergency Employment Act.

We will keep close watch on the progress of this important legislation in the House.

I have read the full text of the statement made by Sam Merrick of the United States Conference of Mayors—National League of Cities staff in regard to this legislation. It seems to me that Mr. Merrick was pointing to the prospect of an often-predicted Presidential veto on this important legislation. Our purpose is not diminished; our role is to secure approval of this important legislation through the House and see to it that the President signs your bill. Our staff is dedicated to that purpose.

The Conference of Mayors and the League of Cities deeply appreciate your efforts in this regard.

Sincerely,

ROMAN S. GRIBBS,
Mayor.

CITY OF KNOXVILLE, TENN.,
June 15, 1971.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: I have received your letter regarding the Emergency Employment Act.

I am in favor of federally supported public service employment during periods of high unemployment, and have expressed this view to the appropriate members of the Congress some time ago. In addition, I have recently discussed this matter at length with Senator Howard H. Baker.

I appreciate your interest in assisting the cities with the needed resources in order to deal with current unemployment. However, I urge your committee to immediately consider overall Manpower reform legislation, giving local government the needed resources and responsibility to deal with unemployment and its attendant ills on a permanent basis.

Thank you for your interest in this matter.

Sincerely yours,

LEONARD R. ROGERS.

OFFICE OF CITY MANAGER,
Niagara Falls, N.Y., June 22, 1971.

Mr. GAYLORD NELSON,
Chairman, Senate Subcommittee on Employment Manpower and Poverty, U.S. Senate, Washington, D.C.

DEAR MR. NELSON: The City Council of the City of Niagara Falls, unanimously adopted a resolution directing me to communicate with you and indicate our approval of Senate Bill S. 31, the Emergency Employment Act, and urge its adoption.

Very truly yours,

MORTON H. ABRAMOWITZ,
City Manager.

CITY OF BOSTON,
City Hall, Boston, June 23, 1971.

Hon. PICHARD M. NIXON,
President of the United States,
White House,
Washington, D.C.

DEAR PRESIDENT NIXON: I take this opportunity to urge your support of the Emergency Employment Act recently passed by Congress. I consider this legislatiton to be an important step toward alleviating the unemployment crisis facing our nation today. Moreover, while providing opportunities for employment, this legislation will assist cities, such as the City of Boston, which are confronted with increasing financial problems to provide and maintain essential services for City residents.

I, therefore, respectfully request that you sign the Emergency Employment Act into law as soon as possible.

Sincerely,

KEVIN H. WHITE,
Mayor.

OFFICE OF THE MAYOR,
CITY OF SYRACUSE, N.Y.,
June 22, 1971.

President RICHARD M. NIXON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: Given the crisis in our major cities today, I feel quite strongly that some specific type of Public Service Employment Program is a necessity. To be impressed by the need for such a program, you need only walk the street of the Nation's cities and see the idle and languishing human resources. Although I cannot support all of the specifics of current public service employment proposals, I do feel strongly that a program is necessary—perhaps in the context of a general Manpower Program reorganizaiton that you have already proposed.

Let us not make public service employment a purely political issue unrelated to the continuing and long-term needs of the unemployed.

Sincerely,

LEE ALEXANDER,
Mayor.

NATIONAL COUNCIL OF
NEGRO WOMEN, INC.,
Washington, D.C., June 15, 1971.

Hon. GAYLORD NELSON,
U.S. Senate, Chairman, Senate Subcommittee on Employment, Manpower, and Poverty, Washington, D.C.

MY DEAR SENATOR NELSON: I am in receipt of your correspondence to our National President, Miss Dorothy I. Height, concerning the Emergency Employment Act.

We are in full support of the act. We feel that employment is key to so many of our national problems. We hope that the act will be passed immediately and implemented on all levels just as quickly.

Unemployment is truly an emergency which must be dealt with in the most effective manner.

Sincerely,

JANE GALVIN LEWIS,
Program Coordinator.

THE AMERICAN LEGION,
Washington, D.C., June 22, 1971.

Hon. GAYLORD NELSON,
Chairman, Subcommittee on Employment, Manpower, and Poverty, Senate Committee on Labor and Public Welfare, Washington, D.C.

DEAR CHAIRMAN NELSON: Thank you for writing National Commander Alfred P. Chamie on June 7 concerning S. 31, the Emergency Employment Act which is now in conference.

The American Legion supports the provisions in the House passed version of this bill which would provide job preference for war veterans who served in Southeast Asia.

As you know, the unemployment rate among these veterans is the highest of any group in the Nation, ranging up to an estimated 300,000.

Under ordinary circumstances, the Legion would not favor legislation that discriminates agains' other groups of war veterans. Because of the critical unemployment situation for these young Vietnam veterans, however, we urge you and your Senate colleagues on the conference committee to accept the language in the House version which assures that preference in filling public service jobs will be given to unemployed or underemployed veterans who served in Indochina or Korea after August 4, 1964.

Your continued concern for our Nation's war veterans is appreciated.

Sincerely yours,

HERALD E. STRINGER,
Director, National Legislative Commission.

VETERANS OF FOREIGN WARS,
Washington, D.C., June 17, 1971.

Hon. GAYLORD NELSON,
Chairman, Senate Subcommittee on Employment, Manpower, and Poverty, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR NELSON: Thank you for your letter of June 7 concerning support for S. 31, the Emergency Employment Act now before a Conference Committee of the House and Senate.

The Veterans of Foreign Wars has been following this legislation closely and supporting the provision therein which would provide Veterans Preference for Vietnam veterans in the jobs created by this proposal.

It is incredible that almost 400,000 Vietnam veterans are unemployed, with the majority being in the 21–25 age bracket. We are pressing the Conferees to hammer out an agreement which will assure that Vietnam veterans will be given preference in referral and placement to the public service jobs authorized by this bill.

Thanking you for inviting our views on this important legislation and hoping it is agreed to by the Conferees in the near future and with all best wishes and kind personal regards, I am

Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

AREA MANPOWER INSTITUTE,
Detroit, Mich., April 15, 1971.

Senator GAYLORD NELSON,
Senate Subcommittee on Employment, Manpower and Poverty, Senate Office Building, Washington, D.C.

DEAR SENATOR NELSON: I thank you very much for your thoughtfulness in sending to me a copy of Senate Bill S. 31. In view of an extremely critical employment situation in many of the metropolitan areas and the sparsely settled sections of our country, I should like to urge that this bill stand on its own merits not be diluted or otherwise attached to bills pertaining to manpower development and the Economic Opportunity Act.

There is considerable urgency for such legislation as S. 31, and there is considerable need for such public services on a continuing basis if we are to survive in a wholesome physical and social environment. I would be glad to do all I can to expand interest in this piece of legislation.

Very truly yours,

JOSEPH V. TUMA,
Director.

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, D.C., June 17, 1971.

Hon. GAYLORD NELSON,
U.S. Senate, Old Senate Office Building, Washington, D.C.

DEAR SENATOR NELSON: We were glad to receive your letter urging us to work in support of the Emergency Employment Act. I think you will be glad to know that this bill has one of our top priorities. Our last three MEMOS devoted considerable space to the bill and I am enclosing copies of them. I certainly hope we can head off a veto.

Sincerely yours,

MARVIN CAPLAN,
Director, Washington Office.

[News release]

"PASS, SIGN PUBLIC SERVICE EMPLOYMENT BILL", MAYORS URGE HOUSE AND PRESIDENT

U.S. CONFERENCE OF MAYORS,
Washington, D.C., June 1, 1971.

SEATTLE, WASH.—Members of the Legislative Action Committee of the U.S. Conference of Mayors, visiting Seattle, hard-hit by unemployment, have urged the House of Representatives to pass, and the President to sign, a $4 billion public service unemployment bill which has already passed the Senate by a 62–10 vote. The mayors also criticized the President's veto of a similar measure late last year and his refusal to spend monies authorized and allocated by Congress for urban programs.

Mayor Moon Landrieu of New Orleans said that the Administration has done little to help the unemployed, even with the present seven-year high in unemployment statistics. Speaking of the President's December veto of the Emergency Public Service Employment Act, which had passed both Houses of Congress, Landrieu said the President had "killed with the stroke of a pen the employment opportunities for approximately 300,000 Americans. He (the President) also, with that same pen stroke, destroyed the possibility that we mayors could provide direly needed services within our cities." The bill would have placed those now out of work in local governments across the nation.

Landrieu also stated that it would be "reckless irresponsibility" for the President to veto the new bill, should it pass the House, and urged the President and House to not only join the mayors in their push for public service employment, but to be leaders in the expansion of the concept.

In another statement, San Francisco's Mayor Joseph Alioto asked the President to release funds already appropriated and authorized for public housing, urban renewal, water and sewer, and mass transit programs in the cities by Congress. He noted that the Congress had appropriated $41 billion more than the President asked for summer youth employment programs, and questioned, "Will this money be released?" Alioto said that it was time for "the President to stop talking about what he intends to give us next year and let us have *now* what the Congress had vetoed for us this year."

Speaking of Seattle's unemployed aerospace workers, Newark, New Jersey, Mayor Kenneth Gibson stated that aerospace technology could be used for health care, mass transit, housing and environmental improvements in the cities. Gibson said that if the nation failed in giving work to the technologically capable, as in Seattle, then America might well fail as a nation. Speaking of the realignment of national priorities, Gibson said, "They (the priorities) must reflect the simple truth that human resources are America's greatest asset and that our greatest hope lies in the development of all our people.

Continuing, Gibson said, "We are not talking of only saving the aerospace industry or the Newarks of America, we are talking of saving America herself."

STATEMENT BY MOON LANDRIEU, MAYOR OF NEW ORLEANS, LA.

I am here today speaking for over five million unemployed Americans. Let me begin with a quotation from a high government official about the unemployed. He said: "I want to refer a bit to who these people are. Are they tramps? Are they hobos? Are they unemployables? Are they a bunch of people who are no good and who are incompetent? Well, you take a look at them if you have not and see who they are. There is not a person in this room who does not know of an intimate friend, people whom you have known all your life, fine, hard-working, upstanding people—carpenters, bricklayers, artists, architects, engineers, clerks, stenographers, doctors, dentists, ministers; the whole crowd all caught in this thing the finest people in America, the workers, that is who they are."

Does this sound accurate to you? It does to me. Actually it is a quote from Mr. Harry Hopkins addressing the first meeting of the United States Conference of Mayors in Chicago. The date—September 22, 1933. And its happening, gentlemen, all over again. Five million people, the workers, the finest people in America, bereft of jobs and a decent income for themselves and their families.

Today, in 1971, we claim that we have learned the lessons of the Great Depression.

But there are now over five million people without jobs. Of all the needs of the cities, this is the most crucial and the one that concerns us most as we visit Seattle where, as in other cities, the problem is most severe. I know how we can remedy unemployment. Wes Uhlman and the other mayors also know how we can remedy unemployment. The Congress and the Administration know how to remedy unemployment—and the answer is not welfare.

The answer is a respectable useful public service job in local government for those now unemployed.

This week pending before the Congress there is a bill, "The Emergency Employment Act of 1971," which authorizes up to $4 billion over the next five years for public service jobs. It would provide people to perform badly needed municipal services. The President's Commission on Automation and Technology has reported that public services in health, welfare, recreation, law enforcement, fire protection and other critical areas are in need of some five million additional workers.

By the way, myself and the other mayors here have public service jobs, so do members of Congress and so does the President of the United States. So if you think public service jobs are dead-end or "make-work"—let me say that they are just as important and respectable as those held by public officials throughout the country.

We have the job openings in local government and we have the unemployed people to fill these openings. The missing ingredient is the enactment of this vital legislation—immediately—providing the essential funds. We in city halls would hire them today if we could, but we don't have the money to cope with an unemployment problem which is national in dimension and cause. A national problem requires a national solution. Therefore, the burden of providing the solution falls squarely upon the Federal government—the Congress and the Administration.

The central question facing the nation is: Will the Congress and the Administration summon the courage and the responsibility to deal forthrightly with the national unemployment crisis? That is the question we and the other mayors of America's cities are asking.

The United States Senate has answered by passing public jobs legislation by an overwhelming majority of 62–10.

In December of 1970, with unemployment at 6.2% nationwide, the highest in nine years, the President callously vetoed a three-year, $9.5 billion public service employment bill which had been passed by both the House and the Senate, and thus killed with the stroke of a pen the employment opportunities for approximately 300,000 Americans. He also, with that same pen stroke, destroyed the possibility that we as mayors could provide direly needed services within our cities.

And even today, with the current unacceptable high rate of national unemployment, high Administration officials are telling us, members of the Congress, and the press that such a bill, if it should pass both Houses of Congress, would again be killed by the President with another veto. As we said in New York City on April 21, this would be an act of reckless irresponsibility.

Once again, we call upon the Administration to turn away from the advice of those who are not intimately aware of this grave problem—who are not with mayors throughout the country every day witnessing first-hand our men and women, many with families, now suffering from the lack of employment. We call upon the Administration to encourage this bill, to champion its passage, to sign it into law, and to administer it with enthusiasm and good faith. Such action would be a signal to the nation that Congress and the Administration are alive, working, sensitive and willing to do something about the problems which grip this nation.

STATE OF ILLINOIS,
Springfield, Ill., June 2, 1971.

Hon. RICHARD M. NIXON,
President of the United States,
The White House, Washington, D.C.

DEAR PRESIDENT NIXON: I would like to express my support for and urge your favorable action on public service employment at this time. We in Illinois are more fortunate than some other areas of the country, but nevertheless, we have conditions of unemployment which could be improved significantly by such a program. Moreover, we have a welfare crisis which would be aided by a reduction in unemployment.

I would like particularly to emphasize that public service employment would be a valuable supplement to the work-oriented welfare reforms we are undertaking at the state level without waiting for federal action. The program could not only be of benefit to individuals now on the welfare rolls, but also the jobless not actually on welfare but seeking work and additional earnings.

There is much that can be done in public service by individuals now out of work. Enhancement of the environment, public health, basic public works and many other initiatives of local importance would provide meaningful work for the unemployed.

I recognize that the utilization of federal funds for this purpose will have to be closely watched to insure that the program is truly a program of employment opportunity, and not a political boondoggle. But the need for careful supervision and effective administration certainly should not prevent a course of action which will stimulate the economy, create needed jobs, and provide services and projects in the public interest.

I recognize that, as President, you have many factors to consider in your decision on a matter such as this. I am writing at this time to place before you my views on behalf of the State of Illinois, in the hope that they will encourage your favorable action.

Sincerely,

RICHARD B. OGILVIE,
Governor of Illinois.

[From the Sun-Times Bureau, June 9, 1971]

OGILVIE TO NIXON: OK PUBLIC SERVICE JOB LAW

SPRINGFIELD, ILL.—Gov. Ogilvie urged President Nixon Thursday to reverse his position of a year ago and approve legislation that would provide public service jobs.

"Public service employment would be a valuable supplement to the work-oriented welfare reforms we are undertaking at the state level without waiting for federal action," Ogilvie wrote the President.

"The program could be of benefit not only to individuals now on the welfare rolls, but also to the jobless not actually on welfare but seeking work."

The governor, usually in support of Nixon programs, said unemployment in Illinois, although still lower than in other areas of the country, could be reduced significantly by a public service jobs program of the type Mr. Nixon vetoed a year ago.

He pointed out that he had called for creation of a statewide public service jobs program for Illinois welfare recipients in his

special message May 20 to the General Assembly on welfare reform.

"I recognize that the utilization of federal funds for this purpose will have to be closely watched to insure that the program is truly a program of employment opportunity and not a political boondoggle," Ogilvie's letter said.

"But the need for careful supervision and effective administration certainly should not prevent a course of action which will stimulate the economy, create needed jobs and provide services and projects in the public interest."

STATE OF ALASKA,
Juneau, Alaska, June 24, 1971.

Hon. GAYLORD NELSON,
Chairman, Senate Subcommittee on Employment, Manpower, and Poverty, U.S. Senate, Washington, D.C.

DEAR SENATOR NELSON: Thank you for your letter regarding the Emergency Employment Act.

Officials in the Alaska Department of Labor are keeping tabs on the legislation and I have directed that they advise me when the minor differences which you mentioned are ironed out so that I can consider offering a telegram of support based on the final provisions of the bill.

Also, as you know, Senator Mike Gravel is one of the bill's sponsors and I am sure he will be working hard for it to become law in a version reflecting Alaska's best interests.

I appreciate your writing to me about this important matter.

Kind regards.

Sincerely,

WILLIAM A. EGAN,
Governor.

STATE OF KANSAS,
Topeka, Kans., June 18, 1971.

Hon. GAYLORD NELSON,
Chairman, Senate Subcommittee on Employment, Manpower, and Poverty, U.S. Senate Office Building, Washington, D.C.

DEAR SENATOR NELSON: Thank you very much for your communication enlisting support for the Emergency Employment Act which has passed both Houses of Congress and is in the committee to resolve minor differences. I am sure that we all agree there is a need for some form of transitional public service employment to combat the high incidence of unemployment.

I have asked members of my staff to review S. 31, the Emergency Employment Act, and I am confident that they will provide me with sufficient information to give serious consideration to your request.

With every good wish.

Sincerely,

ROBERT DOCKING,
Governor of Kansas.

COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, Pa., June 17, 1971.

Hon. RICHARD M. NIXON,
President of the United States, The White House, Washington, D.C.

Mr. PRESIDENT: The Commonwealth of Pennsylvania is facing one of the worst summer unemployment crises in recent history. Our current unemployment rate is 4.8 percent and there is little indication that it will subside in the near future.

I urgently request you to take prompt action on the Emergency Employment Act as soon as it reaches your desk. This bill would enable cities, states, and counties to employ an estimated 150–200 thousand unemployed people by putting them to work in necessary jobs.

As you know, this bill passed the Senate April 1 by a vote of 62 to 10 and the House on June 2 by a vote of 244 to 142 with strong bipartisan support.

I believe this bill also meets your criteria for "transitional public service employment," a concept endorsed by the National Governors' Conference, National League of Cities, U.S. Conference of Mayors, and the National Association of Counties.

Senate bill 31, the Emergency Employment Act, will provide much needed relief to Pennsylvania and other states which are being hard pressed by the continued high rate of unemployment.

We would appreciate your favorable action on this bill as soon as possible.

Sincerely,

MILTON J. SHAPP,
Governor.

STATE OF OHIO,
Columbus, Ohio, June 17, 1971.

Hon. GAYLORD NELSON,
U.S. Senator,
Washington, D.C.

DEAR SENATOR NELSON: I want to thank you for your letter of June 7 stating to me your concerns with the Emergency Employment Act.

I agree that the Emergency Employment Act represents a positive and important attempt to combat unemployment in our Nation. I have prepared and sent to each House of our General Assembly a Resolution to urge the President of the United States to sign into law the Emergency Employment Act. The measure has already been introduced in the Senate, with strong bipartisan sponsorship, and has been referred to the Rules Committee.

I hope that both Houses of the Legislature will take immediate bipartisan action to approve these Resolutions in order that we in Ohio may express our concern over the Nation's unemployment problem.

I shall advise you at a later time as to the disposition of these Resolutions. For your information, I have enclosed a copy of both Resolutions which we have prepared for the General Assembly.

With warmest regards,

Sincerely,

JOHN J. GILLIGAN,
Governor.

STATE OF OHIO,
Columbus, Ohio, June 18, 1971.

Hon. GAYLORD NELSON,
U.S. Senator,
Washington, D.C.

DEAR SENATOR NELSON: I am happy to report that the Ohio House of Representatives late yesterday afternoon passed by a vote of sixty-four to twenty-four a Resolution to urge the President of the United States to sign the Emergency Employment Act.

The measure was sponsored by a bipartisan group of the members of the legislature, and passed with bipartisan support.

I believe that the Ohio Senate will also be taking action on their Resolution urging the President to sign the Emergency Employment Act early next week. I shall advise you at that time as to the disposition of that measure.

With warmest regards,

Sincerely,

JOHN J. GILLIGAN,
Governor.

HOUSE RESOLUTION NO. 74

A recommendation to the President of the United States that he sign into law United States Senate Bill 31, the Emergency Employment Act

Be it resolved in the House of Representatives of the State of Ohio:

Whereas, Unemployment has just reached 6.2% and our Nation faces its worst summer unemployment crisis in recent history, and

Whereas, State and local agencies desperately need Federal assistance to maintain their most basic functions, and

Whereas, The public service employment concept has been officially endorsed by the National Governors' Conference, National League of Cities, U.S. Conference of Mayors, and the National Association of Counties, and many governors, mayors, and county executives have come to Washington to endorse this measure, and

Whereas, The President has indicated acceptance of transitional public service employment, and Congress has offered the President firm assurances that they will report out within the next few months comprehensive manpower reform legislation, giving state and local government new resources and new responsibilities for manpower programs, and

Whereas, There is an immediate need for jobs, with ninety to one hundred percent Federal funding, as provided by Senate Bill 31, the Emergency Employment Act, and

Whereas, Both Houses of Congress have now passed the Emergency Employment Act, which would enable cities, counties and states to put an estimated 150,000 to 200,000 unemployed persons to work immediately in necessary jobs, and

Whereas, Senate Bill 31 passed the United States Senate April 1 by a vote of sixty-two to ten, and the United States House of Representatives on June 2 by a vote of two hundred and forty-four to one hundred and forty-two, in each case with strong bipartisan majority, and minor differences in the Senate and House bills are being resolved and the final measure should reach the President shortly after June 21, 1971; now therefore be it.

Resolved, By the House of Representatives of the State of Ohio that, we strongly support United States Senate Bill 31, the Emergency Employment Act, and be it further

Resolved, That we urge the President of the United States to sign this measure into law when it is presented to him by the Congress of the United States, and be it further

Resolved, That certified copies of this Resolution be presented forthwith to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and the majority and minority leaders of both parties in each House of Congress, attesting to the adoption of this Resolution by the House of Representatives of the State of Ohio.

A NEW MANPOWER BILL

Wisconsin Sen. Gaylord Nelson is going to try again at setting up a federal program to alleviate high unemployment by providing public service jobs.

Nelson's last attempt at a manpower bill failed in December because of President Nixon's veto. At the time the senator said he doubted whether a new proposal would have any chance this year.

But his hopes have been rekindled and when congress goes back into session on Thursday, Nelson will offer an emergency public service employment bill that would provide about 200,000 jobs.

The new bill differs from the manpower proposal in various ways. It doesn't call for a reform of all the federal manpower training programs as did the earlier measure. And it also has a built-in device for creating jobs when the unemployment rate exceeds 4½ per cent.

The 4½ per cent figure as a trigger for increased job aid was borrowed from an idea expressed by President Nixon in 1969 when the unemployment rate was in the range of 3 to 3½ per cent.

Now unemployment has climbed to 6 per cent of the labor force, the highest level in nine years. This means 4,974,000 Americans, an intolerably high number, are without jobs.

Nelson will ask the new congress to authorize about $1 billion a year for federal grants to mayors, governors and other state

and local government officials who would decide what public jobs should be created.

When Nixon vetoed the manpower bill, he objected to dead-end and make-work "WPA-type jobs."

However, advocates of the bill didn't look on the jobs as make-work at all. They pointed to the established need for job expansion in public health safety pollution control and other areas.

Nixon also objected to the manpower bill because he wanted to decentralize federal control over programs administered by the states and local governments.

This view reflects Nixon's new federalism policy with less red tape control from Washington and letting states and local governments decide how to use federal grants with the greater knowledge of their own needs.

It remains to be seen how Nixon feels about the new Nelson proposal.

Perhaps the only way the bill can get through congress and signed by the President is through some hard compromises.

We hope that some kind of manpower bill is passed this session. Something has to be done to reduce high unemployment. Public service jobs are one way.—Racine Journal Times.

NIXON IS REPORTED TO REVERSE STAND ON VETO OF JOB BILL

WASHINGTON.—The Nixon Administration has reversed itself and indicated it wants to sign a public service jobs bill into law, Senate sources reported today.

As a result, a Senate-House conference on the legislation set for early this afternoon was rescheduled for next Tuesday. Meanwhile, Senate and House sources said, negotiations with the Administration will continue.

The Senate passed a $1.75-billion version of the legislation April 1. The House increased it to a $5-billion four-year measure on June 2.

Both versions were designed to put 150,000 to 200,000 jobless persons to work in the first year on projects sponsored by states, cities and other government units.

President Nixon vetoed such a public service jobs bill last December and it has been widely predicted that that would be the fate of the new one.

Republicans involved in handling the legislation were saying as late as yesterday morning that it had no chance of White House approval.

However, Senate sources asking not to be named said that word of a change of mind began to circulate yesterday afternoon.

Today, they said, Under Secretary of Labor Laurence H. Silberman came to the Capitol to negotiate with the conferees on the bill to see if something acceptable to Mr. Nixon could be worked out.

It was reported that the Administration was seeking to get the conferees to accept the less broad Senate bill with a veterans preference provision from the House version in the final package.

Mr. JAVITS. Mr. President, I should like to ask the Senator from Wisconsin this question and, because it is phrased in terms I have received from the administration, I will read it in those terms.

I ask the Senator whether he is, in effect, committed to holding hearings on the proposed Manpower Revenue Sharing Act of 1971 and to do everything in his power to see that comprehensive manpower reform legislation is enacted in this session of Congress, which means that hearings will have to be held in this session of Congress as well.

I wish to advise the Senator from Wisconsin that I have and I hereby do undertake that commitment as ranking minority member of the whole committee.

Mr. NELSON. Yes. As the Senator knows, I have stated publicly on previous occasions, including the hearings before the subcommittee, that we would undertake to conduct hearings on comprehensive manpower reform legislation which, of course, specifically includes extensive hearings on the manpower revenue sharing proposal by the administration.

The Senator also knows that he and I have both assured representatives of the administration that we would undertake to conduct hearings and report a bill. As the Senator knows, we have both assured the Secretary of Labor that we would conduct hearings and make every effort on our part to assure that the hearings will be completed and that the bill is marked up and sent to the floor of the Senate.

Mr. JAVITS. Is the Senator aware whether the chairman, the Senator from New Jersey (Mr. WILLIAMS), feels the same way?

Mr. NELSON. I have not specifically asked the Senator, but I have no doubt at all that we will get the time for the hearings and that we will get time set aside for full committee consideration of the manpower bill. I will make that assurance that I am certain the chairman of the full committee is agreeable to that. If I hear anything to the contrary, I shall so report it.

Mr. JAVITS. I thank my distinguished colleague very much.

The PRESIDING OFFICER (Mr. GAMBRELL). The question is on agreeing to the conference report.

Mr. BYRD of West Virginia. Mr. President, I yield back the time on the continuing resolution and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

(The following proceedings on the consideration of the conference report, which occurred later in the day, are printed at this point in the RECORD by unanimous consent:)

Mr. BYRD of West Virginia. Mr. President, I ask that the Senate now resume consideration of the conference report on S. 31.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the conference report on S. 31.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the final adoption of the conference report.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CRANSTON. Mr. President, with unemployment at a 9-year high—6.2 percent of the workforce is on the street—it is grimly appropriate that Congress is approaching final action on the Emergency Employment Act, introduced last January 25.

The bill that was hammered out in conference over this past week is by no means perfect. It is not a permanent public service employment bill, which the Nation very much needs. It is not large enough to make the needed impact either on the unemployment rolls—those unemployed for 27 weeks or longer now number well over 500,000, more than double the number of jobs authorized in this bill—or to meet the staggering backlog of undone public work. And, over my strong objections in conference, private nonprofit agencies, including the community action agencies and other groups representing the poverty community, were excluded from contracting directly with the Federal Government under this legislation. The House conferees were adamant on this issue.

I wish to point out, however, that the legislation is clear that "public agencies and institutions which are subdivisions of State or general local government," are eligible applicants for public service programs. Such agencies or institutions, which could contract directly with the Secretary of Labor, are school districts, water and park districts, and public health agencies.

Although not enough, the bill does authorize a total of $1 billion for fiscal year 1972 and $1.25 billion for fiscal year 1973, enough for perhaps 200,000 and 250,000 jobs in these 2 years. That represents a good start. We can build on this beginning with a permanent public service employment program when we take up comprehensive legislation this fall.

Meanwhile the conference bill does establish in law the determination of Congress that in times of nationally high unemployment—4½ percent generally or over 6 percent in certain hard-hit areas for 3 months—it is a Federal responsibility to provide funds to put men and women to work on needed meaningful jobs.

The act would also establish a "Special Employment Assistance Program" to provide funds for public service employment to pockets of high unemployment—over 6 percent for 3 months—even when national unemployment falls below 4½ percent. The funds authorized for this special program—$250,000,000 a year—are inadequate, but they also represent a promising beginning

For those of us who have been working for over 2 years to write a public service

employment program into law, the conference just completed has been especially satisfactory. I am proud to say that I participated at every subcommittee, full committee, and conference committee meeting considering this legislation and its predecessor bill—S. 3867—vetoed by the President last December 16.

Last December in conference on S. 3867 we had worked out a permanent public service employment program as part of a comprehensive manpower bill only to see it vetoed by the President in the very month when unemployment reached 6.2 percent for the first time in this recession.

We then set to work diligently in January to draft a public service employment bill that could command broader support. That bill, S. 31, was introduced into the Senate January 25, cosponsored by a bipartisan group of 34 Senators. I was greatly privileged to work closely with Senator NELSON in preparing that bill, and many of the amendments I was able to have adopted in S. 3867 were carried over into S. 31 upon introduction or later in committee. S. 31 passed April 1 by a vote of 62 to 10.

It is basically that bill which was agreed to by the conferees last week. We are delighted that all of the House conferees signed the conference report, and all by but one of the Senate conferees signed.

We have every reason to believe that the President will add his signature and support for this act.

If he does sign the act, it will be a victory, not of party, or of faction but for the entire Nation.

At a time when the Nation is being torn apart for lack of investment in those essentials of the common life that can only be purchased and performed through common action—schools and medical service, parks and recreation, fire and police protection, welfare and probation assistance, solid waste, sanitation and other environmental activities, housing and the rebuilding of our cities—at such a time the waste of the vital energies and talents of so many millions of Americans is not so much embittering tragedy for them as individuals as it is suicidal folly for the Nation.

This bill represents a step in the direction of employing these talents where they are most needed.

The conference agreement provides that "special consideration in filling public service jobs will be given to veterans who served in Korea or Indochina on or after August 5, 1964, and who received other than dishonorable discharges".

The conferees take special cognizance of the appalling unemployment problem of returning veterans. Section 12(b) of the conference agreement requires, at a minimum, that public service jobs will be equitably allocated to recently returned veterans (along with other groups, especially those generally associated with high unemployment); and section 7(c)(4) of the conference agreement requires that special consideration be given to such veterans in filling public service jobs. The conferees were particularly aware of the latest quarterly figures for veterans unemployment which showed that an average of 375,000 veterans 20 to 29 years of age were unemployed each month during the first quarter of 1971—almost twice the number of veterans that age unemployed during the same period a year earlier (199,000).

The conferees strongly urge the Secretary of Labor to insure that all possible efforts are made to assure the equitable employment of returning veterans in public service programs."

The conference committee has been especially cognizant of the appalling unemployment problems of returning veterans. For what this measure can mean to our returning veterans alone, I urge that the bill be supported—not to mention other reasons that make its enactment so very important.

The unemployment rates for veterans as compared to nonveterans in the same age group demonstrate the extra sacrifice today's young veterans are being required to make. Veterans 20 to 24 years old are now unemployed at a rate of 14.6 percent, while the rate for nonveterans in that age group is 10.8 percent. Among men 20 to 29 years old the rate for veterans averaged 10.8 percent compared to a rate of 8.4 percent among nonveterans. Furthermore, the rate for veterans 20 to 29 years old is almost 50 percent higher than it was in the first quarter of 1970. This tremendous increase in unemployment highlights the great need to act to stem the rising tide of young veterans' joblessness.

Moreover, and this is a shocking and terribly disheartening statistic, a recent Defense Department study shows that most hard hit by unemployment are men who served in vital combat operations, like infantry, artillery, and armor, and generally those who served in Vietnam.

I cannot emphasize too strongly how important it is that the Secretary of Labor proceed, consistent with the President's June 11 letter to him on veterans' unemployment, to insure that all possible efforts are made to employ returning veterans in public service programs.

This bill represents our opportunity to cut through the rhetoric about "Jobs for Veterans" and to move beyond calling on employers, who are busy laying off employees in this sick economy, to hire veterans—something they cannot do in far too many cases. By moving forward we can actually create jobs for many veterans who are unemployed. It will not provide for all veterans, but it will help many of them who are now jobless to find jobs.

More needs to be done to help our Vietnam veterans find jobs, and that is why, on June 17, joined by the distinguished chairman of the Veterans' Affairs Committee, the Senator from Indiana (Mr. HARTKE), I introduced S. 2091, the proposed "Veterans Employment and Readjustment Act of 1971".

This bill would assist returning veterans by expanding and improving the job counseling, job training, and placement services already available through the Department of Labor's Veteran's Employment Service. It would establish preferences for disabled and Vietnam era veterans in jobs growing out of Government contracts, and provide a coordinated program to encourage Federal agencies to hire these veterans. It would also facilitate the access of disadvantaged veterans to existing manpower training programs.

Other features of the measure include: a provision to insure that the Veterans' Administration's Outreach program will fully advise and assist each returning veteran to take full advantage of the readjustment programs available to him; a provision for medical readjustment counseling for those who request it; and a provision to make reduced-fare air travel available for job hunting or getting to school for up to 1 year after discharge.

Finally, for those veterans who will still need unemployment compensation benefits if we are otherwise unable to assist them, the bill provides a new floor for those benefits in the lower pay grades.

The conference report on S. 31 makes a strong beginning on which S. 2091 and other legislation can build. I urge all Senators to support the conference report.

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

Mr. CRANSTON. I yield.

Mr. JAVITS. I thank my colleague from California for supporting the measure.

Mr. President, I ask unanimous consent that the whole debate on the conference report be consolidated in one place in the RECORD.

Mr. DOMINICK. Mr. President, reserving the right to object. I did not hear what the unanimous-consent request was for. All I heard was that it was a unanimous-consent request.

Mr. JAVITS. It is a request to consolidate the whole debate at one point.

Mr. DOMINICK. Very well. I do not object.

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

The question is on the adoption of the conference report.

Mr. DOMINICK. Mr. President, I would like to start off by asking a couple of parliamentary inquiries.

First of all, is it appropriate to bring up a conference report when we do not have a printed conference report before this body?

The PRESIDING OFFICER. The Chair is informed that the conference report on the House side was printed in full in the CONGRESSIONAL RECORD. The Chair is further advised that there was a unanimous-consent request that the conference report, as required by the rules, not be printed, and the unanimous-consent request was granted.

Mr. DOMINICK. At what time was that unanimous-consent request made?

The PRESIDING OFFICER. At approximately 1 or 1:30 o'clock.

Mr. DOMINICK. Mr. President, I would like to say for the record that even if the answers had been contrariwise——

Mr. NELSON. Mr. President, I cannot hear the distinguished Senator from Colorado.

Mr. DOMINICK. I will try to make this microphone work.

As a matter of fact, I can operate better without it, so I will leave it off.

I want to say for the RECORD that if there had been a ruling to the contrary,

I probably would not have objected to bringing up this bill at this time, because I know how many people in this body are very anxious to go home, and are waiting for final passage of this report. But I am going to rise and object strenuously to the passage of this bill.

My next request is whether or not the yeas and nays have been ordered. I have been tied up in a conference committee for I do not know how long, and have not been able to be on the floor while the Senators debated everything else under the sun.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. DOMINICK. I thank the Chair.

Mr. President, I find myself in a very anomalous position, and I might as well be frank about it.

When the bill came up before the Committee on Labor and Public Welfare and the Management and Manpower Subcommittee, I was contacted by members of the administration asking if I would oppose it, and I said that I would unless it was a transitional program unlike that which was part of a manpower training program.

I did oppose it in committee and was voted down by a fairly strong vote on our side, and all the other side, voting against me. That is not unexpected in this committee; it happens all the time, and I say so without any derogation of the other side or mine.

Then I took it to the floor at the request of members of the administration, and opposed it on the Senate floor, on the ground that we should not be federally subsidizing all types of public service employment around the country which would become, inevitably, permanent in nature without having considered the manpower training bill and the revenue sharing bills dealing with the same program.

I carried it to a yea and nay vote, and I was defeated on that vote. We then had a conference after the House had passed a 5-year bill—in case anyone thinks this is a transitional program—and at that point, I understood that maybe the situation was shifting, and maybe the administration no longer opposed the bill and might even support it.

As a result of this shift in position, which I felt was somewhat unusual, I did not participate in the conference, and I did not sign the conference report. I do not believe in the bill as it has been brought out, and I intend to specify why in some detail.

Mr. President, this bill, which incidentally carries with it a price level of $1 billion for the first year, counting the special assistance program, and $1.25 billion for fiscal 1973 counting the special assistance program, will provide, as far as we can see, 123,000 jobs at $2.50 per hour. That is all.

Are we really in fact reducing the current emergency unemployment situation by providing federally subsidized public service employment at this rate, or are we in fact making a gesture which will look good to the public and which will not do the unemployment situation any good at all?

I object to the legislation because I think it will create in every local government around this country a permanent pool of permanently subsidized public service jobs.

Let us be honest. This is not a meaningful bill or an emergency bill. All one has to do is read the entire digest of June 28 of the RECORD in the House of Representatives, to see that this does not provide a meaningful program for those people who have been laid off during the recent rapid rise in the unemployment rate.

Where is this increase? It is among the aerospace workers, among the defense workers, among the manufacturing employees. The only group who are among those who account for the increase dealt with in this bill are the veterans returning from Vietnam. But if I am correct in reading the bill, before anything can be done about that, a local municipality, be it Federal, State, or quasi-local or quasi-legislative in nature, such as a school district or something of that kind, must file an application with the Secretary—and he is going to get them from all over the country. The Secretary then has to go through and look at about 14 different requirements, which include determining whether these programs are going to be sufficient for the people who are proposed to be employed, and in addition, the Secretary has to determine whether there is really a large enough pool of unemployed people in that area to warrant the program to begin with.

So I think we can hopefully assume that once this bill is passed, probably by December of this year, some of these application forms will have been printed and sent to the local governments, and some of the local governments will have decided to act on them, and those local governments will, in time, have sent them back to the Secretary, and the Secretary will then have to screen them, and hopefully by March, April, or May of next year a few of them may have gone through and we will start doing something about a problem which is imminent right now.

For the life of me, I cannot understand how this Congress can put forward to the public this type of promise, when they know it is not going to be fulfilled either as an emergency measure or as a transitional program.

I am happy that the veterans have been given a special preference. I think that is good. I think it should be that way. It is a pretty horrible thing for a man to be asked to defend his country in hostilities, and then come home and face the prospect of not being able to get a job. They are given preference under this program, and I am delighted that that occurred.

But that does not really meet the emergency, other than to reduce the number of unemployed by 123,000 to 125,000. It does not provide any comprehensive program to enable aerospace workers to find new jobs; it does not provide jobs for manufacturing employees who are out of jobs because we no longer need defense products. It does not help New England shoe factory employees who are out of jobs because of foreign imports.

Mr. NELSON. Mr. President, will the Senator yield for a very brief unanimous-consent request?

Mr. DOMINICK. I am happy to yield.

Mr. NELSON. Mr. President, I ask unanimous consent that Mr. Jon Steinberg and Mr. William Spring of the staff of the Committee on Labor and Public Welfare be permitted to be present in the Chamber in connection with the consideration of the conference report on S. 31.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, and I shall not object, I do not know why the unanimous-consent request is necessary. I understood that under the regulations up to four members of a committee staff which has jurisdiction over a matter before the Senate automatically have the privilege of the floor.

Mr. NELSON. We have four here; two of Senator JAVITS' and two of mine.

Mr. BYRD of West Virginia. Mr. President, I think I now have a better understanding of the Senator's request. As I understand it, he is asking for two additional staff members, other than those already here.

Mr. NELSON. That is correct.

Mr. BYRD of West Virginia. No objection.

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

Mr. DOMINICK. I think it is rather interesting that if we get all the staff members on the floor, we may know something about this bill, which is more than the Senators know otherwise. I may have something more to say about that later.

Mr. NELSON. I agree with the Senator; I think that is interesting.

Mr. DOMINICK. Mr. President, the conferees did leave in the word "transitional," but they define it as "permanent." The only possible claim the bill has to being transitional is that it is a 2-year program.

Proponents of the bill argue that since the program is only authorized for 2 years, it will not provide a permanent subsidy of local jobs. But, as we all know, Federal legislation comes closer to achieving immortality than all the gods of ancient Rome and Greece. We might as well be practical about it. Every program we have had goes on forever in Congress and in this Government. It stays for years.

I can hear the arguments 2 years from now; and unless I get impeached, I will still be here 2 years from now. What will be the arguments?

The arguments are going to be:

> These people have been in the job for 2 years. This is the first stable job many of them have had in their lives. How can we drop these people from jobs now and out onto the streets and on to welfare? We should extend the emergency program another 2 years.

I can write the speech from having listened to it so many times in the past.

Another argument made by the proponents is that it is traditional because the trigger mechanism shuts off the obligation of money after the national unemployment rate has gone below 4½ per-

cent for 3 months in a row, but this has been shattered by two things. The first is the addition of the so-called special employment assistance program. This provides a permanent fund of $250 million a year, to remain in effect regardless of what the national figure for unemployment is, to be used for areas of unemployment above 6 percent. This is truly a permanent Federal subsidy of State and local jobs.

I can foresee that if the unemployment rate nationally falls below 4½ percent—and I certainly hope it will—there will be an attempt by the proponents to transfer any unobligated funds under the emergency to the special employment assistance program.

I am not in the least reluctant to come to grips with persistent and chronic unemployment in this Nation. I was willing to do so last year with the manpower reform legislation, provided that the public service employment component was designed to insure that the jobs and the individuals in the jobs would be transitional into employment and not supported by the Federal Government forever. But we should not try to deal with this chronic, persistent unemployment through a small categorical program, and that is what we are dealing with here.

In addition, the types of jobs which are provided under this program will not be transitional. The only provision of the bill which might establish a transitional program is the section which requires—and I use the word "requires" in its most generous sense—that applications will, "to the extent feasible," provide programs "designed with a view toward" developing new careers and other transitional activities, including training. But the requirement is barely better than no requirement at all.

The conferees have reduced the money available for training to move into other jobs to a maximum of 15 percent of the fund, and out of this 15 percent must come all the administrative costs of administering the program and providing the training.

The real meaning of "transitional" can be seen from the definition as set forth in the conference report as reported in the House:

> It was with these concerns in mind that the conferees agreed that the word "transitional" be included in this act.
>
> Does not in any way limit that amount of time an individual can stay on a specific public service employment job—and no regulations may require any such limitation;
>
> Does not limit the kind of jobs to be made available under the program; specifically, jobs are not to be limited to those which are inherently temporary; jobs to be funded under this act are to include such jobs as policemen, teachers, nurses, firemen, other jobs recognized as necessary and permanent in nature;
>
> Does not put any limit on the contracts between the Labor Department and State and local sponsors as to the duration and the nature of the jobs;
>
> Does not put any limitation on full length of employment authorized under the act, or the re-employment of those who have been laid off government jobs because of fiscal problems at the local levels.

From this quotation, I think it can be seen that "transitional" really means "permanent," because individuals can stay on the job for the entire program, and the jobs which can be subsidized are permanent—teachers, policemen, nurses.

I would suppose that other permanent jobs are going to be permitted, whether they be garbage collectors, truck drivers, park attendants, and so forth.

So it is clear that we will not be voting on an emergency transitional program but that we will be voting today to start a permanent Federal subsidy of permanent jobs in the State and local segments of our government.

Let me make this even more clear. In the print I have before me, which I presume is the final bill, section 5(a), first of all, sets out the amount authorized to be appropriated, $750 million, which, with the special assistance program, comes to $1 billion for fiscal 1972 and $1,250 million for fiscal 1973.

Section (b) says that no further obligation of the funds appropriated may be made subsequent to determination by the Secretary that the rate of national unemployment has receded below 4.5 percent, except as provided in section (2). What does section (2) say? If at any time subsequent to this, the rate of national unemployment equals or exceeds 4.5 percent for 3 consecutive months, the Secretary shall, notwithstanding the previous paragraph, resume the obligation of funds appropriated under this section.

So we get an on-again, off-again, in-again, out-again Finnegan, going on all the time, with a 3-month requirement, and nobody knows what months we are talking about.

Then there is the interesting factor of subsection (3). This reads:

> (3) In determining the rate of national unemployment for the purposes of this section only, persons who were, at the time of their employment under this Act, being counted as unemployed in determining the rate of national unemployment shall continue to be so counted if they continue in such employment.

In other words, they are given jobs at Federal expense, and they are still counted as unemployed. Is that an employment bill, or is that a personal and permanent subsidy of Federal and local government? The question provides its own answer.

There is another factor of this bill that I think is important in dealing with this question. Public service employment, in my opinion, is not an inappropriate tool for part of a compresensive manpower policy. It is not inappropriate as a tool for the State and local governments to use it to provide services. But, it is inappropriate, standing alone, as a categorical inflexible program, because it seems to me that we should only consider public service employment as part of a compresensive manpower reform proposal or as a tool which can be used by State and local governments as a part of a revenue sharing program; and we have not even been able to get hearings on the revenue sharing program before this subcommittee. I know that the chairman of the subcommitee has pledged to act this year on a comprehensive program, and I am not going to say that this is not going to happen. But I would strongly suspect that nothing is going to happen with it following the hearings until some time next year at the earliest. I hope that we will act on this. I hope that we will act on the hearings on revenue sharing. I hope that we will get legislation which will supersede it. But I think that to promise this legislation to the American people at this time, on the ground that it is first, transitional and second, an emergency, when there is going to be neither one, is a hoax on the American public and particularly cruel insofar as those who are unemployed are concerned.

One or two more points, Mr. President, which should be made. One, we need a comprehensive program. We need an incentive for new jobs. We need a business growth which is the thing that provides new jobs, by and large. We keep forgetting that the Government cannot give anything to the people that it has not already taken from them. Yet we put in these brand new, pink-ribbon programs designed to capture the imagination of the public as though the money rained down from the clouds and did not come out of the taxpayers' pockets.

Today, we shall be voting on a bill which, at $2.50 an hour—which is shortly going to be the minimum wage—will provide 123,000 jobs. We have 5 million unemployed persons in the Nation today. How can we say that this is going to do a particle of good? The 123,000 people involved will say it is good. That is perhaps better than nothing. But to say that this is an unemployment bill which is designed to cure unemployment is just pablum coming out of people's minds to justify the expenditure of $2,250 million over the next 2 years.

Another point that is fundamental in principle, so far as I am concerned, is: Who should determine what the size of the local government or school district should be?

The Federal Government?

Are we here in this body to say that the citizens of every town across the Nation will have no say in how big their own government will be?

That is what we are saying. We are not giving them any votes to determine how many people they want on the local team in their own governmental system. By passing this bill, we are determining the size of the local labor force by means of the incentive money we supply.

We are saying to them, "We are going to put this bunch of ripe bananas in front of your local leaders, and when they start reaching for them in order to keep themselves in the power situation in which they find themselves, you, Mr. Citizen, who supports that local government and supports the Federal Government, too, will have nothing to say about it."

One of the reasons we have municipalities and local governments all over the country is the desire of the young and the old and the middle-aged people to be responsible for and to participate in the governing of their own communi-

ties. Here again we go into a great, broad program, in name only—which, in fact, is not broad—but which costs an awful lot of money, to try to cut back on that power to try to say, "You do not have to worry about your government or your community. The Federal Government will come along and be the great savior of every community in the Nation."

Mr. President, I do not know how the rest of the Senators will vote. I presume most will vote to support the conference report because it will sound great in letters to constituents, that they have done this and that, and provided services for them. I have no quarrel with those who feel that way, but I surely have a quarrel with a program which is put out in language said to be transitional, said to be an emergency, said to control unemployment, but which is not any one of those three.

I think that we are deceiving the American public. We are adding to the lack of credibility which, heaven knows, the Federal Government already has. I, for one, do not intend to participate in it.

[Applause in the galleries.]

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. BROCK). There will be no displays or demonstrations in the galleries to any speeches made on the Senate floor.

The Senate will be in order.

Mr. TAFT. Mr. President, as a conferee on S. 31, the Emergency Employment Act of 1971, I fully support this bill and hope that it will be enacted into law. This measure would provide approximately 200,000 transitional public service jobs. Unlike WPA, however, these men and women would be employed by their States and local governments. They would be integrated with existing work forces, and consequently we would avoid the creation of a new bureaucracy.

I believe that the public service jobs provided by this bill can be viewed not only as temporary work relief for useful unemployed citizens, but also as temporary assistance to hard-pressed local governments.

If we are going to spend this money, I believe that it is far preferable that these men and women should be engaged in productive work for the States and local governments rather than remaining idle as welfare recipients.

Mr. President, I joined with the Sentors from New York (Mr. JAVITS) and from Pennsylvania (Mr. SCHWEIKER) in writing to the President on this subject and I attach a copy of that letter to my remarks and ask unanimous consent to have it printed in the RECORD.

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

U.S. SENATE, COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C., June 25, 1971.

DEAR MR. PRESIDENT: As Senate minority conferees on the Senate-House conference on the Emergency Employment Act of 1971, we urge that you act favorably on the conference bill, which should be approved by both Houses of the Congress in the coming week.

We consider this short-term legislation to be a major key both in alleviating the hardship of the current unemployment situation on many groups in our society—particularly the disadvantaged, teenagers and returning veterans—and in making it possible for State, county and city governments to continue to provide essential public services despite the fiscal crises which they face.

We submit that the conference bill will help to meet these individual and public needs in a manner consistent with the objectives of the Administration in a number of major respects.

First, the bill is substantially transitional in that it is limited to a term of only two fiscal years. Moreover, within that period, the greater portion of the funds authorized—$750 million of the $1 billion authorized for the first fiscal year and $1 billion of the $1.25 billion authorized for the second—would be available for use by the Secretary for public service employment programs only as long as appropriations were made available and the national unemployment level remains above 4.5 percent. This "trigger" provision—similar to that which was first proposed in the Administration's Manpower Training Act of 1969—provides a strong assurance against the public service programs becoming permanent. Similarly, the authorization of $250 million for each fiscal year for special employment assistance would be made available only as to local areas experiencing unemployment at the specified level of six percent and at even higher levels.

Second, in a number of provisions, the conference bill makes clear that the employment provided is to be "transitional" and is "wherever feasible, to enable persons to move into employment or training" not supported under the Act. In this regard, we note particularly that the bill includes strong provisions—which we unsuccessfully sought to include in last year's Employment and Manpower Act—authorizing the Secretary to ensure that persons provided with employment are subsequently given the opportunity for regular employment in the public or private sector, and that public service employment itself is coupled with training and related services designed to that end.

Third, the bill requires that "special consideration" be given to Vietnam and other recent veterans, as well as equitable coverage of those who are currently on welfare. These authorities, together with the proposed Family Assistance Act and the special programs for veterans which you have recently announced, should contribute greatly to meeting the very difficult problems of these groups.

We regard the Emergency Employment Act of 1971 as an interim measure designed to meet a short-term need; accordingly, we do not view it as a substitute for long-term comprehensive manpower training legislation.

We pledge, as have the other conferees, a meaningful response to your call for manpower reform and an early consideration of the Manpower Revenue Sharing Act of 1971, which you have proposed to that end.

Sincerely,

JACOB K. JAVITS,
RICHARD S. SCHWEIKER,
ROBERT TAFT, JR.

Mr. WILLIAMS. Mr. President, I strongly urge Senate approval of the conference agreement on S. 31, the Emergency Employment Act of 1971.

This act, which would provide Federal funds so that our cities and other units of the local government can offer those seeking work meaningful jobs in public employment, furnishes the means to begin meeting two of the most pressing domestic crises confronting our Nation today.

One is the crisis reflected in our unremittingly persistent unemployment rate, which has just climbed back to a 9-year nationwide high of 6.2 percent. In my own State of New Jersey, over 220,000 workers are now unemployed, giving our State an unemployment rate in excess of 7 percent. Six of my State's major labor areas are currently classified by the Bureau of Labor Statistics as suffering from substantial or persistent unemployment, and in some of our inner city areas, as is true elsewhere in the Nation, unemployment among disadvantaged groups has soared to levels as high as 40 percent or more.

A large portion of these unemployed workers, moreover, have been without jobs for long periods of time. Throughout the Nation, there are now more than 580,000 workers who have been unemployed for more than 27 weeks, meaning that they have exhausted their eligibility for standard unemployment compensation benefits. The number of persons jobless for 15 weeks or more presently exceeds 1.3 million, indicating that the number of those who have exhausted their standard benefits is likely to experience further increases in the near future.

In addition to this crisis of unemployment, which is not at all likely to improve markedly in the near future, we are faced with the further crisis of our cities and other local units of Government which are unable adequately to provide essential services to their people. As documented in our committee hearings by a succession of public officials, the plight of our local governments in attempting to meet such public needs as antipollution programs, public health, neighborhood improvement, education, public safety, parks, fire protection, sanitation, and others, is becoming increasingly desperate.

And despite the fact that overwhelming numbers of unemployed are looking eagerly for a chance to earn a living once again, there simply are insufficient local resources for hiring people to perform needed functions in these areas.

Indeed, the situation has taken on the nature of a vicious cycle, for the increasing numbers of workers without jobs and without unemployment benefits have seriously augmented the welfare rolls of our States and cities with a resulting drain on their already precarious financial conditions.

The conference agreement now before us represents a modest attempt to alleviate this situation by making available Federal funds which would support some 150,000 to 200,000 jobs of a local public service nature for the next 2 years.

I might emphasize that the conference agreement makes express provision for "special consideration" to be given to veterans who have served in Vietnam and Korea since 1964. This is a most appropriate condition in view of the grave difficulties that veterans—now returning to the civilian labor market at the rate of about 100,000 a month—are experiencing in their attempts to find jobs.

The conference agreement also retains the provision of the Senate bill which requires an equitable distribution of public service jobs among other significant segments of the unemployed population. This would include persons 45 and older, whose unemployment since January 1969

has risen precipitously from 576,000 to 1,085,000, and whose long-term joblessness during this period has more than trebled. I mention this category of workers specifically because they have been given such a disproportionately small share in existing manpower programs, and presently comprise only 4 percent of all enrollees in existing work and training programs. The conference agreement makes clear that these, and all other segments of the unemployed, must be given equitable treatment under this program.

Mr. President, enactment of this legislation will not relieve us of the obligation to consider permanent, more adequate measures for dealing with the requirements of our cities, for coping with the problems of unemployment, for insuring greater effectiveness in our manpower programs, and for better attending to vital public needs—all of which will require more time for consideration. It will, however, provide a start toward meeting some of these problems, and it is a start that can and should be undertaken immediately. I believe that prompt action by the Congress and the President in approving this measure is absolutely essential.

The question is on agreeing to the conference report to S. 31.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. BUCKLEY), and the Senator from Idaho (Mr. JORDAN) are absent on official business.

The Senator from Vermont (Mr. PROUTY) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The result was announced—yeas 75, nays 11, as follows:

[No. 131 Leg.]

YEAS—75

Aiken	Cannon	Gambrell
Allott	Case	Gravel
Anderson	Chiles	Griffin
Baker	Church	Gurney
Bayh	Cook	Hansen
Beall	Cooper	Hart
Bentsen	Cranston	Hartke
Bible	Dole	Hatfield
Boggs	Ellender	Hollings
Burdick	Fong	Hruska
Byrd, W. Va.	Fulbright	Hughes
Inouye	Moss	Smith
Jackson	Muskie	Sparkman
Javits	Nelson	Spong
Jordan, N.C.	Packwood	Stennis
Kennedy	Pastore	Stevens
Long	Pearson	Stevenson
Magnuson	Pell	Symington
Mansfield	Percy	Taft
Mathias	Proxmire	Talmadge
McGee	Randolph	Tower
McIntyre	Ribicoff	Tunney
Miller	Roth	Weicker
Mondale	Schweiker	Williams
Montoya	Scott	Young

NAYS—11

Allen	Cotton	Goldwater
Bennett	Curtis	McClellan
Brock	Dominick	Thurmond
Byrd, Va.	Fannin	

NOT VOTING—14

Bellmon	Ervin	Metcalf
Brooke	Harris	Mundt
Buckley	Humphrey	Prouty
Eagleton	Jordan, Idaho	Saxbe
Eastland	McGovern	

So the conference report was agreed to.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1972

The PRESIDING OFFICER (Mr. GAMBRELL). Under the previous unanimous-consent agreement, the Chair now lays before the Senate H.R. 7109 which the clerk will state.

The legislative clerk read as follows:

H.R. 7109, to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The pending question is on agreeing to amendment No. 233 to H.R. 7109. Under the previous order, time is limited to 1 hour, to be equally divided between the Senator from Nevada (Mr. CANNON) and the Senator from Minnesota (Mr. MONDALE).

Who yields time?

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides on the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF THE DEPARTMENT OF DEFENSE

A letter from the Assistant Secretary of Defense submitting, pursuant to law, the first quarterly report showing deliveries of excess defense articles at acquisition cost and value (with accompanying papers); to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 7767. An act to continue until the close of June 30, 1973, the existing suspension of duties for metal scrap (Rept. No. 92–44);

H.R. 8311. An act to amend the Renegotiation Act of 1951 to extend the act for 2 years, to modify the interest rate on excessive profits and on refunds, to provide that the court of claims shall have jurisdiction of renegotiation cases, and for other purposes (Rept. No. 92–245); and

H.R. 8313. An act to amend the Social Security Act in order to continue for 2 years the temporary assistance program for U.S. citizens returned from abroad (Rept. No. 92–246).

By Mr. DOMINICK, from the Committee on Labor and Public Welfare, with amendments, together with individual views:

S. 1828. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer (Rept. No. 92–247).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. BYRD of West Virginia (for Mr. EASTLAND), from the Committee on the Judiciary:

P. Ellis Almond, of North Carolina, to be U.S. marshal for the middle district of North Carolina.

By Mr. MAGNUSON, from the Committee on Commerce:

Virginia Mae Brown, of West Virginia, to be an Interstate Commerce Commissioner;

Dale Wayne Hardin, of Virginia, to be an Interstate Commerce Commissioner;

Laurence Walrath, of Florida, to be an Interstate Commerce Commissioner; and

John W. Barnum, of New York, to be General Counsel of the Department of Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 2166. A bill to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. PEARSON:

S. 2167. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a cur-

rent listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. DOLE:

S. 2168. A bill to amend the National Labor Relations Act with respect to the right of employees to exercise freedom of choice in matters of collective bargaining and union representation, and for other purposes; and

S. 2169. A bill to amend the National Labor Relations Act with respect to the duty to bargain, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. TOWER:

S. 2170. A bill to amend the provisions of the Consolidated Farmers Home Administration Act of 1961 relating to loans in emergency areas in order to authorize loans to residents of such areas for the purpose of attending an institution of higher education. Referred to the Committee on Agriculture and Forestry.

By Mr. HATFIELD:

S. 2171. A bill to improve the military justice system by establishing military judicial circuits, and for other purposes;

S. 2172. A bill to amend chapter 47 of title 10, United States Code, to provide that judges of the Courts of Military Review shall be appointed by the President, to confer authority on the Court of Military Appeals to issue orders and writs necessary to protect the rights of military personnel, and for other purposes;

S. 2173. A bill to amend chapter 47 of title 10, United States Code, so as to eliminate summary courts-martial from the military justice system;

S. 2174. A bill to confer jurisdiction on United States district courts to grant relief in certain cases involving military personnel where the relief available to such personnel under military law or regulation is inadequate for the protection of the constitutional rights of such personnel, and for other purposes;

S. 2175. A bill to amend section 803 of title 10, United States Code, relating to jurisdiction for the trial of military personnel;

S. 2176. A bill to amend chapter 47 of title 10, United States Code, so as to prescribe certain requirements with respect to the physical arrangements of furniture and other facilities of rooms in which courts-martial trials are conducted, and for other purposes;

S. 2177. A bill to amend section 825 (article 25) of title 10, United States Code, relating to eligibility standards for service on courts-martial and the method of selecting military personnel for such service;

S. 2178. A bill to amend section 810 of title 10, United States Code, relating to the confinement of military personnel prior to trial by courts-martial;

S. 2179. A bill to amend chapter 47 of title 10, United States Code, to require that all requests to compel witnesses to appear and testify and to compel the production of other evidence before courts-martial trials be submitted to a military judge for approval, and to provide for the inadmissibility of certain evidence at courts-martial trials;

S. 2180. A bill to amend chapter 47 of title 10, United States Code, to authorize the military judge of any court-martial to suspend the sentence adjudged against an accused tried by such court-martial;

S. 2181. A bill to amend section 857 of title 10, United States Code, to require that pretrial confinement of members of the Armed Forces be deducted from the term of any sentence to confinement adjudged by a court-martial;

S. 2182. A bill to amend chapter 59 of title 10, United States Code, to prohibit the administrative discharge of enlisted members of the Armed Forces under conditions other than honorable; and

S. 2183. A bill to amend chapter 47 of title 10, United States Code, to limit the jurisdiction of courts-martial, to eliminate the death penalty, to define certain additional offenses under such chapter, and for other purposes. Referred to the Committee on Armed Services.

By Mr. BAYH:

S. 2184. A bill for the relief of Prem Chand Gupta; and

S. 2185. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. McGOVERN, Mr. MUNDT, and Mr. YOUNG):

S. 2186. A bill to provide that certain lands shall be held in trust for the Standing Rock Sioux Tribe in North Dakota and South Dakota. Referred to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 2187. A bill for the relief of Mr. Tevita Talanoa. Referred to the Committee on the Judiciary.

By Mr. BROCK:

S. 2188. A bill to restore the investment tax credit for investment in certain depreciable property. Referred to the Committee on Finance.

By Mr. HATFIELD:

S. 2189. A bill for the relief of Timber Structures, Inc. Referred to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. BAYH, Mr. HATFIELD, Mr. HUMPHREY, Mr. KENNEDY, Mr. MATHIAS, Mr. McGOVERN, Mr. MOSS, Mr. PEARSON, Mr. PERCY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. TAFT, Mr. TOWER, Mr. TUNNEY, Mr. SCHWEIKER, and Mr. WEICKER):

S. 2190. A bill to require the use of recycled materials in procurement and construction under the authority of the National Aeronautics and Space Administration. Referred to the Committee on Aeronautical and Space Sciences.

By Mr. STEVENS:

S. 2191. A bill to amend the act of August 27, 1954 (commonly known as the Fishermen's Protective Act), to conserve and protect U.S. fish resources. Referred to the Committee on Commerce.

By Mr. HRUSKA (for himself and Mr. McCLELLAN) (by request):

S. 2192. A bill to provide for the admissibility of certain evidence in prosecutions for drug abuse, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HANSEN (for himself and Mr. McGEE):

S. 2193. A bill to authorize the Secretary of the Interior to reimburse the Shoshone and Arapahoe Tribes of the Wind River Reservation in Wyoming for tribal funds that have been used for the construction, operation, and maintenance of the Wind River Irrigation Project, Wyoming. Referred to the Committee on Interior and Insular Affairs.

By Mr. BURDICK:

S.J. Res. 122. A joint resolution to create a Commission on Revision of the Federal Court Appellate System of the United States. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 2166. A bill to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

GRANT-KOHRS RANCH NATIONAL HISTORIC SITE

Mr. MANSFIELD. Mr. President, on behalf of myself and my colleague from Montana (Mr. METCALF), I introduce for appropriate reference, a bill to authorize the establishment of Grant-Kohrs Ranch National Historic Site in the State of Montana. This legislation would authorize the Secretary of Interior to designate some 2,000 acres of land in the Deer Lodge Valley for establishment as the Grant-Kohrs Ranch National Historic Site. This development will be done under public laws which authorize the Federal Government to develop and preserve historic sites throughout the Nation. Last year the National Park Foundation acquired the core of the Grant-Kohrs Ranch, a site of one of the West's most famed cattle empires, and is now holding it in trust pending development. The purchase was made from Mr. and Mrs. Conrad Warren who donated a vast collection of authentic equipment used at the ranch since its establishment in the 1850's. The reservoir of artifacts is considered by the National Park Service historians as a "time capsule of the western frontier," including such items as wagons, sleighs, tools, saddles, and household furnishings.

This ranch was established in 1853 with the arrival in the Deer Lodge Valley of Johnny Grant, an adventuresome son of a Hudson Bay trader. In 1866 Conrad Kohrs, a Danish immigrant, purchased the buildings. The ranch headquarter structures have been maintained by Mr. Warren, Conrad Kohrs' grandson, much as they developed through the ranch's growth into one of the giant "spreads" of the old West.

The establishment and development of this historic site is most significant as it will be the first unit of the National Park Service devoted primarily to the role of the cattleman in American history. The livestock industry is a very significant part of our Nation's economy and it is appropriate that a ranch of this kind be preserved. Opportunities of this kind are very rare and I hope that Congress will be able to expedite consideration of this legislation so that the National Park Service might proceed with the development of this site.

Mr. President, may I say that I note in the Montana press—I should have caught this for the RECORD—that our distinguished colleague from the First District of Montana, Representative RICHARD SHOUP, has introduced a similar bill in the House. Hopefully, the three of us will be successful in achieving this objective.

By Mr. PEARSON:

S. 2167. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

DRUG INFORMATION ACT OF 1971

Mr. PEARSON. Mr. President, I introduce today the Drug Information Act of 1971 to require the registration of all

drugs with the Food and Drug Administration.

Because drugs can be so harmful if not marketed under careful regulation and taken subject to proper direction, the Food and Drug Administration is required to assure the safety and effectiveness of all drugs. But at present the FDA does not know even what drugs are on the market because of a loophole in existing law. Processors, manufacturers, and distributors today have the virtually unlimited freedom to place a drug on the market before notifying the FDA. Drugs which may be utterly ineffective, impure, or even harmful may be marketed without the clearance or even the knowledge of the Government agency charged with protecting us from such drugs.

This legislation, Mr. President, would amend the Food, Drug, and Cosmetic Act to provide for the annual registration of all drugs, including all over the counter, prescription, and antibiotic drugs. It would provide annual up-to-date information on drugs. It would provide the FDA with a listing of each drug's ingredient formula, all labeling used, a copy of all advertising—in the case of a prescription drug—and any production data that the Secretary of Health, Education, and Welfare may require. The information from this registration will be held in confidence by the FDA unless it affirmatively finds that such confidence would not be in the interest of public health.

Mr. President, we assume that all the drugs we buy are checked by the Federal Government through FDA. But in fact they are not. If a drug company wants to manufacture and market a certain over-the-counter drug, for example, it just does it. FDA has no means by which it can be forewarned. Expecting FDA, therefore, to regulate drugs without having a master list of them is much like expecting the Securities and Exchange Commission to operate without a complete list of securities.

In a society where we all depend in varying and increasing degrees on some form of drug from aspirin to prescription remedies, I think it unacceptable that FDA does not have the tools it needs to assure us that available drugs are pure, safe, effective, and properly labeled. For these reasons I invite the Senate to consider the legislation I introduce today.

Further, Mr. President, I ask unanimous consent that this bill be received and 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. 2167

A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Drug Information Act of 1971".

SEC. 2. Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended by adding at the end the following new subsection:

"(j) (1) Every person who registers with the Secretary under subsection (b), (c), or (d) shall, at the time of registration under any such subsection, file with the Secretary a list of all drugs (by established name (as defined in section 502(e)) and by any proprietary name) which are being (or, in the case of a person who registers under subsection (c) or (d), proposed to be) manufactured, prepared, propagated, compounded, or processed in each establishment included in such registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

"(A) the formula showing quantitatively each ingredient of each drug listed,

"(B) a copy of all labeling used for each drug listed,

"(C) in the case of each prescription drug listed, a copy of all advertising used for such drug;

"(D) in the case of a new drug or antibiotic drug (subject to section 507) listed, a reference to the authority for the marketing of such drug and, in the case of any other drug listed, the data from which it is determined that it is not a new drug or antibiotic drug subject to section 507, and

"(E) any production data the Secretary may require. If any such person proposes to use labeling or advertising a copy of which has not been submitted to the Secretary in accordance with clause (B) or (C), as the case may be such person shall, before using such labeling or advertising submit (in such form and manner as the Secretary may prescribe) a copy of it to the Secretary.

"(2) Every person registered under this section shall, upon first engaging in the manufacture, preparation, propagation, compounding, or processing of a drug not contained in any list filed by such person under paragraph (1) of this subsection, immediately notify the Secretary of such fact and shall include with such notification the information required under such paragraph.

"(3) Every person registered under this section shall immediately notify the Secretary whenever such person ceases or discontinues (in excess of such period of time as the Secretary may prescribe) the production or availability of any drug being manufactured, prepared, propagated, compounded, or processed by him in any establishment and shall include in such notice the reasons for such cessation or discontinuance. Upon resumption of the manufacture, preparation, propagation, compounding, or processing of such drug after such cessation or discontinuance, such person shall notify the Secretary of such resumption and shall include with such notice the information required under paragraph (1) of this subsection."

SEC. 3. (a) Section 510(e) of such Act is amended by adding at the end thereof the following: "The Secretary may also assign a registration number to each drug or class of drugs listed under subsection (j).".

(b) Section 510(f) of such Act is amended by inserting before the period the following: "; except that the Secretary shall exempt from inspection any list filed under subsection (j) and any information accompanying such list unless the Secretary finds that such an exemption would be inconsistent with protection of the public health".

(c) The second sentence of section 510(i) is amended by inserting "shall require such establishment to provide the information required by subsection (j) and" immediately before "shall include".

(d) Clause (1) of the second sentence of section 505(e) is amended by inserting "or failed to comply with the notice requirements of the first sentence of section 510 (j) (3)" immediately after "subsection (j)".

(e) Section 301(p) of such Act (21 U.S.C. 331) is amended to read as follows:

"(p) The failure to register in accordance with section 510, the failure to provide any information required by section 510(j), or the failure to provide a notice required by section 510(j) (2) or section 510(j) (3)".

SEC. 4. The amendments made by this Act shall take effect on the first day of the sixth month beginning after the date of enactment of this Act.

By Mr. DOLE:

S. 2168. A bill to amend the National Labor Relations Act with respect to the right of employees to exercise freedom of choice in matters of collective bargaining and union representation, and for other purposes; and

S. 2169. A bill to amend the National Labor Relations Act with respect to the duty to bargain, and for other purposes. Referred to the Committee on Labor and Public Welfare.

AMENDMENTS TO NATIONAL LABOR RELATIONS ACT

Mr. DOLE. Mr. President, today I am introducing two bills to amend the National Labor Relations Act. The first of these bills would clarify the act's preamble to better express the intent of Congress regarding the rights of employees to join in or refrain from collective bargaining activities. The second bill would clarify, for parties engaged in collective bargaining, the scope and substance of their statutory duty to bargain.

PREAMBLE

Typically, the preamble to any act of Congress is a general statement. It usually has little effect on specific court decisions relating to substantive portions of the law, for the terms of most statutes are sufficiently explicit to obviate a need for further explanation. However, because the NLRA is in itself a statement of fundamental public policy, its preamble has been regarded with special interest in proceedings attempting to implement that policy. Through the legislative process, the preamble has been refined to enunciate a policy of encouraging collective bargaining as a means for promoting the free flow of commerce. In this context, it seems logical that, when full freedom of workers to bargain collectively is encouraged as a matter of public policy, it is a corollary of that policy to insure these same workers the inherent right to engage in or refrain from such activities as they choose. But over the years the whole thrust of National Labor Relations Board decisions has been to promote the cause of unions and unionism to the detriment and at the expense of the rights of employees which Congress primarily intended to foster.

For nearly 40 years, the board has persisted in taking the act as a blank check for indulging its momentary whims without regard for consistency with the fundamental intent of the Congress to confer upon America's working men and women the right to free choice in matters of collective bargaining and union representation.

Essentially, the changes I propose for the preamble would stress that employees do have full freedom of choice as to whether they shall be represented by a union. This amendment would enunciate a congressional declaration that this freedom of choice belongs to employees—not to employers nor to unions and certainly not to the NLRB.

THE DUTY TO BARGAIN

The second bill is more extensive. As previously indicated, it deals with what is known as the statutory duty to bargain. Under the law as it now stands, an employer commits an unfair labor practice if he refuses to confer in good faith with their employees' representatives in respect to wages, hours, and other terms and conditions of employment or the negotiation of an agreement. This is as it should be. Collective bargaining is intended to provide a framework wherein labor and management can meet and negotiate on matters of fundamental importance to both parties. If the process operates successfully, it leads to the formalization of a contract which specifies the terms and duration of the agreements reached by the parties.

The reasonable expectation of contracting parties is that their contract is comprehensive and complete. It is expected to settle matters between them to the extent of the life of the contract. But the NLRB has gone far beyond the express authority granted it by Congress in search of new bargaining requirments which substantially expand the obligations imposed on the parties and undermine the assumed finality of agreed-to contract terms. This amendment would answer a number of NLRB decisions which quite improperly and erroneously extended the Board's activities into Congress' realm of formulating public policy.

MANAGEMENT PREROGATIVES

To illustrate, the Board expanded the concept of section 9(a)'s "other conditions of employment" to include such basic management prerogatives as deciding to change methods of operation in the interest of greater efficiency or even to close down a department or an entire plant. Decisions in the sole province of management were never intended to be the subject of compulsory bargaining with employees. It is entirely appropriate, however, that there be a requirement for informative discussions between management and a union about the impact of such a decision on the employees in a bargaining unit, and this amendment so provides.

CONCESSIONS

When Congress passed the Taft-Hartley Act in 1947, it emphasized that the duty to bargain does not compel either party to agree to a proposal advanced by the other, nor does it require either party to make a concession in bargaining. Although the Supreme Court has recently indicated its disapproval of at least a portion of the practice, the NLRB has developed a pattern of decisions which finds an employer guilty of an unfair labor practice if he sticks to his own proposals and rejects a union's demands. This position is not only contrary to the statute; it goes against the grain of logic and reason.

Suppose an employer puts his best possible offer on the table at the beginning of negotiations. Suppose he decides he does not want to play games, does not want to spend a lot of time jockeying back and forth, and wants to bring negotiations to a head promptly, so he can get on with the operation of his business. Under the NLRB's holdings an employer cannot follow such a course. The Board has found this practice to constitute "an adamant refusal and an uncompromising attitude". This decision may represent what the NLRB thinks should be done, but it surely does not conform to what Congress intended and wrote in the law. The amendment here proposed would declare once again that bargaining in good faith does not compel one party to abandon its own views; it does not require a party to make concessions. Good faith bargaining does require parties to consider each other's positions and offers. Each has to discuss the proposals presented to it, but neither is compelled to agree with the other. This position seems fair and consistent with the concept of bargaining as a two-way process.

INFORMATION

In another set of recent decisions the NLRB, with an assist from the Supreme court, has imposed an almost open-ended obligatiton on employers to give unions any information they ask during negotiations on new contracts and on grievances arising during the course of collective bargaining agreements. The Board has held that a union's requests for information arising during the bargaining process are not bargainable matters, but for all practical purposes constitute compulsory demands when the board decides on a hit-or-miss basis that the requested information would be useful to the union. The resulting situation is that no employer knows exactly where he stands when confronted with requests for information. For example, in one case an employer was found guilty of violating the act when he would not furnish a union with the names of employees who worked during a strike. In another case it was held to be an unfair labor practice not to divulge the company's profits and the salaries paid its management people. In still another case it was held to be an unfair labor practice not to furnish the sales prices of the company's products. In several other cases employers were found guilty of violating the act for refusing to give unions the home addresses of employees—an interesting circumstance in these days when many are anxious about infringements on the individual's right to privacy.

It seems reasonable to me that in a bargaining situation each side ought to be permitted to ask for whatever information it thinks would be useful. Having asked for it, however, the procurement of the information ought to be the result of successful bargaining. Not the product of inconsistent orders by the NLRB. The bill I propose would make clear that each party has the right to bargain about information it wants from the other, but neither has an absolute right to obtain it.

CONTINUOUS DUTY

In still another venture into policymaking, the NLRB recently revived the discredited practice of considering the duty of bargain to be continuous. This policy dates back to the days of the Wagner Act when the NLRB conceived the notion that the duty to bargain did not raise merely when a new contract was negotiated but lingered even after the employer and the union had agreed to a contract for a fixed period. By its enactment of the Taft-Hartley Law in 1947 Congress explicitly rejected this theory, but Congress' directive was disregarded by the NLRB. For the Board to say that the duty to bargain has a continuous duration is to force an employer to bargain during the life of a contract whenever a union raises issues which are not expressly covered in the contract itself. It is hard to conceive of a practice more disruptive of labor-management harmony or better designed to undermine the stability of collective bargaining contracts. The bill I propose provides that neither party to a collective bargaining contract can be forced to bargain about a change in or an addition to a contract that would become effective prior to the time permitted by the terms of the contract itself. In essence it would say that parties can bargain on new issues if they choose, but the NLRB cannot force them to do so.

DURATION OF CONTRACT TERMS

This bill also deals with the two other novel ULRB views of compulsory bargaining. In the Board's opinion some contract provisions—and we will not be sure just what these provisions may be until the Board further develops this theory—must be continued in effect even after the contract expires. The bill I introduce today restates the rather basic notion of contract law that when a contract expires all rights and obligations arising thereunder cease to exist.

NONEMPLOYEES

Finally, this bill rejects the Board's developing motion that employees, under the law's mandate to bargain with representatives of their employees, should also be forced to bargain about individuals who are no longer employees within the meaning of the act.

CONCLUSION

Mr. President, the duty to bargain is a solemn obligation imposed by law upon employers and unions alike. It ought to be applied by the NLRB in an even-handed, impartial manner. Because it has not been so applied, the amendments presented here today merit the earliest possible consideration by the Senate.

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

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

S. 2168

A bill to amend the National Labor Relations Act with respect to the right of employees to exercise freedom of choice in matters of collective bargaining and union representation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the National Labor Relations Act (29 U.S.C. 151) is amended to read as follows:

"FINDINGS AND POLICIES

"SECTION 1. The denial of or interference with the right of employees to organize, to form, join or assist labor organizations, to bargain collectively, and to engage in other concerted activities or interference with or denial of their right to refrain from any or all of such activities leads to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce

by (1) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (2) occurring in the current of commerce; (3) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (4) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce.

"Inequality of bargaining power between labor organizations and employers substantially burdens the process of collective bargaining and affects the flow of commerce.

"Experience has proved that protection by law of the right of employees to determine whether they wish to organize and bargain collectively encourages practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours or other working conditions.

"Experience has further demonstrated that certain practices by some labor organizations, their officers, and members have the intent or the necessary effect of burdening or obstructing commerce by preventing the free flow of goods in such commerce through strikes and other forms of industrial unrest or through concerted activities that impair the interest of the public in the free flow of such commerce. The elimination of such practices is a necessary condition to the assurance of the rights herein guaranteed.

"It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by protecting the right of employees to exercise by workers of full freedom of choice in determining whether they wish to designate collective bargaining representatives and, when such representatives have been designated, by encouraging the settlement of industrial disputes through free collective bargaining for the purpose of negotiating the terms and conditions of their employment."

S. 2169

A bill to amend the National Labor Relations Act with respect to the duty to bargain, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) is amended to read as follows:

"Section 8(d). For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, or any question concerning the furnishing of necessary and relevant information, if any, requested by the other party in connection with the negotiation of an agreement or any issue arising under such agreement, and the execution of a written contract incorporating any agreement reached if requested by either party: *Provided,* That (1) the failure or refusal of either party to agree to a proposal, or to the making, changing or withdrawing of a lawful proposal, or to make a concession shall not constitute, or be evidence, direct or indirect, of a breach of the obligation imposed under this section; nor shall the Board in any order direct either party to make any concession or agree to any proposal or to make any payment of money except to employees who are reinstated in back pay as provided in section 10(c)(1); (2) this section shall not require any employer to bargain collectively with respect to any person not currently employed or to be employed, or with respect to any decision, not prohibited by other provisions of this Act, to discontinue, contract out, sell, or otherwise change, modify, or dispose of his business, plant, equipment or operations, or any part thereof, except that, on request, the employer (unless the collective bargaining agreement specifies the duties of the parties in such circumstances) without having to defer the decision or any action pursuant thereto, shall meet and bargain with the representatives of any affected employees concerning the effect, if any, of any such action upon such employees; and (3) where there is in effect a collective bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification—

(1) serves a written notice upon the other party to the contract of the proposed termination or modification sixty days prior to the expiration date thereof, or in the event such contract contains no expiration date, sixty days prior to the time it is proposed to make such termination or modification;

(2) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

(3) notifies the Federal Mediation and Conciliation Service within thirty days after such notice of the existence of a dispute, and simultaneously therewith notifies any State or Territorial agency established to mediate and conciliate disputes within the State or Territory where the dispute occurred, provided no agreement has been reached by that time; and

(4) continues in full force and effect, without resorting to strike or lock-out, all the terms and conditions of the existing contract for a period of sixty days after such notice is given or until the expiration date of such contract, whichever occurs later; Upon termination of a collective bargaining contract in accordance with the requirements of paragraphs (1), (2), (3) and (4), either party shall have the right, upon notification to the other party, to cancel or discontinue any or all of the benefits, privileges, or terms or conditions of employment established under the contract previously in effect. The duties imposed upon empolyers, employees and labor organizations by paragraphs (2), (3) and (4) shall become inapplicable upon an intervening certification of the Board, under which the labor organization or individual, whch is a party to the contract, has been superseded as or ceased to be the representative of the employees subject to the provisions of section 9(a), and the duties so imposed shall not be construed as requiring either party to a collective bargaining contract for a fixed period to discuss or agree to any modification of wages, hours, and working conditions during the term of such contract, if such modification is to become effective before the subject matter thereof can be reopened under the provisions of the contract. Any employee who engages in a strike within the sixty-day period specified in this subsection shall lose his status as an employee of the employer engaged in the particular labor dispute, for the purposes of sections 8, 9, and 10 of this Act, as amended, but such loss of status for such employee shall terminate if and when he is reemployed by such employer."

By Mr. TOWER:

S. 2170. A bill to amend the provisions of the Consolidated Farmers Home Administration Act of 1961 relating to loans in emergency areas in order to authorize loans to residents of such areas for the purpose of attending an institution of higher education. Referred to the Committee on Agriculture and Forestry.

ASSISTANCE FOR STUDENTS IN DISASTER AREAS

Mr. TOWER. Mr. President, I introduce today legislation designed to assist our agriculturally oriented young people. In reviewing legislation, both past and present, which provides Federal assistance to farmers and ranchers as a result of a natural disaster, I found evident a total lack of concern for those students caught in the backwash of the financial burdens of their parents. This vast number of young students suddenly find themselves seeking employment in lieu of college admittance as a result of economic shortcomings compounded by such disasters.

The tremendous technical advancements during the past decade in agriculture, and general farming in particular, are a result of educated young people returning to the farm. The formal education combined with youthful practical experience is a significant avenue to profitable farming and ranching. For this reason it is imperative that the farm and ranch family have available a loan program during times of natural disaster.

This legislation would authorize the Secretary of Agriculture to utilize the facilities of the Farmers Home Administration in managing the college loan assistance program. Applicants would be considered by the Farmers Home Administration Committee, composed of local farmers and ranchers, on a basis of need. The applicant's permanent residence must be in a county which has been declared a disaster as the result of natural causes. The program will be limited to communities of 10,000 or less population, but will not apply to students of farm or ranch families alone. It is possible that we may need to expand this program into other areas, and I will particularly invite testimony on this subject during hearings. My interest is to provide assistance to those individuals who suffer a loss either directly or indirectly as the result of a natural disaster. In rural communities virtually every business is affected by carrying a large number of accounts and by a loss in business volume.

It is my opinion that any student living in a rural community should have the opportunity of continuing his or her education. It is evident that these young people have been ignored in the past while major efforts have been geared to their parent's plight. It is my sincere desire that young men and women be allowed to further their formal education during periods of depressed economy in rural areas, an economy based on a perishable commodity with no guarantee of return for investment. In light of the fact that vast portions of Texas, New Mexico, and Oklahoma are experiencing a severe drought coupled with the probability of another corn blight in the midwest, I urge immediate passage of this bill. It is imperative that the students be allowed time to apply for assistance prior to entering college this fall.

By Mr. HATFIELD:

S. 2171. A bill to improve the military justice system by establishing military judicial circuits, and for other purposes;

S. 2172. A bill to amend chapter 47 of title 10, United States Code, to provide that judges of the Courts of Military Review shall be appointed by the President, to confer authority on the Court of Military Appeals to issue orders and writs necessary to protect the rights of military personnel, and for other purposes;

S. 2173. A bill to amend chapter 47 of title 10, United States Code, so as to eliminate summary courts-martial from the military justice system;

S. 2174. A bill to confer jurisdiction on U.S. district courts to grant relief in certain cases involving military personnel where the relief available to such personnel under military law or regulation is inadequate for the protection of the constitutional rights of such personnel, and for other purposes;

S. 2175. A bill to amend section 803 of title 10, United States Code, relating to jurisdiction for the trial of military personnel;

S. 2176. A bill to amend chapter 47 of title 10, United States Code, so as to prescribe certain requirements with respect to the physical arrangements of furniture and other facilities of rooms in which courts-martial trials are conducted, and for other purposes;

S. 2177. A bill to amend section 825—article 25—of title 10, United States Code, relating to eligibility standards for service on courts-martial and the method of selecting military personnel for such service;

S. 2178. A bill to amend section 810 of title 10, United States Code, relating to the confinement of military personnel prior to trial by courts-martial;

S. 2179. A bill to amend chapter 47 of title 10, United States Code, to require that all requests to compel witnesses to appear and testify and to compel the production of other evidence before courts-martial trials be submitted to a military judge for approval, and to provide for the inadmissibility of certain evidence at courts-martial trials;

S. 2180. A bill to amend chapter 47 of title 10, United States Code, to authorize the military judge of any court-martial to suspend the sentence adjudged against an accused tried by such court-martial;

S. 2181. A bill to amend section 857 of title 10, United States Code, to require that pretrial confinement of members of the Armed Forces be deducted from the term of any sentence to confinement adjudged by a court-martial;

S. 2182. A bill to amend chapter 59 of title 10, United States Code, to prohibit the administrative discharge of enlisted members of the Armed Forces under conditions other than honorable; and

S. 2183. A bill to amend chapter 47 of title 10, United States Code, to limit the jurisdiction of courts-martial, to eliminate the death penalty, to define certain additional offenses under such chapter, and for other purposes. Referred to the Committee on Armed Services.

INTRODUCTION OF BILLS RELATING TO MILITARY JUSTICE

Mr. HATFIELD. Mr. President, recent events have focused public attention on military justice: The mutiny courts-martial at the Presidio in San Francisco, the court-martial of Captain Levy, the Pueblo incident, alleged violations of law with regard to the PX system in Southeast Asia, and most notably the courts-martial surrounding the alleged crimes at Mylai. I think, however, Mr. President, that it is most important to look at these events within the context of history so that we can better understand them and also gain further insight into our military justice system.

Over the two centuries since our country's founding, the formal codes of behavior which have governed our Armed Forces have undergone many significant changes. First adopted in 1775, the articles of war were a direct adaptation of the British articles of war which had evolved from the 17th century codes set down by Gustavus Adolphus. In each case these rules and regulations were separate from the civil codes, the theory being that it was the military commander's prerogative to maintain discipline through practical punishment in order to deal effectively with the demands of military life.

There were two separate justice systems, one for the Army, the articles of war, and one for the Navy, the articles of the government of the Navy. The three-level hierarchy, of the military courts—summary, special, and general courts-martial—has remained essentially the same for the last 200 years and has generally reflected the philosophy that the military commander should have control over the discipline of his men and should be the final judge as to how to best uphold the proper behavior of his troops. Until 1920 minor changes occurred in the two court systems of the Army and Navy, those revisions taking place in 1806, 1874, and 1916. Essentially, the proceedings were nonjudicial in character. The commanding officer acted as the convening authority, appointed all members of the court-martial and reviewed the decision and sentence. The accused had no right to counsel, although an officer was generally assigned as defense counsel if the accused so requested.

Since World War I, the evolution of the military codes of justice has been marked by increasing influence of civilian common law, this process usually being referred to as "civilianization." It has been the case in our history that major wars in which we have participated have focused public attention on our military justice system. This was the case after World War I—1920—World War II—1950—and Korea and Vietnam—1968. And, it occurred due to the large number of men called into military service and the public outcry regarding reports of unduly harsh sentences and arbitrary and unfair proceedings. Gen. Samuel T. Ansell, the major proponent of reform immediately following World War I, in his 1919 testimony presented numerous examples of injustices which had occurred during his tour of duty with the office of the Judge Advocate General, for instance: a 20-year sentence for being 3 months absent without leave—AWOL—40 years at hard labor for 20 days AWOL; and the conviction and immediate execution of 13 men accused of mutiny at Fort Sam Houston, Tex., without their records being reviewed, nor without any of them having the opportunity to seek clemency.

In spite of revisions subsequent to our World War I experience, public furor again occurred in response to allegedly harsh sentences during World War II.

The revision of the articles of war in 1950 saw all of the armed services brought under one system of law, the Uniform Code of Military Justice—UCMJ. Enlisted men were allowed to serve on courts-martial, the accused was allowed the right to legally qualified military or civilian counsel, and the U.S. Court of Military Appeals was established, its jurisdiction extending to the review of all sentences of less than honorable discharge or confinement of more than 1 year. The commander, however, still determined whether or not to prosecute, appointed the investigating officer, the members of the court, the counsel for the defense and prosecution, the law officer, and the court personnel. He also retained the power to review the conviction and sentences.

The latest revision of the UCMJ, having taken place in 1968, made changes in four areas. First, a military judge with new powers and duties, similar to those of a civilian judge, independent of the commander convening authority replaced the law officer. Various changes in the post-trial proceedings were made, including a provision for deferring a convicted man's beginning to serve his sentence until his case had been completely reviewed, and the authorizing of the Judge Advocate General to modify or vacate a sentence on various grounds. The Military Justice Act of 1968, in an effort to further limit command influence in courts-martial—a long-standing criticism—provided that general lectures or information courses on military justice could not be used to influence a court-martial nor could the commander consider an individual's performance in a court-martial when the commander was preparing an efficiency, effectiveness of fitness report on that individual.

The 1968 act also implemented certain changes with respect to defense counsel. It extended, with certain qualifications, to the accused in a special court-martial the right to be represented by defense counsel who was a lawyer and provided certain criteria which had to be met when a primitive discharge was adjudged. All of these modifications were designed to bring a greater degree of impartiality and provide more structural safeguards to protect the rights of the accused within the military, these reforms being adaptations of certain common law techniques and procedures.

Paralleling the civilianization of our military justice system have been similar developments in other countries. Great Britain, Canada, France, New Zealand, Australia and, most particularly, West Germany, have experienced greater civilianizing influences in many instances than we have in the United States and appear to have met with general success with no adverse effects on discipline. Great Britain, Canada, Australia, and New Zealand, for instance, have civilian tribunals reviewing military trials. In Great Britain the military Judge Advocate General is a civilian officer under

the Lord Chancellor, and in West Germany military personnel are subject to civilian courts for all specifically nonmilitary crimes.

Functionally and organizationally, the Armed Forces is analogous to a paramilitary group—such as a police or fire department. Its judicial system has been traditionally viewed like a State's, for example, independent of the Federal judiciary. According to article II, section 2, of the Constitution, the President is the Commander in Chief of the Armed Forces. The Congress, as stated in article I, section 8, of the Constitution, has the responsibility to determine the rules and regulations for military personnel. It is by virtue of the demands of fighting under combat and the training necessary to acquire proficiency for such a contingency that puts special requirements on certain military personnel.

In this regard, the maintenance of discipline is of paramount importance in accomplishing a combat mission; these men have to work efficiently and effectively as a team. It is this fact that separates military from most civilian groups. Beyond the rules and regulations governing the area of specific crimes of a particularly military nature, such as a.w.o.l. and desertion, are crimes generally punishable in any civilian court, such as murder, theft, and forgery. Yet, the distinction between these two types of crimes has not been made within our judicial systems, nor is the analogy between the military judicial system and a State's judicial system proper.

The Armed Forces is an agency of the Federal Government, directly responsible to the President and Congress. It also comprises a great portion of our population, spends about 66 cents of each tax dollar, and does business with domestic and foreign companies, individuals, and governments. In other words, it has a great impact within our country, as well as around the world, and is a direct arm of the Government: A State does not have a commensurable impact, nor is it a Federal agency. Consequently, except in cases which are military by nature, or crimes of a civilian or military nature committed in a foreign country by military personnel, military courts should not have jurisdiction; Federal courts should. Furthermore, there is no reason why the individual's rights should not have the safeguards within the military structure that are present in our civilian sector.

There are three criteria which are helpful in determining the appropriate judicial jurisdiction for a crime committed within the territorial limits of the United States. First, is the act solely a function of military necessity. That is, does the particular act assume a criminal nature because it is committed within the military environment. AWOL and desertion, for instance, are two such crimes. If a civilian employee leaves his job for a short time or leaves without returning, in both cases not notifying and asking permission of his boss, the consequences are not of the same magnitude as they are in the military.

The second criteria relates to cases involving the physical security of all or a portion of our society. If an act committed in the United States in a direct manner threatens the physical security of our country the jurisdiction for the crime would fall within the purview of the Federal court system. Mutiny and aiding the enemy are certainly acts which transcend the question of maintaining proper discipline and have direct consequences of more than an internal military nature.

The third criteria is the complement of the first, namely, is an act of such a nature that it would be viewed as criminal irrespective of one's role in society. Murder and robbery are two such crimes and, consequently, would be within the jurisdiction of the Federal courts when the crime was committed by military personnel within the territory of the United States.

There is a definite positive correlation between the degree of civilization and the decreased problems of maintaining discipline. Not only do we have the experience of foreign countries to look to, but our experience reflects this as well. A good indicator is the frequency of AWOL and desertion cases. Court-martial cases in every branch of the armed services show a significant decline in those two areas over the past 18 years. In 1952, 1 year after article 15—nonjudicial punishment—was instituted, there were 28,827 convictions in the Air Force for AWOL—article 86—and 881 in 1968. For the same time period the Air Force had 320 desertion convictions—article 85—in 1952, and 16 in 1968. In the Army there were 4,107 AWOL general court-martial convictions in 1955, and 1,521 in 1969; for desertion convictions the Army in 1955 there were 1,943, and in 1969 there were 197. In the Navy, in 1960, there were 3,213 convictions for AWOL and 2,901 in 1969; in 1953 the Navy had 1,191 desertion convictions, and 263 in 1969. When these figures are compared to manpower levels over the past 20 years, it is significant to note that not only does the rate of convictions generally decrease numerically, they decrease proportionately, as well. And, even more significantly, this is in spite of increased hostility, particularly among our youth—those most likely to be joining the Armed Forces—to our policy in Southeast Asia and to the draft.

Consequently, I am introducing today 19 bills which I believe will implement the necessary changes to effect a more equitable and effective justice system for military personnel. These revisions should fully eliminate command influence from courts-martial, structurally and procedurally adapt certain civilian techniques to the military judicial system, specifically delineate civilian and military crimes, and insure the maximum individual liberty to military personnel with military effectiveness.

The bills include:

A worldwide judicial system under a unified command;

Random selection of members for courts-martial juries;

Prevention of the possibility of double jeopardy between military and State jurisdictions;

Requiring the Court of Military Appeals to review all cases which include sentences of a bad conduct discharge or confinement for 1 year or more;

Requiring requests to compel witnesses to testify and to compel production of other evidence to be submitted to the military judge for approval before the court-martial;

Prescribing the physical setup in the courts-martial to be similar to that of Federal district courts;

Eliminating the summary court-martial;

Eliminating the death penalty;

Eliminating the General Article, article 134, and listing the crimes previously in the article as specific crimes;

Providing for trial by Federal courts all crimes that are not specifically military in nature for military personnel in the United States;

Ratings of court personnel would be made by the chief judge;

Members of the Armed Forces who have had experience in military law and have reached the rank of Lieutenant colonel or commander would be eligible to serve on the Court of Military Review;

The military judge would have the power to suspend sentence;

Time spent in confinement before trial would be subtracted from any sentence imposed on the accused;

The Court of Military Appeals and the Courts of Military Review would have law clerks from the junior JAG Corps;

The Court of Military Appeals and the Courts of Military Review would have the power to issue orders and writs necessary to protect the rights of military personnel;

Providing for 3-year terms for members of the Courts of Military Review; and

Limiting the President's authority to suspend or modify punishment to any particular geographical area or with respect to any particular offense.

Mr. President, one additional comment I think is necessary. Civilianization is not a panacea for the military justice system. The military has been and remains in many areas ahead of the civil judicial system in our society. These aspects of the Uniform Code should not be jeopardized. Furthermore, the proposals I am introducing today are offered in a constructive spirit, not one reflecting a loss of faith in our military institutions. Any institution is a reflection of the individuals comprising it, and the problems experienced within our Armed Forces are manifestations of difficulties throughout our country.

To attain the standards of justice throughout every sector of our society, which have made this country what it is today, would be a greatly beneficial step toward constructive change and peace. And our Armed Forces are an integral part of this effort. Our ideal of equal justice for all and our reliance on individual liberty form the strength of our country and should be reinforced in every possible instance. These values and the practical consequences of them assume a particularly critical and imposing magnitude when assessing the role of our military. The legislation I have proposed today would help bring the military closer to

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the mainstream of American life and values.

It would strengthen the role of the individual within the Armed Forces both as a citizen of the United States and as one who bears a great responsibility for our physical security. Besides increasing internal discipline within the military, the proposed legislation would have the overall effect of bringing a greater sense of dignity to military service and reassure those who fear a growing military elitism within our country. Bringing our standards of justice within the military system up to, and in some cases surpassing, the standards of our civil codes would greatly enhance the role of the military within our society and of our society within the world.

Mr. President, I ask unanimous consent that the bills be received at the table and referred to the appropriate committee.

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

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

S. 2171

A bill to improve the military justice system by establishing military judicial circuits, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That chapter 47 of title 10, United States Code, is amended as follows:

(1) Subchapter I is amended by adding at the end thereof the following new sections:

"§ 806a. Art. 6a. Armed forces judicial circuits

"(a) The United States and all areas outside thereof shall be divided in judicial circuits. Such circuits shall be known as armed forces judicial circuits (hereinafter in this chapter referred to as 'judicial circuits') and each such circuit shall be under the command of an armed forces judicial circuit officer (hereinafter in this chapter referred to as a 'judicial circuit officer').

"(b) The Judge Advocates General of the military departments are responsible for providing the personnel necessary to staff each judicial circuit. The number of personnel furnished by each Judge Advocate General to any judicial circuit shall be in direct ratio to the personnel strength in such circuit of the military department of which such Judge Advocate General is a member.

"(c) The officer assigned as the judicial circuit officer of any judicial circuit shall be selected in accordance with regulations issued by the Secretary of Defense but shall, whenever feasible, be an officer from the staff of the Judge Advocate General of the military department having the greatest personnel strength within such judicial circuit. All personnel assigned to a judicial circuit shall be under the command of the judicial circuit officer for that circuit; and the judicial circuit officer for any judicial circuit shall be under the command of the Judge Advocate General of the military department of which such judicial officer is a member.

"(d) The judicial circuit officer for each judicial circuit shall be responsible for the preparation of efficiency ratings for personnel under his command.

"§ 806b. Art. 6b. Division of armed forces judicial circuits

"(a) Each judicial circuit shall be divided into four sections as follows:

"(1) a field judiciary section;

"(2) a trial counsel section;

"(3) a defense counsel section; and

"(4) a trial review section.

Each section of a judicial circuit shall function as a separate office but the officer in command of each such section shall be under the command of the judicial circuit officer of that judicial circuit.

"(b) Under such regulations as the Secretary of Defense may prescribe, the commander of the field judiciary section of any judicial circuit shall, in appropriate cases, detail a military judge for the court-martial trial of any accused to be held within such judicial circuit and shall detail or employ qualified court reporters to record the proceedings and testimony taken before any court-martial, military commission, or court of inquiry held within such judicial circuit. Under like regulations such commander may detail or employ interpreters to interpret for any such court or commission. The commander of the field judiciary section shall be responsible for making all arrangements necessary regarding the time and place for any court-martial trial to be conducted within the judicial circuit in which he is assigned and shall be responsible for notifying the accused, trial and defense counsel, the commanding officer of the accused, and other persons directly concerned with the trial.

"(c) The trial counsel section of any judicial circuit shall detail trial counsel and assistant trial counsel (when appropriate) for the court-martial trial of any accused to be held within such judicial circuit.

"(d) The defense counsel section of any judicial circuit shall detail defense counsel and assistant defense counsel (when appropriate) for the court-martial trial of any accused to be held within such judicial circuit.

"(e) The trial review section of any judicial circuit shall review all court-martial cases held within such judicial circuit."

(2) The table of sections at the beginning of subchapter I is amended by adding at the end thereof the following:

"806a. 6a. Armed forces judicial circuits.
"806b. 6b. Division of armed forces judicial circuits."

(3) Subsection (a) of section 826 (article 26(a)) is amended to read as follows:

"(e) Military judges shall be assigned to judicial circuits by the Judge Advocate General of the military department of which such military judge is a member. When a military judge is assigned to a judicial circuit he shall serve in the field judiciary section of that judicial circuit. A military judge shall preside over each open session of the court-martial to which he has been detailed."

(4) Subsection (c) of section 826 (article 26(c)) is amended to read as follows:

"(c) The military judge of a general court-martial shall be designated by the Judge Advocate General, or his designee, of the armed force of which the military judge is a member for detail by the commander of the field judiciary section of the judicial circuit to which such military judge is assigned to duty. No person shall prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge other than a Judge Advocate. A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial may perform such duties only when he is assigned and directly responsible to the Judge Advocate General, or his designee, of the armed force of which the military judge is a member and may perform duties of a judicial or nonjudicial nature other than those relating to his primary duty as a military judge of a general court-martial when such duties are assigned to him by or with the approval of that Judge Advocate General or his designee."

(5) The first sentence of subsection (a) of section 827 (article 27(a)) is amended to read as follows: "The commander of the trial counsel section and the commander of the defense counsel section of the judicial circuit concerned shall detail trial counsel and defense counsel, respectively, and such assistants as the commander of each such section considers appropriate."

(6) Section 827 (article 27) is further amended by adding at the end thereof a new subsection as follows:

"(d) Defense counsel detailed to represent any accused may be a member of an armed force other than the armed force of which the accused is a member unless the accused requests that defense counsel detailed to represent him be a member of the same armed force as the accused."

(7) Section 828 (article 28) is repealed and the table of sections at the beginning of subchapter V is amended by striking out

"828. 28. Detail or employment of reporters and interpreters."

(8) Section 832(a) (article 32(a)) is amended by adding at the end thereof the following: "The appropriate judicial circuit officer shall, upon written request from the convening authority, detail an investigating officer to investigate the charges. Any person detailed to investigate charges against any accused shall be so detailed by reason of his impartiality, experience, education, and temperament, and shall not be under the command of the forwarding officer.

(9) The second sentence of subsection (b) of section 832 (article 32(b)) is amended to read as follows: "Upon his own request he shall be represented by civilian counsel if provided by him, or military counsel of his own selection if such counsel is reasonably available, or by counsel detailed by the commander of the defense counsel section of the appropriate judicial circuit."

(10) The last sentence of section 832(b) (article 32(b)) is amended to read as follows: "Upon completion of the investigation, the investigating officer shall submit a report of his investigation to the appropriate judicial circuit officer for review. The judicial circuit officer may disagree with any recommendation made by the investigating officer with respect to the trial of any charge, but if the judicial circuit officer disagrees with the recommendations of the investigating officer that any charges not be referred to a general court-martial for trial, the judicial circuit officer shall make a written report on each issue of fact and law raised by the investigating officer and indicate his reasons for determining there is legally sufficient evidence for referring such charges to a general court martial for trial.

(11) Section 834(a) (article 34(a)) is amended by adding at the end thereof the following: "If the investigating officer or the appropriate judicial circuit officer recommends against a trial of any charge by general court-martial, the convening authority shall, if he disagrees with such recommendation, promptly submit the charge to the Judge Advocate General of the armed force of which the convening authority is a member for review by such Judge Advocate General. The Judge Advocate General shall review the charge and determine whether it should or should not be tried by general court-martial. He shall, as soon as practicable after receiving the charge for review, notify the convening authority of his decision and his decision thereon shall be final."

(12) Subsection (b) of section 838 (article 38(b)) is amended by adding at the end thereof a new sentence as follows: "The commander of the defense counsel section of the appropriate judicial circuit is authorized, whenever he deems such action appropriate in the court-martial case of any accused, to detail to such case as defense counsel a judge advocate from the appellate defense counsel section of the Office of the Judge Advocate General of the military department of which such commander is a mem-

ber; and such counsel shall be permitted to represent the accused through appellate review of the case."

(13) Section 854 (article 54) is amended by adding at the end thereof a new subsection as follows:

"(d) The commander of the field judiciary section of the judicial circuit concerned shall require that a verbatim record of the general or special court-martial trial of any accused be made if the accused requests that such a record be made and the commander determines that lengthy or complicated testimony is expected at the trial."

(14) Section 860 (article 60) is amended to read as follows:

"After a trial by court-martial the record shall be forwarded to the appropriate judicial circuit for review and action thereon by the review section of such circuit."

(15) Section 861 (article 61) and the catchline thereof are amended as read as follows:

"§ 861. Art. 61. Review by the judicial circuit

"The review section of each judicial circuit shall review the record of all court-martial trials conducted within such judicial circuit. If any part of a sentence imposed by a general or special court-martial trial remains after review by the judicial circuit, the record of such trial shall be forwarded by the judicial circuit to the Judge Advocate General of the armed force of which the judicial circuit officer of the judicial circuit concerned is a member."

(16) The table of sections at the beginning of subchapter IX is amended by striking out

"861. 61. Same—General court-martial records."

and inserting in lieu thereof

"861. 61. Review by judicial circuit."

(17) Subsections (a) and (b) of section 862 (article 62) are amended by striking out "convening authority" each time it appears and inserting in lieu thereof "judicial circuit officer of the judicial circuit concerned".

(18) Subsection (a) of section 863 (article 63) is amended by striking out "convening authority" and inserting in lieu thereof "judicial circuit officer of the judicial circuit concerned".

(19) The catchline of section 864 (article 64) is amended to read as follows:

"§ 864. Art. 64. Approval by the judicial circuit officer"

(20) Section 864 (article 64) is amended by striking out "convening authority" and inserting in lieu thereof "judicial circuit officer of the judicial circuit concerned".

(21) The table of sections at the beginning of subchapter IX is amended by striking out

"864. 64. Approval by the convening authority."

and inserting in lieu thereof

"864. 64. Approval by the judicial cicuit officer."

(22) Section 865 (article 65) and the catchline thereof are amended to read as follows:

"§ 865. Art. 65. Disposition of records after review by the appropriate judicial circuit

"(a) When the judicial circuit officer of the judicial circuit concerned has taken final action in a general or special court-martial case, he shall send the entire record, including his action thereon, to the appropriate Judge Advocate General.

"(b) If the sentence of a special court-martial as approved by the judicial circuit officer includes a bad-conduct discharge, whether or not suspended, or confinement for four months or more, the record shall be sent to the appropriate Judge Advocate General to be reviewed by a court of military review.

"(c) All other special and summary court-martial records shall be reviewed by the review section of the appropriate judicial circuit and shall be transmitted and disposed of as the Secretary concerned may prescribe by regulations."

(23) The table of sections at the beginning of subchapter IX is amended by striking out

"865. 65. Disposition of records after review by the convening authority."

and inserting in lieu thereof

"865. 65. Disposition of records after review by the appropriate juidcial circuit."

(24) Subsection (b) of section 866 (article 66(b)) is amended by striking out "one year or more" and inserting in lieu thereof "four months or more".

(25) The first sentence of subsection (c) of section 866 (article 66(c)) is amended by striking out "convening authority" and inserting in lieu thereof "judicial circuit officer".

(26) Subsection (d) of section 867 (article 67(d)) is amended

(A) by striking out "convening authority" in the first sentence and inserting in lieu thereof "judicial circuit officer"; and

(B) by striking out the last sentence and inserting in lieu thereof the following: "The Court of Military Appeals may take action in any case with respect to law or fact."

(27) Section 868 (article 68) is amended to read as follows:

"The Secretary concerned may direct the Judge Advocate General to establish a branch office within any judicial circuit. The branch office shall be under an Assistant Judge Advocate General who may perform for that judicial circuit, under the general supervision of the Judge Advocate General, the duties for that judicial circuit which the Judge Advocate General would otherwise be required to perform as to all cases involving sentences not requiring approval by the President."

(28) Section 873 (article 73) is amended by striking out "convening authority" in the first sentence and inserting in lieu thereof "judicial circuit officer".

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 2172

A bill to amend chapter 47 of title 10, United States Code, to provide that judges of the Courts of Military Review shall be appointed by the President, to confer authority on the Court of Military Appeals to issue orders and writs necessary to protect the rights of military personnel, 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) subsection (a) of section 866 (article 66 (a)) of title 10, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "The President shall establish within each of the armed forces a Court of Military Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges. Judges of the Courts of Military Review shall be appointed by the President for terms of three years. The Court of Military Review established for each armed force shall be assigned for administrative purposes only to the office of the Judge Advocate General of that armed force. To be eligible for appointment to the Court of Military Review a person shall be experienced in military justice. No member of the armed forces below the grade of Lieutenant Colonel or Commander shall be eligible for appointment to the Court of Military Review."

(b) Subsection (a) of section 866 (article 66 (a)) is further amended by—

(A) striking out "assigned" in the third sentence and inserting in lieu thereof appointed";

(B) striking out the fourth sentence and inserting in lieu thereof the following: "The President shall designate one of the appellate military judges of each Court of Military Review established by the President under this subsection to serve as chief judge of that Court of Military Review."; and

(C) adding at the end of such subsection a new sentence as follows: "The chief judge shall report only to the Judge Advocate General of the armed force concerned."

(c) Subsections (f) and (g) of section 866 (article 66 (c)) are amended to read as follows:

"(f) The President shall prescribe rules of procedure for Courts of Military Review established under this section.

"(g) A member of the armed forces serving as a member of the Court of Military Review, other than a chief judge, shall during his term on such court be rated on his performance of duty by the chief judge of such court. Whenever the chief judge of a Court of Military Review is a member of the armed forces, he shall be rated on his performance of duty by the Judge Advocate General of the armed force of which such chief judge is a member. Appellate military judges of the Military Courts of Review may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, for mental or physical disability, or for extreme military exigency, but for no other cause."

(d) Such section 866 (article 66) is further amended by adding at the end thereof a new subsection as follows:

(i) The Judge Advocate General of each armed force shall appoint from the ranks of junior ranking judge advocates such number of officers to serve as law clerks to the Court of Military Review of that armed force as he deems appropriate. An officer assigned to duty as a law clerk under this subsection may not serve in such capacity for any period in excess of two years."

SEC. 2. (a) Section 867 (article 67) of title 10, United States Code is amended by adding at the end thereof the following new subsections:

"(h) The Court of Military Appeals shall have authority to issue any order or writ necessary to protect any right under the Constitution, any law of the United States, or any military regulation of any person subject to the provisions of this chapter.

"(i) The Judge Advocate General of each armed force shall make available to the Court of Military Appeals from the ranks of junior ranking judge advocates such number of officers as the Chief Judge of that court may request to serve as law clerks to the Court of Military Appeals. At no time shall the number of officers assigned to duty as law clerks to such court exceed six. An officer assigned to duty as a law clerk under this subsection may not serve in such capacity for any period in excess of two years."

SEC. 3. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 2173

A bill to amend chapter 47 of title 10, United States Code, so as to eliminate summary courts-martial from the military justice system

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 47 of title 10, United States Code, is amended as follows:

(1) The first sentence of section 810 (article 10) is amended by striking out "; but when charged only with an offense normally tried by a summary court-martial, he shall not ordinarily be placed in confinement".

(2) Section 816 (article 16) is amended by adding at the end of clause (1)(B) the word "and"; by striking out "; and" at the end of clause 2(C) and inserting in lieu thereof a period; and by striking out clause (3).

(3) Section 820 (article 20) is repealed.

(4) Section 824 (article 24) is repealed.

(5) Subsections (b) and (c) of section 843 (article 43) are amended by striking out "summary" and inserting in lieu thereof "special".

(6) Section 865(c) (article 65(c)) is amended by striking out clause (3) and redesignating clauses (4) through (7) as clauses (3) through (6), respectively.

(8) Section 4711 is amended—

(A) by striking out "summary court-martial" in subsection (a) and inserting in lieu thereof "court of inquiry or investigating officer"; and

(B) by striking out "summary court-martial" in subsections (b) and (c) and inserting in lieu thereof "court of inquiry or investigating officer, as the case may be,".

(9) Section 4712 is amended—

(A) by striking out "summary court-martial" in subsection (b) and inserting in lieu thereof "court of inquiry or investigating officer"; and

(B) by striking out "summary court-martial" each time it appears in subsections (c), (d), (e), (f), and (g) and inserting in lieu thereof "court of inquiry or investigating officer, as the case may be,".

(10) Section 9711 is amended—

(A) by striking out "summary court-martial" in subsection (a) and inserting in lieu thereof "court of inquiry or investigating officer"; and

(B) by striking out "summary court-martial" in subsections (b) and (c) and inserting in lieu thereof "court of inquiry or investigating officer, as the case may be,".

(11) Section 9712 is amended—

(A) by striking out "summary court-martial" in subsection (b) and inserting in lieu thereof "court of inquiry or investigating officer"; and

(B) by striking out "summary court-martial" each time it appears in subsections (c), (d), (e), (f), and (g) and inserting in lieu thereof "court of inquiry or investigating officer, as the case may be,".

SEC. 2. (a) Section 326 of title 32, United States Code, is amended by striking out "general, special, and summary" and inserting in lieu thereof "general and special".

(b) Section 329 of such title is repealed.

(c) Section 332 of such title is amended by striking out "or a summary court officer".

SEC. 3. The amendments made by this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 2174

A bill to confer jurisdiction on United States district courts to grant relief in certain cases involving military personnel where the relief available to such personnel under military law or regulation is inadequate for the protection of the constitutional rights of such personnel, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter IX of chapter 47 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 876a. Art. 76a. Special jurisdiction of United States district courts

"Any United States district court shall have jurisdiction to hear and grant appropriate relief in any case in which any person subject to this chapter claims a denial of his constitutional rights where such claim is based upon the action of a court-martial or other military action and such person shows that the relief available to him under military law or regulation is inadequate to protect the constitutional rights to which he is entitled. Any such court shall also have jurisdiction to hear and grant appropriate relief to any such person where such person shows that relief by the court is necessary to prevent a chilling effect upon the rights of such person, or other persons similarly situated, under the first amendment of the Constitution of the United States."

SEC. 2. Subsection (c) of section 838 (article 38(c)) is amended by inserting "(1)" immediately after "(c)" and by adding at the end thereof a new paragraph as follows:

"(2) The defense counsel is authorized to file an action in any United States district court when he considers such action necessary to protect the constitutional rights of any accused he has been detailed to represent; and the costs of such action shall be paid for by the United States."

SEC. 3. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 2175

A bill to amend section 803 of title 10, United States Code, relating to jurisdiction for the trial of military personnel

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 803 (article 3) of title 10, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) Where there is a disagreement between civil authorities and the military authorities with respect to which has jurisdiction to try an accused person subject to this chapter for any offense, the accused shall have a right to elect to be tried in a civil court or military court; but the foregoing shall not prevent a subsequent trial of the accused (1) by court-martial if it is judicially determined that the civil authorities did not have proper jurisdiction to try the accused for the offense or, (2) by a civil court if it is judicially determined that the accused was not subject to trial by court-martial for the offense."

SEC. 2. Section 814(a) (article 14(a)) of title 10, United States Code, is amended by striking out "Under" and inserting in lieu thereof "Subject to the provisions of section 803(d) (article 3(d)) and under".

SEC. 3. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 2176

A bill to amend chapter 47 of title 10, United States Code, so as to prescribe certain requirements with respect to the physical arrangements of furniture and other facilities of rooms in which courts-martial trials are conducted, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter XI of chapter 47 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 941. Art. 941. Physical arrangement of court-martial room; seating arrangement of persons serving on courts-martial; judicial apparel

"(a) The physical arrangement of the furniture and other facilities of any room in which any court-martial trial is conducted shall be as nearly identical to the arrangement of such furniture and facilities in a Federal district court room as practicable.

"(b) There shall be no requirement, formal or informal, for the seating arrangement of persons serving as members of a court-martial to be seated according to rank or grade, except that the president of a general or special court-martial may be required to be seated in the center of the seating arrangement for members of the court or at the end of such seating arrangement which is nearest the military judge, if one has been detailed.

"(c) Military judges shall wear judicial robes while presiding at any general or special court-martial trial."

(48) The table of sections at the beginning of subchapter XI is amended by adding at the end thereof a new item as follows:

"941. 41. Physican arrangement of court-martial room; seating arrangement of persons serving on courts-martial; judicial apparel."

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 2177

A bill to amend section 825 (article 25) of title 10, United States Code, relating to eligibility standards for service on courts-martial and the method of selecting military personnel for such service

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 825 (article 25) of title 10, United States Code, and the catchline thereof are amended to read as follows:

"§ 825. Art. 25. Who may serve on general and special courts-martial; selection for service

"(a) Any commissioned officer on active duty is eligible to serve on all courts-martial for the trial of any person who may lawfully be brought before such courts for trial.

"(b) Any warrant officer on active duty is eligible to serve on general and special courts-martial for the trial of any person, other than a commissioned officer, who may lawfully be brought before such courts for trial.

"(c)(1) Any enlisted member of an armed force on active duty who is not a member of the same unit as the accused is eligible to serve on general and special courts-martial for the trial of any enlisted member of an armed force who may lawfully be brought before such courts for trial, but he shall serve as a member of a court only if, before the conclusion of a session called by the military judge under section 839(a) of this title (article 39(a)) prior to trial or, in the absence of such a session, before the court is assembled for the trial of the accused, the accused personally or through counsel has requested in writing that enlisted members serve on it. After such a request, the accused may not be tried by a general or special court-martial the membership of which does not include enlisted members in a number comprising at least one-half of the total membership of the court.

"(2) In this article, the word 'unit' means any regularly organized body as defined by the Secretary concerned, but in no case may it be a body larger than a company, squadron, ship's crew, or body corresponding to one of them.

"(d) Not less than one-half of the total membership of a general or special court-martial shall be composed of members of the same rank and grade as the accused if the accused, before the conclusion of a session called by the military judge under section 839(a) of this title (article 39(a)) prior to trial, or in the absence of such a session, before the court is assembled for his trial, personally or through counsel requests in writing that the court membership be so composed.

"(e) (1) The convening authority shall be responsible under regulations prescribed by the Secretary of Defense and in accordance with this subsection, for selection of persons to serve on general and special courts-martial for the trials of accused persons conducted within the command of such convening authority.

"(2) The name of every officer and warrant officer within the command of the convening authority who is eligible to serve as a member of a general or special court-martial shall be included on a court-martial master roll and the name of every enlisted man within such command who is eligible to serve as a member of a general or special court-martial shall be included on a separate court-martial master roll.

"(3) The selection of officers to serve as members of courts-martial trials shall be made by a random selection method from the court-martial master roll of officers and warrant officers. The names of enlisted personnel shall be selected by a random selection method from the court-martial master roll of names of enlisted members whenever an accused has requested that the court-martial be composed in part of enlisted members. The random selection method shall be used for the selection of members of a court-martial for each separate trial.

"(4) No commissioned officer, warrant officer, or enlisted member shall be exempt from serving as a member of a general or special court-martial unless exempted by Presidential directive. The convening officer may relieve any officer or enlisted member from serving as a member of a court-martial upon presentation of evidence that such service would result in extreme personal hardship or materially interfere with the performance of urgent military duties.

"(5) When it can be avoided, no member of an armed force may be tried by a court-martial any member of which is junior to him in rank or grade.

"(6) No member of an armed force shall be eligible to serve as a member of a general or special court-martial when he is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case."

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 2178

A bill to amend section 810 of title 10, United States Code, relating to the confinement of military personnel prior to trial by courts-martial

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 810 (article 10) of title 10, United States Code, is amended (1) by inserting "(a)" immediately before "Any" in the first sentence thereof, and (2) by adding at the end of such section a new subsection as follows:

"(b) Any person subject to this chapter charged with an offense under this chapter shall, upon his or his counsel's request, be released from confinement pending trial of the charges against him unless substantial and convincing evidence is presented to the appropriate Judge Advocate General, or to a military judge designated by the appropriate Judge Advocate General, that pretrial confinement is necessary to assure the presence of the accused for trial and the Judge Advocate General or law officer, as the case may be, issues an order authorizing the continued pretrial confinement of the accused."

SEC. 2. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 2179

A bill to amend chapter 47 of title 10, United States Code, to require that all requests to compel witnesses to appear and testify and to compel the production of other evidence before courts-martial trials be submitted to a military judge for approval, and to provide for the inadmissibility of certain evidence at courts-martial trials

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 846 (article 46) of title 10, United States Code, is amended by inserting after the first sentence a new sentence as follows: "All requests to compel witnesses to appear and testify and to compel the production of other evidence shall be submitted to the military judge if one has been detailed to the court-martial case or to a military judge designated for such purpose by the appropriate Judge Advocate General if a military judge has not been detailed to the case; and the military judge shall approve or disapprove such requests in accordance with the regulations prescribed by the President."

SEC. 2. (a) The catchline of section 850 (article 50) of title 10, United States Code, is amended by adding at the end thereof the following: "; inadmissibility of certain evidence".

(b) Section 850 (article 50) of such title is further amended by adding at the end thereof a new subsection as follows:

"(d) Any report or other material which cannot be made available for examination by the accused and his defense counsel shall be inadmissible as evidence in a court-martial."

(c) The table of sections at the beginning of subchapter VII of such title is amended by adding "; inadmissibility of certain evidence" immediately after "Admissibility of records of courts of inquiry."

SEC. 3. The provisions of this Act shall become effective on the first day of the sixth calendar month following the month in which this Act is enacted.

S. 2180

A bill to amend chapter 47 of title 10, United States Code, to authorize the military judge of any court-martial to suspend the sentence adjudged against an accused tried by such court-martial

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter VIII of chapter 47 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 858b. 58b. Sentences: authority of military judge to suspend

"The military judge of any general or special court-martial may suspend the execution of any sentence or any part of any sentence, except a death sentence, adjudged against any accused by any court-martial at which such military judge presided as military judge."

SEC. 2. The table of sections at the beginning of subchapter VIII of chapter 47 of title 10, United States Code, is amended by adding at the end thereof the following:

"858b. 58b. Sentences: authority of military judge to suspend."

S. 2181

A bill to amend section 857 of title 10, United States Code, to require that pre-trial confinement of members of the Armed Forces be deducted from the term of any sentence to confinement adjudged by a court-martial

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 857(b) (article 57(b)) is amended by adding at the end thereof a new sentence as follows: "Any period during which the accused is held in confinement before or during trial shall be deducted from any period of confinement to which he is sentenced, unless the confinement of the accused during such period was imposed pursuant to the sentence of a previous court-martial trial; but in no case shall any person be credited more than once for the same period of pre-trial confinement.

SEC. 2. The amendment made by the first section of this Act shall be applicable to persons sentenced by courts-marital on and after the date of enactment of this Act.

S. 2182

A bill to amend chapter 59 of title 10, United States Code, to prohibit the administrative discharge of enlisted members of the Armed Forces under conditions other than honorable

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 59 of title 10, United States Code, is amended by inserting immediately after section 1161 a new section as follows:

"§ 1161a. Enlisted members: limitations on administrative discharges

"(a) No enlisted member may be discharged from any armed force under conditions other than honorable except—

"(1) by sentence of a special or general court-martial;

"(2) in commutation of a sentence of a special or general court-martial; or

"(3) in time of war, by order of the Secretary concerned.

"(b) Notwithstanding the provisions of subsection (a), the Secretary concerned may drop from the rolls of any armed force any enlisted member (1) who has been absent without authority for at least thirty days, or (2) who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final."

SEC. 2. The table of sections at the beginning of chapter 59 of title 10, United States Code, is further amended by adding immediately below

"1161. Commissioned officers: limitations on dismissal."

the following:

"1161a. Enlisted members: limitations on administrative discharges."

S. 2183

A bill to amend chapter 47 of title 10, United States Code, to limit the jurisdiction of courts-martial, to eliminate the death penalty, to define certain additional offenses under such chapter, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 47 of title 10, United States Code, is amended as follows:

(1) The third sentence of section 804(a) (article 4(a)) is amended by striking out "or death".

(2) Section 818 (article 18) is amended by—

(A) striking out ", including the penalty of death when specifically authorized by this chapter" in the first sentence; and

(B) by striking out the second sentence.

(3) Section 819 (article 19) is amended by—

(A) striking out the first sentence and inserting in lieu thereof the following: "Sub-

ject to section 817 of this title (article 17), special courts-martial have jurisdiction to try persons subject to this chapter for any offense made punishable by this chapter."; and

(B) striking out "death," in the second sentence.

(4) Section 820 (article 20) is amended by—

(A) striking out "noncapital" in the first sentence; and

(B) striking out "death," in the last sentence thereof.

(5) Section 821 (article 21) is amended by—

(A) inserting "(b)" at the beginning of the present text of such section;

(B) inserting a subsection (a) immediately above the present text of such section as follows:

"(a) No person subject to this chapter may be tried by courts-martial for any offense committed within the United States or in any territory or possession of the United States except for an offense described in section 883 (article 83); 884 (article 84); 885 (article 85); 886 (article 86); 887 (article 87); 890 (article 90); 891 (article 91); 892 (article 92); 893 (article 93); 895 (article 95); 896 (article 96); 897 (article 97); 898 (article 98); 907 (article 107); 980 (article 108); 909 (article 109); 912 (article 112); 913 (article 113); 915 (article 115); 916 (article 116), to the extent that a riot or breach of the peace was committed on a military instillation; 9166 (article 116b), to the extent that the alleged offense under such section involved a court-martial case; 927a (article 127a), to the extent that the alleged offense under such section involved a court-martial case; or 931 (article 131), to the extent that the alleged offenses under this chapter committed within the United States or in any territory or possession of the United States by any person subject to this chapter shall be tried in the district court of the United States for the district in which the offense was committed or in which the accused is found; and jurisdiction is hereby conferred upon such courts for the trial of such offenses"; and

(C) striking out the catchline and inserting in lieu thereof the following:

"§ 821. Art. 21. Limitation on jurisdiction of courts-martial".

(6) The table of sections at the beginning of subchapter IV is amended by striking out

"821.21. Jurisdiction of courts-martial not exclusive."

and inserting in lieu thereof

"821. 21. Limitation on jurisdiction of courts-martial."

(7) Section 845(b) (article 45(b)) is amended by striking out the first sentence thereof, and by striking out the word "other" in the second sentence thereof.

(8) Section 849 (article 49) is amended by—

(A) striking out "not capital" in subsection (d); and

(B) striking out subsections (e) and (f).

(9) Section 850(b) (article 50(b)) is amended by striking out "capital cases or".

(10) Section 852 (article 52) is amended by—

(A) striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) No person may be convicted of any offense under this chapter except by the concurrence of two-thirds of the members of the court-martial present at the time the vote is taken or except as provided in section 845(b) of this title (article 45(b)).

"(b) No person may be sentenced to life imprisonment or to confinement for more than ten years, except by the concurrence of three-fourths of the members present at the time the vote is taken. All other sentences shall be determined by the concurrence of two-thirds of the members present at the time the vote is taken.

(11) Section 856 (article 56) is amended to read as follows:

"§ 856. Art. 56. Maximum limits

"The punishment which a court-martial may direct for an offense may not exceed such limits as the President may prescribe for that offense. The President shall not have authority to modify or suspend punishment with respect to any particular geographical area or with respect to any particular offense."

(12) Section 866(b) (article 66(b)) is amended by striking out "to death,".

(13) Section 867(b)(1) (article 67(b)(1)) is amended by striking out "or extends to death".

(14) Section 871 (article 71) is amended by—

(A) striking out "extending to death or" in the first sentence of subsection (a);

(B) striking out ", except a death sentence" in second sentence of subsection (a); and

(C) striking out ", except a death sentence" in the second sentence of subsection (d).

(15) Section 885(c) (article 85(c)) is amended to read as follows:

"(c) Any person found guilty of desertion or attempt to desert shall be punished as a court-martial may direct."

(16) Section 890 (article 90) is amended by striking out everything after the semicolon in clause (2) and inserting in lieu thereof the following: "shall be punished as a court-martial may direct."

(17) Section 894(b) (article 94(b)) is amended by striking out "by death or such other punishment".

(18) Section 899 (article 99) is amended by striking out in the material following clause (9) the following: "by death or such other punishment".

(19) Section 900 (article 100) is amended by striking out "by death or such other punishment".

(20) Section 901 (article 101) is amended by striking out "by death or such other punishment".

(21) Section 902 (article 102) is amended by striking out "suffer death or such other punishment" and inserting in lieu thereof "be punished".

(22) Section 904 (article 104) is amended by striking out "suffer death or such other punishment" and inserting in lieu thereof "be punished".

(23) Section 906 (article 106) is amended by striking out "by death" and inserting in lieu thereof "as the court-martial or military commission, as the case may be, may direct".

(24) Section 910(a) (article 110(a)) is amended by striking out "suffer death or such other punishment" and inserting in lieu thereof "be punished".

(25) The text of section 913 (article 113)) is amended to read as follows:

"Any sentinel or look-out who is found drunk or sleeping upon his post, or leaves it before he is regularly relieved, shall be punished as a court-martial may direct."

(26) Section 918 (article 118) is amended by striking out "suffer death or imprisonment for life as a court-martial may direct" and inserting in lieu thereof "suffer imprisonment for life".

(27) Section 920 (article 120) is amended by striking out "by death or such other punishment".

(28) Subchapter X is amended by inserting after section 909 (article 109) a new section as follows:

"§ 909a. Art. 109a. Receiving stolen goods

"Any person subject to this chapter who with intent to defraud, receives or buys anything of value which shall have been stolen or obtained by robbery, knowing or having cause to believe the same to have been stolen or so obtained by robbery, shall be punished as a court-martial may direct.

(29) The table of sections at the beginning of subchapater X is amended by inserting

"909a. 109a. Receiving stolen goods."

immediately below

"909. 109. Property other than military property of the United States—Waste, spoilage, or destruction."

(30) Subchapter X is amended by inserting after section 912 (article 112) a new section as follows:

"§ 912a. Art. 112a. Manufacture or possession of a narcotic drug

"Any person subject to this chapter who manufactures, possesses, has under his control, sells, prescribes, administers, dispenses, or compounds any narcotic drug, unless authorized by competent authority to do so, shall be punished as a court-martial may direct. As used in this section the term 'narcotic drug' shall have the same meaning ascribed to the term 'narcotic drugs' in the first section of the Uniform Narcotic Drug Act, approved June 30, 1938 (52 Stat. 785; D.C. Code, sec. 33–401)."

(31) The table of sections at the beginning of subchapter X is amended by inserting

"912a. 112a. Manufacture or possession of a narcotic drug."

immediately below

"912. 112. Drunk on duty."

(32) Chapter X is amended by inserting after section 914 (article 114) a new section as follows:

"§ 914a. Art. 114a. Carrying a concealed weapon

"Any person subject to this chapter who carries concealed on or about his person, except in his dwelling house or on other real property possessed by him, a pistol or other deadly or dangerous weapon capable of being concealed, without official authority to carry such weapon concealed, shall be guilty of carrying a concealed weapon and shall be punished as a court-martial may direct."

(33) The table of sections at the beginning of subchapter X is amended by inserting

"914a. 114a. Carrying a concealed weapon."

immediately below

"914. 114. Dueling."

(34) Section 916 (article 116) is amended to read as follows:

"§ 916. Art. 116. Riot or breach of peace

"(a) Any person subject to this chapter who causes or participates in any riot shall be punished as a court-martial may direct.

"(b) Any person subject to this chapter, who, with intent to provoke a breach of the peace, or under circumstances such that a breach of the peace may be occasioned thereby—

"(1) acts in such a manner as to annoy, disturb, interfere with, obstruct, or be offensive to others;

"(2) congregates with others on a public street and refuses to move on when ordered by a proper official;

"(3) shouts or makes a noise either outside or inside a building during the nighttime to the annoyance or disturbance of any considerable number of persons;

"(4) interferes with any person in any place by jostling against such person or unnecessarily crowding him or by placing a hand in the proximity of such person's pocketbook, or handbag; or

"(5) causes a disturbance in any public conveyance, by running through it, climbing through windows or upon the seats, or otherwise annoying other persons aboard such public conveyance,

shall be punished as a court-martial may direct."

"(c) Any person subject to this chapter

who congregates or assembles in any street, avenue, alley, road, or highway, or in or around any public building or enclosure, or any park or reservation, or at the entrance of any private building or enclosure, and engages in loud and boisterous talking or other disorderly conduct, or insults or makes rude or obscene gestures or comments to or about persons passing by, or within their hearing, or crowds, obstructs, or incommodes, the free use of any such street, avenue, alley, road, highway, or any of the foot pavements thereof, or the free entrance into any public or private building or enclosure shall be punished as a court-martial may direct.

"§ 916b. Art. 116b. Obstructing justice

"Any person subject to this chapter who corruptly, by threats or force, endeavors to influence, intimidate, or impede any juror, witness, or officer of any court, or any member of a court-martial, including the trial or defense counsel or a military judge, or any witness of a court-martial, in the discharge of his duties, or, by threats or force, in any other way obstructs or impedes or endeavors to obstruct or impede the due administration of justice therein, shall be punished as a court-martial may direct."

(35) The table of sections at the beginning of subchapter X is amended by inserting

"916b. 116b. Obstructing justice."

immediately below

"916. 116. Riot or breach of peace."

(36) Section 919(b) (article 119(b)) is amended by redesignating clause (2) as clause (3) and by striking out clause (1) and inserting in lieu thereof the following:

"(1) by negligence;

"(2) by culpable negligence; or".

(37) Subchapter X is amended by inserting after section 920 (article 120) the following:

"§ 920a. Art. 120a. Adultery

"Any person subject to this chapter who commits adultery shall be punished as a court-martial may direct. When the act is committed between a married woman and a man who is unmarried both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man only shall be deemed guilty of adultery."

"§ 920b. Art. 120b. Lewd, indecent, or obscene acts

"(a) Any person subject to this chapter who makes any obscene or indecent exposure of his or her person, or makes any lewd, or obscene, or indecent sexual proposal, or commits any other lewd, obscene, or indecent act shall be punished as a court-martial may direct for each and every such offense.

"(b) Any such person who commits an offense described in subsection (a), knowing he is in the presence of a child under the age of sixteen years, shall be punished as a court-martial may direct for each and every such offense."

"(c) Consent by a child to any indecent proposal or act prescribed by subsection (a) shall not be a defense, nor shall lack of knowledge of the child's age be a defense."

(38) The table of sections at the beginning of subchapter X is amended by inserting the following:

"920a. 120a. Adultery.

"920b. 120b. Lewd, indecent, or obscene acts."

immediately after

"920. 120. Rape and carnal knowledge."

(39) Subchapter X is amended by inserting after section 920 (article 120) the following:

"§ 921a. Art. 121a. False pretenses

"Any person subject to this chapter who, by any false pretenses, with intent to defraud, obtains from any other person anything of value, or procures the execution and delivery of any instrument of writing or conveyance of real or personal property, or the signature of any person, or maker, indorser, or guarantor, to or upon any bond, bill, receipt, promissory note, draft, or check, or any other evidence of indebtedness, and any person subject to this chapter who fraudulently sells, barters, or disposes of any bond, bill, receipt, promissory note, draft, or check, or other evidence of indebtedness, for value, knowing the same to be worthless, or knowing the signature of the maker, indorser, or guarantor thereof to have been obtained by any false pretense, shall be punished as a court-martial may direct."

(40) The table of sections at the beginning of subchapter X is amended by inserting

"921a. 121a. False pretenses."

immediately after

"921. 121. Larceny and wrongful appropriation."

(41) Subchapter X is amended by inserting after section 927 (article 127) a new section as follows:

"927a. Art. 127a. Bribery

"Any person subject to this chapter who—

"(1) promises, offers, or gives, or causes or procures to be promised, offered, or given, any money or other thing of value, or makes or tenders any contract, undertaking, obligation, credit, or security for the payment of money, or for the delivery or conveyance of anything of value, to any executive, judicial, or other officer or to any member of the Armed Forces, or to any person acting in any official function, or to any member of a court-martial, including trial counsel, defense counsel, or military judge, or any witness of a court-martial, with intent to influence the decision, action, verdict, or evidence of any such person on any question, matter, cause, or proceeding or with intent to influence him to commit or aid in committing, or to collude in or allow any fraud, or make any opportunity for the commission of any fraud; or

"(2) directly or indirectly takes, receives, or agrees to receive any money, property, or other valuable consideration whatsoever from any person (A) for giving, procuring, or aiding to give or procure any office, place, or promotion, or (B) for the purpose of influencing his decision, action, or verdict on any official question, matter, cause, or proceeding;

is guilty of bribery and shall be punished as a court-martial may direct."

(42) The table of sections at the beginning of subchapter X is amended by inserting

"927a. 127a. Bribery."

immediately below

"927. 127. Extortion."

(43) Section 928 (article 128) is amended to read as follows:

"(b) Any person subject to this chapter who—

"(1) commits an assault with a dangerous weapon or other means or force likely to produce death or grievous bodily harm;

"(2) assaults another person with intent to kill or to commit rape or sodomy, or to commit robbery, or by mingling poison with food, drink, or medicine with intent to kill;

"(3) commits an assault and intentionally inflicts grievous bodily harm with or without a weapon;

is guilty of aggravated assault and shall be punished as a court-martial may direct."

(44) Section 931 (article 131) is amended by inserting "(a)" immediately before "Any", and by adding at the end of such section a new subsection as follows:

"(b) Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be punished as a court-martial may direct."

(45) The catch line of section 931 (article 131) is amended to read as follows:

"§ 931. Art. 131. Perjury and subornation of perjury."

(46) The table of sections at the beginning of subchapter X is amended by striking out

"931. 131. Perjury."

and inserting in lieu thereof

"931. 131. Perjury and subornation of perjury."

(4) Section 933 (article 133) is amended to read as follows:

"§ 933. Art. 133. Conduct unbecoming an officer and gentleman

"Any commissioned officer, cadet, or midshipman who is guilty of conduct unbecoming an officer and a gentleman shall be subject to punishment under section 815 (article 15) of this title."

(48) Section 934 (article 134) is repealed.

(49) The section analysis at the beginning of subchapter X is amended by striking out

"934. 134. General article."

By Mr. BAYH:

S. 2185. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes. Referred to the Committee on the Judiciary.

INTRODUCTION OF THE WOMEN'S EQUALITY ACT

Mr. BAYH. Mr. President, for over a hundred years this body has been engaged in an effort to insure true equality of rights for all our citizens. We have made many important strides in the last decade, especially with the passage of several major civil rights acts. But despite all our efforts, many important gaps remain to be filled. To my mind our greatest legislative failure relates to our continued refusal to recognize and take steps to eradicate the pervasive, divisive, and unwarranted discrimination against a majority of our citizens, the women of this country.

Today I am introducing a bill, the Women's Equality Act of 1971, which would narrow the gap between our obligations and our performance by giving to women the benefit of the major civil rights legislation of the last decade, legislation which confers both legal rights and—of equal importance—the means to enforce those rights. This bill, similar to one introduced in the House by Congressman ABNER MIKVA, a long-time foe of discrimination in every form, implements the recommendations of the President's Task Force on Women's Rights and Responsibilities.

SUMMARY OF THE WOMEN'S EQUALITY ACT

The Civil Rights Act of 1964, which forms the basis of our civil rights enforcement activities, is meant to eradicate discrimination in five major areas: public accommodations, public facilities, public education, federally assisted programs, and employment. Of these provisions, only one—the section dealing with equal employment opportunities—outlaws discrimination on the basis of sex. And the agency which enforces that section lacks adequate power to enforce its decisions. The Women's Equality Act would prohibit sex discrimination in each of these areas, and it would strengthen the employment provisions of the act.

A. EMPLOYMENT DISCRIMINATION

This bill would extend the provisions of the Equal Pay Act—which requires

equal pay for equal work—to protect women in government service and in executive and professional positions; end the exemption from the employment provisions of the act which is now granted to universities and Federal, State, and local governments; and give the Equal Employment Opportunities Commission—which enforces the employment provisions of the act—the power to issue judicially enforceable cease and desist orders against employers found to be in violation of the act. In addition, sex discrimination of any form would be prohibited in relation to federally assisted programs.

B. PUBLIC EDUCATION

The bill would give the Justice Department the authority to intervene on behalf of women and parents of minor girls in suits alleging that they have been denied equal access to public education on the ground of sex. It would also direct the Commissioner of Education to conduct a survey documenting the nature and extent of sex discrimination in public and private education and to propose legislative solutions to the problems he uncovers.

C. EXTENDING OTHER MAJOR CIVIL RIGHTS LEGISLATION TO ELIMINATE SEX DISCRIMINATION

The bill would prohibit sex discrimination in hotels, restaurants, and other places of public accommodation, authorizing those discriminated against to sue for injunctive relief in Federal court, and empower the Attorney General to bring suits to eradicate such practices. It would also prohibit sex discrimination required by State laws, in access to public facilities, and in the sale, rental, brokerage, or financing of individual dwelling units. Furthermore, the Attorney General would be allowed to intervene on behalf of the Government in suits alleging sex discrimination under the 14th amendment.

D. STUDYING, CLASSIFYING, AND REPORTING ON SEX DISCRIMINATION

The bill would empower the Civil Rights Commission to investigate, study, and make recommendations concerning sex discrimination. It would in addition serve as a national clearinghouse for information on the legal status of women. And the Secretary of Health, Education, and Welfare would be given the authority to make matching grants to States wishing to set up local commissions to study the status of sex discrimination.

E. OTHER STUDIES AND REPORTS TO CONGRESS PROPOSING FURTHER LEGISLATION

The Secretary of Health, Education, and Welfare would be required to make recommendations to equalize the treatment of the sexes under the Social Security Act, the Internal Revenue Code, and the Family Assistance Act.

EQUAL RIGHTS AMENDMENT

I do want to emphasize that passage of this act in no way obviates the continuing need for the equal rights amendment. That amendment, which passed the House last year and was only kept from success in this body by the narrowest of margins, would write into the Constitution the explicit statement that "equality of rights" could not be abridged by the United States or any State on account of sex. Only the passage of that amendment would unequivocally guarantee to all our citizens complete equality of treatment at the hands of the Government, regardless of sex. I have already pointed out to this body many examples of the inequities in our systems of civil, criminal, and labor law which would be affected by the amendment. To repeat but a few examples, in several States, women cannot contract or sign leases until they are 21 while men can do so at 18; in others, there are special restrictions on the right of a married woman to contract; sex discrimination still exists in the labor laws of at least half the States in the Union; 36 States impose limitations on the number of hours worked by women, thus often precluding women from occupying supervisory jobs requiring overtime. Students of women's rights are already too familiar with these examples. Without the equal rights amendment it might be years before the courts finally treat women as the equal of men in the eyes of the law.

But the amendment alone would not do everything that must be done. It would not establish either the specific definition of each person's rights in relation to other individuals or the concrete procedures for enforcement of those rights which only a statute, such as the Women's Equality Act of 1971, could effectively create. Therefore, I present this bill as a supplement to—not in place of—the equal rights amendment. While each is a worthy piece of legislation and could be passed standing alone, I hope that this body will take action to pass both, not in the future, but now.

NEED FOR THIS LEGISLATION

Today I would like to share with the Senate some observations on the pervasive and patently unfair—yet almost unnoticed—discrimination against women which we allow to exist. Each time that I review the evidence on this subject the economic discrimination stands out, not only because it is wrong in principle but also because it exacerbates nearly every serious social problem discussed in this Chamber. And yet we continue to underestimate its inimical effects. We continue to believe that women's complaints of discrimination are based on emotion rather than real proof of oppression and disadvantage. Too many tend to laugh at women's demonstrations protesting society's glorification of physical beauty and never learn of statistics documenting the grossly unjust limitations placed on women because of assumed physical frailty or other "feminine" characteristics.

I would suggest that available statistics are as vivid and as shocking as those which Michael Harrington uncovered a decade ago when he alerted this country to the depth and extent of the problem of poverty. The statistics and conclusions I am pointing out today are not new; they have been merely unnoticed.

One simple fact highlights the enormity of the problem. The available evidence shows that sex bias takes an even greater economic toll than racial bias. For example, the median earnings of white men employed year-round, full time is almost $7,400, about one and one-half that of Negro men. But Negro men earn considerably more than women, be they white or Negro. In fact, women with some college education earn less than Negro men with little more than a grade school education.

EARNINGS GAP

Whatever the profession, there is an astonishing earnings gap between men and women at every level. According to the Presidential task force, this gap is largest for sales workers. These women earn less than half—41 percent—of what men doing similar work earn. The gap is smallest for clerical workers and professional and technical workers; even in those fields, however, women earn only 65 percent—a pathetic figure—of what men earn.

One final dramatic index of the gap between men and women is a current population report—1969—of the distribution of workers by earnings levels, showing that 51 percent of women workers, but only 16 percent of male workers, earned less than $5,000 per year in 1969. On the other hand, at the upper end of the scale, 35 percent of male workers but only 5 percent of female workers, earned $10,000 or more a year.

UNEMPLOYMENT

To make the picture even more bleak, unemployment is relatively high among women. According to the Women's Bureau of the Department of Labor, the unemployment rate in May 1971 for adults 20 years and over was as follows: women of minority races, 10.6 percent; men of minority races, 6.8 percent; white women, 5.3 percent; white men, 4.3 percent.

Even though women have consistently faced as severe unemployment rates as men, an examination by the task force of those Federal programs which attempt to place the disadvantaged or unemployed in permanent jobs revealed that women frequently comprised less than one-third of the trainees. In fiscal 1968, women comprised 49.6 percent of those unemployed. And yet, in on-the-job training programs conducted under the Manpower Development and Training Act, only 31.7 percent of the 125,000 trainees in fiscal year 1968 were women. In JOBS—job opportunities in the business sector—only 24 percent of those hired were females. Only 20 percent of the 33,000 enrollees in the Job Corps were female.

WOMEN ARE FAITHFUL WORKERS

These statistics are clear proof of America's inadequate concern for the status of women. They reflect a pattern of neglect and bias so persistent and so widespread that it effectively rebuts any attempts to excuse specific instances of "apparent underutilization" or wage discrimination as exceptions. Unfortunately, there are many who would say that the real reason for low wages, lack of promotion, lack of training opportunities, and persistent unemployment is that women "always leave their jobs to get married and raise a family" and so can't be counted on. That rationalization is simply invalid. Even though some young girls may view their jobs as a stopgap to keep them busy until marriage, most working women stay working for much

of their lives. While many do leave for a short period of time to have children, for the most part that absence is not permanent, but only temporary. Statistics show that there are only slight differences between men and women in the rate of labor turnover—accessions and separations—in manufacturing. Of all the women who are working, more than half—almost 60 percent—are 35 years of ago or older. That statistic alone would seem to refute any claim that female workers are young women waiting to find a husband. Certainly an employer who is worried about the turnover problem can safely assume that a female worker over 35 is over the age for starting a family and is not likely to quit suddenly. According to the Women's Bureau, the average woman worker has a worklife expectancy of 25 years. Yet despite this long average worklife, the wage and job distribution statistics are so drastically skewed to the disadvantage of women that employers must be treating women—regardless of their age or family situation—as if they were all temporary employees, ready to quit at a moment's notice. Could it be true that our culture not only discourages the specific women who do have children from utilizing their full potential in the labor force, but that it also puts other women at a disadvantage because they have the physical potential for bearing children, whether or not they actually do so? The logic of such a proposition is unacceptable.

WOMEN SUPPORTING FAMILIES

Perhaps our inattention to this discrimination stems from our belief that working women are assumed to be working for their personal interests, rather than for their livelihood. However, that assumption is largely a myth which ought to have been exploded long ago. In 1969 at least 12 million women, or 40 percent of working women were self-supporting. To be specific, 1.8 million women were divorced, 2.5 million were widowed, 6.5 million were single, and 1.5 million were married with the husband absent. In addition, many families with young children are totally dependent on the earnings of women. In 1969 there were 5.4 million families headed by women. And families headed by a mother who has found full time employment are three times as likely to be living on less than $5,000 per year as families headed by a male breadwinner.

The earnings gap between men and women seems even more serious in light of such statistics. Because the earnings gap has been increasing, the plight of those 5.4 million families has worsened rather than improved over time. Elizabeth Duncan Koontz, Director of the Women's Bureau, has shown that the median salary income of women who work 35 or more hours a week, for 50 weeks a year decreased between 1957 and 1968 from 64 percent of the salary received by men to 50 percent of the salary received by men. Partially as a result of this earnings gap, many families headed by women are forced to survive below the poverty level. For example, 45 percent of the families headed by women workers of minority races lived in poverty in 1968, as compared with 16 percent of those headed by male workers of minority races. Armed with these statistics, we should hardly find the increased welfare costs surprising.

According to the President's Task Force on Women's Rights and Responsibilities:

> Without any question the growing number of families on Aid to Families with Dependent Children is related to the increase in unemployed young women. For many girls living in very poor or disorganized families, the inability to find a job means turning to prostitution or other crime—or having a child to get on welfare. Potential husbands do not earn enough to support an unemployed wife.
>
> The stability of the low income family depends as much on training women for employment as it does on training men. Only through employment of both partners can such families move into the middle class.
>
> The task force expects welfare rolls will continue to rise unless society takes more seriously the need of disadvantaged girls and young women.

A persuasive argument for non-discriminatory payment of women stems from the crucial need to provide the young children of this country with the best care we can provide. The percentage of mothers of preschool children who are employed outside their homes has been rising over the years. In 1950, 14 percent of mothers of preschoolers worked, double the rate of 1940. By 1966, the percentage of working mothers of preschoolers had almost doubled again, to 26 percent. Since nearly half of all working women work to provide vitally necessary support for themselves or others, we can conclude that a good proportion of their wages are spent on food, clothing, and health care for their families. In these cases, low wages can only mean poor health and more undernourished children.

There is a great need to provide all preschoolers with a varied, creative and supportive environment, even before formal schooling starts. To meet this need I have introduced the Comprehensive Child Care Act of 1971, S. 530, and I will continue to support this and other efforts to fund child care centers around the country. But we must also act to assist those mothers who are now working to provide their families with an adequate standard of living. This can only occur if we finally grant to our female citizens both social and economic equality.

ACCESS TO HIGHER EDUCATION

Each year the bills providing funding for higher education are accompanied by statements of pride about this country's guarantee of equal educational opportunity for all. However, despite these promises, sex discrimination in higher education remains the rule, not the exception.

Between January 1970 and March of 1971, the Women's Equity Action League—WEAL—felt it necessary to file charges of sex discrimination against more than 250 universities and colleges. Among the institutions charged—composing more than 10 percent of our system of higher education—were the entire State college and university systems of Florida, California, and New Jersey. A class action was also filed against all the medical schools in the country.

Something is drastically wrong when only 8.5 percent of medical students and 5.6 percent of our law students are women, although the Office of Education indicates that women tend to do better than men on tests for admission to both types of schools.

The charges compiled by WEAL and others are alarming. They show that in any schools across the country a quota system is used to limit arbitrarily the number of women admitted. At Pennsylvania State University there is said to be a compulsory, artificially set ratio of 2½ men to every female. Until recently the University of North Carolina, a publicly supported institution, advertised its policy in an admission brochure:

> . . . admission of women on the freshman level will be restricted to those who are especially well qualified.

It is unbelievable that a country which professes to believe in the ability of each citizen to utilize his or her full potential by obtaining as much education as is needed continues to allow—and in some cases to actually encourage—such blatant discrimination against one-half of its population.

Even though increasing numbers of women are seeking graduate degrees and teaching positions, women are barely holding their own in the university world. Women now receive 39 percent of all masters degrees compared with 40 percent in 1930. During that same time the percentage of Ph. D.'s earned by women has decreased from 15 to 13 percent. In the United States barely 7 percent of our physicians are women; in the Soviet Union 75 percent of the physicians are women. How will women be able to contribute their full talents to this country if we continue to discourage them from earning the degrees necessary to make that contribution?

WOMEN ON UNIVERSITY FACULTIES

Unfortunately, the bias against women does not end with admission to college or graduate school. Across the country, schools have far fewer women on the faculty than the numbers of women doctoral candidates would seem to call for. Somehow, these women are deemed qualified to earn doctorates but their doctoral degrees have insufficient weight to earn the same women teaching positions at their universities. WEAL collected the following statistics: Columbia University awards 24 percent of its doctorates to women but has awarded only 2 percent of its tenured faculty position to women; in a study of 188 major departments of sociology, Dr. Alice Rossi found that women accounted for 30 percent of the doctoral candidates, but they comprised only 4 percent of full professors and less than 1 percent of the departmental chairmen. The last time the Department of Psychology at Berkeley hired a woman was in 1924. In other words, just as in other professions, the higher the rank, the fewer the women.

Whatever the speculation as to why so few women are asked to pursue teaching careers at universities, there is plenty of evidence to indicate that it is not because women are uninterested in such careers. Female Ph. D.'s do not often marry and give up their careers; 91 per-

cent of the women with doctorates are working today. Moreover, in a study of 2,000 women 10 years after they received their doctorates, 79 percent had not interrupted their career at any time. The diligence of these women is worthy of note: by way of contrast, 10 percent more men than women had interrupted their careers within 10 years of completing the doctoral program.

Of course many factors influence hiring and tenure decisions. In order to fully understand the context of these decisions, the Women's Equality Act requires that a survey be made by the Commissioner of Education and that recommendations be made to eliminate denial of equal education opportunity on account of sex. But once a fair evaluation has been made, the univerities must abide by the law which prohibits employment discrimination on the basis of sex. Our citadels of learning must teach by example as well as by precept.

ANALYSIS OF THE WOMEN'S EQUALITY ACT

Mr. President, I have tried to outline the nature and extent of sex discrimination in two broad areas, economic discrimination arising out of differentiated employment practices, and discrimination in relation to education. I have concentrated on these two areas largely because facts and figures can be collected which help to give us a true picture of the extent and costs of these types of discrimination. But in other areas discrimination is equally rampant—and equally offensive to our female citizens—even though less subject to precise calculation. The bill I am introducing today would not only deal with discrimination in employment and education, it would also deal with a variety of other forms of discrimination, more easily discussed as I describe the provisions of the bill in detail.

I. EMPLOYMENT DISCRIMINATION

Discrimination in employment has been shown to be one of the most prevalent and damaging forms of sex discrimination. The women's equality act would make several important changes in the existing law.

A. EXTENDING THE EQUAL PAY ACT TO EXECUTIVE AND PROFESSIONAL WOMEN

The Federal equal pay act was enacted in 1963 as an amendment to the Fair Labor Standards Act, which sets minimum wages and maximum hours limitations for many workers. The act requires that an employer must not differentiate in pay between the sexes for equal work—

on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to . . . a differential based on any other factor other than sex.

This requirement applies to a great majority of workers, but government workers, and professional and executive women, among others, are now excluded from the act's protections. My bill would extend the requirement of equality to women in Federal and State Government service and in the higher levels of business and industry.

B. EQUAL EMPLOYMENT OPPORTUNITIES

Title VII of the 1964 Civil Rights Act (42 U.S.C. 2000e(1964)) starts where the Equal Pay Act left off. It deals with almost all forms of discrimination in employment. Under this provision it is unlawful for any employer to "fail or refuse to hire or to discharge any individual . . . with respect to his compensation, terms, conditions, or privileges of employment" because of race, color, religion, sex, or national origin. Especially in the last few years, the broad language of title VII has proven to be a most effective weapon against sex discrimination in employment. Yet all the recent victories against discriminatory employment practices and State statutes have come about in spite of the fact that the provisions for enforcing the requirements of title VII are tortuously complicated and for the most part ineffective.

Those complaining of title VII violations must first register their complaint with the Equal Employment Opportunities Commission—EEOC. That Commission is empowered to investigate complaints of sex discrimination, but has no power to enforce its determinations. It is limited to using persuasion to entice those charged with wrongdoing into voluntary compliance with the law. Therefore, many complaints are never filed because the chances of success are limited. Of those filed, many cannot be settled within the Commission. The only remaining recourse for a complainant who has not received satisfaction from the Commission is to bring suit on his own in Federal court. See 42 U.S.C. 2000e-5(e)(1964). But bringing suit is costly, time consuming, and two complicated for the great majority of laymen. The net result is that the grand promises of title VII far too often remain only empty promises, with no results.

Each year since the EEOC was established, bills have been introduced which would provide it with stronger enforcement powers, the most important of those being cease and desist powers. Despite strong support from the administration in 1966, 1967, and 1968, and support for such a change in both Chambers of this body, these bills were never finally enacted. One such bill passed the House in 1966 but not the Senate; another was reported in the Senate in 1968 but no action was taken in the other body. As the report of the Senate Labor and Public Welfare Committee stated:

The deficiency in the 1964 Act is that the EEOC does not have the authority to issue judicially enforceable orders to back up its findings of discrimination . . . Its authority in such cases is limited to conciliation efforts.

I agree with the committee that the EEOC has made a "heroic attempt to ameliorate conditions of discrimination" in employment but firmly believe that we must give the Commission more than empty promises. This bill would allow the Commission to issue a cease and desist order against the offending party, which order could be enforced by the Commission or challenged by the defendant in the Federal courts of appeals. Only such a change can make the EEOC the effective enforcement agency it was designed to be.

C. ELIMINATING EXEMPTIONS FROM TITLE VII'S COVERAGE

Title VII now has two major exemptions, excluding many workers from the protections of the act—loopholes that to my mind should never have been allowed. I propose to amend title VII so that it will apply for the first time to Federal, State, and local governments. These governments have no business discriminating on the basis of sex, religion, race, national origin, or any other basis unrelated to each individual's ability to perform his chosen tasks.

The other major exemption I propose to eliminate is the one that excludes educational institutions "with respect to the employment of individuals to perform work connected with the educational acitivities of such institution." See 42 U.S.C. 2000e-1 (1964) I have already cited the tragic discrimination that apparently exists on many of our college campuses The simple truth is that women who seek employment in academic fields are not hired to teach at the major universities and four year colleges. Instead, they are forced to turn to the less prestigious—although by no means less important—junior colleges and community colleges. I believe that the time has long since passed that we can afford —or even ought to be thinking of—ignoring the talent of these women, who are every bit the equal of their male counterparts but continue to be denied access to teaching jobs. Therefore, my bill would amend the exemptions of title VII, and subject all education instituitons to the full force or title VII's prohibition against sex discrimination.

D. FEDERALLY ASSISTED PROGRAMS

Title VI of the 1964 Civil Rights Act prohibits discrimination in employment by and access to federally assisted programs. The present law, however, says nothing about sex discrimination, even though it bars discrimination on the basis of race, color, and national origin. Under the proposed amendment, no person could be "excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program receiving Federal financial assistance" on account of sex. Federal financed programs employ thousands of workers. And I firmly believe the projects financed in whole or in part with federal funds ought to be carried out without any trace of dscrimination. Enactment of the bill would make such discriminatory practices easier to eliminate.

II. PUBLIC EDUCATION

A. ATTORNEY GENERAL TO AID IN SEEKING EQUAL ACCESS TO PUBLIC EDUCATION

The Task Force recommended amending title IV of the Civil Rights Act, 42 U.S.C. 2000c (1964), to authorize the Attorney General to aid women and parents of minor girls in suits asking for equal access to public education, just as he can now sue on behalf of those who are denied such access because of race, color, or national origin. As the task force report pointed out:

Discrimination in education is one of the most damaging injustices women suffer. It

denies them equal education and equal employment opportunity, contributing to a second class self image.

Public education is one of our most important services. It should be equally available to all regardless of their sex. We simply cannot afford to allow any further perpetuation of this second-class image. Therefore this bill would take the recommended steps and amend the act to allow the Attorney General to join in suits involving allegations of sex discrimination in public education. With the help of the Justice Department, I believe that court suits would quickly be able to eradicate this inequitable differentiation between the sexes.

B. STUDY OF SEX DISCRIMINATION IN EDUCATION; RECOMMENDATIONS FOR LEGISLATION

One of the reasons sex discrimination has been allowed to persist in education is that there has not been enough study of its true extent, its causes, and the remedial measures which ought to be taken in order to eradicate it. Therefore, this bill would require the Commissioner of Education to conduct a survey of the public and private educational institutions throughout the country, in order to determine to what extent equality of educational opportunity is being denied by reason of sex. And within 18 months the Commissioner would have to submit the results of the survey to Congress, along with his recommendations for a comprehensive legislative program to guarantee equal educational opportunity to both sexes.

III. EXTENDING OTHER MAJOR CIVIL RIGHTS LEGISLATION TO ELIMINATE SEX DISCRIMINATION

A. PUBLIC ACCOMMODATIONS

The Civil Rights Act of 1964 now provides that—

All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodations, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

Recent well-publicized court cases have illustrated that there is considerable sex discrimination in restaurants and bars which at present is not outlawed by this section of the Civil Rights Act. See *Seidenburg* v. *McSorley's Old Ale House*, 308 F. Supp. 1253 (S.D.N.Y. 1969); *DeCrow* v. *Hotel Syracuse Corp.*, 288 F. Supp. 530 (N.D.N.Y. 1968); *DeCrow* v. *Hotel Syracuse Corp.*, 59 Misc. 2d 383, 298 N.Y.S. 2d 859 (S.Ct. Onondaga Co. 1969). This bill would prohibit sex discrimination in all such places of public accommodations, and make available to those discriminated against the act's provision for injunction relief in Federal courts. Furthermore, the Attorney General would be authorized to initiate suits to end such practices and to intervene on behalf of the plaintiffs if "he certifies that the case is of general public importance."

This provision will fill an important gap in the existing civil rights laws. As the task force pointed out in recommending such legislation—

While the Task Force does not consider this the most injurious discrimination against women today, it is wrong in principle.

B. STATE LAWS AND FACILITIES

Section 2000a-1 of title 42 of the United States Code provides that all persons "shall be entitled to be free—from discrimination or segregation of any kind—if such discrimination or segregation is or purports to be required by any law, statute, or order of a State or any agency or political subdivision thereof" if such discrimination is based on race, color, religion, or national origin. Section 3b of the bill I am introducing today would add sex discrimination to the list.

Title III of the 1964 Civil Rights Act allows the Attorney General to bring suit on behalf of anyone who complains that he is being denied the equal protection of the laws by being denied equal access to public facilities other than educational facilities. The Women's Equality Act would apply this section of the act to sex discrimination.

C. RENTAL AND SALE OF HOUSING

One of the most important provisions of the 1968 Civil Rights Act involved a series of provisions dealing with discrimination in the sale, rental, and use of brokers in transaction involving individual dwelling places. I believe that such discrimination is lacking in any possible justification. Therefore, this bill would amend the provisions of the 1968 act and ban sex discrimination in the sale—including commercial financing—or rental of any individual dwellings.

D. INTERVENTION IN SEX DISCRIMINATION SUITS BY THE ATTORNEY GENERAL

Private suits alleging violation of the equal protection clause of the 14th amendment often raise issues of national importance. Unfortunately, private litigants often do not have the resources to present the best possible cases to the courts involved. To alleviate this inequality of resources, title IX of the 1964 Civil Rights Act authorizes the Attorney General to intervene in such suits if "the case is of general public importance" and if the discrimination is based on race, color, religion, or national origin. This bill, if enacted, would allow the Attorney General to commit the resources of the Department of Justice in cases alleging sex discrimination, thus helping develop the case law in this vitally important area.

IV. STUDYING, CLASSIFYING, AND REPORTING ON SEX DISCRIMINATION

A. STUDIES BY THE CIVIL RIGHTS COMMISSION

The Civil Rights Commission was established by the Civil Rights Act of 1957 to "study and collect" information concerning the denial of the equal protection of the laws by reason of "race, color, religion, or national origin." This agency has long been a leader in studying the problems of discrimination, and has served a very useful purpose as a clearinghouse for "information in respect to denials of equal protection of the laws." However, the Commission has never been authorized to investigate, study, or make recommendations concerning sex discrimination. As the task force pointed out—

The hearings and reports of the Civil Rights Commission would help draw public attention to the extent to which equal protection of the laws is denied because of sex.

Therefore, I am proposing to amend the 1957 act to allow the Commission to deal wtih sex discrimination.

B. CREATING A NATIONAL CLEARINGHOUSE FOR SEX DISCRIMINATION INFORMATION

Under this proposed bill the Civil Rights Commission would be charged with serving as a national clearinghouse for information concerning sex discrimination. The lack of general knowledge of the nature and extent of sex discrimination, and the inability of interested groups to draw on a central information bank to discover facts concerning both problems and progress in other parts of the country has been called "the greatest deterrent to securing improvement in the legal status of women." I believe that the Commission, which already serves as a clearinghouse in other civil rights matters, and which has demonstrated its ability to function effectively in this area, is the ideal choice for such a central source of information.

C. FUNDNG OF STATE STUDY COMMISSIONS

Sex discrimination varies from State to State in relation to local laws and customs; therefore it ought to be studied at the local level. And as I pointed out before, one of the greatest barriers to progress in eliminating sex discrimination is the lack of knowledge of the general public both about the scope, nature, and extent of the problem and about the legal remedies available to combat dissupply of available information and the dissemination of that information, this would authorize the Secretary of Health, Education, and Welfare, to pay up to 50 percent of the cost of State boards and commissions to study governmental as well as private discrimination, and to recommend the affirmative steps which public officials must take to assure equality of opportunity to women and equal participation by women in all aspects of National and State life.

V. OTHER STUDIES AND REPORTS TO CONGRESS, PROPOSING FURTHER LEGISLATION

Several other areas of discrimination remain, but we have determined that detailed study and explicit recommendations by the agencies involved are needed before the appropriate remedial action can be taken. Therefore, the bill directs a study of the legislative changes needed to provide social security benefits to husbands and widowers of disabled and deceased women under the same conditions as such benefits are provided under existing law to wives and widows of male workers; to provide equitable retirement benefits to families with working wives under the Social Security Act and the Civil Service Retirement Act; to provide comprehensive child care programs; and to allow families in which both spouses are employed, families in which one spouse is disabled and the other employed, and families headed by single persons to deduct from gross income as a business expense some reasonable amount paid to housekeeper, nurse, or institution for care of children or disabled parents.

CONCLUSION

Mr. President, I do believe that this subject is worthy of a full and active debate in this body. And that debate will

never occur unless some of us speak out—and speak out repeatedly—against these gross injustices.

The bill I am introducing today is a comprehensive attack on the pernicious evil of sex discrimination. But while it would be an effective tool, I wish to remind my colleagues that this bill is not based on untried schemes. It basically extends the provisions of the 1964 and 1968 Civil Rights Acts to cover instances of sex discrimination, and it strengthens our existing civil rights legislation by providing the EEOC with more efficacious enforcement powers and by subjecting Federal, State, and local governments, together with educational institutions, to the fair employment practices provisions of title VII. I hope that this year, after more than a hundred years of struggle, the Congress will pass the equal rights amendment and the Women's Equality Act, thus finally giving true equality of rights to the underprivileged majority of our citizens, the women of this country.

Mr. President, I ask unanimous consent that a summary and the complete text of the bill be printed in the RECORD at the conclusion of my remarks.

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

S. 2185

A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, 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 "Women's Equality Act of 1971".

PURPOSES

SEC. 2. It is the purpose of this Act—

(1) to confer jurisdiction upon the district courts of the United States to provide for injunctive relief against sex discrimination in public accommodations,

(2) to authorize the Attorney General to institute suits to eliminate sex discrimination in public facilities and public education,

(3) to extend the jurisdiction of the Civil Rights Commission to include sex discrimination,

(4) to prevent sex discrimination in federally assisted programs,

(5) to insure equal employment opportunity in the hiring of Federal, State, and local government employees,

(6) to remove the exemption of educational institutions from equal employment opportunity laws,

(7) to provide the Equal Employment Opportunity Commission with cease and desist powers,

(8) to prohibit sex discrimination in the sale, rental, or financing of housing or in the provision of brokerage services,

(9) to apply equal pay provisions of the Fair Labor Standards Act to women in government service and in executive, administrative, and professional positions,

(10) to authorize the Secretary of Health, Education, and Welfare to make matching grants to States for the establishment of commissions on the status of women,

(11) to require the Secretary of Health, Education, and Welfare to make recommendations to equalize the treatment of the sexes under the Social Security Act, the Internal Revenue Code, and the Family Assistance Act, and

(12) to require the Commissioner of Education to conduct a survey and report to Congress on the denial of equal educational opportunity because of sex and make recommendations to eliminate such denial.

PUBLIC ACCOMMODATIONS

SEC. 3. (a) Section 201(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000a(a)) is amended to read as follows:

"SEC. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, sex or national origin."

(b) Section 202 of such Act (42 U.S.C. 2000a—1) is amended to read as follows:

"SEC. 202. All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, sex or national origin, if such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule or order of a State or any agency or political subdivision thereof."

PUBLIC FACILITIES

SEC. 4. Section 301(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000b(a)) is amended to read as follows:

"SEC. 301. (a) Whenever the Attorney General receives a complaint in writing signed by an individual to the effect that he or she is being deprived of or threatened with the loss of his or her right to the equal protection of the laws, on account of his or her race, color, religion, sex, or national origin, by being denied equal utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, other than a public school or public college as defined in section 401 of title IV hereof, and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly progress of desegregation in public facilities, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder."

PUBLIC EDUCATION

SEC. 5. Sections 401(b), 407(a)(2), and 410 of the Civil Rights Act of 1964 (42 U.S.C. 2000c(b), 2000c-6(a)(2), 2000c-9) are each amended by inserting after "religion," the following: "sex,".

COMMISSION ON CIVIL RIGHTS

SEC. 6. (a) Section 104(a)(1) through 104(a)(4) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(a)(1)-(4)) is amended to read as follows:

"SEC. 104. (a) The Commisison shall—

"(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, sex, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such beliefs are based;

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin or in the administration of justice;

"(3) appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin or in the administration of justice, and before December 31, 1971, make recommendations to the Congress for legislation to guarantee husbands and children of women employees of the Federal Government the same fringe benefits provided for wives and children of male employees in those areas where inequities exist;

"(4) serve as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion, sex, or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice;".

(b) Section 106 of such Act (42 U.S.C. 1975e) is amended by striking out "$2,650,000" and inserting in lieu thereof "$3,650,000".

FEDERALLY ASSISTED PROGRAMS

SEC. 7. Section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d) is amended to read as follows:

"SEC. 601. No person in the United States shall, on the ground of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

INTERVENTION AND PROCEDURE

SEC. 8. Section 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000h-2) is amended to read as follows:

"SEC. 902. Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws under the fourteenth amendment to the Constitution on account of race, color, religion, sex, or national origin, the Attorney General for or in the name of the United States may intervene in such action upon timely application if the Attorney General certifies that the case is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action."

HOUSING SALE, RENTAL, FINANCING, AND BROKERAGE SERVICES

SEC. 9. (a) Section 804 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (42 U.S.C. 3604), is amended to read as follows:

"SEC. 804. As made applicable by section 803 of this title and except as exempted by sections 803(b) and 807 of this title, it shall be unlawful—

"(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, or national origin.

"(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, or national origin.

"(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicaes any preference, limitation, or discrimination based on race, color, religion, sex, or national origin, or an intention to make any such preference, limitation, or discrimination.

"(d) To represent to any person because of race, color, religion, sex, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

"(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of

a person or persons of a particular race, color, religion, sex, or national origin."

(b) Section 805 of such Act (42 U.S.C. 3605) is amended to read as follows:

"SEC. 805. After December 31, 1968, it shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him or her in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of race, color, religion, sex, or national origin of such person or of any person associated with him or her in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: *Provided*, That nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 803(b) of this title."

(c) Section 806 of such Act (42 U.S.C. 3606) is amended to read as follows:

"SEC. 806. After December 31, 1968, it shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, or national origin."

PREVENTION OF INTIMIDATION

SEC. 10. Section 901 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (42 U.S.C. 3631), is amended to read as follows:

"SEC. 901. Whoever, whether or not acting under color of law, by force or threat of force wilfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

"(a) any person because of his or her race, color, religion, sex or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

"(b) any person because he or she is or has been, or in order to intimidate such person or any other person or any class of persons from—

"(1) participating, without discrimination on account of race, color, religion, sex or national origin, in any of the activities, services, organization or facilities described in subsection (a) of this section; or

"(2) affording another person or class of persons opportunity or protection so to participate; or

"(c) any citizen because he or she is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, or national origin, in any of the activities, services, organizations, or facilities described in subsection (a) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity so to participate—

shall be fined not more than $1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than $10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life."

EQUAL PAY FOR WOMEN IN EXECUTIVE, ADMINISTRATIVE, AND PROFESSIONAL POSITIONS

SEC. 11. (a) Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213 (a)) is amended by inserting after the words "the provisions of section 6" the following: "(except section 6(d) in the case of paragraph (1) of this subsection)".

(b) Section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. § 203(d)) is amended to read as follows:

"(d) 'Employer' includes any person acting directly or indirectly in the interest of an employer in relation to an employee but shall not include any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization, and shall not include (except in relation to the provisions of section 6) the United States or any State or political subdivision of a State.

GRANTS FOR FINANCING STATE COMMISSIONS ON THE STATUS OF WOMEN

SEC. 12. (a) The Secretary of Health, Education, and Welfare is authorized to pay up to fifty per centum of the cost of commissions, boards, and advisory panels established by the legislatures or Governors of the several States and of Puerto Rico, Guam, and the Virgin Islands, and by the City Council of the District of Columbia to study any of the following subjects:

(1) the denial of equal protection of the laws to women under the laws, ordinances, rules, regulations, or procedures of the State or of any political subdivision thereof.

(2) private discrimination against women, especially denial of equal employment opportunity, equal access to public accommodations and services, equal educational opportunity, or

(3) affirmative steps necessary by public officials and private citizens to insure equality of opportunity to women and equal participation by women in all aspects of national and State life.

(b) There is authorized to be appropriated the sum of $2,000,000 to carry out the purposes of this section.

STUDIES AND REPORTS TO CONGRESS

SEC. 13. (a) Within one year from the effective date of the Family Assistance Act of 1970, the Secretary of Health, Education, and Welfare shall submit to Congress his recommendations for legislation—

(1) to provide social security benefits to husbands and widowers of disabled and deceased women workers under the same conditions as such benefits are provided under existing law to wives and widows of men workers,

(2) to provide equitable retirement benefits to families with working wives under the Social Security Act, and the Civil Service Retirement Act,

(3) to provide Federal assistance for child care services to families not covered under the Family Assistance Act and to amend child care provisions of the Family Assistance Act in order that they shall apply equally to families with working husbands and working wives, and

(4) with the approval of the Secretary of the Treasury, to amend the Internal Revenue Code to permit families in which both spouses are employed, families in which one spouse is disabled and the other employed, and families headed by single persons, to deduct from gross income as a business expense some reasonable amount paid to a housekeeper, nurse, or institution for care of children or disabled parents.

(b) The Commissioner of Education shall conduct a survey of the educational institutions throughout the country, including both public and private educational institutions, institutions at all levels of education, and institutions for technical and vocational training as well as academic institutions, in order to determine the extent to which equality of educational opportunity is being denied to citizens of the United States by reason of sex. Within eighteen months from the date of enactment of this Act the Commissioner shall submit to Congress the results of his survey along with recommendations for legislation to guarantee equality of educational opportunity between the sexes.

(c) There are authorized to be appropriated such funds as are necessary to carry out the purposes of this section.

EQUAL EMPLOYMENT OPPORTUNITY

SEC. 14. (a) Section 701(b)(1) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)(1)) is amended to read as follows:

"(1) an Indian tribe,".

(b) Section 701(c) of such Act (42 U.S.C. 2000e (c)) is amended to read as follows:

"(c) The term 'employment agency' means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such person."

(c) Section 702 of such Act (42 U.S.C. 2000e–1) is amended to read as follows:

"SEC. 702. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with carrying on by such corporation, association, or society of its religious activities.

(d) Section 706 of such Act (42 U.S.C. 2000e–5) amended to read as follows:

"SEC. 706. (a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 703 or 704 of this title.

"(b) Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by a member of the Commission, alleging that an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, has engaged in an unlawful employment practice, the Commission shall serve a copy of the charge on such employer, employment agency, labor organization, or joint labor-management committee (hereinafter referred to as the 'respondent') and shall make an investigation thereof. Charges shall be in writing and shall contain such information and be in such form as the Commission requires. Charges shall not be made public by the Commission. If the Commission determines after investigation that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of its action. If the Commission determines after such investigation that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such informal endeavors may be made public by the Commission, its officers, or employees, or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Any person who makes public information in violation of this subsection shall be fined not more than $1,000 or imprisoned not more than one year, or both. The Commission shall make its determination on reasonable cause as promptly as possible and, so far as practicable, not later than one hundred and

twenty days from the filing of the charge or, where applicable under subsection (c) or (d), from the date upon which the Commission is authorized to take action with respect to the charge.

"(c) In the case of a charge filed by or on behalf of a person claiming to be aggrieved alleging an unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall take no action with respect to the investigation of such charge before the expiration of sixty days after proceedings have been commenced under the State or local law: *Provided,* That such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by certified mail to the appropriate State or local authority.

"(d) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State which has a State or local law prohibiting the practice alleged and establishing or authoring a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof the Commission shall, before taking any action with respect to such charge, notify the appropriate State, or local officials and, upon request, afford them a reasonable time, but not less than sixty days: *Provided,* That such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law, unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

"(c) A charge shall be filed within one hundred and eighty days after the alleged unlawful employment practice occurred and a copy shall be served upon the person against whom such charge is made as soon as practicable thereafter, except that in a case of an unlawful employment practice with respect to which the person aggrieved has initially instituted proceedings with a State or local agency with authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, such charge shall be filed by the person aggrieved within three hundred days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

"(f) If the Commission determines after attempting to secure voluntary compliance under subsection (b) that it is unable to secure from the respondent a conciliation agreement acceptable to the Commission and to the person aggrieved, which determination shall not be reviewable in any court, the Commission shall issue and cause to be served upon the respondent a complaint stating the facts upon which the allegation of the unlawful employment practice is based, together with a notice of hearing before the Commission, or a member or agent thereof, at a place therein fixed not less than five days after the serving of such complaint. Related proceedings may be consolidated for hearing. Any member of the Commission who filed a charge in any case shall not participate in a hearing on any complaint arising out of such charge, except as a witness.

"(g) A respondent shall have the right to file an answer to the complaint against him and with the leave of the Commission, which shall be granted wherever it is reasonable and fair to do so, may amend this answer at any time. Respondents and the person aggrieved shall be parties and may appear at any stage of the proceedings, with or without counsel. The Commission may grant such other persons a right to intervene or to file briefs or make oral arguments as amicus curiae or for other purposes, as it considers appropriate. All testimony shall be taken under oath and shall be reduced to writing.

"(h) If the Commission finds that the respondent has engaged in an unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons aggrieved by such unlawful employment practice an order requiring the respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without backpay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), as will effectuate the policies of this title: *Provided,* That interim earnings or amounts earnable with reasonable diligence by the aggrieved person or persons shall operate to reduce the backpay otherwise allowable. Such order may further require such respondent to make reports from time to time showing the extent to which he has complied with the order. If the Commission finds that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons alleged in the complaint to be aggrieved an order dismissing the complaint.

"(i) After a charge has been filed and until the record has been filed in court as hereinafter provided, the proceeding may at any time be ended by agreement between the Commission and the parties for the elimination of the alleged unlawful employment practice, approved by the Commission, and the Commission may at any time, upon reasonable notice, modify or set aside, in whole or in part, any finding or order made or issued by it. An agreement approved by the Commission shall be enforceable under subsection (k) and the provisions of that subsection shall be applicable to the extent appropriate to a proceeding to enforce an agreement.

"(j) Findings of fact and orders made or issued under subsections (h) or (i) of this section shall be determined on the record.

"(k) The Commission may petition any United States court of appeals within any circuit wherein the unlawful employment practice in question occurred or wherein the respondent resides or transacts business for the enforcement of its order and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceedings as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall cause notice thereof to be served upon the parties to the proceeding before the Commission, and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief, restraining order, or other order as it deems just and proper, and 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 Commission. No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or its agent, the court may order such additional evidence to be taken before the Commission, its member, or its agent, and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(l) Any party aggrieved by a final order of the Commission granting or denying, in whole or in part, the relief sought may obtain a review of such order in any United States court of appeals in the circuit in which the unlawful employment practice in question is alleged to have occurred or in which such party resides or transacts business, or in the United States Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission (and to the other parties to the proceeding before the Commission) and thereupon the Commission shall file in the court the certified record in the proceeding as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (k), the findings of the Commission with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and the court shall have the same jurisdiction to grant 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 Commission. The commencement of proceedings under this subsection or subsection (k) shall not, unless ordered by the court, operate as a stay of the order of the Commission.

"(m) The provisions of the Act entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932 (47 Stat. 70 et seq., 29 U.S.C. 101–115), shall not apply with respect to proceedings under subsection (k), (l), or (o) of this section.

"(n) The Attorney General shall conduct all litigation to which the Commission is a party pursuant to this title.

"(o) Whenever a charge is filed with the

Commission pursuant to subsection (b) and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to preserve the power of the Commission to grant effective relief in the proceeding the Commission may, upon referral to the Attorney General, bring an action for appropriate temporary or preliminary relief pending its final disposition of such charge, in the United States district court for any judicial district in the State in which the unlawful employment practice concerned is alleged to have been committed, or the judicial district in which the aggrieved person would have been employed but for the alleged unlawful employment practice, but, if the respondent is not found withi any such judicial district, such an action mav be brought in the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28, United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a judicial district in which such an action might have been brought. Upon the bringing of any such action, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law. Rule 65 of the Federal Rules of Civil Procedure, except paragraph (a)(2) thereof, shall govern proceedings under this subsection."

SUMMARY OF WOMEN'S EQUALITY ACT

A. EMPLOYMENT DISCRIMINATION

Extends Equal Pay Act to government employees, professional and executive women.

Ends exemption from Title VII coverage of governments, universities.

Gives Equal Employment Opportunities Commission cease and desist powers.

Prohibits sex discrimination in federally assisted programs.

B. PUBLIC EDUCATION

Justice Department to intervene on behalf of women denied admission to public education because of sex.

Commissioner of Education to survey all sex discrimination in education, to propose legislative reforms.

C. EXTENDING OTHER PARTS OF CIVIL RIGHTS LAWS TO COVER SEX DISCRIMINATION

Outlaw sex discrimination in:

Public accommodations; those discriminated against to sue for civil injunction in federal courts; Attorney General also to be able to bring suit.

Public facilities.

Cases where required by state law.

Sale, rental, brokerage, or financing of individual dwelling units.

Attorney General to be able to intervene in sex discrimination suits brought under Fourteenth Amendment.

D. STUDYING, CLASSIFYING, AND REPORTING ON SEX DISCRIMINATION

Civil Rights Commission to investigate and make recommendations concerning sex discrimination.

Civil Rights Commission to serve as national clearinghouse on legal status of women.

H.E.W. matching grants to finance state study commissions.

E. STUDIES PROPOSING FURTHER LEGISLATION

Studies concerning equalization of treatment of sexes under: Social Security Act, Family Assistance Act, Internal Revenue Code.

By Mr. BROCK:

S. 2188. A bill to restore the investment tax credit for investment in certain depreciable property. Referred to the Committee on Finance.

Mr. BROCK. Mr. President, the United States has long led the world in industrial production and technological innovation. This leadership is now seriously threatened. If we are to retain our production and technological leadership, remain competitive in world markets, provide jobs and real wage advances for American labor and achieve our environmental objectives, we must remove our present formidable tax barriers to investment in modern productive facilities. Unless we do this immediately, there will be a continuing critical deterioration in our balance of payments and our balance of trade.

United States industrial productivity is not keeping pace with the startling advances of its foreign competitors. The Commerce Department's revised first quarter figures demonstrate that the United States aggregate industrial production index of quantity output decreased from 172.8 in 1969, to 168.2 in 1970, and was down to 166.4 in April of 1971.

The production index for machinery has dropped drastically from 195.7 in 1969, to 189.5 in 1970, and was down to 174 in April 1971.

Although production of raw and finished steel has increased slightly in the early months of 1971 as a result of strike-hedge purchasing, when compared to similar strike-hedge periods in 1968, steel production continues to lag behind previous years. In the case of raw steel, production in the first 15 weeks of 1971 trailed that of the comparable period of 1968 by about 4 percent or 1.6 million tons. In the case of finished steel, production in January and February of 1971 trailed that of the same months in both 1965 and 1968 by about one-half million tons in each month.

In spite of lagging productivity, as the recent McGraw-Hill industrial survey pointed out, U.S. industry continues to utilize an alarmingly high percentage of obsolete equipment. This inefficient utilization will reach even higher levels if we continue to experience the greatest technological revolution in our history without removing tax barriers to capital investment.

Moreover, while foreign competition continues to take over increasingly large portions of domestic and world markets, American unit labor costs continue to rise without a corresponding increase in labor productivity. And, although several factors necessarily affect labor productivity, increasing the skills of the American labor force will bear little fruit unless American industry replaces obsolete equipment with technologically advanced equipment capable of translating higher labor skills into increased productivity per man hour. In addition, although this administration has succeeded in slowing the inflationary wage-price spiral which it inherited from previous administrations, as long as inflation continues it will not only devour the purchasing power of the wage earner as it has in the past, but will also continue to consume the already inadequate allowances for capital recovery. History has irrefutably demonstrated that the wage earner can break the wage-price spiral and achieve real wage advances only by increasing productivity, and that productivity can only be increased by increasing investment in technologically advanced machinery and equipment. Unfortunately, American industry is not investing in new equipment at a rate which will enable us to meet these challenges. The Commerce Department and Securities and Exchange Commission survey for the first quarter of 1971 recently revealed that businessmen have reduced their capital spending plans. New capital investment in 1971 will be only 2.7 percent higher than in 1970, the smallest increase since 1961. Moreover, because capital goods prices are expected to rise by 4 percent, we can expect a real, or physical, drop in capital investment volume in 1971.

This decrease in capital-spending is particularly disturbing because it comes at a time when our machinery and equipment are becoming increasingly obsolescent as a result of rapid technological advances.

But technological advances are not alone responsible for this increasing obsolescence. The groundswell of public concern with environmental protection makes it necessary for American industry to make vast capital expenditures in order to satisfy our escalating pollution control restrictions and the demand of consumers for environmental protection. In this respect, our recent enactment of new section 169 of the Internal Revenue Code of 1954 which permits rapid amortization of pollution control facilities is only a partial answer. Environmental protection cannot be fully achieved merely by stimulating investment in treatment facilities. American industry must not only treat the undesirable effluent of its production, but must also retool in order to eliminate the source of these deleterious effects from even the most basic production processes. Rapid tax write-offs of pollution treatment facilities offer no assistance in meeting this larger problem of replacing millions of dollars of otherwise productive machinery and equipment in order to achieve our environmental objectives.

Statistics which allegedly show that American industry currently has significant unused capacity do not take into account this rapidly acceleraing obsolescence attributable to environmental concerns. The unused capacity which the statistics claim to reveal is largely obsolete, high cost capacity which can neither satisfy our environmental objectives nor meet the challenge of ever-increasing foreign competition.

The threat to American industry and labor from decreasing production and increasing obsolescence is heightened dramatically by increasing foreign competition. At the same time that American industrial productivity has declined, industrial productivity of other industralized nations continues to rise.

The United States has long been the leader in production of machine tools, the most basic and necessary of all machinery for both defense and commercial production. West Germany will pass the United States in machine tool production for the first time in 1971, and will lead the world in the production

of machine tools. Projections based upon current production figures indicate that Japan and the Soviet Union will pass the United States in production of this most basic type of machinery by 1973.

In a speech before the American Bar Association Section on Taxation on May 8, 1971, Secretary of the Treasury Connally predicted that the United States would lose its world leadership in steel production to Japan by 1972. Japan's 1971 total steel production will be more than 10 times its peak steel production during World War II. In a recent article, Anthony Harrigan, executive vice president of the Southern States Industrial Council observed that:

> Not many years ago, America's steel industry dominated the world. Today, the steel industry of the United States faces grave problems. It is no exaggeration to say that, in the long-run, the industrial leadership of the United States is threatened. Japan could become the No. 1 steel-making country in the world and, in the process, the No. 1 power in the world.

Rising American unit labor costs and declining productivity in the face of rapidly expanding foreign productivity, make it increasingly difficult for American industry to compete with foreign industry both at home and abroad.

In the case of iron and steel, the United States continues to experience a serious balance-of-trade deficit. In 1969, the dollar volume of our iron and steel imports exceeded the dollar volume of our exports by about 86 percent. This deficit declined somewhat in 1970 to about 60 percent. However, the recently released figures show that for March 1971 our iron and steel imports exceeded exports by an alarming 180 percent.

In the case of machinery, although we are presently experiencing a favorable balance of trade, exports increased 15.2 percent from 1969 to 1970, while imports increased by 17.8 percent during the same period. The figures for March 1971, further substantiate this erosion of our machinery trade balance. March 1971, exports of machinery increased by 10.7 percent over those for March 1971, while March 1971, imports increased by 17.2 percent over those for March 1970.

These figures clearly demonstrate that our foreign competitors are better able to take advantage of the latest technological advances that increase productivity per man hour. The capital investment advantage enjoyed by our foreign competitors is largely due to the more realistic allowances for capital recovery provided by their governments. The Report of the President's Task Force on Business Taxation pointed out that present U.S. capital recovery allowances are the most inadequate of all the industrialized countries of the world. The tax barriers to capital investment in other industrialized countries are substantially less than those encountered by American industry in the United States. The task force report further observed that:

> In comparisons between allowances for capital recovery, the early years are, of course, very important since the earlier the tax benefit, the sooner cash is freed for the purposes of business, including further capital investment. As matters now stand, the United States appears to give significantly less emphasis than other countries to weighting capital cost recovery heavily in favor of the early years.—Task Force Report at page 10.

The task force report concludes that our own experience demonstrates that the reduction of tax barriers to capital investment will "significantly encourage the development of productive capacity . . ."

Not only is American industry competing with foreign industry for world markets, but also the United States Government is itself competing with foreign governments in trying to keep American companies from transferring their industrial base to foreign countries. The more realistic capital recovery allowances of other countries continue to be a most important factor in luring American capital abroad. During the last 10 years, the lure of increased foreign capital recovery allowances has in large part been responsible for the exodus of American plants and American jobs, and an increasing number of American businesses are investing in foreign plants today. This kind of capital drain not only further imperils the competitiveness of American products at home and abroad, but also siphons away thousands of jobs for American labor. The potectionist devices recently advocated by American labor are designed primarily to curb this foreign job drain.

The recently promulgated Treasury regulations which provide for an asset depreciation range—ADR—system go far towards achieving the kind of realistic depreciation reform which the United States needs so desperately in order to meet these increasingly complex challenges. There is no question in my mind as to the authority of the Treasury Department to issue such regulations without first coming to Congress for legislation. The statutory authority and administrative precedent for such action is clear and the approval of the Treasury action by the experienced tax authorities of the House and Senate confirm this. Moreover, the criticism of the proposed ADR system by Democratic presidential aspirants ignores the legal basis for such administrative action and the broad Democratic support of the novel and necessary 1962 depreciation guidelines which had comparable revenue effect.

The objecting letters of law school professors recently inserted in the CONGRESSIONAL RECORD turned out to be on analysis nothing more than assertions against the desirability of the Treasury's action and not its authority. The legality and propriety of the Treasury's action has been fully documented in the well-reasoned legal brief of a Washington law firm which Congressman ANDERSON included in the CONGRESSIONAL RECORD on April 28, 1971.

The proposed ADR System is a step in the right direction, but it will not reduce tax barriers to capital investment sufficiently to meet the challenges which we presently face. American business must have a substantial stimulus to capital investment in 1971 if the United States is to retain its production and technological leadership, remain competitive in world markets, provide jobs and real wage advances for American labor and achieve our domestic environmental objectives. As important as it is, the ADR System will alone not be sufficient to enable us to meet these challenges. Even with the benefits of ADR, U.S. capital recovery allowances will continue to rank last among the industrialized nations of the world. Moreover, while the ADR System promises considerable long-term stimulus to capital investment, its short-term impact, although helpful, will not be significant. Jobs for American labor, environmental protection and American industries' competitive edge in world markets are at stake. In order to obtain the additional investment stimulus which will enable us to meet these immediate challenges, we must bolster our deficient depreciation tax structure by restoring the 7-percent investment tax credit.

To meet these challenges, we must provide American industry with the immediate stimulus to capital investment which only the investment tax credit can generate. I urge my colleagues to give these problems their thoughtful consideration and join in supporting legislation to provide for the restoration of the investment tax credit.

Mr. President, I am today introducing a bill to restore the investment tax credit for investment in certain depreciable property and ask unanimous consent that it be printed in the RECORD.

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

S. 2188

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, that section 49 of the Internal Revenue Code of 1954 (relating to the termination of credit) is amended by inserting after subsection (d) the following new subsection:

"(e) SECTION NOT TO APPLY TO CERTAIN PROPERTY.—This section shall not apply to property, other than pretermination property (as defined by subsection (b)),—

(1) the physical construction, reconstruction or erection of which is begun after March 31, 1971, or

(2) which is acquired by the taxpayer after March 31, 1971."

(c) The amendments made by subsections (a) and (b) shall apply to taxable years ending after March 31, 1971.

By Mr. STEVENS:

S. 2191. A bill to amend the Act of August 27, 1954 (commonly known as the Fishermen's Protective Act) to conserve and protect United States fish resources. Referred to the Committee on Commerce.

AMENDMENT TO FISHERMEN'S PROTECTIVE ACT

Mr. STEVENS. Mr. President, foreign fishing vessels apprehended for violations of U.S. territorial waters or for breaches of fisheries treaties must be penalized in proportion to their offenses. Repeated incidence, often by the same vessels and the same masters, pose a serious threat. What good are penalties if they do not deter continued wrong doing?

An illegal incursion into U.S. waters typically results in temporary delay of a vessel's fishing activities and a fine which can be repaid by selling more illegal fish. Ironically, many of these catches produce high profits through sale in U.S.

markets in competition with American fishermen and processors.

Fisheries treaties consummated in the interest of conservation are violated routinely by foreign fleets in the North Pacific Ocean and Bering Sea. Such violations are punishable only by the parent nation of the offending vessel. Leniency is the rule.

The bill I introduce today is designed to hit an offending foreign fishing operation in the only place it is sensitive to pain—the pocketbook. It provides that importation of foreign fish or fish products into the United States would be prohibited if produced by a nation whose vessels have engaged in an activity dangerous to our fisheries resources. This would apply, for example, when a nation's fishing operations are detrimental to U.S. conservation programs, has breached fisheries treaties with the United States, or has destroyed equipment owned by U.S. fishermen.

Under this legislation the Secretary of Commerce would be responsible for certifying the offense. The Secretary of the Treasury then would prohibit importation of the products into our Nation.

Mr. President, as one who has lost all patience with the violations of our territorial waters and with the futility of so many provisions of our fisheries treaties. I urge the U.S. Senate to adopt this measure.

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

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

S. 2191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to Protect the Rights of Vessels of the United States on the High Seas and in Territorial Waters of Foreign Countries" approved August 27, 1954 (22 U.S.C. 1973), is amended by inserting at the end thereof the following new section:

'SEC. 8. (a) When the Secretary of Commerce determines that nationals of a foreign country are conducting fishing operations in a manner or in such circumstances which would diminish the effectiveness of domestic programs designed to insure the conservation of the United States fish resources by entering the United States' contiguous fisheries zone established in 80 Stat. 908, by engaging in activity which breaches a fishery treaty between the United States and the foreign country of which the fisherman is a national, by engaging in any activity which breaches any other agreement or understanding respecting fishing between the United States and the foreign country of which the offending fisherman is a national, by destroying equipment owned by United States fishermen, or by engaging in any other activity which endangers United States fish resources, the Secretary of Commerce shall certify such fact to the Secretary of the Treasury. The Secretary of the Treasury shall then prohibit the bringing or the importation into the United States of any fish products of the offending country. This prohibition shall also apply to the bringing or importation of fish products processed by any person subject to the jurisdiction of said country and transshipped through third countries to the United States.

"(b) It shall be unlawful for any person subject to the jurisdiction of the United States knowingly to bring or import into, or cause to be imported into, the United States any fish products prohibited by the Secretary of the Treasury pursuant to this section.

"(c)(1) Any person violating the provisions of this section shall be fined not more than $10,000 for the first violation, and not more than $25,000 for each subsequent violation.

"(2) All fish products brought or imported into the United States in violation of this section, or the monetary value thereof, may be forfeited.

"(3) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with this section.

"(d)(1) Enforcement of the provisions of this section prohibiting the bringing or importation of fish products into the United States shall be the responsibility of the Secretary of the Treasury.

"(2) The judges of the United States district courts, the judges of the highest courts of the territories and possessions of the United States, the judges of the high court for the Trust Territory of the Pacific Islands, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this Act and regulations issued thereunder.

"(3) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this section.

"(4) Such person so authorized shall have the power—

"(A) with or without a warrant or other process, to arrest any persons subject to the jurisdiction of the United States committing in his presence or view a violation of this section or the regulations issued thereunder;

"(B) with or without a warrant or other process, to search any vessel subject to the jurisdiction of the United States, and, if as a result of such search he has reasonable cause to believe that such vessel or any person on board is engaging in operations in violation of this provision of this section or the regulations issued thereunder, then to arrest such person.

"(5) Such person so authorized, may seize, whenever and wherever lawfully found, all fish products brought or imported into the United States in violation of this section or the regulations issued thereunder. Any fish products so seized may be disposed of pursuant to the order of a court of competent jurisdiction, or, if perishable, in a manner prescribed by regulations of the Secretary of the Treasury.

"(6) Notwithstanding the provisions of section 2464 of title 28, United States Code, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any fish products seized if the process has been levied, on receiving from the claimant of the fish products a bond or stipulation for the value of the property with sufficient surety to be approved by a judge of the court or United States commissioner having jurisdiction of the offense, conditioned to deliver the fish food products seized, if condemned, without impairment in value or, in the discretion of the court or United States commissioner to pay its equivalent value in money or otherwise to answer the decree of the court or of the United States commissioner in such cause. Such bond or stipulation shall be returned to the court or United States commissioner and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court or United States commissioner. In the discretion of the accused, and subject to the direction of the court, the fish products may be sold for not less than its reasonable market value and the proceeds of such sale placed in the registry of the court pending judgment in the case.

"(e) The Secretary of the Treasury is authorized to prescribe such regulations as he determines necessary to carry out the provisions of this section.

"(f) As used in this section—

"(1) The term 'person' means any individual, partnership, corporation, or association; and

"(2) The term 'United States', when used in a territorial sense, includes all areas under the sovereignty of the United States, its territories and possessions, the Canal Zone, and the Trust Territory of the Pacific Islands."

By Mr. HRUSKA (for himself and Mr. MCCLELLAN) (by request):

S. 2192. A bill to provide for the admissibility of certain evidence in prosecutions for drug abuse, and for other purposes. Referred to the Committee on the Judiciary.

DRUG ABUSE PROCEDURES ACT OF 1971

Mr. HRUSKA. Mr. President, on June 24 I joined in the introduction of S. 2140, the narcotic addict rehabilitation amendments of 1971. I mentioned at that time that S. 2140 was one of the legislative measures called for by President Nixon in his message to the Congress on drug abuse.

Today, I am pleased to send to the desk a second bill in implementation of the President's drug abuse message of June 17. On behalf of the distinguished chairman of the Subcommittee on Criminal Laws and Procedures, Senator MCCLELLAN, and myself, I ask that the bill be appropriately referred and that, at the conclusion of my remarks, the full text of the bill and of the Attorney General's letter of transmittal be printed in the RECORD.

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

(See exhibits 1 and 2.)

Mr. HRUSKA. Mr. President, as we consider long range programs to eliminate the demand for dangerous drugs, we must not neglect the supply. Due to the enactment last year of the Comprehensive Drug Abuse Prevention and Control Act of 1970, we have a new body of law to enforce. And although a number of the provisions of this landmark legislation did not become effective until May 1 of this year, it has been observed that some procedural modifications will improve the enforcement of the criminal provisions of this act.

The "Drug Abuse Procedures Act of 1971," as this bill is entitled, proposes two reforms in criminal procedure which are designed to facilitate prosecution of drug abuse cases.

The first modification would permit the admission into evidence of certified findings resulting from chemist's anal-

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yses of substances controlled under the Comprehensive Drug Abuse Prevention and Control Act. Such a certified record would be available for defense inspection at least 72 hours prior to trial.

These chemical tests have reached the point where their extreme accuracy is recognized. This is particularly true in heroin cases. Most of the time the actual appearance of the chemist who made the test serves no useful purpose, and instead slows the process of justice. The use of the certificate would save the time of all persons concerned without prejudicing the defendant. The chemist could still be called by the defense upon a showing that such appearance was necessary and material.

The second reform proposed by this bill would further the extraterritorial effect of section 1009 of the Comprehensive Drug Abuse Prevention and Control Act. Future prosecutions under this section for offenses committed overseas will in some instances require the use of evidence obtained in a foreign country. The situation regarding admissibility of this evidence in our courts should be clarified. This modification would amend title 18 of the United States Code to specifically provide that evidence of this nature shall be admissable in courts of the United States, unless the evidence was obtained contrary to the laws of the nation concerned and would therefore be inadmissable in that country.

Mr. President, this bill reflects a commendable desire on the part of the Justice Department to refine criminal procedure in this area still further. While the precise wording of this proposal will have to be examined closely in committee, and some changes could later prove desirable, I believe this bill will make a meaningful contribution to the fight against drug abuse. I am hopeful that it will receive prompt consideration.

EXHIBIT 1

S. 2192

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 "Drug Abuse Procedures Act of 1971".

SEC. 2. Section 515 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end thereof the following:

"(e) In a proceeding for violation of this title, the official report of an analysis of a controlled substance performed by a chemist charged with an official duty to perform such analysis, when attested by the officer having the legal custody of the report and accompanied by a certificate under seal that the officer has legal custody, shall be admissible in evidence as evidence of the facts stated therein and the results of that analysis, if a copy of the certificate is made available for inspection by the defendant or his attorney at least seventy-two hours prior to the trial."

SEC. 3. (a) Chapter 223 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 3505. Evidence in a foreign country."

"Evidence obtained by a foreign official in a foreign country shall be admissible in evidence in a proceeding in any court of the United States, unless it appears that the evidence was obtained contrary to the laws of that country and is inadmissible in evidence in a proceeding in that country".

(b) The analysis of Chapter 223 of title 18, United States Code, is amended by adding at the end thereof:

"3505. Evidence obtained in a foreign country."

EXHIBIT 2

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 21, 1971.

The VICE PRESIDENT,
United States Senate
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to be cited as the "Drug Abuse Procedures Act of 1971."

Section 2 of this proposal would provide that a certified official record of the results of a chemist's analysis of a substance controlled under the Controlled Substances Act shall be admissible in evidence in a proceeding for a violation of that Act. The defendant in such a proceeding, or his attorney, would be permitted to inspect a copy of the certified record at least seventy-two hours prior to trial.

This provision would expedite the prosecution of drug offense cases, especially those involving illegal traffic in heroin, by eliminating the requirement that the analyst appear as a witness in every instance to attest to his chemical analysis. It is now pointless in a great majority of cases for a chemist to appear and testify because of the high degree of accuracy which is attained in the testing procedures. The accused would, of course, have the right to call the analyst for examination upon a showing of materiality and necessity therefor.

Section 3 of the proposal would add a new section to title 18, United States Code, to provide specifically that evidence obtained in a foreign country shall be admissible in the courts of the United States unless it appears that the evidence was obtained contrary to the laws of that country and is inadmissible in evidence in a proceeding in that country.

The provision is intended to codify existing case law (*Brulay* v. *United States*, 383 F.2d 345 (CA 9, 1967), *cert. denied*, 389 U.S. 986), and is not intended to be a limitation on the admissibility of the evidence. It would in addition be subject to the rule of existing case law that it would be inadmissible if the method of obtaining it had been such as to shock the conscience of the court. See *Birdsell* v. *United States*, 346 F.2d 775 (CA 5, 1965), *cert. denied*, 382 U.S. 963; *United States* v. *Nagelberg*, 434 F.2d 585 (CA 2, 1970), *cert. denied*, 91 Sup. Ct. 935.

Prosecutions for offenses committed under the Comprehensive Drug Abuse Prevention and Control Act of 1970 will sometimes require the admission of evidence obtained in another country. This provision would facilitate prosecutions for offenses involving international traffic in illicit drugs by clarifying the law concerning the admissibility of such evidence.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the Program of the President.

By Mr. HANSEN (for himself and Mr. MCGEE):

S. 2193. A bill to authorize the Secretary of the Interior to reimburse the Shoshone and Arapahoe Tribes of the Wind River Reservation in Wyoming for tribal funds that have been used for the construction, operation, and maintenance of the Wind River irrigation project, Wyoming. Referred to the Committee on Interior and Insular Affairs.

Mr. HANSEN. Mr. President, on behalf of myself and the senior Senator from Wyoming, Senator MCGEE, I introduce legislation to reimburse the Shoshone and Araphoe Tribes of the Wind River Reservation, Wyo., for tribal funds that were extended to benefit only individuals on the construction and operation and maintenance of the Wind River irrigation project.

This bill authorizes the Secretary of the Interior to reimburse the tribes for what is estimated to be an expenditure of $75,827.84, of tribal funds. These were not tribal irrigation costs and the Congress in the past has reimbursed the tribes for such expenditures.

I request that the bill be assigned to the appropriate committee and that the Congress take early action.

By Mr. BURDICK:

Senate Joint Resolution 122. A joint resolution to create a Commission on Revision of the Federal Court Appellate System of the United States. Referred to the Committee on the Judiciary.

Mr. BURDICK. Mr. President, on March 23, 1971, the Judicial Conference of the United States transmitted to the Senate a recommendation for legislation creating a commission to study the feasibility of realining the several circuits of the court of appeals. The need for change in the circuit court system is predicated upon the ever-increasing caseload and, in turn, the increase in the number of judges on the courts of appeals. The Fifth Circuit Court of Appeals now has 15 judges, and the ninth circuit 13 judges. This has created difficulties in administration of a court of such size. The projections for the caseload to be anticipated in the near future as a concomitant of increased population and socioeconomic activities would eventually require a further increase in the judicial manpower in these courts, as well as the district courts. For example, a need for 25 judges on the Fifth Circuit Court is foreseen for the year 1975 if present trends continue.

While it is apparent that a solution, other than pure manpower increases, must be found, there is respectable opinion that realinement of the circuits, involving redistribution of the caseload to courts of appeals having new delineations of territorial jurisdiction, would be only a temporary solution. The benefits of such a realinement may last only until the caseload increases to a point beyond the capacity of the revised courts. Legal scholars in recent years have suggested that a relatively permanent solution to the problems of increased appellate caseload can be found only if the appellate court system itself is redesigned or restructured. The details of the various suggestions which have been made need not be mentioned here. It is probably sufficient merely to mention their existence.

Mr. President, my review and analysis of this problem affecting our circuit courts persuades me to the opinion that if we are to commission a study of the matter, that such study should be broadened beyond the scope of the recommendation made by the judicial conference. Therefore, I am introducing this joint resolution providing for the crea-

tion of a commission to study revision of the appellate court system of the United States, including the feasibility of structural changes in the appellate court system as well as the more narrow proposal relating to realinement of the boundaries of the several circuits. It is my belief that such a study will result in specific recommendations to the President, to the Chief Justice, and to the Congress for long-lasting reforms which will enable our courts to handle the increased caseload which is anticipated for the near future.

Mr. President, I ask unanimous consent that the full text of the joint resolution be included in the RECORD at the conclusion of my remarks.

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

S.J. RES. 122

Whereas the number of appeals filed in the United States Courts of Appeal increased 14% during fiscal year 1970 over the year 1969 and in the past decade have increased from 3,899 appeals in 1960 to a total of 11,662 appeals in 1970; and

Whereas the number of circuit judgeships in the past decade has increased from 68 to 97 judges but the number of appeals pending at the end of each fiscal year has increased from 2,220 in 1960 to 8,812 in 1970; and

Whereas the Federal Judicial Center has projected that the imput of litigation into the Federal court system will increase from 127,000 cases for fiscal year 1970 to 350,000 cases by 1990 if the trend of recent years continues: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That there is hereby established a Commission on Revision of the Federal Court Appellate System, whose function shall be

(a) to study the present division of the United States into the several judicial circuits;

(b) to study the problems attendant upon pre-hearing screening of appeals, en banc hearings, intra-circuit and inter-circuit disparity in interpretation of Federal law, and other appellate procedures and problems;

(c) to study the present and anticipated caseloads of these circuits, the workloads of the judges, the time required for appellate review, and the alleviation of the problems arising therefrom by redividing the United States into several judicial circuits or by restructuring the appellate court system, or by other feasible court reforms;

(d) to study the problems arising from present and anticipated caseload of the Supreme Court and the possible alleviation of these problems;

(e) to study other areas of court reform related to the problems specified herein; and

(f) to recommend to the President, the Chief Justice of the United States, and the Congress such alternative changes in the appellate court system of the United States as may be most appropriate for the expeditious and effective disposition of the present and anticipated caseload of federal appellate courts, consistent with fundamental concepts of fairness and due process.

SEC. 2. (a) The Commission shall be composed of twelve members as follows:

(1) two members appointed by the President of the United States;

(2) two members of the Senate, one from each of the two major political parties, appointed by the President of the Senate;

(3) two members of the House of Representatives, one from each of the two major political parties, appointed by the Speaker of the House of Representatives;

(4) two judges appointed by the Chief Justice of the United States;

(5) two practicing lawyers appointed by the Executive Committee of the American Bar Association; and

(6) two professors of law appointed by the Executive Committee of the American Association of Law Schools.

(b) Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(c) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) Seven members of the Commission shall constitute a quorum, but three members may conduct hearings.

SEC. 3. (a) Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence and other necessary expenses incurred in the performance of duties vested in the Commission, but not exceeding the maximum amounts authorized under section 456 of title 28, United States Code.

(b) Members of the Commission from private life shall receive $100 per diem for each day (including traveltime) during which he is engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

SEC. 4. (a) The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding that prescribed for Level V of the Executive Schedule.

(b) The Executive Director may appoint and fix the compensation of such additional personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 relating to classification and General Schedule pay rates. Provided, however, that such compensation shall not exceed the annual rate of basic pay of Level V of the Executive Schedule pay rates, section 5316, title 5, United States Code.

(c) The Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates, section 5332, title 5, United States Code.

(d) The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, for the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services on a reimbursable basis.

SEC. 5. The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its function under this joint resolution and each such department, agency and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chairman of the Commission.

SEC. 6. The Commission shall submit its final report to the President, the Congress, and the Chief Justice within two years after the date of his joint resolution. The Commission shall cease to exist ninety days after the date of the submission of its final report.

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this joint resolution.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 632

At the request of Mr. JACKSON, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 632, a bill to amend the Water Resources Planning Act to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning.

S. 1111

At the request of Mr. RIBICOFF, the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 1111, a bill providing for tuition tax credit.

S. 1311

At the request of Mr. PEARSON, the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from Idaho (Mr. CHURCH), and the Senator from New Mexico (Mr. ANDERSON) were added as cosponsors of S. 1311, the Newsmen's Privilege Act.

S. 1597

At the request of Mr. HARTKE, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 1597, a bill to amend title 38, United States Code, so as to provide that increases in social security benefits, railroad retirement benefits, and cost-of-living adjustments of civil service retirement annuities shall be disregarded under certain circumstances in determining eligibility for or the amount of dependency and indemnity compensation for dependent parents of veterans and non-service-connected pension for veterans and widows.

S. 1828

At the request of Mr. DOMINICK, the Senator from Delaware (Mr. ROTH), the Senator from Missouri (Mr. EAGLETON), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 1828, the Conquest of Cancer Act.

S. 2109

At the request of Mr. HRUSKA, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 2109, a bill to increase the limit on dues for U.S. membership in the International Criminal Police Organization.

S. 2111 THROUGH S. 2123

At the request of Mr. JAVITS, the Senator from Illinois (Mr. PERCY), the Senator from California (Mr. TUNNEY), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2111 through S. 2123, bills dealing with the recycling of materials used in Government procurement and construction programs.

S. 2135

At the request of Mr. KENNEDY, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 2135, a bill to extend title V of the Social Security Act.

SENATE CONCURRENT RESOLUTION 32—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO PRISONERS OF WAR IN SOUTHEAST ASIA

(Referred to the Committee on Foreign Relations.)

Mr. TAFT. Mr. President, freedom for our prisoners of war and missing in action is a goal for all Americans. The countless letters, telegrams, and even trips abroad by our concerned citizens demonstrate the depth of our commitment to have these men released. I sincerely commend the individuals and groups who have joined in these efforts.

Our outrage has been heard by the North Vietnamese. Hanoi has responded with an increase in mail service, films and lists of our POW's. But the sad fact remains that our young men have not yet returned to their families and friends.

While the spontaneity and wide participation in private efforts by Americans has proven effective, I am today proposing a resolution which I believe will substantially broaden and enhance these efforts. This resolution, which urges the Executive branch to create a commission to analyze and recommend workable solutions to the POW/MIA situation, was introduced by the distinguished gentlemen from Ohio (Mr. MILLER) in the House of Representatives on March 23.

This bill proposes that the membership of the commission include people from a wide variety of backgrounds who may offer realistic insights and meaningful recommendations. I wholeheartedly concur with the distinguished gentleman from Ohio in recommending that the following groups be represented on the commission: First, POW/MIA families; Second, representatives of world church councils; Third, representatives of the academic community—specifically individuals world renowned in international studies, political structures, and ideologies; Fourth, representatives of the American political spectrum; Fifth, representatives of the International Red Cross; and sixth, representatives of commercial business, and civic organizations with international networks.

In addition, the commission should include provisions for a direct channel with the U.S. delegation at the United Nations.

To date, the efforts to free our POW's have been largely American efforts. Another avenue which may prove helpful is the active enlistment of the support of other nations. Where American outrage has not met with success, perhaps the added outrage of other nations including those which North Vietnam recognizes diplomatically may further induce Hanoi to change her policy.

It is my belief that this POW/MIA Commission would play an invaluable role by coordinating and unifying the private and public efforts in our country and around the world to bring our boys home.

The concurrent resolution (S. Con. Res. 32) read as follows:

Whereas the United States Government has ascribed to and abided by the tenets of the Geneva Convention of 1949; and

Whereas in 1957 the government of North Vietnam was a signatory to the provisions of the Geneva Convention and has disregarded those provisions relating to prisoners of war and missing in action; and

Whereas the American people have been deeply concerned with the treatment of members of the Armed Forces of the United States under confinement in North Vietnam or missing in action in Southeast Asia; and

Whereas efforts to date have been unsuccessful to secure humane treatment for known prisoners and an accounting of missing members of the Armed Forces of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should act to establish a prisoner of war/missing in action commission to examine and recommend such steps as may be appropriate to obtain an accountability of, humane treatment for, and the release of, all members of the Armed Forces of the United States presently missing or interned by Communist forces in Southeast Asia.

EDUCATION AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 235

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. MONDALE. Mr. President, S. 659, the "education amendments of 1971," is now before the Subcommittee on Education of the Committee on Labor and Public Welfare, ably chaired by the distinguished Senator from Rhode Island (Mr PELL).

In his testimony before the subcommittee, Prof. Morris L. Cohen, president of the American Association of Law Libraries, revealed that law school libraries have found themselves largely unable to participate in financial assistance made available to university libraries under the Higher Education Act of 1965. Professor Cohen testified that—

Existing legislation in aid of the Higher Education Act or in aid of libraries have not made specific revisions for law libraries. As a consequence, we have received virtually no benefits from any of the existing legislation . . ."

Mr. President, the amendment which I introduce today, if incorporated in the bill presently before the subcommittee on education, would clarify the right of law school libraries to participate in programs under the Higher Education Act.

It would amend title II of the Higher Education Act—college libraries assistance and library training and research—to make clear that financial assistance to institutions of higher education for library resources and training in librarianship is available for law school libraries and for persons in training for law librarianship.

It would amend title VIII of the Higher Education Act—networks of knowledge—to make clear that financial assistance to institutions of higher education for sharing educational resources is available for programs in law schools and other graduate professional schools, and that law libraries as well as other university libraries may be included in such programs.

It would amend title XI of the Higher Education Act—law school clinical programs—to make clear that library resources are included in the equipment which may be purchased with financial assistance for conducting law school clinical programs. I believe that clinical programs designed to provide law students with experience in dealing directly with the problems of the poor and the powerless are the most encouraging innovations in legal education in many years. It is especially important that these programs be furnished resources to provide services and learning experiences of the highest quality—and books are the basic tools of a lawyer's trade.

Mr. President, I have every hope that this amendment, which would clarify the position of law school libraries under the Higher Education Act, will be accepted by my colleagues on the Subcommittee on Education—of which I am a member—and by this body. Although I believe that these amendments only clarify what is already implicit in existing law, they will have an important practical impact on the participation of law school libraries in programs under the Higher Education Act of 1965.

ADDITIONAL COSPONSOR OF AMENDMENTS

AMENDMENT NO. 159

Mr. CHURCH. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Connecticut (Mr. RIBICOFF) be added as a cosponsor of Amendment No. 159, which is intended to be proposed to the Foreign Assistance Act, S. 1657.

The purpose of the amendment, which has more than 20 cosponsors, is to obtain a suspension of 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 Pakistani refugees now in India are repatriated.

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

AMENDMENT NO. 198

At the request of Mr. KENNEDY, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of Amendment No. 198, to terminate the sugar quota for South Africa, intended to be proposed to H.R. 8866, the Sugar Act Amendments of 1971.

AMENDMENTS 218 THROUGH 223

At the request of Mr. JAVITS, the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. TUNNEY), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of Amendments 218 through 223, dealing with the recycling of materials used in Government procurement and construction programs.

NOTICE OF HEARINGS ON PUBLIC LANDS ORGANIC ACT

Mr. JACKSON. Mr. President, the Committee on Interior and Insular Affairs will hold public hearings on Sep-

tember 21 and 22 on S. 921, a bill to make major revisions in public land laws.

The hearings will start at 10 a.m. each day in room 3110 of the new Senate Office Building.

The bill is entitled "Public Domain Lands Organic Act of 1971" and was introduced by me in February. Title I of the bill would apply to the lands administered by the Bureau of Land Management of the Department of the Interior.

Title II of the bill would repeal the Mining Law of 1872 and substitute a mineral leasing system in place of the present patenting system. Other acts the bill would repeal are the Homestead, Desert Land Entry, townsites, and parts of the Taylor Grazing Act.

ANNOUNCEMENT OF HEARINGS BY THE DISARMAMENT SUBCOMMITTEE

Mr. MUSKIE. Mr. President, on July 6 and July 8 the Foreign Relations Subcommittee on Arms Control will resume its hearings on the arms control implications of the defense budget.

We have already inquired into the rationale for our nuclear triad of three invulnerable strategic weapons systems—land-based missiles, submarine-based missiles, and bombers. On June 16 and 17 we heard administration and outside witnesses discuss these strategic systems and begin to analyze the central question before the subcommittee: the sort of strategic posture that will guarantee our security and not at the same time fuel the arms race or waste billions of taxpayer dollars.

On July 6 and July 8 we will focus on the ABM and MIRV components of the defense budget. We will be particularly concerned with whether the deployment of MIRV and ABM could have the effect of stimulating the arms race and rendering more difficult an arms control agreement with the Soviet Union.

We will want to explore the "bargaining chip" theory according to which the administration argues that continued deployment of these weapons will improve the American bargaining position vis-a-vis the Soviets and facilitate the chances of an agreement at SALT. We will also want to know more about the need for these weapons in meeting what the administration refers to as the "sufficiency" criterion of our strategic posture. In particular, we will want to explore the argument that ABM and MIRV will increase the stability of crisis situations when the nuclear powers come into direct confrontation.

We will also want to know more concerning the latest estimates of Soviet MIRV capabilities and the accuracy of their giant SS-9 missile. The justification for our own ABM system depends upon reliable estimates of these Soviet capabilities, for it is the S-9 missile with its MIRV potential that threatens our Minuteman force that the Safeguard ABM is designed to protect.

Moreover, we will want to know more concerning the rationale for our own MIRV deployments—the Minuteman III, and Poseidon missiles. One possible argument for these deployments is that the Soviets might have the capability of converting a portion of their numerous surface-to-air missile defense systems—designed to protect against bombers—into ABM systems—the so-called SAM-upgrade problem. Our MIRV's, it is argued, are necessary to counteract such a threat.

Another rationale sometimes used for these MIRV deployments is that the President must have the option, after a Soviet first strike, of retaliating against remaining Soviet forces rather than destroying Soviet cities. This is the theory of a limited nuclear war, which holds that a nuclear war might actually be fought and terminated without destruction of civilian centers. MIRV's, it is argued, are necessary to give the United States a number of deliverable warheads to make such a limited counterforce war possible. We will want to know whether the administration holds to this particular nuclear theory.

We have invited administration and outside witnesses to appear at these hearings, and I will report to the Senate when a final list of witnesses is confirmed.

ANNOUNCEMENT OF HEARINGS ON SPEEDY TRIAL

Mr. ERVIN. Mr. President, in the weeks ahead the Constitutional Rights Subcommittee will hold hearings on S. 895, a bill designed to give new vitality and meaning to the sixth amendment guarantee of speedy trial. We have initially scheduled 4 days of hearings on July 13, 14, 20, and 21.

These will be the first Senate hearings on any specific legislative proposal to bring about speedy trials for all Federal criminal suspects. The bill, which I originally introduced a year ago in the 91st Congress as S. 3936, was widely circulated by the subcommittee in the last 6 months of 1970 to solicit views and suggestions from bar groups, judges, law professors, and others knowledgeable in the field of criminal law. It has received enthusiastic support from the bar, the bench, the press, and the general public.

Support for our position has continued to grow steadily. I ask unanimous consent to have printed at the conclusion of my remarks several recent editorials which manifest that growing support.

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

(See exhibit 1.)

Mr. ERVIN. Mr. President, although legislative deliberations on the bill are just beginning, it has already sparked interest and progress in making the constitutional right to speedy trial a practical reality. The President and the Chief Justice in recent speeches have laid great stress on the need to equip our criminal justice system so that justice will be swift. The Second Circuit Court of Appeals has announced speedy trial rules which, among other provisions, carry dismissal as the consequence of inordinate delay by the prosecution. The New York State courts have also announced new speedy trial rules, and just the other day the Judicial Conference of the United States circulated proposed rule changes in the speedy trial provisions of the Federal Rules of Criminal Procedure.

I welcome these first steps on the part of the Nation's judiciary. Ultimately it is to the courts that we must look for enforcement of the constitutional guarantee, as well as strict application of the rules which may be laid down by Congress and State legislatures by statute.

Despite the admirable progress made by the courts in recent months, it is clear that Congress must also act, for there is a limit to what the judiciary is able to do on its own. Clearly the legislature must provide the leadership. This leadership is now being demonstrated by Congress, both in the Senate and the House.

On February 22 of this year 24 of my colleagues joined with me in introducing S. 895, which is substantially the same as S. 3936. By May 12, 1971, 17 additional Senators had decided to cosponsor the bill. Today I am pleased to announce that four more Members of the Senate—Senators HATFIELD, MAGNUSON, MILLER, and PERCY have chosen to lend their names and support to this bill. That brings the total number of cosponsors to 46.

Mr. President, I ask unanimous consent that at the next printing of S. 895, the following Senators be shown as cosponsors: BIRCH BAYH, WALLACE F. BENNETT, LLOYD M. BENTSEN, JR., ALAN BIBLE, QUENTIN N. BURDICK, HOWARD W. CANNON, CLIFFORD P. CASE, LAWTON CHILES, ALAN CRANSTON, CARL T. CURTIS, ROBERT DOLE, THOMAS F. EAGLETON, HIRAM L. FONG, DAVID H. GAMBRELL, EDWARD GURNEY, PHILIP A. HART, VANCE HARTKE, MARK O. HATFIELD, ERNEST F. HOLLINGS, ROMAN L. HRUSKA, HAROLD E. HUGHES, HUBERT H. HUMPHREY, DANIEL K. INOUYE, HENRY M. JACKSON, JACOB K. JAVITS, EDWARD M. KENNEDY, WARREN G. MAGNUSON, CHARLES McC. MATHIAS, JR., JOHN L. McCLELLAN, GALE W. McGEE, GEORGE McGOVERN, THOMAS J. McINTYRE, JACK MILLER, WALTER F. MONDALE, FRANK E. MOSS, EDMUND S. MUSKIE, ROBERT W. PACKWOOD, CLAIBORNE PELL, CHARLES H. PERCY, JENNINGS RANDOLPH, TED STEVENS, HERMAN E. TALMADGE, STROM THURMOND, JOHN G. TOWER, and HARRISON A. WILLIAMS.

Progress in the Senate is being matched in the House as well. In the past 3 months, five bills have been introduced: H.R. 6045 by Mr. MATSUNAGA; H.R. 7107 by Mr. MIKVA with 16 other cosponsors. H.R. 7108, also by Mr. MIKVA with 20 other cosponsors; H.R. 7524 by Mr. CHARLES WILSON; and H.R. 7789 by Mr. MIKVA with four other cosponsors.

Mr. President, the primary objective of S. 895 is elimination of the long and unnecessary delay between arrests and trials which has been exacting an unduly high price both from individuals accused of crime and from a society deprived of a swift, sure and fair system of criminal justice.

Title I of S. 895 would require each Federal District Court to establish a plan for holding trials within 60 days of an indictment or information. Departures from the 60-day requirement would be allowed but only on limited grounds such as a defendant's unavailability or a judi-

cial finding that the ends of justice cannot otherwise be met.

Title II of the bill contains provisions to enhance operation of the Bail Reform Act of 1966 by establishing demonstration "Pretrial Services Agencies" in five districts, including the District of Columbia. The new agency would insure that the defendant received the necessary social, employment, and other services which would minimize the temptations to crime and future delinquency in the pretrial period. With its recently increased responsibilities and added personnel and resources, the District of Columbia Bail Agency might well be expanded into one such model pretrial services agency. I believe the provisions of this title, together with the speedy trial provisions of title I, will substantially eliminate the problem of crime on bail.

S. 895 offers us a concrete and workable proposal to bring about speedy trials instead of just another tired, empty slogan about that long-neglected constitutional right. Moreover, it provides a viable and clearly constitutional alternative to the Justice Department's unwise and unconstitutional scheme of preventive detention. It is noteworthy that S. 895 numbers among its supporters those who support preventive detention as well as those who, like myself, oppose it. While I cannot speak for all cosponsors on this issue, I believe there are few who would not dispense with preventive detention if an alternative could be found. It is my hope that S. 895 is just such an alternative.

Those of us who have cosponsored S. 895 fully realize that it is not totally free of problems, but we are convinced that those problems can be successfully overcome. Indeed, they must be overcome if we are to have a speedy, fair and effective system of criminal justice in this country. We all share the firm conviction that S. 895 or similar legislation can make our criminal justice system more responsive to the needs of society in general and criminal suspects in particular.

At the forthcoming hearings, the subcommittee will closely examine all constructive suggestions for changes in the bill. We intend to air all the issues and problems thoroughly and look forward to hearing from the expert witnesses who have agreed to assist us in this important task. As views mature we will hold additional hearings in the future. Despite the overwhelming support developing for this bill, I intend to give a thorough and deliberate examination to the entire problem. As I have said on other occasions in the past, in the critical area of criminal justice and constitutional law the temptation to gain quick political triumphs must be subordinated to the requirement of responsible legislative procedure.

Mr. President, the people whom we represent all across the country are looking to us for deeds instead of mere words. I hope the hearings we plan will be the first of several major and prompt steps toward enactment of speedy trial legislation.

Further information about the hearings can be obtained by contacting the Constitutional Rights Subcommittee office, 102–B, Senate Office Building.

EXHIBIT 1

[From the Albany (N.Y.) Times Union, May 30, 1971]

CRIME AND PUNISHMENT

Issue: Will the pioneering New York law calling for release of criminal defendants after six months if no action has been taken against them provide a lever for court reform moves?

All law enforcement officials agree on a virtually self-evident truth—that there would be very little crime if punishment were sure and swift. In this crime-ridden country, unfortunately, and especially in its big cities, the ideal of certain and speedy justice has been all but lost in the understaffed, outmoded, over-careful, molasses movement of its courts. The inexorable result is more and more crime.

This possibly trite but deplorably valid comment was stimulated by a notable recent article written by Sen. Sam J. Ervin Jr. The North Carolina Democrat, who is one of the Senate's most qualified and respected legal experts, pointed up the problem as follows in the March 1971 issue of the "Harvard Civil Rights—Civil Liberties Law Review."

"The imminence of judgment for wrongdoing is probably society's greatest deterrent to potential crime activity. . . . But the criminal class is well aware that in America justice is neither swift nor certain, and that there are many opportunities between arrest and jail to slip through the net and avoid justice.

"If arrest led inevitably and quickly to trial, and trial to conviction and punishment of the guilty, the potential criminal would no longer be confident he could beat the rap. Speedy trial must be the first goal of any serious effort to deal with crime."

No ordinary laymen can presume to tell the courts what must be done to make them more efficient, and thus more effective. Even the professionals are divided on how to break up the present court jams, how to streamline procedures, how to cut down on unnecessary and often deliberately-provoked defense delays. But it must be done.

[From the St. Louis (Mo.) Post-Dispatch]

SLOW REPLY ON SPEEDY JUSTICE

Although President Nixon and Attorney General John Mitchell are members of the same Administration, they apparently do not talk to each other about some matters of common concern. Both the President and Warren E. Burger, the man he appointed Chief Justice have spoken strongly in support of speedier criminal trials. Yet Senator Sam J. Ervin has said that the Justice Department, under Mr. Mitchell, has still not responded to a request he made more than five months ago for its views on a bill that would expedite criminal justice. The Ervin measure would, in general, require federal criminal defendants to be brought to trial within 60 days.

Federal courts in the southern district of New York have already provided by rule of court that if, through no fault of a defendant, the prosecution fails to bring him to trial within six months of his arrest, it must free him. A similar rule has been adopted by New York's State Court of Appeals, which has also decreed that even after three months the state must release a jailed defendant on parole or reasonable bail, except in cases of homicide. These rules, and Senator Ervin's bill, are designed to correct the injustice done to accused persons, who are still presumed innocent under the law and who are constitutionally guaranteed a speedy trial, especially in federal cases, and yet are imprisoned for long terms while awaiting trial.

It is true that additional expenditures will be required for the extra judges, prosecutors and publicly-paid defense counsel needed to handle the cases of imprisoned poor defendants. But the higher cost would be offset in part at least by the saving of incarceration costs, to say nothing of the intangible savings achieved by enhancing respect for a system of justice which does not force the accused to rot behind bars while it procrastinates over their fate. Sen. Ervin is right when he says the Justice Department should put aside its "vain and false panacea of preventive detention" and support legislation to speed trials.

[From the San Francisco (Calif.) Chronicle, May 23, 1971]

PRETRIAL JAILING

Once again, the Administration is asking Congress to give federal judges the right to hold certain accused criminals in jail for 60 days without bail before they have been tried. The new proposal is modified only slightly in form from one that was introduced two years ago and died a proper death in the Senate Constitutional Rights subcommittee.

Senator Hruska (Rep-Neb.), acting for the Justice Department in sponsoring the attempted revival, admits pretrial detention has a constitutional cloud over it. A form of pretrial detention was authorized for the District of Columbia in February to meet that community's problem of bail skippers, but very few persons have been held under it and its constitutionality is yet to be determined.

A defendant charged with "a dangerous or organized crime act" could be held without bail if a judge determined that he constituted "a threat to the safety of the community." In short, he could be held for what he might do rather than for what he had done.

Leading congressional opposition is Senator Ervin (Dem-N.C.), a man of generally conservative views. He calls pretrial detention a vain and false panacea. He suggests that the Administration might better deal with recidivists by providing machinery for speedier trials on charges already filed than by holding them in jail for fear they will commit a new offense.

A free society runs certain risks to remain free. These risks include the possibility that an accused person may skip bail or commit another crime. Senator Ervin adds:

"In my judgment it is better for our country to take these risks and remain a free society than it is for it to adopt a tyrannical practice of imprisoning men for crimes which they have not committed and may never commit, merely because some court may peer into the future and surmise that they may commit crimes if allowed freedom prior to trial."

With this, we concur.

ADDITIONAL STATEMENTS

TRIBUTE TO SENATOR STENNIS

Mr. TOWER. Mr. President, rarely in my 10 years as a Senator have I witnessed such a masterful job of statesmanship and floor management to compare with the performance of the Senator from Mississippi (Mr. STENNIS).

Senator STENNIS commanded the attention of this entire body throughout the entire 7-week debate on the Draft Extension Act. He did not seek to railroad this bill through the Senate, but, rather gave every Senator the opportunity to call up his amendment and have it fully debated. It was only after 6 weeks of extended debate that Senator STENNIS

felt compelled in the interest of national security to file a cloture petition. There is little doubt in my mind that it was the manner in which Senator STENNIS conducted himself during the period of debate that convinced the necessary two-thirds of this body to vote to cutoff debate on this bill.

Mr. President, I am extremely proud to be a member of the Committee on Armed Services, which has as its chairman the distinguished Senator from Mississippi. We, as Senators, cannot offer a tribute to match his leadership qualities. Senator STENNIS does not expect such a tribute because he believes that duty alone binds him to the tasks he carries out. It is this sense of duty, along with such other characteristics as integrity and loyalty that make JOHN STENNIS stand out as one of the greatest men who ever held a seat in this Chamber.

FOREIGN IMPORTS HURTING NORTH CAROLINA TEXTILE INDUSTRY

Mr. ERVIN. Mr. President, the Carolina Financial Times for June 21, 1971, contains an article entitled "Foreign Imports Hurting State Textile Industry" which reveals quite clearly the injury being done to North Carolina's textile industry in particular and the American textile industry in general by the foolish trade policies which this country pursues.

As the article clearly reveals, the continued importation into the United States of textile products and clothing is depriving investors in these industries of a fair return on their investments, robbing these industries of their domestic markets, and exporting the jobs of Americans who work in these industries to foreign lands. All of this is done in the name of free trade, when there is no free trade in this world on the part of the nations from which we import goods. All of these nations have artificial trade barriers to deny access to their markets to American goods, and notwithstanding this fact, our nation sticks its head in the sand like an ostrich and ignores the realities which are doing irreparable injury to American industry.

It is to be hoped that the Nixon administration will exert itself to fulfill its campaign promises and take some realistic steps to prevent the continued deterioration of the welfare of the American textile and clothing industries.

I ask unanimous consent that the article be printed in the RECORD.

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

FOREIGN IMPORTS HURTING STATE TEXTILE INDUSTRY

(By G. H. Simpson)

In 1968, when he was a California lawyer running for the presidency, Richard Nixon said he would "seek international trade agreements to contain rising imports of textiles." He said, "The program to which I am committed will provide this vast industrial-agricultural-fiber complex far-reaching opportunity for employment of American citizens in both rural and urban communities where jobs are needed most."

Like lovers' pledges in the night, campaign promises rarely survive the harsh dawn of day. A nice way of putting it is "credibility gap", but C. E. Connelly, vice-president and treasurer with Cone Mills, Inc. put it more bluntly, "a bunch of stupid, socialistic crap from Washington."

However you chose to term it—the facts belie Nixon's campaign promise. Textile imports reached a record high in April of 527 million square yards equivalent, and as Tom Ingram, executive vice-president of the N. C. Textile Manufacturers Association puts it, "It's tearing the heart out of the textile industry."

During the first quarter of 1971 most North Carolina-based textile companies made little profit and some sustained losses. The reasons are varied but the major problem is imports from foreign nations, especially from Japan and Hong Kong.

The first four months of this year saw textile imports soar to a record high of 1,935 million square yards equivalent which is more yards than were imported in all of 1964. And that is up an incredible 42 per cent over last year's figure. (See chart accompanying this article for more details.)

How is this affecting North Carolina's textile industry? It seems to be a major cause of declining jobs and profits.

The pressure from rising imports are forcing changes. Some North Carolina textile firms have been forced to shut down plants; others are laying off workers; still others are switching their product lines.

Apparently the most successful ploy has been to eliminate product lines that are in direct competition with the imports.

A survey of leading N.C. textile companies painted a relatively bleak financial picture. While Texfi and Fieldcrest were apparently so busy they could not—or would not—comment, the other firms questioned said they were fighting off the import problem in various ways; however, the situation is not good and little improvement is expected in the immediate future.

Hanes Corporation, which sustained a large loss during the first quarter, has been staggering work shifts and operating some plants at "less than a full week."

Dick Roberts, financial vice president of Hanes says the outlook is "fair." Apparently knitwear, underclothes and sweaters are holding their own in sales, but the regular hosiery division has been hard hit.

Last year Hanes began a new, low-priced line of hosiery called L'eggs hose. There were begun specifically to compete with the low-priced imports which have taken away from Hanes' market. Roberts calls it "an indirect affect" where the low-priced imports are reducing the demand for the higher-priced, quality hose that Hanes specializes in.

Hanes hasn't made any product line changes as other companies, but they have begun a joint venture with an Israeli firm to produce a still lower-priced hose, perhaps 99 cents per pair. By this, they hope to counter the flow of imports.

Although the first six months of this year have been bleak for Hanes, Roberts says he expects "the last half of 1971 to be better, primarily because of expected increases in sales of L'eggs."

On the other hand, Blue Bell of Greensboro reports they are "well ahead of last year and doing well." Roger LeMatty, president of Blue Bell, says this is due to their "established" products lines, especially Wrangler jeans, that foreign competition can't touch."

LeMatty claims Blue Bell is perhaps, "one of the most diversified textile industries," with a product line ranging from work shirts to knit wear. Says LeMatty, "Foreign competition has taken the low priced market, but our brand names and styles are in strong positions and are staying ahead of (competition)."

Denim and corduroy are, as of now, untouchable by foreign competition and this has been Blue Bell's salvation, however LeMatty also feels something "has to be done to stop the inflow of imports." He's worried that textiles will be forced to begin manufacturing overseas in order to compete with low-price foreign wages but we don't want that because we want to provide jobs here."

And jobs is a touchy subject around Burlington Industries which two weeks ago closed three plants putting some 1200 persons out of work. Earlier 800 workers were laid off. Connie Robinson, manager of one of the closed plants said the shutdowns were "part of a division-wide consolidation . . . brought about by foreign imports and changes taking place in the men's tailored clothing industry."

In recent testimony before a U.S. Senate subcommittee on International Trade, Ely R. Callaway, Jr., president of Burlington Industries warned "That the great disparity between wage rates and working conditions throughout the world tends to make the U.S. the 'dumping ground' for goods which are produced abroad under conditions that are illegal in the U.S."

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

Callaway bemoaned the fact that "Starting in 1958, U.S. textile imports have steadily increased . . . as U.S. textile exports remain relatively stable . . . as of the end of 1970 was in deficit by $1.6 billion."

During the first six months of 1971 Burlington's profits were down some $12 million compared to the same period last year.

Cone Mills' Connelly reports that denims and corduroy are doing well and home furnishings excellent. Cone has switched from fabrics that are in direct competition with imports. Twill has given way to more denim and corduroy. They are "getting into knits" to offset drops in sales of some lines of products and other lines are being dropped altogether.

Connelly sees the import problem as "getting worse before it improves" but realizes the squeeze in on with other U.S. Industries. "Maybe this is good," he said thinking that, as more industries are pushed by imports, the sooner corrective legislation will come.

Dan River Inc. also sustained a loss in operations during the first quarter of 1971, although sales were up 7 per cent over the same period last year. Warp and double knits are apparently the bright spots of Dan River. They expect an increase of 40 per cent in these sales over last year's figure of $26 million.

Speaking for Dan River, Public Relations Manager Thomas L. George said, "Imports continue to have an adverse effect on our operations. Dan River is especially affected because over 70 per cent of our production is geared to the manufacture of apparel fabrics and imports of apparel represent the bulk of the textile products coming into this country."

In March, Dan River, in an effort to reduce clerical, administrative and related overhead expenses, "eliminated" some 600 persons.

Sustaining a loss during 1970, Dan River is expecting "sales this year will surpass those of last year by respectable margin."

"Failure of the Administration to secure import control despite repeated promises was cited as a major factor hampering Dan River's operations." It's the same ol' song.

What is being done to curb imports that are so painfully affecting North Carolina textiles? The fair-trade bill introduced by House Ways and Means Chairman Wilbur Mills has been tabled to "allow the Japanese to implement their own trade restrictions." Since tabling the bill earlier this year, the Japanese have done nothing to reduce the flow of textiles to the U.S.

Ingram of the Textile Manufacturers Association says in addition to import controls we need less merger restrictions in this country. He says, "In order for the small mills to survive they need to merge in market research." But the U.S. has placed severe regulations on this practice.

Ingram added, "Inflation has priced U.S. right out of the foreign market and we're not making any money."

The problem may indeed get worse before it improves. Just last week Nixon announced textiles are included in a list of products now open to trade with Red China. In response Richmond Howard, Chairman of the American Textile Manufacturers Institute, said, "We have more to lose than gain by trade liberalization with China. We have reason to believe China has a large textile industry, and liberalization of trade opens a vast source of low-wage imports that, in addition to those already flowing into the U.S., will help displace thousands of U.S. workers.

Where will it end? Hopefully pressure on the administration will soon yield results. Speaking before the subcommittee, Burlington's Callaway said, "There is solid evidence—if one will only look—that within the 1970's the U.S. economy as a whole faces a major threat to its well-being. This threat is from excessive imports which result not from free trade among nations, but from unfair trade practices. Free Trade simply does not exist."

THE VALUE OF IMPORTS STEADILY INCREASING

To show how much the importation of textiles has risen, the Carolina Financial Times has compiled this chart from the Bureau of Census figures. The figures are in millions of dollars and are a total for all textiles and clothing.

Year	Textiles	Clothing
1960	$562	$304
1962	663	368
1963	679	395
1964	681	451
1965	800	543
1966	909	608
1967	808	649
1968	963	855
1969	1,018	1,106
1970	1,135	[1] 1,200
1971 January–April	741	[1] 600
1971 (total)	1,500	[1] 1,400

[1] Estimated by the Carolina Financial Times from figures supplied by the Census Bureau.

THE BETTER TRAITS OF MAN STILL LIVE

Mr. AIKEN. Mr. President, at a time when greed and selfishness are rampant to an almost unprecedented degree one is apt to wonder whether there is much of the spirit of kindness and self-sacrifice left in this world.

Indeed, there are many who seem to think that the world itself cannot long survive.

Fortunately, the better traits of man do still live, although the good deeds effected by these traits apparently are not considered news in this day and age.

At this time I shall place in the RECORD one little example of the fact that kindness has not completely vanished from the earth. It is a short article published in Guideposts magazine for May 1971.

It relates to the work of an old-time Vermonter and his wife who live in what is called the "Northeast Kingdom" of Vermont.

The article is self-explanatory, and I hope it will be read.

What the world of today does not seem to know is that there still are millions of Will and Olive Gardners.

They do not seek to buy glory.

They do not try to corrupt governments.

They do not indulge in crimes of violence.

They do not even demonstrate before the microphone and the camera.

They just help their neighbors.

They are the kind of people who help us to keep faith and hope.

I ask unanimous consent that the article be printed in the RECORD.

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

THE QUIET PEOPLE

If you'd go calling at Will Gardner's farmhouse in Island Pond, Vermont, in the late afternoon of a summer's day, you might find Will bent over the white enamel sink, skinning beets. Again and again, with hands dripping red, his white shirt flecked with beet juice, he moves to the black stove to lift the lids of the kettles to test more beets boiling away. Then back to the sink with its drainboards stacked with pyramids of beet greens.

At the other end of the room you'd see his paralytic wife, Olive, sitting at the kitchen table sorting out recipes trying to find directions for pickling beets.

Day after day all summer this 84-year-old man—Gardner by name and gardener by nature—prepares vegetables from his fields for freezing and canning. Although he earned his livelihood as an insurance salesman, he has been plowing, planting and harvesting crops year after year because he says he likes to see things grow.

Of course when his six girls and four boys were home it was a necessity, but after they left the nest to make homes of their own he was faced with the problem as to how he could continue his hobby and yet not waste what the good earth gave back to him.

Pondering on the needs of those around him he decided to give his produce to those in want. So he cut into the kitchen wall and installed a deep freeze. However this wasn't sufficient so he rented a freezer locker.

When the snow begins to drift, the roads become icy and the thermometer begins to drop, Will Gardner starts supplying food for 11 widows in the little village of East Charleston, Vermont, with what he, with his own hands, has raised, processed, packaged and stored away. He also remembers retired couples who are unable to work a garden.

Will Gardner not only helps feed his neighbor's body but also his spirit through prayer groups in his home, which stem from his Church of the Nazarene. And by his encouragement of young people to continue their education, he shows concern for the whole man.

SUMMER LUNCHES IN JEOPARDY

Mr. HART. Mr. President, the fate of summer lunches for hundreds of thousands of hungry children hangs in the balance. Quite honestly, I find it difficult to understand why. It seems clear enough that actions of recent years by the Congress and by the administration have irrevocably committed this Nation to feed poor children wherever the need exists. Yet, we have come to the beginning of a long, hot summer and have learned at the final hour that the Department of Agriculture does not have the money to fulfill its commitment to help our cities, towns, and rural school districts feed their hungry children while school is not in session.

Congress has responded immediately by acting to authorize the Secretary of Agriculture to use $135 million in additional funds to meet the urgent needs of summer meal service and other child-feeding programs. The Department of Agriculture's recent announcement that it would seek another $11.2 million to operate summer feeding programs falls far short of the kind of response needed to finance the States' plans. The Department acknowledges that the funds will do nothing more than allow communities which had programs last year to serve as many children again this year. This seems most inhuman in view of widespread unemployment and the increasing numbers of families joining the ranks of the poor.

I have expressed my views in letters to OBM Director George P. Shultz and Secretary of Agriculture Clifford M. Hardin and appealed to them to make good on the Federal commitment to feed hungry children.

Last Friday, the Senate Select Committee on Nutrition and Human Needs held an emergency hearing to enable Members of Congress to gain some understanding of the unexpected financial crisis surrounding the summer meal program. The Honorable Roman S. Gribbs, mayor of Detroit, testified at that hearing. I ask unanimous consent that the complete text of his statement be printed in the RECORD.

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

REMARKS OF MAYOR ROMAN S. GRIBBS

Good morning, Mr. Chairman, Members of the Committee.

I am joined here today by John M. Amberger and William M. Nugent of my staff and by Dr. William Clexton, Detroit's Health Commissioner.

We are here on a matter of utmost urgency. There are nearly a half million young people between the ages of 6 and 21 in my city. Nearly 100,000 of them are poor, and most of them receive their only full and complete meal during the nine months of the school year in the School Lunch Program.

To ensure that such youngsters continue to receive adequate meals during the summers, Congress three years ago provided a Special Food Service Program which last summer enabled us to feed 25,000 poor youth every day. Our program was widely acclaimed as a national model. Regional officials of the Department of Agriculture urged us to triple its capacity, to serve 75,000 youngsters every day.

Being somewhat more cautious, we determined that we would try to serve 50,000 youngsters every day this year. We were assured by Agriculture officials that federal funds would be available to us for as many as 75,000 meals a day.

Mr. Chairman, let me tell you what it means to operate a program of this size. One does not merely take one and a half million dollars in Federal funds to a local store and buy food to be scattered throughout the community. Rather, we must undergo a very lengthy and complex planning process which in our city involves more than 2,000 people in addition to the 50,000 to be served. It involves the organization of recreation programs at more than 200 sites throughout the city, communication with the 50,000 youngsters to be served, and with more than 1,600 local citizens who have volunteered to staff the program. We cannot simply turn this program on and off as one would turn a faucet.

We were not informed there were any additional problems until about June 8 when the USDA regional office stated they could not formally approve our application since no funds were available. Alerted to the problem last Wednesday (16 June), both the Senate and House of Representatives have expedited legislation concerning the SFSP, and both bodies have approved stop-gap funding legislation which give the Secretary of Agriculture freedom to fund programs if he wishes.

Our "D" Day for the start of this program was the 21st of June. Despite frequent contact by city officials throughout the past fall, winter, and spring, the 21st of June came and went without final approval by federal officials. Because of the need, the Detroit Common Council advanced $100,000 hoping for reimbursement to make sure that we could start the program on time, that we would not lose contact with the youngsters as school closed, all to ensure that kids did not go hungry.

The Federal Government has left us holding the bag. They have urged us to man the serving lines and then in effect have closed the kitchen. They have told us now that we will be fortunate to serve even as many youngsters as we served last year.

Mr. Chairman, we have asked for 1.3 million dollars, yet Agriculture claims the entire state of Michigan is seeking only $636,000. This is not strictly a Detroit problem. In the past few days, members of my staff have checked throughout the country. We understand that three Texas cities alone are seeking more than $900,000 in summer feeding money, yet Agriculture lists the entire state of Texas as requesting only $115,000. Chicago is seeking 2.5 million dollars for its program, yet Agriculture lists the entire state as needing only 1.9 million.

This pattern is repeated throughout the country. A subsequent survey by my staff in close cooperation with the U.S. Conference of Mayors and the National League of Cities indicated that Agriculture has proposed programs throughout the country for fiscal year 1972 to the tune of 46.9 million dollars, 30.6 million of which are to take place beginning July 1st.

Mr. Chairman, I have enough trouble managing the affairs of the City of Detroit. We have no time to develop programs proposed by the Department of Agriculture which they have no intention of implementing. This department has fallen down disastrously in its management of this program.

It is to your credit and to that of your colleagues in the Senate and in the House of Representatives that you have moved rapidly to permit us to use 135 million dollars of Section 32 money to feed young people this summer. We understand that the administration intends to place a limit of 32 million dollars on spending for this Special Food Service Program throughout the year. That is a limit of $32 million against promised programs of 46.9 million dollars. Such intransigence with regard to spending, following as it does the duplicitous performance by the Department of Agriculture, demonstrates their total lack of commitment.

Gentlemen, time has now run out—and what we need now is immediate utilization by the Agriculture administration officials of the funds that have been made available to them through your recent actions.

PROBLEMS OF OUR RAILROADS

Mr. PEARSON. Mr. President, in recent months the problems of our Nation's railroads have become increasingly apparent. We have experienced yet another nationwide strike; a quasi-public corporation has begun to operate passenger trains, and each day brings word of another proposed abandonment of a rail line.

The president of the Santa Fe Railroad, Mr. John S. Reed, has addressed himself to these problems and recommended some solutions which I think merit the attention of the Senate. In remarks made in my home State, he urged greater cooperation between major railroads and the Federal Government.

Because of the timeliness and thoughtfulness of this statement, I ask unanimous consent that it be printed in the RECORD. I invite the attention of the Senate to it.

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

REMARKS BY JOHN S. REED

It is a distinct privilege for me to be with you this morning. As you may know, Topeka is a principal office and shop point on the Santa Fe and it also contains our computer and data processing center for the entire system. Kansas is a major state for the Santa Fe Railway, with our track mileage exceeded—naturally! only by the great state of Texas. Additionally, the headquarters of our large trucking affiliate, The Santa Fe Trail Transportation Company, which operates several thousand more miles of route than does the Railway Company itself, are located in Wichita. Accordingly, I feel right at home and in a position to welcome you to Kansas for your participation in these most important proceedings.

This is a time of great discussion and debate about railroads, Amtrak, the Penn-Central failure, labor difficulties, car supply problems, and the ASTRO Report provide fuel for rhetoric from the halls of Congress to small town street corners. This heightened interest in railroads and their problems is, of course, desirable—and in fact essential to the solution of those problems. The revelation of the financial agonies of the American railroad industry, viewed as a whole, will, I hope, provide impetus to the constructive resolution of some of its major problems. By the same token, in publicizing our difficulties, we of course run the very real risk of creating a public impression that the railroad body is barely warm, is beyond any cure, and is, in fact, about ready for burial. That would certainly be an undesirable reaction. In my view, the mere fact that the railroad industry has survived as well as it has, despite all of the handicaps placed upon it, gives proof to its basic economic soundness. Our survival to date reemphasizes the inherent efficiency of the steel wheel on the steel rail and the high degree of automation represented by the railway freight train. The condition of our railways must be viewed in proper perspective, and we should be looking at the future prospects. The question is: Where can we go from here if some of the ground rules that have plagued us can be changed?

I think it is appropriate, therefore, to remind you of some basics about America's railroads, many of which are often ignored in what is being said and written currently. To the general public we may too often be equated with a blocked street crossing or a vanished passenger train, and the really important facts do not receive an airing.

For example, the advent of Amtrak created the erroneous impression in the minds of many that with a quasi-government operation of passenger trains, railroads would no longer have much reason to exit. We on the Santa Fe have always been closely identified with our passenger trains. We have spent vast sums of money keeping our fine fleet of trains as a showcase to the public, and have retained all of the comforts and high standards that these trains have had in the past. But except for people within the transportation fraternity, I fear the overriding significance of freight operations is largely lost. After all, our passenger trains were never more than a minor source of gross income, although they were a major source of net loss. In 1970, Santa Fe's passenger revenue was approximately 4% of gross revenue, but accounted for a loss of close to $40 million.

So the important contribution of the railroads—now and historically—has been in the movement of freight. For the year 1969, the railroads accounted for 41% of all inter-city freight traffic—almost twice the percentage of the next two modes combined. They carried 46% of all meat and dairy products, about 75% of canned and frozen foods, household appliances, autos and auto parts and lumber, and about 65% of all chemicals and primary metal products. Here in the Midwest, railroads are essential to the agricultural economy and about 75% of this region's grain production typically moves by rail.

The importance of railroads was emphasized during President Johnson's administration when it was estimated a one-month railroad strike would, among other things: Reduce the gross national produce by 13%, raise the unemployment rate to 15%, shut down the coal industry, badly cripple metal, steel and chemical producers, and create a health hazard by cutting off the supply of chlorine for water purification. The lesson was vividly demonstrated last month during the Signalmen's strike.

My whole point here is simply to reemphasize, in case anyone has forgotten, the importance of the railroad industry to this country. Whatever problems are present must be viewed in this light.

Problems in our industry are not new. One of the reasons is that those dealing with the problems in the past have simply not faced up to the need for long-range solutions—and it's not for want of studying and identifying those problems. As far back as 1932 a National Transportation Committee was created with former President Coolidge as Chairman, and Barnard Baruch, Al Smith, and other prominent Americans. Its report had seven major recommendations that would be just as valid today as they were then. And in the intervening years the railroad problem was reviewed by any number of congressional and cabinet committees. It was in 1958 that there were congressional hearings that eventually led up to the Transportation Act of that year, when the authorities finally viewed with alarm the low rate of return on net investment of the railroad industry. It was demonstrated that this rate had dropped from 3.95% in 1956 to 3.36% in 1957, and that it would drop to less than 3% in 1958—all in an atmosphere considered to be highly inflationary. I submit that if the railroads' rate of return was considered with alarm *then*, it must be considered a state of utter emergency today when we find that for 1969 the return was 2.3% and for 1970 less than 1.5%. During this intervening period from 1959–69 railway freight charges—and here I refer to average revenue per ton-mile rather than any index of freight rates—declined about 7%, while the cost of food, housing, and apparel all rose about 25%. We simply must be able to generate a rate of return sufficient to support the tremendous outlay necessary for wages, capital investment (Santa Fe alone has spent $2 billion since World War II on plant and equipment), everyday expenses and dividends. The major responsibility rests upon the railroads, but we must have the cooperation of government and shippers as well.

Whenever the word "Government" is mentioned, one solution is always suggested these days: That of nationalization. Those of you who may have heard or read a talk that I recently gave at the Chicago Traffic Club know how opposed I would be to such a solu-

tion, but I suggest if you study the question you'll have little difficulty in agreeing that nationalization is not the answer, and that, it fact, discussion of it needlessly draws attention away from consideration of the real issues. Two points must be considered: First, what we know of nationalization from our own and others' experience, and, secondly, what it would cost—now and in the future.

We tried nationalization once in World War I, when the Federal Government managed to lose $2 million a day trying to run the railroads. By contrast, in World War II, the industry remained in private hands and did well enough to pay federal taxes alone of $3.8 billion.

A look at the nationalized railroads of other countries makes the evils of nationalization even clearer than our own experience. In England, even with a substantial reduction in route miles since 1948 (20,000 vs. 12,500) the British Railways still lost over $350 million in 1968. In 1969 the British Government by various devices provided a massive $355 million transfusion, which produced by modest paper profit.

In other countries the picture of railroads under nationalization is even bleaker. In 1968 the French National Railways were bailed out to the tune of $477 million. The Italian State Railways had a deficit of $410 million, and, notwithstanding a renowned passenger service, the Japanese lost $375 million. I could list them all, but suffice it to say that the story of nationalized railroads is one of staggering deficits.

In making these comparisons, I would emphasize that I have no quarrel with the operating capabilities of railroad men in nationalized systems. Their performance can be enviable and many of the statistical comparisons are not valid because of the vast differences in the service mix and emphasis on passenger operations. The inefficiencies occur not so much from the operations themselves as from the political permeation of the entire enterprise. This frequently turns it into a welfare operation performing services that do not meet the test of economics, and the staffs are loaded up with unneeded employes, sometimes as a convenient means of reducing national unemployment statistics. Finally, there is usually an adoption of social welfare rate structures favoring pressure groups in the society and which have caused the perpetuation of unjustified branch lines and branch line services in those countries. I submit there is nothing in anyone's experience in nationalization which commends it for use here. It solves no problems and invites a host of new ones.

The second point about nationalization is the initial cost. No one really knows what it would be, but a recent study estimates the price in the United States for government takeover (based on fair market value of assets) at 60 billion dollars. In addition, our projections indicate $36 billion will be needed in just the next ten years to finance necessary improvements in plant and equipment to meet the ever-increasing transportation needs of the economy. And remember, nationalized railroads pay no taxes, while in 1969 the American railroad industry paid over one billion dollars to local, state and national taxing bodies.

How can our shippers help? A prime problem (as we all know) is equipment utilization. We simply must have cooperation in making maximum use of our cars. For example, on the Santa Fe we estimate that in March 1971 14.4 days were expended per car for each load handled by our covered hoppers. We call on our shippers for help in reducing the time necessary for handling a shipment. We have asked their cooperation in the success of our clean car campaign. A good deal of the delay is occasioned by shipper detention of equipment, and there is plenty of room for improvement.

For our part, we are at this moment settling out on a campaign with our grain shippers, through direct contacts and an extensive advertising program throughout the Midwest to encourage better car utilization during the 1971 harvest. I have high hopes this season will see few if any car shortage problems on Santa Fe.

We also ask the cooperation of regulators such as yourselves in the matter of plant rationalization. Modern communications and transportation have limited the need for many of the agency stations scattered across the countryside. Continued maintenance of stations when the customers can be just as well served without them represents a totally unnecessary drain on our resources. It should not take months and years to obtain authority to close them. Moreover, in many cases, discontinuances have been denied when there was no real economic need for the service. I call on you as regulators to take a "second look" at these matters and join with us in eliminating unnecessary service by expediting handling of these cases.

The same reasoning holds true for branch line abandonments. We don't file for abandonments out of any malice. If a branch line can pay its way, we certainly want to keep it, however, if it cannot and serves no real economic need, it is in no one's best long-range interest to retain it, and it should not take months and even years to effectuate an abandonment. I sometimes feel that state commisisons have what might be called a knee-jerk reaction to applications for abandonment and file protests without really studying the facts. Maintaining outmoded branch lines detracts from our ability to make necessary investment in productive facilities and, in fact, aggravates the car supply problem by requiring us to commit cars to little-used service, often for a substantial period of time.

In both these areas I urge regulators not to do what was done with passenger trains. For too long we were forced to operate trains which clearly lost money and plainly were not patronized. For some railroads this placed the total financial integrity of the company in jeopardy. For our part, we survived, but at a cost of millions which could have been expended for much needed equipment and facilities to improve service to our shippers. Now the pasesnger service is in *public* hands—a direct result of ignoring the economics involved for far too many years. I hope we have all learned a lesson from this!

In another area of government, we ask the help of Congress in these areas:

(1) Barriers to common ownership of different transportation modes should be removed. All transportation companies should be free to offer the widest range of services.

(2) We need greater freedom in pricing our services. Historically we have been badly shackled in our ability to compete by rigid rules covering rate changes.

(3) Our national policy should encourage mergers in the interest of more economical and efficient utilization of railroad plant and equipment.

(4) Railroads should be freed from discriminatory local taxation. A bill prohibiting this passed the Senate last session and I understand will be considered in both houses soon. I solicit your support of this legislation.

(5) The principle of government participation in highway grade crossing protection and separation is well established for the federal highway system. I urge this approach to be extended to all state, county and local roads.

(6) I invite your study of two congressional bills, one calling for a national freight car corporation, and the other known as the Railroad Equipment Obligation Insurance Act. These bills are designed to increase car supply and increase the ability of the weaker railroads to finance new equipment. Also, I suggest the 7% investment tax credit—so successful in the sixties—be restored.

(7) The public generally I think is fed up with the periodic labor crises which plague our existence. For years the railroad industry has urged some form of compulsory arbitration to resolve these disputes. There are a number of bills pending in Congress, including one introduced by the Nixon administration. The administration bill is a step in the right direction because it at last gives us more than an abstract expression of concern. However, I commend to you a bill prepared jointly by railroads and airlines which hopefully will soon be introduced. This bill would provide four alternatives:

(a) Let the parties fight it out.

(b) Appoint a fact-finding board to make non-binding recommendations.

(c) Submit to binding arbitration.

(d) Appoint a panel to select the most reasonable of the "final offers" of the parties.

I think this approach would guarantee no more strikes of serious proportions and offers a very fair approach to resolution of these disputes.

(8) In the general area of regulations, what is needed is an overhauling of the substantive rules which govern us, and for that matter, a hard look at the organization of our regulatory agencies. There has been much talk of combining all federal regulation of transportation into one agency. This is certainly an area deserving careful study, but as Chairman Stafford has pointed out, our objectives cannot be achieved unless the basic laws are changed—whether administered by one or several agencies. We need to see changes in basic rules and expedited handling in the areas I have indicated earlier.

For example, this week the Secretary of Agriculture asked the Interstate Commerce Commission to grant all railroads blanket authority to substitute truck transportation for agricultural commodities when rail cars are in short supply. This is a very desirable step in relieving car shortages and in minimizing protests in branch line abandonment cases and is a step which the I.C.C. can take without seeking a change in existing law.

I said earlier that the major responsibility for solving the earnings dilemma rested upon the railroads themselves. Unfortunately, in a capital-intensive business such as ours it requires endless millions of dollars to effect the changes in plant that can lead to better service and greater patronage. Few railroads can maintain a major capital investment program such as we have accomplished on the Santa Fe into which one billion dollars have been plowed into plant and equipment in the last ten years. That is the kind of money it takes to equip a railroad with continuous welded rail throughout most of its main line mileage; provide a microwave communication network to serve as the backbone of a sophisticated electronic information and control system; and to pay for other major facilities such as our new automated classification yard at Kansas City. Those are the considerations that have suggested the direct or indirect financial support from the Federal Government.

However, there are some lesser areas of self-help in which improvement can also be made. One recent example, in which the I.C.C. gave a welcome assist, was the execution of a trackage rights agreement between Santa Fe and Norfolk & Western Railway which has permitted us to bring Norfolk & Western trains directly into our new yard at Kansas City, thus saving many hours of delay that would otherwise be incurred in making crosstown deliveries for interchange. Application for these trackage rights was filed March 9 and was very expeditiously approved May 19. This is precisely the sort of mutual cooperation which is essential for all of us to practice.

Even on the research front, where federal

assistance, in all fairness, is needed, there is also opportunity for railroads to help themselves. One recent project is development of a proposed coaxial train, designed to permit substantially higher speeds on existing tracks. We are sponsoring, with D.O.T., an 8,000 ft. test track here in Kansas near Wichita to test various track support systems, and hopefully develop improvements in conventional track structure. We have also helped in the construction of D.O.T.'s high-speed test track at Pueblo where experimental vehicles operating at speeds in excess of 200 mph will be tested.

Then a word about the quality of railway performance. This is an area in which the national network is no stronger than its weakest link and a tightening up must occur by all members of that network. It can be done and I would offer you an example. Last week Santa Fe received the esteemed Harriman Gold Medal Award for ranking first in employe safety among all major railroads. We achieved a record of 4.36 injuries per million man hours, a figure which compares favorably with industry generally. I mention this not to brag about Santa Fe's safety performance but to show what can be done when a company really puts it mind to something. While employe and passenger safety has always been a matter of top priority in the operation of a railroad, Santa Fe decided in 1968 to take a new approach to an old problem. In a nutshell, we rose from a ranking of 19th place in 1968 to first place in 1970 and achieved a reduction of 73% in our injury ratio in that 2-year period. We are now focusing new attention on our loss and damage program and have just reorganized our whole approach to the matter of quality control of freight operations—and I hope that the results of this campaign may be equally as rewarding as our approach to the safety problem.

In concluding my remarks, if there is any message that I have for the regulators of our railways, it would be this: I urge you to reexamine your interpretation of what constitutes "the public interest" in your deliberations on such matters as rates, facilities, and services. Was it really in the public interest to require a railroad to perpetuate year after year a branch line train whose revenue passenger load could be counted on the fingers of one hand? Could the financial losses from such services—running into the hundreds of thousands and, in some cases, millions of dollars per year—be better applied elsewhere? Again, is it in the public interest to deny the retirement of sparsely used branch lines—or at least to require time-consuming delays involved in extensive investigations of self-evident abandonment situations? Please bear in mind the tremendous impact on the cash reserves of railways when timely relief is not granted. For those of you who are so close to home in this wonderful grain country of ours, consider whether the avoidable losses of this type could not be better applied in the public interest to the acquisition of new freight cars in which to haul our grain and have more adequate funds with which to maintain the plant and equipment by which it is transported.

If a change of viewpoint does not occur, it will be tragic indeed at some future date—with the railroads flat on their backs—to call upon a freight-oriented Amtrak to step in and carry out in one fell swoop the life-saving steps that were indicated all along. We must have the courage and good common sense to evaluate the situation in the light of the 1970's and to act accordingly.

I am still an enthusiastic optimist about our nation's railroads; about the need this country has for them; about the growth of that need in the years ahead; and about our ability to work out our problems if only the cooperation of all concerned can be obtained. Under those conditions, the basic economic soundness of railway transportation will prevail, and the entire nation will be indebted to you for the part that you will have played.

Thank you very much for your kind attention.

FROM NUREMBERG TO MYLAI

Mr. ERVIN. Mr. President, Maj. Gen. Kenneth J. Hodson, the Judge Advocate General of the U.S. Army, made an address before the Minnesota State Bar Association on June 18, 1971. The address is entitled "From Nuremberg to Mylai" and merits the consideration of all Americans who are interested in the subject of war crimes.

Major General Hodson is retiring from his post as Judge Advocate General of the Army after a brilliant career characterized by many substantial achievements. He possesses a highly enlightened legal mind, and an understanding heart, and is responsible in large degree for the drafting and enactment of the Military Justice Act and other pieces of constructive legislation in the field of military justice.

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

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

FROM NUREMBERG TO MYLAI

Until 1965, few people had any knowledge of or interest in military law. Commencing with the buildup of U.S. forces in Vietnam in about 1965, the system of military justice entered the public spotlight, largely because of rising anti-Vietnam sentiment and a series of court-martial trials in which that sentiment was expressed. The first case involved Lieutenant Howe, who was convicted of using contemptuous language against President Johnson. Howe had carried a placard in the public square at El Paso, Texas, denouncing the President. The second case involved Dr. Levy, who was convicted, among other offenses, of refusing to train Green Beret personnel in certain medical procedures. The third case involved 27 soldier prisoners in the Army stockade at San Francisco. These soldiers were in confinement for absence without leave and desertion, stemming basically from their dislike of the Vietnam war. When they tried to present a list of complaints to the commander and refused to return to their cells when so ordered, they were charged with and most of them were convicted of mutiny. Even though the findings and sentences were subsequently drastically reduced, this case generated at least two books critical of the Army and its military justice system.

Finally, there is the My Lai incident and the trial of Lieutenant Calley. Until the trial of Lieutenant Calley, critics generally condemned the system of military justice as denying to an accused any semblance of a fair trial. Some of the most violent criticism was based on interviews with defendants who had been convicted by court-martial. The couplet by Alexander Pope is just as pertinent today as it was when he penned it 250 years ago:

"No thief ere felt the halter draw
With good opinion of the law."

In any event, but mostly because of anti-Vietnam, antimilitary sentiment, there was fairly widespread condemnation of military justice. However, the professional reporters who observed the trial of Lieutenant Calley have generally been high in their praise of the fairness of the system of military justice. These reporters were impressed by the modern system of justice which they found. Some were surprised to learn that the landmark decisions of the Warren Supreme Court—which had brought about such a revolution in criminal justice in State courts, such as the *Mapp* case, and the *Gideon*, *Escobeda*, and *Miranda* cases—had been followed in the military for years. They were amazed at the broad right to pretrial discovery enjoyed by a soldier and at the liberality of military appellate review, including the right to a review of the severity of the sentence—rights that are enjoyed by few defendants tried by civilian courts.

I am proud of our system of military justice. I am convinced that Congress has done a good job in carrying out its constitutional mandate to make rules for the government of the land and naval forces. It has effectively drawn a good balance between the rights of the individual to a fair trial and the need of our society for an effective armed force. I think I should also add that the commanders of today's Army are convinced that discipline is enhanced more by the fair treatment of the offender than by the iron-handed punishment of the past. But, as you can see by the title of my address, I did not come here to talk about the administration of military justice.

I am going to talk briefly about war crimes—about the rules of land warfare and their application to the conflict in Vietnam. Hopefully, I may be able to clarify some misconceptions that have been generated by the My Lai incident.

The history of early warfare is replete with instances of savagery. The only rule applicable to early warfare was the law of the tooth and the claw, the law of the jungle, the survival of the winner, and the death or enslavement of the loser. With the growth of the Christian ethic, and the development of the rules of chivalry, certain rules of land warfare came to be recognized. One must understand that these rules developed at a time when wars were small, armies were tiny and were led by professional soldiers. Knighthood was in flower and chivalry flourished. It was in the interest of the military leaders of those days to recognize certain restrictions on the employment of violence, if only for their own self-preservation.

Several factors have complicated the development and observance of rules of land warfare. The first is that warfare has steadily become more deadly and more difficult to restrict as weapons became more deadly and more generalized in their application. Further, as the rules were always based on the last war, weapons and tactics were almost invariably outrunning the rules, thus making it difficult to apply them.

Secondly, the religion-oriented concept of just and unjust war, which was advocated by St. Augustine in 400 A.D. and St. Thomas Aquinas in 1200 A.D., led to savagery on the battlefield simply because the loser was always considered to be unjust, and thus was thought not to deserve any mercy. The philosophy of the just and unjust war is still with us. The Soviet bloc espouses socialist wars of "national liberation" as just. All other wars, to them, are unjust.

The third obstacle to observance of rules of land warfare is the human or nationalistic reaction to a rule which runs in the face of the Darwinian principle of survival of the fittest. A remark attributed to Bismarck illustrates this. He allegedly said, "I can't imagine any head of state losing a war merely because of some rules."

Despite these obstacles, however, by 1625, there were sufficient recognized rules of warfare to warrant Hugo Grotius' setting them down in his book, "The Law of War and Peace." These rules had long been known and respected. For example, prior to the battle of Agincourt in 1416, Shakespeare has Henry V charge his troops as follows:

"We give express charge, that in our marches through the country, there be nothing compelled from the villages, nothing taken but paid for, none of the French up-

braided or abused in disdainful language; for when lenity and cruelty play for a kingdom, the gentlest gamester is the soonest winner."

After the Battle of Solferino in 1859, the Red Cross was born, and the concept of humane treatment of wounded prisoners was given great impetus. A few years later in 1863, during the Civil War in the United States, Dr. Franz Lieber of Columbia University was commissioned by President Lincoln to draft rules of land warfare which would be followed by the Northern Armies during that conflict, which because it was influenced by the just/unjust philosophy was marked by incidents of savagery. There followed, as time passed, the Hague and Geneva Conventions, which eliminated the concept of just and unjust war. Under these conventions, it made no difference who started the war or for what reason. The rules were designed to protect all persons who fell into the hands of the enemy, to prohibit unnecessary suffering of combat and noncombat personnel, and to make it easier to achieve peace.

Two basic rules govern combat. The first is the rule of necessity. Violence is permitted only if it can be justified by military necessity. Second, there is the rule of proportionality, which means that the violence applied to accomplish an objective must not be out of proportion to the objective sought. For example, one round of sniper fire from a village in Vietnam will not justify a B-52 raid to destroy the village and all of its inhabitants. Let us now take up the problem of enforcement of the rules of warfare—the law of war. A war crime is a violation of the law of war. If we apply the criminal process to the prevention of war crimes, how do we go about it?

War crimes are not new. War crimes trials are not new. For example, in 1474, Sir Peter Hagenbach was tried by an international tribunal at Breisach for his inhumane treatment of the population of an area of Germany. It may come as a surprise to you to discover that his defense was that he was carrying out the orders of the Duke of Burgundy to terrorize the inhabitants. The defense was rejected, and Hagenbach was convicted and executed. A more recent war crimes trial involved Captain Wirz who was convicted and executed in 1865 because of his inhumane treatment of Northern prisoners at Andersonville during the Civil War.

It may also surprise some of you to learn that this State was the site of one of the largest war crimes trials. Many in this room know about the Sioux uprising in the southern part of Minnesota in 1862 under the leadership of Little Crow. The arson, looting, rape, murder, scalping and mutilation lasted a week. By all accounts, it was the bloodiest Indian massacre the West ever knew. The estimates of those killed ranged from 800 to 2,000. The women and children captives were treated brutally.

Colonel Sibley, the Army commander, convened a military commission to try those engaged in the raids and massacres. They were generally charged with "participation in murders, outrages and robberies," and evidence of participation in one of the battles was sufficient for conviction; proof of personal commission of a crime was not necessary. In a little over a month, 392 had been tried, and 306 were sentenced to hang. Because of political pressure, President Lincoln intervened, ordered the records of trial forwarded to Washington. He approved the death sentence as to 38 individuals, and they were hanged at Mankato the day after Christmas, 1862. Lincoln upheld death sentences only as to those whose records of trial showed personal maltreatment of captives or wanton murder of civilians. He rejected the theory of guilt based on mere participation, just as this theory of guilt was to be rejected at Nuremberg some 85 years later.

In 1902 Brigadier General Smith of the Army was convicted by court-martial of ordering his troops to commit atrocities in the Philippines. This is the essence of the order General Smith gave: "I want no prisoners; I wish you to kill and burn. The more you kill and burn, the better you will please me. . . . All persons capable of bearing arms, those 10 years of age, or older, are to be killed." General Smith was sentenced only to a reprimand, because the evidence indicated that his troops did not carry out his orders. However, by order of President Theodore Roosevelt, he was retired from the Army.

At the conclusion of World War I, the Allies had a list of 896 alleged war criminals which they presented to Germany. Germany refused to deliver the defendants and asserted that it would try its own war criminals. Twelve were tried by German courts; six were convicted and six were acquitted. Two interesting cases were involved. A submarine commander who sank the *Dover Castle*, an Allied hospital ship, was acquitted because of his defense that he had sunk the ship on the basis of intelligence furnished to him that the ship was carrying munitions and troops. Although the intelligence was erroneous, his belief was deemed to be reasonable, and his acquittal followed. On the other hand, the submarine commander who sank the *Llandover Castle*, a Canadian hospital ship, under similar circumstances was convicted. However, he was convicted because he had machine gunned the survivors.

During World War II, the Allies became concerned that if aggressive action were not taken to punish atrocities or violations of the rules of war, these rules would offer little deterrence in the future. The Nuremberg trials were an attempt to apply the criminal process to punish individuals who violate the law of war, just as we apply the criminal process to the prevention of domestic crime. These trials have been condemned as being the enforcement of justice by victors, but there was no reasonable or practical alternative. These trials have also been condemned because they are said to have applied ex post facto standards. This is not so. There were three categories of crime: First, crimes against peace, or the crime of waging aggressive war. This category was a violation of the pact of Paris—the Kellogg-Briand Pact. The second category was crimes against humanity, which relate to the deportation and death of thousands of slave laborers and Jews. It was considered that this type of conduct was violative of the basic rights to which all people of the world are entitled. Prohibitions against such crimes were a part of the customary law of war long before World War II. The third category consisted of conventional or customary war crimes, such as mistreatment of prisoners of war, which were covered by the Hague and Geneva Conventions.

One aspect of the war crimes at Nuremberg that has been the subject of considerable comment is the so-called defense of superior orders. Since the time of Bismarck, German law provided that superior orders would be no defense to the commission of a crime. The British and American military field manuals provided, on the other hand, that superior orders would be a defense. As we approached the end of the war, in fact in November 1944, we changed our field manual to provide that superior orders will bar conviction if the accused did not know and could not reasonably be expected to know that the order was illegal. This is the rule that was adopted by the Nuremberg tribunals, and it is the rule which is applied in Vietnam today.

The World War II trials for the violation of customary rules of land warfare involved two types of criminal responsibility. In the Malmedy massacre, we have an example of the direct responsibility of a commander for war crimes. There, an order by Hitler to take no prisoners during the Battle of the Bulge was passed down through the chain of command and resulted in the execution of 86 U.S. soldiers by their German captors. Three general officers, 16 other officers, and 55 enlisted men of the Sixth Panzer Army, including its commander, General Dietrich, were tried and convicted by a U.S. military commission. In this instance, commanders were held responsible because they had ordered or authorized war crimes. The defense of superior orders was rejected because an order to take no prisoners would be illegal as it would clearly violate the Geneva Conventions.

An example of the second type of criminal responsibility—indirect responsibility—is the Yamashita case. The Yamashita case is sometimes erroneously cited as holding a commander responsible for every criminal act of his subordinates. In fact, the case stands for the proposition that a commander is responsible for taking reasonable action to keep his soldiers from violating the rules of land warfare. Yamashita was charged with 125 specifications, the first of which alleged the murder of some 25,000 Filipino civilians. The defense contended that Yamashita did not know of these war crimes and therefore could not be held responsible. The court rejected this defense on the grounds that it was inconceivable that Yamashita could have been unaware of such gross and continuing violations of the rules of land warfare. In short, the court found from the evidence that Yamashita did know of these widespread atrocities and did nothing to halt them.

A number of misconceptions have grown out of the My Lai incident. One question that is frequently asked is this: How can you maintain discipline in the Army if soldiers are permitted to question every order? The people who ask this question are thinking of an order of doubtful legality, whereas, invariably, the orders we are concerned with are those which are obviously and plainly illegal.

In the Calley trial, for example, there was testimony that he was following orders, and there was testimony that no orders were given. As a matter of law, however, the judge instructed the members of the court—the military jury, that is—that an order to kill unresisting human beings in the custody of our forces would be an illegal order. He then instructed the court that an illegal order is not a defense if the accused knew that it was illegal or if a man of ordinary sense and understanding would, under the circumstances, know that it was illegal. The court's findings show that it rejected the defense of superior orders.

In any discussion of the so-called defense of superior orders—which might better be called the non-defense of superior orders—I am usually asked, "Is the average soldier trained so that he can make the fine legal distinction between a legal and an illegal order?" As I have indicated, fine distinctions are not required. We hold him responsible for obeying an illegal order only when the order is one that a man of ordinary sense and understanding would know to be illegal. Holding him to this standard is not too great a burden. It is not more unusual, or no more of a burden, than holding the average person responsible for knowing when he can act in self-defense. Yet, I would say that the law of self-defense is more complex in application than the law relating to the so-called defense of superior orders.

The second question that I am asked is: "Why do you hold an infantryman responsible for killing a few people in a village, when you would not hold the pilot of an aircraft responsible for dropping bombs on the same village and killing hundreds?" This question was answered at Nuremberg. The tribunal gave the following example: If bombs are dropped on a railway yard, a legitimate military target, and one of the bombs falls on a nearby house, killing the civilian occupants, the bomber pilot will be excused. "But," said the tribunal, "That is

entirely different, both in fact and in law, from an armed force marching up to these same railroad tracks, entering those houses abutting thereon, dragging out the men, women, and children, and shooting them."

A third misconception that I hear is that, if the Yamashita principle were to be applied to the Vietnam conflict, our senior commanders could be tried and held responsible for war crimes committed by their troops. As a matter of fact, the Yamashita principle does apply to the conflict in Vietnam, but, as I have said previously, Yamashita stands for the principle that a commander must take reasonable action to control his troops. Yamashita was convicted because, knowing that his troops were committing atrocities, he did nothing to stop them. On the other hand, an examination of the actions of our commanders in the Vietnam conflict shows continued concern that our soldiers conduct themselves in accordance with the rules of warfare. Clearly, the trials and convictions of members of our Army for violations of well-known rules, which by training and repeated emphasis become a part of a soldier's response to combat, show our intent to meet our obligations under international law.

The rules of land warfare that we are applying in Vietnam are based upon World War II experience in Western Europe. Our military lawyers are faced with a difficult problem of applying those rules to a different kind of warfare in Vietnam. Further, the enemy has shown a total disregard for those rules. I think that most of you will agree that we should not throw the rules of warfare out merely because the enemy has done so. It is no defense to a war crime—in World War II, Korea, or today—to say that the enemy has committed worse crimes. Applying these rules to the Vietnam conflict requires extra effort on the part of commanders to establish strict rules of engagement in order to prevent, as far as possible, unnecessary harm to innocent civilians. Further, our commanders must investigate alleged war crimes, and when the evidence so warrants, they must place the alleged offenders before an appropriate tribunal. Were they to do otherwise, they would not only be guilty under the Yamashita principle, but they would also return warfare to the law of the jungle, the law of the tooth and the claw. The fact that obedience to the law of war is made difficult by the nature of the war itself, and by the disregard of all principles of humanity by the enemy, makes the commander's job a difficult one, but one which he must face up to.

In President Roosevelt's action dismissing General Smith for his part in the atrocities in the Philippines in 1902, he stated:

"The very fact that warfare is of such a character as to afford infinite provocation for the commission of acts of cruelty by junior officers and enlisted men, must make officers in high and responsible position peculiarly careful in their bearing and conduct so as to keep a moral check over any acts of an improper character by their subordinates."

President Roosevelt's words are just as applicable to today's commanders as they were in 1902.

TEXTILE IMPORTS

Mr. AIKEN. Mr. President, although Vermont lost nearly all of its textile industry some years ago, I cannot help being concerned by the fact that we may soon be called upon to make a choice between economic isolation and the loss of an industry employing nearly 2½ million people in the United States.

For that reason, I have read with particular interest the scanty news reports of Ambassador at Large David Kennedy's mission to the textile-producing countries of the Far East.

While Ambassador Kennedy's discussions on textiles in Taiwan, Korea, and Hong Kong are receiving some attention in the press, the reports are not very complete.

However, they do serve to highlight the nature of the problem and the seriousness of the issue to all parties concerned.

In view of this situation, I have undertaken to find out a few facts relating to Ambassador Kennedy's mission.

Our textile problems with Japan are, of course, a matter of public knowledge.

However, I would like to call attention to the fact that we import more manmade apparel items from Taiwan than we do from Japan.

We import practically as much manmade apparel from Korea as from Japan while our imports of manmades from Hong Kong fall only slightly below these levels.

Not only is the magnitude of these textile exports to the United States exceedingly great, but the rates of growth at which they have been flooding the U.S. market are astronomical.

Should the current rates of growth of textile exports to the United States continue—rates now running as high as 75 percent a year from some countries—the consequences for the U.S. textile industry are obvious.

For example, the manmade apparel industry could be virtually eliminated in the near future as a result of abnormally low cost textile imports—imports which customarily sell in the U.S. market well below what they are sold for in the exporting country, and with the apparel industry will obviously go the fiber and fabric producers, under heavy pressure themselves from imports, which provide the materials for apparel products.

The plant liquidation rate in both these sectors of the textile industry is already very great.

The loss of a major U.S. industry is not a welcome prospect in a struggling economy.

Its ramifications in human terms is especially dismaying in this instance in view of the fact that nearly 2½ million workers are employed in the textile industry with roughly a million of these in apparel alone.

Unfortunately, these workers do not possess skills that can be readily adapted to other lines of work.

They are, for the most part, low skilled minority groups in the larger cities where the apparel industry is established or in the smaller rural communities where the fiber and fabric producers are located.

Against this backdrop of rising unemployment and increasing plant liquidation in the textile industry, the administration is making every effort to halt these damaging trends without triggering new barriers to international trade.

For these reasons, Ambassador Kennedy is attempting to reach voluntary agreements with Taiwan, Korea, and Hong Kong whereby their textile exports to the United States may continue to grow but at a slower pace.

In this respect, it is encouraging to learn that the Republic of China has shown great understanding and appreciation for our situation.

Ambassador Kennedy left Taipei with the major elements of an agreement worked out.

Even though the Republic of China's exports to the U.S. market are currently growing at well over 60 percent a year, that country agreed to slow that growth during the next 5 years to a rate slightly below 9 percent—roughly equal to the average growth of its economy.

Our friends in Taipei have, indeed, negotiated with us in good faith on an issue that is as important to them as it is to us.

Korea is also our friend, and I had expected a similar reception for Ambassador Kennedy in Seoul.

But if my information is correct, the lack of understanding and cooperation in Korea on the textile issue was all the more startling when contrasted with the cordial reception in Taiwan.

It is, of course, true that textile exports to the United States are highly important to the continued growth and expansion of the Korean economy.

That is obviously the case in Taiwan as well.

Consequently, in his discussions in Seoul, Ambassador Kennedy asked only that Korea slow its growth of textile exports to the United States to a level approximating the growth of the Korean economy—around 8 percent in recent years.

Since the U.S. market absorbed 20 percent more textile exports from Korea in 1970 than in 1969, it seems entirely reasonable to suggest a reduction in future growth rates to approximately 8½ percent per year.

This is especially true in view of the fact that the United States is prepared to assist Korea in finding new textile markets as well as cushioning, by other means, any foreign exchange losses that might possibly occur.

I find it rather discouraging and disheartening to learn that Korea has refused to seriously consider the U.S. proposal with Ambassador Kennedy.

I find this especially so when I recall that we fought 3 long years for Korean independence and have since spent $5 billion for her economic development as well as another $3.2 billion on a military shield for Korea.

Korea speaks of a special relationship with the United States.

Yet if her reaction to our textile problem, which she is in a position to help resolve, is any indication of her role in this special relationship, then I can only conclude that Korea expects all the benefits to flow in her direction.

Under these circumstances, it is obvious to me that a reexamination of our special relationship—in every detail—is absolutely necessary.

Friendship is a two-way street, and it implies understanding and cooperation on the part of both parties.

I hope Korea will reconsider the crucial elements of true friendship—and the mutual benefits that flow from such a relationship—because that is precisely what we are now compelled to do.

If, however, Korea does not agree to cooperate, the effect will be felt far beyond our relations with a single country or our concern for a single industry.

I have been and still am very much opposed to the establishment of quotas by the Congress but it may be we will have no other recourse.

I want it understood that I am not speaking for the textile industry but am calling attention to a situation which, if not resolved, can lead us into greater economic isolation with more harmful results to our already distressed domestic industry.

RURAL AND SMALL TOWN DEVELOPMENT

Mr. TALMADGE. Mr. President, a good friend and constituent of mine sent me a letter to the editor that was published in the Denver Post. The letter very effectively points out a compelling need in our country today to concentrate more on rural and small-town development.

I was very glad to read this expression of public concern about a nationwide problem of the utmost importance. As the Senate knows, since assuming the chairmanship on the Committee of Agriculture and Forestry, I and my colleagues on the committee have endeavored to make rural developed a new major thrust. Considerable progress is being made, and we expect in the near future to present major legislation in this area. Massive migration to cities must be stopped, and the Government must put forward every effort to make living and working in rural areas and small towns more attractive.

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

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

FARMERS, BUSINESSMEN NEED TO UNITE

We, who surround the small, rural communities in America, are only too well aware of what is happening today.

The exodus of the small farmer, the small businessman, is on an alarming increase. A thoughtful look at facts and figures can give us a pretty good reason why this is happening.

The small farmer is continually faced with increased costs in land, machinery, machinery repair, labor, high food and clothing costs—to say nothing of the staggering high interest rates.

The small businessman, in order to make up for the lack of sales volume that his big, city cousin enjoys, feels it is necessary to raise the price on his goods so that he may be able to stay in business.

Consequently, the small farmer is forced to look for lower costs in the closer, large cities. For if he doesn't, he will soon find himself out of the farming business. Unlike his small town cousin, the farmer can lose his crop, which he has worked hard throughout the year, planting and cultivating, in a matter of minutes.

But does his friendly co-partner, the small town businessman take this blow from nature into consideration? Seldom. Especially if the farmer is starting out on his own with a young, growing family.

The man who is older, and has more experience and capital behind him, can go ahead as usual and successfully do business with his small town merchant friend. Unfortunately, these sort of "good credit risks" are far and few between in today's farming.

Those who are thought of as in the "good credit risk" category are those farmers who were able to start out in the farming business when market prices for wheat and cattle were tops—prices which, I might add, haven't been seen since the '40's.

Then, we have those who have inherited their farm. They are not burdened with that extra worry of paying for the place. Thus, with the false feeling of "success", these "spoon-fed" youngsters are not so much concerned with making the farm a paying thing as they are interested in partying and socializing.

Now we have the latest kind of "farmer"—the big-time investment gambler and trader. He generally comes from the ranks of top-paying professional men—doctors, lawyers, corporations, etc. With lack of places to invest his money, he jumps into the company or private car and heads for the typical, small communities. There he grabs up the biggest and best piece of land available. Before now, this has been the biggest and best tax write-off gimmick going for the big-time investment gamblers.

This man from the ranks of the big spenders does not care whether his newly purchased land is properly farmed. For those whom he gives the opportunity to farm it, they are only in reality, eking out a mere existence, while he, Mr. Big, takes the largest chunk of income and reinvests it in more land.

As for the small town businessman, he couldn't care less about them. He makes his purchases where his own realm of living exists.

Then there are the neighboring farms surrounding Mr. Big's ground. These farmers are faced with his blowing dirt on their growing fields, his broken fences and the moisture-sucking, rapid spreading weeds. It is not hard to envision the results of this kind of monstrosity taking place in rural America.

Since we are already aware of the dilemma of the small farmers and the small town businessmen, we should get together as concerned people, work hard and consistently until this unhealthy state of affairs is straightened out.

If we don't get concerned and now, there will be only death for the small rural communities throughout America. Consequently, the whole people of America will, in time, suffer.

Many a great nation has fallen because of its failure to recognize the importance of its rural communities. In reality, they are the backbone of every great nation.

A Concerned Farmer's Wife,
Mrs. RICHARD W. BLANCKEN.
FLAGLER, COLO.

UNTRUTHS ABOUT OUR NATION

Mr. TOWER. Mr. President, recently, the New York Times Sunday Magazine of June 6 contained an article by Arnold Beichman concerning the calumnies that Americans are telling about their country. The article, entitled "Six 'Big Lies' About America," shows how so many so-called intellectual members of the "liberal establishment" in America spread untruths about our great Nation, mainly through an unthinking prejudice that somehow will not let them accept true facts.

I ask unanimous consent that the article be printed in the RECORD.

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

SIX "BIG LIES" ABOUT AMERICA

(By Arnold Beichman)

The culture of a free society becomes seriously corroded when lies circulate freely as truths; when an unsupported assertion is accepted as a statement of fact rather than as something to be proved, when the line between possibility and certainty becomes invisible.

In political discourse, one expects lies and half-truths; politicians are not, after all, philosopher-kings. In culture, however, when lies begin to be accepted as worthy of debate by our enormously powerful social critics and literary intellectuals a crisis in values follows. Culture cannot long withstand perversions of truth. When culture becomes politics, revolutionary politics in particular, there can be no criterion for truth and its inseparable companion, rationality, for then every man is his own judge of truth with the right, if he so chooses, to force his truth on the refractory. As André Malraux once wrote: "The path that leads from moral reasoning to political action is strewn with our dead selves."

America today is a country about which more lies are told by Americans than were ever dreamed of in Moscow, Peking or Havana. There is nothing new about this. The earlier highwater mark of such lying came in the nineteen-thirties when leading American intellectuals transformed a nauseating tyrant (see Robert Conquest's "The Great Terror" for confirmation of my description) into a democratic socialist and the personification of a free culture—far superior, of course, to "capitalist" culture. Within the memory of many, there were young people in the English-speaking democracies who swore they would not fight for king or country—the famed Oxford pledge—while at the same time they demanded a system of collective security gainst Fascism, but without rearmament.

What is new is that lying through the perversion of language or distortion of visible fact is now widely accepted as normal, so long as these derelictions are created by "progressives" around "progressive" issues. Take a little lie: the misuse of the phrase "underground press" to describe the left-radical-counterculture newspapers, all of which are obtainable on most 42d Street newsstands or on street corners from the East Village to Haight-Ashbury. The phrase "underground press" formerly defined publications which had to circulate secretly, from hand to hand, because they were against a repressive government, against a ruthless establishment, determined to punish publishers of such publications. There was an underground press in Czarist Russia, as there is one today in Communist Russia. An underground press existed in France during the Nazi occupation. It didn't sell at any kiosks in Paris any more than a *samizdat* paper, like Chronicle of Current Events, sells at kiosks in Moscow.

Our "underground" newspapers and books are sold openly and widely with full instructions on how to make a Molotov cocktail or how to make false claims for "lost" travelers' checks so you can live in the U.S. on "no dollars a day." About the worst fate that can befall the publishers of our "underground" papers is bankruptcy. Why, then, is it the fashion to refer to this press as the "underground press" when so clearly it is not?

Or take the word "blind," a one-way adjective which is attachable only to unprogressive political positions. Robert Heilbroner, the economist likes to talk about "blind anti-Communism," but no true progressive could ever say, for example, "blind anti-Fascism." On the contrary, one must *always* condemn a Fascist dictatorship, but one need condemn a Communist dictatorship only once a year—say, on the anniversary of the second invasion of Czecho-

slovakia—or during some particularly horrendous event. To keep harping about Communism makes you a "blind anti-Communist." To praise Communist revolutions as a significant modernizing force is to be an unsentimental realist, a scholar; to be doubtful is to be "blind" to reality.

My concern here is not to catalogue little lies but to discuss Big Lies about America, the Big Lies which are now common currency among so many American social critics and their followers:

I—AMERICA IS EITHER ALREADY A FACIST COUNTRY OR ON THE ROAD TO FASCISM

This is all agreed, among the social critics I am discussing, but there is some dispute as to how soon before American Fascism becomes real Fascism. This isn't as absurd as it sounds. After all, if a polemicist announces over the radio, television, in a newspaper or magazine or in a best-selling book that America is a Fascist country, it might be considered zany to make such a statement. So you get around this problem in rationality by distinguishing between "Fascism" and "real Fascism," without ever making it clear what the distinction might be.

Charles Reich in "the Greening of America" tells us that America is at "the brink of an authoritarian or police state." He tells us that "today [in America] both dissent and efforts at change are dealt with by repression." The Harvard Crimson a few months ago announced with dramatic precision that America will be living under "real Fascism . . . before three years are over." Prof. Herbert Marcuse has said that "as far as I'm concerned, one can speak with complete justification of an incipient Fascism" in America. A few sentences later in the same interview he disclosed the existence in America of "preventive Fascism."

Prof. Philip Slater of Brandeis has written that "liberals will be given the choice, during the next decade or so, between participating in some way the new culture and living under a Fascist regime." Mel Wulf, legal director of the American Civil Liberties Union, has as his formulation sentences like: "Though we are not yet a Fascist state in general . . ." or, "Though we are not now a police state in general . . ."

The usefulness of this charge that America is now or is about to go Fascist is that it is such a Big Lie that no evidence is needed to prove it; or better yet, *everything* is evidence, whatever is handiest. Recently the handy evidence was found, of all places, in Prime Minister Trudeau's Canada, following last fall's assassination of the Quebec Labor Minister by terrorists. Trudeau's "police-state" measures meant—I heard this charge made in a lovely Central West Park cooperative apartment—that America was next. You didn't have to prove that Trudeau's decrees were Fascist; the mere declaration that they *were* Fascist was to imply that these decrees were permanent and that, therefore, Canada had embarked on the road to Fascism. Thus, a correspondent for The New Republic, writing from Montreal as a self-described "draft-refusing" American, said: "The morning of Oct. 16 . . . the country chosen as a refuge and whose government all praised for its tolerance had suddenly, without warning, become a police state."

And since America is Canada's overbearing next-door neighbor and since Canada dare not sneeze without first obtaining America's imperial permission, be assured that Fascism's next stop is America.

Thus by constant reiteration that America is pre- or proto-Fascist, America becomes Fascist and all the scholarly qualifiers, like "incipient" or "preventive" or "not yet a Fascist state in general" get blurry and redundant. In this atmosphere, any unpleasant or awful event in America can be transformed into living documentation that we now live in Amerika. Such demonology can so easily turn a doubtful future into the undoubted present—I think, therefore it is. This sort of "noncognitive" cognition was ably defined by George Lukacs, the eminent Hungarian Marxist: "It is the Stalinist tendency to exclude everywhere so far as possible any sort of mediating concepts and to bring into direct connection the crudest matters of fact with the most abstract theoretical positions."

Take this question: Does anybody really think that President Nixon, Vice President Agnew and Dr. Kissinger would dare impose a Fascist regime on America or that they are contemplating such a *coup d'état?* There are intellectuals who regard it as highly reactionary or at best naive to ask such a question, since it implies there is possible doubt as to such a conspiracy. Not to believe that the nation's leaders, the Pentagon and the military-industrial complex are planning a Fascist takeover is to demonstrate that one has been brainwashed into a state of political cretinism. And to demand some proof of such conscious (or "unconscious") plotting is to place oneself solidly in *their* camp. Were I to argue that Fascism means something specific or were I to suggest that there is a huge difference between being a Republican incumbent President desperately anxious to be re-elected and being an "incipient" Fascist, the grudging concession might be: "Well, maybe Nixon hasn't got there yet, but give him time and you'll see." While it is permissible to add up every act of injustice in America as proof of the existence of Fascism, to use a similar "ethical calculus" about other countries, where acts of injustice are systemic, not episodic, to prove their "Fascism" would be impermissible.

The more scholarly and objective way to pin the "Fascist" label on America is to blur the distinction between this country and the U.S.S.R. For example, the historian Howard Zinn has written: "When the United States defines the Soviet sphere as 'totalitarian' and the West as 'free,' it becomes difficult for Americans to see totalitarian elements in our society, and liberal elements in Soviet society. Moralizing in this way, we can condemn the Russians in Hungary and absolve ourselves in Vietnam."

Let Zinn's Russian peers try to organize a Moscow version of a "March on Washington" or demand an end to Soviet occupations of foreign territory or an end to discrimination against ethnic minorities and he'll see the difference between "totalitarian elements" in America and totalitarian elements in the Soviet Union. But Zinn knows all this—and still he'll keep repeating this same old equation about: U.S. totalitarian elements equals Soviet liberal elements.

The greatest purveyor of the canard about Fascist America is the mythopoeic Professor Marcuse, whose phrases, "repressive tolerance" and "the democratic educational dictatorship of free men," remind me of Robespierre's defense of the Terror: "The revolutionary government is the despotism of liberty against tyranny." When one begins to turn culture into revolutionary politics, the rhetoric of paradox is a most useful weapon, like the New Left phrases "creative disorder" (i.e.—preventing a pro-Vietnam war meeting from taking place at Harvard) or "creative vandalism" (i.e.—destroying 10 years of a professor's research notes during a building occupation). In the same category is Tom Hayden's description of student revolutionaries as "guerrillas in the field of culture."

II—AMERICA IS GUILTY OF GENOCIDE

If one argues that genocide is something like what happened at Auschwitz or Katyn Forest, the argument shifts: America is guilty of cultural genocide, ethnic genocide, psychic genocide—all of which are ipso facto as bad as physical genocide. If it is argued that China's overwhelming of Tibet, Stalin's seizure of the Baltic countries and the dispersal of their populations, and Soviet counterrevolutionary invasions of East Germany, Hungary, Poland and Czechoslovakia might be considered acts of cultural or ethnic genocide, and that the Kremlin's suppression of Russian intellectual life is metaphorical genocide, the retort may be that all this is "cold war" propaganda. If the debater is too young to have experienced the cold war, the answer may be: "So what? Russia is bad but America is worse."

Usually, the rebuttal is that the debater knows nothing about Russia, China or Cuba and is interested only in America and her infamies; to start talking about Russia or other foreign countries, about which the debater knows only what he reads in an untrustworthy press, is diversionary. Yet often a little later the same debater who had just proclaimed his ignorance of the U.S.S.R., China and Cuba evidences a lot of knowledge about the Greek dictatorship, which America is said to be supporting with enthusiasm; he's an expert on Franco Spain, going back to 1936, and on Thailand, Brazil, the Dominican invasion and all other military dictatorships allied to American "imperialism." Any knowledge of "people's dictatorships" has either escaped his notice or is regarded as irrelevant to America's genocidal crimes.

This kind of moral standard is easily acquired if you believe that Fascist-militarist dictatorships, unlike Communist or "Third World" or "socialist" dictatorships, are unprogressive, backward-looking and antihistorical. Thus Conor Cruise O'Brien said in a recent essay: "It is not enough to say that an underdeveloped country has the right to be nonaligned; it is necessary to recognize its right to 'go Communist' if that is the tendency of the political and social forces inside the country itself."

But supposing the political and social forces wanted to go Fascist, theocratic, anarchic or, heaven forbid, capitalist; or if after they went "Communist," the people decided they had been wrong and wanted to throw out "Communism"—What then? Obviously that would be a C.I.A.-inspired plot.

The same kind of moral standard is visible in cultural-exchange programs. Were the White House to negotiate some huge exchange program with the Greek colonels, it would confirm the State Department's Fascist sympathies. To expand cultural exchanges with Moscow, even after the Czech invasion, is a good thing. Were America to threaten cancellation of such exchanges because of Czechoslovakia, it would mean that the White House wants to revive the cold war.

III—THE BOMBER LEFT IN AMERICA IS A MORAL FORCE

The Bomber Left may be guilty. But the guilt is pardonable because (1) America is a violent country, (2) violence is the Bomber Left's agonizing answer to the need for a moral response to America's counter-revolutionary refusal to "change"[1] and (3) nobody, except by accident, ever gets hurt during a bombing. So the bomb becomes an abstraction destroying another abstraction: a computer center at Wisconsin (where a student was killed; a faculty club at the University of California, Santa Barbara, where a custodian was killed; a hall at Pomona College,

[1] Prof. Douglas Dowd of Cornell has written: "Violence on the left by the people who are trying to change things has to be understood for what it is. It is in the first place being practiced by people who have tried many other kinds of things, whether you're speaking of Weathermen now or bombers. They are serious, committed people and the other characteristic is that they're desperate. They've given up the idea that a movement can get any place without violence."

Claremont, Calif., where a secretary was blinded and otherwise severely injured opening a time-bomb package. Political frustration ascribed to the Bomber Left usually evokes among *avant-garde* social critics deep sorrow; a similar indulgence for the "Goldwater Right" is unthinkable; any violence arising out of despair on the "Wallace Right" is, by *avant-garde* convention, backward-looking and contemptible. Violence on the Bomber Left[2] is an aberrant yet progressive step toward the New Jerusalem. Thus Bomber Left violence becomes nonviolence while Bomber Right violence (where is it?) becomes Fascist violence. The Bomber Left is made up of victims of American society; the Bomber Right *is* American society.

Today the most popular question on any sociology or political science examination is: "Discuss political violence pro and con." For some academicians and literary intellectuals—these "officer candidates without an army," as Friedrich Engeles called student revolutionaries in Czarist Russia—"violence" has become the "in" word, there being no other way.

Carl Oglesby, former head of Students for Democratic Society, has written: "The rebel is an incorrigible absolutist who has replaced all 'problems' with the one grand claim that the entire system is an error, all 'solutions' with the single irreducible demand that change shall be total, all diagnoses of disease with one final certificate of death. To him, total change means only that those who now have all the power shall no longer have any, and that those who now have none—the people, the victimized—shall have all."

With such alternatives in so final a form, there can be only one next step. This apocalyptic rage so afflicts an important sector of the student-academic-intellectual left that as sharp a critic of American society as Prof. H. Mark Roelofs of New York University has been moved to say: "The radical not in communion with the society he would remake is condemned to inanity and to thinking and talking in a fantasy world of his own devising."

Yet it is this fantasy world, born out of what Nietzsche described as "the weariness that wants to reach the ultimate with one leap," which has seized the imagination of young men and women and which has persuaded them that there is no way out but destruction, the way described by Bakunin and Nechaeyev in their "Catechism of the Revolutionist."

"The revolutionist is a doomed man. He has no personal interests, no affairs, no sentiment, attachments, property, not even a name of his own. Everything in him is absorbed by one exclusive interest, one thought, one passion—the revolution. . . . Day and night he must have one thought, one aim—inexorable destruction."

IV.—THE AMERICAN WORKER IS A "HONKY" WHO REVELS IN RACIAL DISCRIMINATION, IMPERIALIST WARS, FASCISM, ANTI-INTELLECTUALISM, "BLIND" ANTI-COMMUNISM AND OTHER POLITICAL BLOOD SPORTS

Instead of producing a race willing and capable of serving High Culture, these latter-day industrial troglodytes, say the critics, have created a disgusting life style far inferior to the thousand-dollar-hi-fi-stereo-Fiat-Spider-Triumph-"Easy Rider"-acid head Progressive Labor-pot life style of their opposites. Surprisingly, these same critics, while condemning the dollar imperialism of the American worker, find it intolerable that there should be any poverty in America. Presumably should this poverty be finally eliminated, the newly affluent workers would then become in the eyes of their putative liberators—such as Marcuse, Oglesby, Reich, Dowd—reactionary, racist, imperialist and puritanical honkies impatient to become high-priced hard hats.

This lie about the American worker is an old elitist one which goes back to Alexander Hamilton, who said: "Take mankind in general, they are vicious." This contempt was more recently expressed by Prof. Andrew Hacker of Cornell, who was absolutely ecstatic that he could announce America's approaching "terminal hour." Its doom was inevitable because even if America "could end poverty and bigotry, diffuse its pyramids of power, and suppress its imperial tendencies, there is no reason to believe that such a society would contain a greater quotient of talented people." He also announced that "the egos of 200 million Americans have expanded to dimensions never before considered appropriate for ordinary citizens." As George Orwell said in another connection, "You have to belong to the intelligentsia to believe things like that: No ordinary man could be such a fool."

V.—OUR POLITICAL SYSTEM IS AN UTTER FRAUD, PARTICULARLY THE TWO-PARTY SYSTEM

This lie is generally circulated by American academicians who insist that a one-party state is not to be condemned out of hand, that if the one-party system has a "socialist" cachet, it might even be a useful modernizing vehicle. I am not suggesting there is anything particularly sacred about a two-party or multiparty state, nor that such a state is beyond reform. What I am arguing is that a one-party state is a far greater threat to freedom than a two-party or multiparty state.

C. Wright Mills in one of his essays bemoaned the fact that neither in the U.S. nor the Soviet Union "are there nationally responsible parties which debate openly and clearly the issues which the world now so rigidly confronts. The two-party state is without programatic focus and without organizational basis for it. We must recognize that, under some conditions, the two-party state can be as irresponsible as the one-party state." Now, the late Columbia sociologist was no enraptured admirer of the Soviet Union, yet it is humbuggery to talk about how, "under some conditions," a two-party state can be as "irresponsible" as a one-party state. Can a mild adjective like 'irresponsible" apply with equal force to the one-party and two-party states?

If the two-party system or multiparty system has any merit at all it is this simple idea: that no men or group of men will ever become infected by the idea that it is upon them and their party alone that a nation depends; that, ultimately, they are so indispensable that it would be treason for them to surrender power, election or no election, to a democratic opposition. It is one of the curiosities of modern American political thinking that the very intellectuals who mock the two-party or multiparty state as a fiction are among the stanchest supporters of one-party states elsewhere in the world, so long as these states boast a Marxist-Leninist-Maoist inspiration. Or if they are not the stanchest supporters, they are tolerant of Communist one-party systems or "African" one-party systems, where elections always end up with 99 per cent plus for the incumbent one-party regime. Fascist one-party states never benefit from this tolerance, nor do boring no-party states in Africa like Tubman's Liberia or Houphouet-Boigny's Ivory Coast. Since these countries are a avowedly nonsocialist, their one-party (or no-party) regimes are definably reactionary, not progressive like Fidel Castro's Cuba.

Perhaps the American two-party system is faulty. It is possible, however, to build a better two-party system out of an already existing two-party system; it is difficult to build any kind of multiparty system out of a one-party system.[3] Why not then a genuine two-party or multiparty system for all modernizing as well as modernized countries? Why not a kind word for our two-party state, imperfect as it is and one which may, a year hence, become a three-party or four-party system? Why is a one-party "socialist" state preferable to an imperfect two-party state?

VI.—AMERICA IS ON THE WAY DOWN WHILE OTHER COUNTRIES ARE ON THE WAY UP

All the countries of the world, particularly those which go by the name "revolutionary" or "people's democracies," are privileged, apparently, to have their faults and virtues judged by the standards of history. America, according to the critics we are discussing, is the one country which may be judged by the standards of sociology. This double standard of judgment, of course, makes it impossible ever to grant America the benefit of the doubt or the credit for good intentions.

To view a nation through history is to allow the possibility of a melioristic future. To judge a nation by sociology is to inhibit comparison of its hopeful present with an inglorious past. To believe that anything can improve here without a violent revolution (I insist on the adjective "violent" since everybody today is for revolution, especially President Nixon) is, according to these critics, to demonstrate a benighted chauvinism. What this adds up to is that whatever America does, for whatever reason, America is wrong.

Unlike the other 143 countries in the world, only America is to be judged by the exacting and unattainable standards of a Utopia. If there is full, high-wage employment in America for a decade, then capitalism is merely buying off the workers so that they won't rebel. When unemployment comes, that's the real capitalism. If—so goes this view—the Gross National Product rises and consumer income with it, it merely reflects the materialism of American civilization. If the G.N.P. falls slightly, it's the beginning of the end, thank God. If President Nixon loses two Supreme Court nominations and one SST vote, it doesn't mean much because after all, has anything really changed? It's better to vote for Nixon than for Hubert Humphrey because, as President, Nixon will bring Fascism to America much faster than a practitioner of "repressive tolerance" like Humphrey, and then. . . . (The same political strategy in Weimar Germany was expressed by the German Communist party as *"Nach Hitler kommen wir":* After Hitler, we will come). Besides, whatever Nixon does as President would be no worse than anything Humphrey might do.

Racism, tribalism, communalism and religious hate burden India, Pakistan, Sudan, Japan, Ceylon, Australia, Britain, Yugoslavia, Algeria with its Berbers, Spain with its Catalans and Basques, Latin America and its Indians, the U.S.S.R. and China and their repressed minorities, and on and on. The world crackles with hate, with racial and nationalistic passions—but only America, in the view of the critics we have been following, is racist. (What distinguishes America from the rest of the world is that we, its citizens, happen to be ashamed of our racism, while most everybody else is busy ex-

[2] A similar indulgence of the radical left is granted by some of our social critics when the radical left obviously violates civil liberties. For example, Prof. Warner Berthoff of Harvard's English department defended the breaking up of a pro-Vietnam war meeting at Harvard last March with these words: "Like those on the platform, those in the audience (i.e., those who broke up the meeting) came to say something. They said it. In the circumstances of a political rally, wherever it happens to be staged, the right to shout down speakers is embraced by the same principle of freedom of speech and expression as protects the speakers in their efforts to make themselves heard."

[3] Nikolai Bukharin, the Soviet theoretician, once said: "We might have a two-party system [in Russia], but one of the parties would be in office and the other in prison." Bukharin was later executed by Stalin.

plaining the rationale of racial and religious discrimination and why it's impossible to abolish it overnight.)

Thus, having neatly caricatured the country and most of its 200 million inhabitants, we can all await the revolution, *we* intellectuals, *we* culture critics, *we* who have helped bring the Day of America's Judgment nearer.

Amerika—Fascist, genocidal, materialistic, violent, paranoid, honky, insensitive, undemocratic, counterrevolutionary, hopeless . . . did ever a country since Nazi Germany so deserve to be utterly destroyed?

RETIREMENT OF SECRETARY OF THE ARMY STANLEY R. RESOR

Mr. STENNIS. Mr. President, I want to pay special tribute today to an extraordinary American who has served his country with exceptional distinction in dedicated public service. At the end of this month Secretary of the Army Stanley R. Resor will leave his post after serving the Nation as Secretary of the Army for over 6 years, the longest period anyone has held the position since it was established in 1947.

Secretary Laird, in his letter accepting Mr. Resor's resignation, told him, and I quote:

> You have personified an unparalleled blend of courage, integrity, wisdom, and principle. Your sound counsel and matchless ability for plain hard work have been of special and inestimable value to me on all matters involving the Department of the Army—and on other issues, as well.

I wholeheartedly endorse Secretary Laird's sentiments.

Most of us in Congress first came to know Stanley Resor when he joined the Department of the Army in April 1965, as the Under Secretary of the Army. Three months later he was appointed Secretary of the Army by President Johnson and remained at that post under the present administration. That itself is a measure of the great esteem in which he has been held by both parties throughout the Government.

Secretary Resor's tenure in office has covered one of the most crucial periods in the history of the Army. These have not been easy times for our country, for the Department of Defense, or for the Army. But in handling the very difficult issues with which he has been faced, Secretary Resor conducted himself with distinction and has insisted that the highest traditions of the Army be honored, difficult though that job has sometimes been. During this period, and in addition to his day-to-day responsibilities, he was instrumental in the development of Army air mobility, the reorganization of Reserve components, the development of new management systems for equipment procurement, the development of a ballistic missile defense and a program to modernize the Vietnamese Army. In a position of great responsibility he has met the challenges of the time and has served our nation's senior military services with vigor, skill and efficiency. He has truly served our Nation well.

Stanley R. Resor has exemplified an ideal in American government—the ideal of a citizen devoting some of his most productive years to high government service, and whose service is marked by the highest degree of integrity and competence. I know I speak for my colleagues, as well, when I express my gratitude to Secretary Resor for his service, and wish him well in the future.

I ask unanimous consent that Secretary Laird's letter to Mr. Resor, which expresses his gratitude to Stanley R. Resor for his distinguished public service, be printed in the RECORD.

Over and over again, in my many official dealings with Secretary Resor, I have always been impressed with his continued dedication to principles, to the useful and constructive side of his work and his desire to serve the cause and his country rather than selfish or ulterior motives. He never dodged the hard problems and was never given to compromise on principle. He deserves the gratitude of the people and he certainly has mine.

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

THE SECRETARY OF DEFENSE,
Washington, D.C., May 21, 1971.

Hon. STANLEY R. RESOR,
Secretary of the Army,
Department of Defense,
Washington, D.C.

DEAR STAN: I understand your desire to leave the Department of Defense after more than six years of distinguished service. I accept your resignation with unlimited admiration and appreciation for your selfless contributions to the Department and to the nation. Both in Congress and as Secretary of Defense, I have been fully aware of your tireless dedication to the cause of national defense. I also must express a deep sense of personal regret in losing such a loyal and dedicated member of our team.

Your family, which has shared in the sacrifices you have made for our nation, deserves the attention you shall now be able to give them. They may be justly proud, as I am, of your superb record as Secretary of the Army.

Drawing on your first-hand experience in World War II as a combat leader, you have always displayed a profound concern for the welfare and dignity of men and women in uniform and their families.

You have personified an unparalleled blend of courage, integrity, wisdom, and principle. Your sound counsel and matchless ability for plain hard work have been of special and inestimable value to me on all matters involving the Department of the Army—and on other issues, as well. I am grateful you agreed in January 1969 to continue in office for another year, and then again responded to my second request that you remain at your post for a further time to participate in the Fiscal Year 1972 budget presentation.

Your departure will come as the time is near at hand when we can turn over ground combat responsibilities in Vietnam to that government. You have directed the Department of the Army admirably through many difficult phases in that complex war. Looking beyond Vietnam, you have moved forward with imaginative innovations in the Army.

Your departure, again, will mean a great personal loss to me and to the Army which you have served so magnificently. I trust I will be able to solicit your wise counsel in the future.

Let me again express a most heartfelt "thank you" to you, to Jane, and to your seven sons, one of whom continues the Resor name on the active roles of the Army. May all good fortune come your way.

Sincerely,

MEL.

FLYING EXPERIENCES IN A SUPERSONIC TRANSPORT

Mr. GOLDWATER. Mr. President, since I returned from Europe, where I represented President Nixon at the Paris Air Show, many people have asked me what it feels like and what sensations a passenger experiences flying in a supersonic transport plant. Frankly I found it not a great deal different from the sensations one encounters while flying in a subsonic jet.

However, I think the Senate should have the benefit of an account by an expert aviation journalist, Mr. Robert Hotz.

Accordingly, I ask unanimous consent that an editorial entitled "Martinis at Mach 2," published in the magazine Aviation Week and Space Technology for June 7, be printed in the RECORD.

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

MARTINIS AT MACH 2

(By Robert Hotz)

The most sensational aspect of flying as a passenger at Mach 2 in a supersonic transport is that there are no sensations whatsoever that differ from those in the current generation of subsonic jets.

Last week we had the good fortune to be the first American journalist to fly as a passenger in the French 001 prototype of the Concorde through all of the essential elements of a flight profile that would encompass its airline operation between Paris and New York. We have flown supersonically before in the back seat of military aircraft and expected some buffering and noticeable sensations going over the peak of the transonic drag curve into supersonic flight that was typical of the early supersonic military aircraft.

In Concorde there was nothing. At Mach 1 there was a slight tremor that felt very much the way an automobile coughs with a fouled spark plug. During climb from 20,000 to 50,000 ft. and acceleration from Mach 1 to Mach 2, the flight was smooth as silk. My seven fellow passengers and I walked up and down the cabin from cockpit to tail, past the great banks of orange and grey test equipment, studying the flight instruments, chatting with the crew and making tape recordings for posterity. When Aerospatiale Test Pilot Jean Franchi leveled off at 50,500 ft. and the Machmeter needle flickered just past two on the dial and steadied for normal Concorde cruise, one French journalist exploded in disbelief.

"I don't believe it," he said. "You must have a mouse inside that instrument that winds it up to Mach 2."

CARTOGRAPHIC VIEW

Outside, the sky was a much darker blue than airline passengers have seen before. We were over the Atlantic Ocean with the Brittany peninsula of France clearly outlined on the left. From the right side windows the southern coast of England was etched in cartographic detail with the Irish Sea shimmering beyond Cornwall and Devon. Farther north and some 25,000 ft. below us were the convoluted patterns of the heavy subsonic jet traffic around London, symbolic of the difference between the old and the new in air transport.

At 11:42 a.m., when Concorde leveled off for Mach 2 cruise, Navigator Guy Lesenfant gave us a time hack and the laconic announcement:

"If we continued on this course we would be over New York at 2:06 p.m."

Settling back in our seat at mid-cabin, we semi-dozed and ruminated on the speed and tranquility of supersonic cruise. The idea of

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an announcement on arriving in New York in about two and a half hours with the French and British coasts still visible was staggering. The peace and quiet of Mach 2 cruise that made it hard to stay awake was unbelievable. But there it was. There is no doubt in the mind of anyone who flew Concorde during the Paris air show week that the age of routine supersonic transport has truly dawned and will play an enormous role in shrinking the practical size of this planet and knitting its communications into a tighter and more effective pattern.

It will be several more years before less privileged passengers will be able to buy a transatlantic ticket on Concorde. This was the 145th test flight of the French 001 prototype. There is still considerable testing and engineering development ahead for it and its British counterpart, 002, before production Concordes are ready for airline service.

THOROUGHLY FAMILIAR

But the flight we made from Paris out over the Atlantic encompassed every element of this airline operational pattern. It included sustained cruise for 29 min. at Mach 2, 30-deg. turns at Mach 2, acceleration to supersonic speeds in a climb and deceleration in a descent, holding for 20 min. in the crowded traffic pattern at Le Bourget, and takeoff and landing. We believe it was a fair sample of what a supersonic passenger can expect. Except for the timetable, it will be nothing with which he is not already thoroughly familiar.

There were no sonic booms over land. Mach 1 was reached just off the coast after passing Le Havre. On the return leg, the Machmeter indicated 0.93 as Concorde crossed the French coast at Nantes. Our maximum cruise speed was 2,120 km./hr. (1,314 mph.) or Mach 2.1. Outside air temperature at 50,000 ft. was —56C (—68F), but test instrumentation showed the skin temperature of Concorde's wing was fluctuating between 118 and 114C (245 and 237F). Inside the cabin it was a comfortable 70F (21C).

The only unusual internal noise comes during takeoff briefly from engine rumble. The cabin noise level without full airline-style sound-proofing is about equal to that of a current subsonic jet with only a slight increase near the aft section. Cabin pressurization maintains a constant 6,500-ft. environment even during supersonic climb and descent. During Mach 2 maneuvers, only the changing color of the sky informs the passengers of major banking turns. It is possible and pleasant to walk around during all flight regimes. Stewardae will have no trouble serving martinis and meals. Passengers will find no difficulty consuming them. They will just have to drink a little faster—New York will be only a few hours away.

PUBLIC WORKS AND INTERIOR COMMITTEES COOPERATE IN WATER SUPPLY AND WASTE WATER TREATMENT

Mr. RANDOLPH. Mr. President, yesterday the Senate passed S. 991 authorizing continuation of the saline water conversion program, with perfecting amendments. I underscore the statement of the able Senator from Washington and chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON) on the need for a careful delineation of the differing roles of the Office of Saline Water. He outlined its important water supply development work, and the Environmental Protection Agency's pursuing waste water treatment development.

The agreement resolves the problem of possible duplication of effort which the members of the Committee on Public Works believed was created by the language of S. 991, as reported. The spirit of accommodation and understanding between our two committees is indicative of each committee's very strong interest in effective legislation in the areas of water supply and waste water treatment.

The effect of the perfecting amendments Senator JACKSON has presented to the Senate will be to obviate any duplication between these Government agencies involved in important water resource development. It is our intention that to the extent the techniques developed by the Office of Saline Water in purifying contaminated water for consumptive uses have applicability to waste water treatment, that knowledge will be used by the Environmental Protection Agency and duplicating expertise will not be developed.

I make special reference to the efforts of the junior Senator from California (Mr. TUNNEY), a member of the Committee on Public Works, who was instrumental in bringing to our attention the possible conflicts which the unperfected legislation would have created.

TRIBUTE TO THOMAS J. DODD

Mr. TOWER. Mr. President, it is with honor today that I join in the tribute to my former colleague, Thomas J. Dodd. Few men during the history of this body have served so selflessly or have given more of themselves to their country. Few men in this country have understood better than Tom Dodd the need for us to remain strong in the face of unceasing attempts to destroy the citadel of freedom. No one was more vocal in his condemnation of totalitarianism, whether it be fascism or communism, than was my friend Tom Dodd.

While he was serving as chief trial counsel at Nuremberg in 1945–46, Tom Dodd not only saw the horror of what the fascists had done, but also came face to face with the equal horrors of communism, a system that brutalized human nature more surely, more completely than any other system devised by mankind. During this time, Tom Dodd began his life-long fight against this new imperialism in every part of the world that it reared its ugly head. He was criticized by many for doing so, but he knew the necessity to keep up the fight.

Mr. President, Tom Dodd had friends not only in this country, but all over the free world in the many troubled lands that he helped. From the captive nations of Eastern Europe to the embattled areas of Asia, many heartfelt messages poured in to the Dodd family. Freedom-loving people throughout the world know what a friend that they have lost in Tom Dodd. I ask unanimous consent that a series of these messages to the Dodd family, including messages from President Nixon and Vice President AGNEW, be printed at this point in the RECORD. I also ask unanimous consent that an article by Allan C. Brownfield about Tom Dodd, from the June 3, 1971, edition of Roll Call be printed at this point in the RECORD.

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

KEY BISCAYNE, FLA.,
May 24, 1971.

MRS. THOMAS J. DODD,
Lyme Street,
Old Lyme, Conn.:

My thoughts and deepest sympathy are with you as I share your grief at your husband's death. Tom Dodd was a tireless and distinguished public servant whose friendship I valued and whose advice I appreciated. He never failed to put the national interest above party politics or personal ambitions, and always sought to uphold the national security. He will be deeply missed and warmly remembered by all who cherish our priceless heritage of freedom, and for whom his life's achievements will remain an inspiration and a source of strength. I feel fortunate to be included among these fellow citizens. And I assure you that I will never forget that, despite our party differences, he rose above politics to give me encouragement and counsel at a time when I most needed it. Mrs. Nixon joins me in prayer that God may bless you and your family with the special strength to persevere in these difficult days, and with the hope that proud memories may sustain you in the years ahead.

RICHARD NIXON.

WASHINGTON, D.C.,
May 24, 1971.

MRS. THOMAS J. DODD,
Lyme Street,
Old Lyme, Conn.

DEAR MRS. DODD: I was very sorry to learn of your husband's death.

He was a fine man, and his service to his country and to the State of Connecticut will be long remembered.

Sincerely,

SPIRO T. AGNEW.

FEDERAL BUREAU OF INVESTIGATION,
May 24, 1971.

MRS. THOMAS J. DODD,
Old Lyme, Conn.

DEAR MRS. DODD: I was saddened to learn of Tom's passing and want you to know you have my deepest sympathy. While words certainly are inadequate at a time like this, I hope you will derive some measure of comfort from knowing that others share your sorrow. If I can be of assistance in any way, please let me know.

Sincerely yours,

J. EDGAR HOOVER.

WASHINGTON, D.C.,
May 26, 1971.

MRS. THOMAS J. DODD,
Old Lyme, Conn.

I am deeply grieved by the news of the death of your distinguished husband, he was truly a friend in need and I shall always remember him with gratitude. The Nation has lost a statesman and a patriot. I hope that the sincere sympathy of his many admirers and friends will afford some solace.

LEWIS STRAUSS.

EMBASSY OF THE UNITED STATES OF AMERICA,
New Delhi, May 25, 1971.

MRS. THOMAS DODD,
Old Lyme, Conn.

DEAR GRACE: I was greatly saddened to learn this morning of Tom's death. You, as much as anyone in this world, know how close I was to Tom and how greatly I valued his friendship. There was no one in the Senate whose counsel I held in higher esteem or whose helping hand was more generously and readily extended to me. He was a loyal colleague and a wonderful human being.

I want you and all the Dodd family to

know that you are very much in my thoughts during this sad and difficult time.

Warmest personal regards.

Very sincerely yours,

KENNETH B. KEATING.

MAY 25, 1971.

Mrs. THOMAS J. DODD,
West Hartford, Conn.

DEAR MRS. DODD: I was terribly sorry to hear of the passing of your dear husband, who was one of the great people of our times. It is unbelievable that he went so suddenly.

My dearest sympathy in your great loss.

Sincerely,

GENE TUNNEY.

WASHINGTON, D.C.,
May 25, 1971.

Mrs. THOMAS J. DODD,
Old Lyme, Conn.:

President and Madame Chiang Kai-shek have instructed me to transmit to you the following message: "Mrs. Thomas J. Dodd. We are deeply sorry to learn of the death of your distinguished husband. For many years Senator Dodd valiantly championed the cause of the Republic of China and his staunch friendship for our country and people left a profound impression on us all. We shall long remain indebted to him. We hope the Senator's great achievements as a public figure will help assuage your sorrow. Please accept our sincerest condolences in your bereavement. President and Madame Chiang Kai-shek."

JAMES C. H. SHEN,
Ambassador of the Republic of China, Washington, D.C.

WASHINGTON, D.C.,
May 25, 1971.

Mrs. THOMAS J. DODD,
Old Lyme, Conn.:

I am very sorry to learn that Senator Dodd has passed away. Many of his friends in the Republic of China will mourn his death because he had been such a staunch friend of these people. In my earlier visits to Washington I had the privilege of meeting the Senator. He was such a warm-hearted and friendly man. I had hoped to meet him again in my new capacity as the Chinese Ambassador. Now that he is gone, I, too, have a feeling of a great personal loss. Please accept my heartfelt condolences.

JAMES C. H. SHEN,
Ambassador of the Republic of China, Washington, D.C.

May 25, 1971.

Mrs. THOMAS DODD,
Old Lyme, Conn.:

Deeply grieved untimely death your distinguished husband whose championship for freedom, justice, friendship towards Republic of China will always be cherished. Please accept my sympathies and condolences.

CHOWSHUKA I,
Minister Foreign Affairs.

VIETNAM,
May 31, 1971.

Mrs. THOMAS DODD,
Old Lyme, Conn.:

We in Vietnam are grieved to learn of the passing away of Senator Dodd. Have lost a true friend of Vietnam at a time when his services are so greatly needed. Please accept our deepest condolences at this sorrowful time.

Respectfully,

COLONEL ETAT,
Minister of Foreign Affairs, Saigon.

WASHINGTON, D.C.,
May 24, 1971.

Mrs. THOMAS J. DODD,
Old Lyme, Conn.:

Most grieved by sudden demise of Senator Dodd. On my own behalf and that of my staff I would like to extend to you our sincere sympathy on this day of sorrow.

BUI DIEM,
Ambassador of Vietnam.

Mrs. THOMAS J. DODD,
Old Lyme, Conn.:

Members Vietnam Senate and myself profoundly saddened learning passing Senator Dodd. He left here many friends who know and appreciate his effective championing of VN cause. Please rest assured we share your great loss.

NGUYEN VAN HUYE,
President, Senate.

WASHINGTON, D.C.,
May 24, 1971.

Mrs. THOMAS J. DODD,
Old Lyme, Conn.:

I wish to express to you and your family my heartfelt sympathy on the death of Senator Dodd. He was a fine American. I feel greatly honored to have known him personally. My entire nation mourns the loss of a good and loyal friend.

PARK CHUNG HEE,
President of the Republic of Korea.

PARIS,
May 25, 1971.

Mrs. THOMAS J. DODD,
Old Lyme, Conn.:

Deepest sympathy and sorrow for untimely passing of the crusader from Connecticut who has given Korean people constant encouragement in our struggle for peace and justice.

SOO YOUNG LEE,
Korean Ambassador in Paris.

WASHINGTON, D.C.,
May 24, 1971.

Mrs. THOMAS DODD,
Old Lyme, Conn.:

I am deeply saddened to learn of the death of your fine husband. I would like to extend to you the condolences of all the Korean people on this great loss. We valued his friendship highly and will greatly miss him.

DONG JO KIM,
Ambassador.

NEW YORK, N.Y.,
May 25, 1971.

Mrs. GRACE DODD,
Old Lyme, Conn.:

Please accept the sincere condolences of the Assembly of Captive European Nations on the untimely passing of your late husband, Senator Thomas J. Dodd. A figher for justice and freedom both at Nuremberg and in the U.S. Congress, he left a lasting mark in the fields of government and the law. He clearly demonstrated his sympathy for the cause of freedom and self-determination in East-Central Europe by his unwavering support for our efforts. His death has, therefore, had a very profound effect upon us all.

IMRE KOVACS,
Acting Chairman, Assembly of Captive European Nations.

MAY 25, 1971.

Mrs. THOMAS J. DODD,
Old Lyme, Conn.:

Permit me with all my heart and love to share in the grief over the loss of your dear husband, voicing on behalf of the Hungarian committee and myself our deepest condolences.

Senator Dodd was one of the greatest patrons of the Hungarian people in their life and death struggle against communism. He was always our great defender. Now when his beloved family and native land mourn him, we Hungarians too—scattered throughout the world and oppressed back home—join in sorrow and pray for him, in deepest gratitude.

Monsignor BELA VARGA.

NEW YORK, N.Y.,
May 24, 1971.

Mrs. THOMAS DODD,
Old Lyme, Conn.:

Deeply grieved Rumanian national committee extends sincere sympathy on the passing of your beloved husband. With Senator Dodd's death freedom lost a great fighter for the captive nations, a forceful devoted friend. His memory will live forever in the grateful hearts of the Rumanian people.

COSTANTIN VISOIANU,
President, Rumanian National Committee.

WEST HARTFORD, CONN.,
May 25, 1971.

Mrs. THOMAS DODD,
Old Lyme, Conn.:

Our deepest sympathy to you and your family for the loss of a most cherished and beloved friend.

UKRANIAN NATIONAL ASSOCIATION OF CONNECTICUT.

THOMAS DODD: A LONELY FIGHTER

(By Allan C. Brownfeld)

When he was censured by the United States Senate they said of Thomas Dodd that he was corrupt, and his friends said that, no he wasn't corrupt, he was simply like all of the others, and that if he was censured then they should all be censured. Perhaps this only reflects the cynicism of our own age, and it is possible that our overlooking the faults of others is simply a reaffirmation of our own faults and our rejection of the idea of sin. For, in a world in which nothing is right and nothing is wrong, who is fit to cast judgment?

Now Thomas Dodd is dead, and many who attacked him in life have cast aside their harsh appraisals and replaced them with the sugar-coated remembrances that are no more than a sham. If the life, career, and death of Senator Dodd have any meaning at all for us, it may be in a manner we will not want to hear.

For, rather than appearing corrupt, this life casts a far different image upon today's political scene. A pirate, when he was brought before the Emperor Alexander, declared that "I, for stealing some jewels, am called a pirate and an outlaw. You, for stealing the whole world, are declared emperor." Thomas Dodd may not have been fastidious in his handling of the matters of his life, but in the things which are, in reality, the life and death questions of our civilization he was a valiant, and often a lonely, fighter.

Senator Dodd, as chief trial counsel at Nuremburg in 1945–46, said that he was privy to "an autopsy of history's most horrible catalogue of human crime." It was here that he also became an arch foe of communism and he was angered by the effort of the Soviet prosecutors to blame Nazis for the massacre of 15,000 captured Polish officers at Katyn forest, a massacre which Dodd claimed and later history has proven was performed by the Russians themselves.

"I learned of the desperation and terror of hundreds of thousands of Russian war prisoners and slave laborers held by the Nazis whom we, through ignorance, returned against their will to the Soviet authorities," Dodd told The Readers Digest. "I am still tormented by accounts of mass suicides in which men slashed their wrists with tin cans and women jumped with their children from upper-story windows rather than face return to Russia."

Thomas Dodd lived through an era in which many members of his party said that Communism was no longer a threat, and he died at a time when the leadership of the other party was making conciliatory sounds toward both the Russians and the Communist Chinese. Politics in the partisan sense was never of any importance to him. What mattered most was a strong national defense and a concern for freedom. This made Senator

Dodd an increasingly lonely figure in a Senate dominated by those who sought not either defense or dignity, but simply followed the public opinion polls which indicated restlessness with a lingering war and an urge for a new isolationism. Those who fight the times do not always have an easy end. Would Jack Anderson and Drew Pearson, many ask, have launched an attack upon William Fulbright or George McGovern? The answer, these critics state, can easily be seen. In this sense, Senator Dodd paid not only for the data on his tax returns but for his steadfast opinions, which did not follow the tide of the times.

This writer had the opportunity to be associated with Senator Dodd for several years. When making a pronouncement about matters of foreign policy and defense he never consulted the polls, and he never took a count of the letters for and the letters against. His concern was what policy would best advance freedom, what policy would convince world Communism that aggression would not be permitted to succeed, what policy would best maintain the security of our own country. He supported the war in Vietnam, he opposed east-west trade, he defended our commitment to the Nationalist Chinese—not because it was popular, but because it was right. How many men who voted to censure Thomas Dodd can say that they base their votes on principle and not on convenience? Unfortunately, we will never know.

They told Senator Dodd that the Communists were no longer a danger, and that we needed to "reorder priorities." Despite the fact that he was long a domestic liberal, in favor of labor unions and gun control and civil rights, he recognized that without a firm posture in the world all of the domestic "priorities" mattered little. And when they told him he was not modern and was "behind the times," it seems that he simply wondered what they meant.

In his book, The Fish Can Sing, the Icelandic writer Halldor Laxness confronts one of his characters with a young man who believes in neither ghost stories nor any things unseen. In response, he states: "Mankind's spiritual values have all been created from a belief in all the things the philosophers reject. . . . How are you going to live if you reject not only the Barber of Seville but also the cultural value of ghost stories. If it were to be proved scientifically or historically or even judicially that the Resurrection is not particularly well authenticated by evidence—are you then going to reject the B-minor Mass? Do you want to close St. Peter's Cathedral because it has come to light that it is the symbol of a mistaken philosophy and would be more uesful as a stable? What a catastrophe that Giotto and Fra Angelico should have become enmeshed in a false ideology as painters, instead of adhering to realism. The story of the Virgin Mary is obviously just another falsehood invented by knaves and any man is a fraud who allows himself to sigh, 'Pietra Signor.' "

Somehow, Senator Dodd believed all of the old American ideas about individual freedom and human dignity and the need to oppose tyranny and oppression. What kind of "liberals" are they, he wondered, who could overlook Red China's rape of Tibet, the Soviet Union's persecution of Jews, the deprivation of freedom to millions of men, women, and children in Eastern Europe? If in order to be elected to public office you must leave your conscience on the doorstep maybe, he may have mused, it just isn't worth it.

Too many Members of Congress, and of the press corps, have become mere faddists. Senator Dodd would have agreed with C. S. Lewis when he said "We must condemn . . . the uncritical acceptance of the intellectual climate common to our own age and the assumption that whatever has gone out of date is on that account discredited. You must find out why it went out of date. Was it ever refuted? And if so by whom, where, and how conclusively? Or did it merely die away as fashions do? If the latter, this tells us nothing about its truth or falsehood. From seeing this, one passes to the realization that our own age is also a 'period' and certainly has like all periods its own characteristic illusions."

And so, a life is ended. But it was a life which, in the important things, was true to a standard far different from that of the roar of the crowd. Thomas Dodd saw the evils of Nazism and Communist first-hand. He recoiled from their horror only to find in his own country a growing unwillingness to confront evil.

Some will only remember of this man that he was censured by the Senate for income tax irregularities. But that may be the least important thing of all, and we ourselves may have fallen to such a depth that we can no longer recognize the heroic qualities in others. Thomas Dodd fought a lonely battle for the things upon which Western civilization is based and we must hope that in the next generation there will be enough of those to fight this same battle so that civilization itself will be preserved.

Mr. TOWER. Mr. President, I am honored to have known and worked with Tom in this body. His disdain for partisan politics and his willingness to give me counsel were always appreciated. It is Tom Dodd's legacy and his work be continued, that we always fight for freedom; for, in the final analysis, our freedom is the only compelling reason that we continue. Without freedom in this country and in the world, life itself becomes meaningless and even mere existence nearly pointless. I turn to the words of President Nixon to emphasize what the loss of Tom Dodd means to our Nation:

He will be deeply missed and warmly remembered by all who cherish our priceless heritage of freedom, and for whom his life's achievements will remain an inspiration and a source of strength.

May we always keep his commitment to freedom, for then we shall always persevere.

THE PENTAGON PAPERS

Mr. BYRD of Virginia. Mr. President, on June 15—3 days after the New York Times began publishing a series of articles from a secret study of American participation in the Vietnam war—I asserted in the Senate that I found "little of a surprising nature."

I deplored the stealing of the documents and called for the prosecution of the person or persons who stole the top secret report. I also expressed wonder why material which covers a period that ended 3 years ago—and thus in a sense a history of the early days of the war—should be continued to be labeled top secret.

Yesterday, Sunday, June 27, the Associated Press distributed to its member newspapers a news story which documented that through the years the press told much of the Vietnam story, including matters now mistakenly thought to have been revealed to the American people for the first time in the Pentagon Papers.

The article was written by Peter Arnett, an Associated Press newsman who covered the war in Vietnam from 1962 through 1970. In the article he analyzes the significant points in the disclosure of the secret study of the war.

I ask unanimous consent that the Associated Press article by Peter Arnett captioned, "The Pentagon Papers—Opening Government to the Public," be printed at this point in the RECORD.

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

THE PENTAGON PAPERS—OPENING GOVERNMENT TO THE PUBLIC

EDITOR'S NOTE: The following story is by an Associated Press newsman who covered the war in Vietnam from 1962 to 1970. In it he analyzes the significant points in the disclosures of secret government studies of the war.

(By Peter Arnett)

What is a citizen to make of the Pentagon Papers, the startling and historic documents whose publication has brought the press and the government into an extraordinary confrontation?

They lift the curtain on the view from inside a government struggling with a war rapidly bulging out of shape, a war never as close to solution as many official public statements made it out to be.

Many interpretations have already been placed on the disclosures from the 47-volume Pentagon study. But an understanding of the war years covered in the disclosures so far requires an examination not just of the secret documents but also of public official statements and press reports and public debate during the period.

A careful study of these elements leads to the following conclusions:

1—That discrepancies between some public statements of national leaders and their private assessments varied from evasions all the way to untruths.

2—That through leaks and reporters' observations in Vietnam, the press told much of the story, including matters now mistakenly thought to have been revealed to the American public for the first time in the Pentagon Papers.

3—That a pattern emerged to the unfolding events as America took fateful steps into the deeper commitment to war. The pattern showed first, decisions taken in secret. Then there followed the manifestations of those decisions in press reports from the field. Then, public controversy in the press and Congress usually followed, and finally came official confirmation of what was happening—sometimes candid, sometimes grudging and sometimes not entirely truthful.

These patterns are clear in an analysis of several major steps in the escalation of the war; for instance, in the decision to bomb North Vietnam and to commit massive numbers of U.S. ground troops to combat. It can be seen, too, in the Gulf of Tonkin incident which is explored fully for the first time in the Pentagon papers.

The real official facts of the crucial Tonkin Gulf incident—that the United States might well have provoked the North Vietnamese into attacking two American destroyers in 1964—remained hidden until the war study surfaced two weeks ago.

Press reports in these early war years revealed several major steps when there was official silence or even official denial.

Much of the controversy surrounding the Pentagon Papers deals with the period of the 1964 Presidential elections and suggestions from the Pentagon analysts that the administration was hiding options and decisions on war escalation from the American public.

However, news reports throughout the year dealt with the burgeoning war. For example:

The Associated Press disclosed in January 1964 that U.S. officials in Saigon were weigh-

ing the possibility of asking for American combat troops.

In March of that year, American pilots were shown to be engaged in direct combat in Vietnam. In June, Washington reports had the Johnson administration weighing the possibility of bombing North Vietnam.

In January 1965, the clandestine American air operations in Laos were disclosed by reporters. And in April, despite President Johnson's known desire to avoid "premature publicity" on his order to enlarge the combat role of Marines just sent to Vietnam, the press followed the troops into battle and told what they were doing.

Congress responded.

"The people have a right to know where we are going and what we are doing," declared Sen. Kenneth Keating, R-N.Y., in demanding a full congressional inquiry and review of the war and the U.S. role in it in March 1964.

Republican congressional leaders in April called on President Johnson to end the "fiction" that Americans were not actively fighting in Vietnam.

In May, Sen. Ernest Gruening, D-Alaska, urged an investigation to determine whether facts on the South Vietnam situation had been withheld "not for security reasons but to cover up bureaucratic bungling."

The Pentagon analysts, a team of handpicked experts who began their work on the war documents in 1967, do not treat in detail that public record on Vietnam, particularly in the important years of escalation in 1964 and 1965—the only period fully documented publicly so far. The analysts also lacked Johnson's own White House papers on the war.

Their approach has tended to ignore some facts generally known at the time. For example, Defense Secretary Robert S. McNamara in a news conference in Washington on March 26, 1964, said that one of the Vietnam options then before President Johnson was the initiation of military actions outside South Vietnam, particularly against North Vietnam.

The secretary added, "This course of action—its implications and ways of carrying it out—has been carefully studied."

Yet the documentary confirmation that such alternatives were even considered caused a public stir when the Pentagon Papers first came out two weeks ago in The New York Times.

There were some aspects of the war in which the Johnson administration never did come to terms with press and critics. There's a thread of black pessimism running through many of the key Pentagon documents while at the same time officials voiced a relentless optimism in their public statements.

The 7,000 pages of the Pentagon Papers will no doubt occupy historians for years. But for the purposes of this analysis the secret decisions and proposals revealed in the papers are weighed against official statements and press reporting of the period in three years: the Tonkin Gulf incident, the air war against North Vietnam, and the commitment of American combat troops to the war.

THE BOMBING OF THE NORTH

The secret history of the bombing war disclosed in the Pentagon Papers shows the Joint Chiefs of Staff making the first recommendation—in January, 1964. They suggested that the South Vietnamese assume open responsibility for the American backed air attacks.

The history further reveals that Ambassador Maxwell D. Taylor proposed in a cable from Saigon in August that year that "something be added to the war effort" to win. That "something" he proposed was "a carefully orchestrated bombing attack on North Vietnam with January 1, 1965, the target date."

A secret White House meeting on Sept. 7 reached a "general consensus", according to the Pentagon Papers, on the necessity of air strikes early in 1965, and in December 1964 President Johnson approved the strike—tit-for-tit reprisal for 30 days and a graduated air war to follow. The bombing began in February 1965.

On the record, McNamara had mentioned possible action outside Vietnam in a press conference in March 1964. In June he reiterated to a Senate committee that to deter the enemy "it may require some military action outside the border."

State Department spokesman Robert J. McCloskey said July 20, 1964, "An extension of the war into the north is regarded by the United States as in the realm of contingency planning for the future." President Johnson said in August, and throughout the presidential elections, that he had turned down advice to bomb the North.

The press was hard on the scent of the bombing trail. A story out of Washington on June 24, 1964, said "The United States is speeding its planning for air strikes by South Vietnamese forces against Communist supply bases in Laos and North Vietnam . . ." The report added, "The possibility of such a move figures high in official thinking, it was learned tonight."

A June 27 report from Saigon reported that American jets were bombing in Laos and one had been shot down. The planes were apparently flying out of bases in Thailand, South Vietnam and on the 7th Fleet, the report said.

A Washington dispatch in July reported that two types of air attacks against North Vietnam were being considered, the first a tit-for-tat retaliation strike to follow Viet Cong guerrilla attacks in the South. There was an alternative strategy and it called for the planned destruction of military targets in North Vietnam "to try and change the policies of the aggressor," the report added. High officials were quoted as saying that no decision on expanding the war had been made although plans of action had been drawn up "and forces either have or will be put into position to carry out quickly any decisions."

The raids against the North eventually took the form as outlined in the Washington dispatch of July 1964.

The United States continued bombing in Laos, but as a news dispatch from Saigon commented mid-January 1965, "The U.S. government is still not ready to acknowledge that it has warplanes in combat outside the borders of South Vietnam." The whole air campaign in Laos was one of the best reported secrets of the war.

An administration view of the scheduling of air raids against North Vietnam with an eye on political considerations emerges from the Pentagon papers. The study said "tactical considerations" required a delay in the launching of the air strikes because "Johnson was presenting himself (in the presidential elections) as the candidate of reason and restraint."

For that reason, the study says, the air strikes were delayed until February the following year. In the 1964 elections, Johnson's adversary, Sen. Barry Goldwater, was cast as the advocate of unleashing air power against the North.

GULF OF TONKIN INCIDENT

The events that led up to what were officially termed "barbaric, unprovoked attacks" by North Vietnamese PT boats on two U.S. destroyers in the Gulf of Tonkin in August, 1964, had been set in motion early that year by Johnson, the secret papers now reveal.

He ordered Operation Plan 34A which called for U2 flights over Laos, raids on North Vietnam by South Vietnamese and Nationalist Chinese commando teams, and naval bombardment along the North Vietnamese coastline. McNamara had recommended the plan, the documents attest, in hopes that the steadily escalating pressure would force the Viet Cong and the Pathet Lao guerrillas to halt their insurrections.

In these secret operations were American destroyers on intelligence patrols in the international waters of the Tonkin Gulf. The Pentagon analysts say the physical presence of the destroyers provided the elements for the Tonkin clash.

The destroyers Turner Joy and Maddox were hit twice in early August after clandestine South Vietnamese attacks against nearby Communist coastal installations. In the second attack, the secret study reveals, both destroyers were definitely warned that the attacks were going to take place.

Officially, President Johnson went on national television to decry the attacks and announced he had dispatched retaliatory air strikes against North Vietnam. He also demanded a resolution from Congress allowing him to "take all the necessary steps, including the use of armed force," to protect American interests. The result was the much debated Tonkin Gulf Resolution used to support the administration's right to expand the war as it thought necessary, without further Congressional action.

On the public record in Senate Foreign Relations Committee hearings in August 1964 and February 1968, McNamara claimed that neither of the two American destroyers in the gulf had any knowledge of the clandestine attacks. Yet the Pentagon Papers said both destroyers were definitely warned about the clandestine South Vietnamese attacks. He also said that neither the Maddox nor the Turner Joy participated in these activities, a fact borne out by the Pentagon Papers.

Press comment was limited at the time because of the difficulty of reaching the attack scene in the Gulf. An Associated Press report quoted U.S. military men as being baffled by the Communist patrol boat raids on the U.S. ships.

Senator Wayne Morse, D-Ore., was the most vehement challenger of the American position. He charged that the Tonkin Gulf incidents "are as much the doing of the United States as they are of the North Vietnamese. We have been making covert war in Southeast Asia for some time . . . it was inevitable and inexorable that sooner or later we would have to engage in overt acts of war in pursuance of our policy, as we are doing now."

Morse declared prophetically "When the high emotionalism of the present crisis has passed, historians will disclose that for some time past there have been violations of North Vietnamese and Cambodian borders by South Vietnamese, and I am also satisfied that they will disclose that the United States was not an innocent bystander."

AMERICANS INTO LAND WAR

The Pentagon study revealed comparatively little about the series of decisions that put American combat troops into Vietnam, but two key recommendations were listed. The first was a memo to McNamara by the Joint Chiefs of Staff in January 1964 suggesting that the United States "must make ready to conduct increasingly bolder actions in Southeast Asia." The memo suggested that U.S. forces might be committed "as necessary in direct action against North Vietnam."

On August 18 in a cable from Saigon, the papers reveal, Ambassador Taylor suggested that if air strikes were launched against the North then Army Hawk missiles and U.S. Marines be dispatched to Da Nang to protect the important air base.

Officially, there are few recorded public statements about combat troop commitments, but there are many speculative press reports, and the appointment of Gen. Taylor as ambassador in June 1964 was widely regarded around the world as evidence that the

United States intended to step up its military activity in Southeast Asia.

The day of Taylor's appointment, a news story from Saigon said, "America appears to be facing its closest approach to a general war in Asia since the closing of hostilities in Korea in 1953," and cited the hardening attitude of both sides. "A progressive show of force by both sides could explode at some point into a war," the news dispatch said.

Two battalions of U.S. Marines landed in Da Nang on March 8, 1965, and the secret Pentagon papers indicate that President Johnson ordered a new mission for them within the month. The mission "will permit their more active use . . . the actions themselves should be taken as rapidly as practical but in ways that should minimize the appearance of sudden changes in policy," the papers say.

But even before Johnson widened the Marines' mission the press was reporting a much bolder combat stance from the field. "Privately many are confident that the expeditionary force will soon be strengthened and its assigned job enlarged to include an active role in the fighting against the Communist Viet Cong," said a news dispatch on March 20.

The obvious heating up of the American combat role did not ruffle the official stance. On April 1, 1965, the day the papers say he approved the critical change of mission of U.S. troops in Vietnam to that of combat instead of defense, Johnson told reporters, "I know of no far reaching strategy that is being suggested or promulgated."

On April 10, an Associated Press story from Da Nang said, "technically, all marines coming in are to defend Da Nang airbase, but defense is broadly interpreted in this base. The marines are patrolling and fighting many miles from Da Nang, even in the mountain passes between Da Nang and Hue to sweep Viet Cong from the area. They might even be used on Eagle Flight helicopter assaults."

On June 5, the State Department for the first time acknowledged that American troops in South Vietnam "engaged in combat" if attacked and fired upon.

In July President Johnson authorized the commitment of 200,000 Americans at the urgent insistence of the field commander, Gen. William C. Westmoreland. Johnson ordered that his decision be kept secret.

But already on April 18, Sen. John Stennis in an Associated Press interview had set the scene for the immediate future. "The United States must be prepared to fight a stepped up war in Vietnam for an indefinite period," the Mississippi Democrat said. "America is certain to increase its participation in the war.

He predicted that more American troops would soon be committed to Vietnam.

TRIBUTE TO SENATOR MATHIAS—ADDRESS BY SENATOR SCOTT

Mr. BEALL. Mr. President, last night in Cumberland, Md., a group of grateful citizens gathered to pay their respects to my illustrious colleague in the Senate, the Honorable CHARLES McC. MATHIAS, JR. This "Mathias Appreciation Dinner," attracting an overflow audience of over 400 people, was given in recognition of Senator MATHIAS' 11 years of service, both as a Member of the House of Representatives and of the U.S. Senate for the people of western Maryland.

The principal speaker for this occasion was our distinguished minority leader, Senator HUGH SCOTT, of Pennsylvania, who delivered a very personal and genuine tribute to Senator MATHIAS. So that Senators may have the benefit of these most appropriate comments by our distinguished colleague from Pennsylvania, I ask unanimous consent that the full text of Senator SCOTT's address be printed in the RECORD.

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

SENATOR HUGH SCOTT OF PENNSYLVANIA, REPUBLICAN LEADER AT THE APPRECIATION DINNER FOR SENATOR CHARLES MAC MATHIAS, JUNE 28, 1971

Mac Mathias is one of the bulwarks of the U.S. Senate. He is an outstanding Republican and supporter of President Nixon.

He certainly is a prime mover in the Republican caucus to bring vigor and determination and new ideas to the Senate and shows strong sense of pride in supporting programs proposed by President Nixon.

He was the author of reforms in his own party which assured newer Senators of broader recognition, earlier than the old seniority system would have permitted.

He is a man of deep feeling and a deep conviction to serve his fellow man. He has been doing this . . . serving the public . . . since he joined the U.S. Navy as an enlisted man early in World War II.

Pennsylvania had something to do with his early development. He graduated from one of our fine colleges . . . in fact an outstanding Quaker college . . . Haverford, located in a neighboring community to where Mrs. Scott and I have a home.

Mac is one of 26 Members of the Senate who served in the Navy during the war. He holds a Reserve commission as a captain. In fact in our Republican caucus we can pipe aboard 13 men who stood at attention to "Anchors Aweigh."

We look at Mac affectionately as one of the young movers and shakers. He has been a mover, a changer of Senate routine, one who wants to break with tradition and the status quo and get quicker action by making the Senate more responsive. I, too, agree with this approach. Unfortunately we as the minority party can't do much about changing the pace of the Senate until we get the Democrat committee chairmen to move their work faster out of committees or until we move the Democrats out of their chairmanships.

There is an unchartered club of Republican Senators. It is known as the Wednesday Club and our younger Members like Mac and your other outstanding Senator, Glenn Beall, play important roles in shaping where we are going as Republicans. Speaking of Glenn, he is doing a great job since he moved into the Upper House. He is following in his father's footsteps, a man for whom I had great respect, for I served with him when he was a Member of the Senate and had an opportunity to work closely and learn from him.

How fortunate is Maryland! Two articulate, diligent, and highly effective young Senators. Be sure to appreciate them, to work to keep in the Senate two strong, able voices for Maryland.

For 18 years now, Mac has been serving you fine people of Maryland. I would think he looks back at his service as a former prosecutor the way I do . . . as the greatest opportunity to work for justice. His five years as a city attorney following two years as an assistant State attorney general gave him the necessary far-sightedness and compassion to become an elected official and a good one.

And, we all know the record of Mac Mathias since. He has been unbeatable. Since 1960 he has been winning, eight years in the Congress and now his first term in the Senate. He has stood tall in the type of legislative programs he represents and in his support of those legislative programs sent to the Senate by the President.

Take a look at the record. Mac has taken a strong stance on fighting crime. As a member of the Senate Judiciary Committee and a one time prosecutor, he knows we must give the police more tools and stronger support to crack down on the criminal element.

He joined me in sponsoring the Clean Air Act amendments and also co-sponsored the Scott-Mathias election reform bill that should come to the floor of the Senate shortly.

Mac is behind the Nixon welfare reform bill. He has made his point very clear that we don't accomplish anything by just adding to the present system. We must kill the bureaucratic monster and start over again.

One thing about Republicans—we have the most innovative ideas. We are a party of ideas, but the Democrats then outbid us on money. Your money, your tax money. When we finally get a program it costs so much more because of the amount the Democrats add. They can do it. They can get away with it because they are the majority party in Washington.

A good example—the President's far-reaching education bill. The President asked for $5.1 billion. The Senate added $804 million over the $4.8 billion the House asked for. So we have a conference between both Houses.

And I think a recent statement by Senator Mathias on his feeling for President Nixon's revenue sharing program best identifies him with this administration. He said "the Congress will shirk its responsibility to the American people if it does not send relief to local taxpayers by passing President Nixon's revenue sharing plan and plotting a course of financial relief for the Nation's colleges and universities."

These are the works of an outstanding man, an outstanding Republican and a man of great determination for serving his great State of Maryland.

For the Free State demands free men—free to carry the standards of good causes, free to lead, free to lend strength where strength is needed.

Such a man is Mac Mathias.

A TIME TO REAFFIRM AMERICA'S SUPPORT OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, the 195th anniversary of America's independence is fast approaching. On the fourth July Americans and freedom-loving people the world over celebrate the signing of one of the world's foremost documents of human rights.

Yet another document of human rights has remained unacted upon by the Senate for more than 22 years. How can the Senate allow another Independence Day to pass with the Genocide Convention not ratified. How can the Senate justify this inaction?

Attorney General Mitchell has stated there are no constitutional drawbacks to ratification. President Nixon and Secretary of State Rogers support ratification. The committees of the American Bar Association which studied the Convention most closely called for ratification.

At this time of remembrance and renewal the Senate should reconsider the principles upon which this Nation was founded. The Senate should reaffirm America's support of human rights by ratifying the Genocide Convention and the two other human rights conventions still before it.

THE ALTERNATIVE TO SCHOOLING

Mr. HATFIELD. Mr. President, the Saturday Review of June 19, 1971, con-

tains a fascinating and penetrating article by Ivan Illich regarding education. At a time when we are examining our priorities and the relevance of many of our institutions to the needs of our society, I believe the insights of Mr. Illich to be of particular poignance.

Mr. Illich is the director of the Center for Intercultural Documentation in Cuernavaca, Mexico. His most recent book, "Deschooling Society," is being published this month, and the article appearing in the June 19 edition of the Saturday Review summarizes the ideas put forth in this book. I commend "The Alternative to Schooling" to the Senate and anticipate that it will be a further catalyst in reshaping the future of education within our society and the future of our country.

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

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

THE ALTERNATIVE TO SCHOOLING

(By Ivan Illich)

For generations we have tried to make the world a better place by providing more and more schooling, but so far the endeavor has failed. What we have learned instead is that forcing all children to climb an open-ended education ladder cannot enhance equality but must favor the individual who starts out earlier, healthier, or better prepared; that enforced instruction deadens for most people the will for independent learning; and that knowledge treated as a commodity, delivered in packages, and accepted as private property once it is acquired, must always be scarce.

In response, critics of the educational system are now proposing strong and unorthodox remedies that range from the voucher plan, which would enable each person to buy the education of his choice on an open market, to shifting the responsibility for education from the school to the media and to apprenticeship on the job. Some individuals foresee that the school will have to be disestablished just as the church was disestablished all over the world during the last two centuries. Other reformers propose to replace the universal school with various new systems that would, they claim, better prepare everybody for life in modern society. These proposals for new educational institutions fall into three broad categories: the reformation of the classroom within the school system; the dispersal of free schools throughout society; and the transformation of all society into one huge classroom. But these three approaches—the reformed classroom, the free school, and the worldwide classroom—represents three stages in a proposed escalation of education in which each step threatens more subtle and more pervasive social control than the one it replaces.

I believe that the disestablishment of the school has become inevitable and that this end of an illusion should fill us with hope. But I also believe that the end of the "age of schooling" could usher in the epoch of the global schoolhouse that would be distinguishable only in name from a global madhouse or global prison in which education, correction, and adjustment become synonymous. I therefore believe that the breakdown of the school forces us to look beyond its imminent demise and to face fundamental alternatives in education. Either we can work for fearsome and potent new educational devices that teach about a world which progressively become more opaque and forbidding for man, or we can set the conditions for a new era in which technology would be used to make society more simple and transparent, so that all men can once again know the facts and use the tools that shape their lives. In short, we can disestablish schools or we can deschool culture.

In order to see clearly the alternatives we face, we must first distinguish education from schooling, which means separating the humanistic intent of the teacher from the impact of the invariant structure of the school. This hidden structure constitutes a course of instruction that stays forever beyond the control of the teacher or of his school board. It conveys indelibly the message that only through schooling can an individual prepare himself for adulthood in society, that what is not taught in school is of little value, and that what is learned outside of school is not worth knowing. I call it the hidden curriculum of schooling, because it constitutes the unalterable framework of the system, within which all changes in the curriculum are made.

The hidden curriculum is always the same regardless of school or place. It requires all children of a certain age to assemble in groups of about thirty, under the authority of a certified teacher, for some 500 to 1,000 or more hours each year. It doesn't matter whether the curriculum is designed to teach the principles of fascism, liberalism, Catholicism, or socialism; or whether the purpose of the school is to produce Soviet or United States citizens, mechanics, or doctors. It makes no difference whether the teacher is authoritarian or permissive, whether he imposes his own creed or teaches students to think for themselves. What is important is that students learn that education is valuable when it is acquired in the school through a graded process of consumption; that the degree of success the individual will enjoy in society depends on the amount of learning he consumes; and that learning *about* the world is more valuable than learning *from* the world.

It must be clearly understood that the hidden curriculum translates learning from an activity into a commodity—for which the school monopolizes the market. In all countries knowledge is regarded as the first necessity for survival, but also as a form of currency more liquid than rubles or dollars. We have become accustomed, through Karl Marx's writings, to speak about the alienation of the worker from his work in a class society. We must now recognize the estrangement of man from his learning when it becomes the product of a service profession and he becomes the consumer.

The more learning an individual consumes, the more "knowledge stock" he acquires. The hidden curriculum therefore defines a new class structure for society within which the large consumers of knowledge—those who have acquired large quantities of knowledge stock—enjoy special privileges, high income, and access to the more powerful tools of production. This kind of knowledge-capitalism has been accepted in all industrialized societies and establishes a rationale for the distribution of jobs and income. (This point is especially important in the light of the lack of correspondence between schooling and occupational competence established in studies such as Ivar Berg's *Education and Jobs: The Great Training Robbery.*)

The endeavor to put all men through successive stages of enlightenment is rooted deeply in alchemy, the Great Art of the waning Middle Ages. John Amos Comenius, a Moravian bishop, self-styled Pansophist, and pedagogue, is rightly considered one of the founders of the modern schools. He was among the first to propose seven or twelve grades of compulsory learning. In his *Magna Didactica,* he described schools as devices to "teach everybody everything" and outlined a blueprint for the assembly-line production of knowledge, which according to his method would make education cheaper and better and make growth into full humanity possible for all. But Comenius was not only an early efficiency expert, he was an alchemist who adopted the technical language of his craft to describe the art of rearing children. The alchemist sought to refine base elements by leading their distilled spirits through twelve stages of successive enlightenment, so that for their own and all the world's benefit they might be transmuted into gold. Of course, alchemists failed no matter how often they tried, but each time their "science" yielded new reasons for their failure, and they tried again.

Pedagogy opened a new chapter in the history of Ars Magna. Education became the search for an alchemic process that would bring forth a new type of man, who would fit into an environment created by scientific magic. But, no matter how much each generation spent on its schools, it always turned out that the majority of people were unfit for enlightenment by this process and had to be discarded as unprepared for life in a man-made world.

Educational reformers who accept the idea that schools have failed fall into three groups. The most respectable are certainly the great masters of alchemy who promise better schools. The most seductive are popular magicians, who promise to make every kitchen into an alchemic lab. The most sinister are the new Masons of the Universe, who want to transform the entire world into one huge temple of learning. Notable among today's masters of alchemy are certain research directors employed or sponsored by the large foundations who believe that schools, if they could somehow be improved, could also become economically more feasible than those that are now in trouble, and simultaneously could sell a larger package of services. Those who are concerned primarily with the curriculum claim that it is outdated or irrelevant. So the curriculum is filled with new packaged courses on African Culture, North American Imperialism, Women's Lib, Pollution, or the Consumer Society. Passive learning is wrong—it is indeed—so we graciously allow students to decide what and how they want to be taught. Schools are prison houses. Therefore, principals are authorized to approve teach-outs, moving the school desks to a roped-off Harlem street. Sensitivity training becomes fashionable. So, we import group therapy into the classroom. School, which was supposed to teach everybody everything, now becomes all things to all children.

Other critics emphasize that schools make inefficient use of modern science. Some would administer drugs to make it easier for the instructor to change the child's behavior. Others would transform school into a stadium for educational gaming. Still others would electrify the classroom. If they are simplistic disciples of McLuhan, they replace blackboards and textbooks with multimedia happenings; if they follow Skinner, they claim to be able to modify behavior more efficiently than old-fashioned classroom practitioners can.

Most of these changes have, of course, some good effects. The experimental schools have fewer truants. Parents do have a greater feeling of participation in a decentralized district. Pupils, assigned by their teacher to an apprenticeship, do often turn out more competent than those who stay in the classroom. Some children do improve their knowledge of Spanish in the language lab because they prefer playing with the knobs of a tape recorder to conversations with their Puerto Rican peers. Yet all these improvements operate within predictably narrow limits, since they leave the hidden curriculum of school intact.

Some reformers would like to shake loose from the hidden curriculum, but they rarely succeed. Free schools that lead to further

free schools produce a mirage of freedom, even though the chain of attendance is frequently interrupted by long stretches of loafing. Attendance through seduction inculcates the need for educational treatment more persuasively than the reluctant attendance enforced by a truant officer. Permissive teachers in a padded classroom can easily render their pupils impotent to survive once they leave.

Learning in these schools often remains nothing more than the acquisition of socially valued skills defined, in this instance, by the consensus of a commune rather than by the decree of a school board. New presbyter is but an old priest writ large.

Free schools, to be truly free, must meet two conditions: First, they must be run in a way to prevent the reintroduction of the hidden curriculum of graded attendance and certified students studying at the feet of certified teachers. And, more importantly, they must provide a framework in which all participants—staff and pupils—can free themselves from the hidden foundations of a schooled society. The first condition is frequently incorporated in the stated aims of a free school. The second condition is only rarely recognized, and is difficult to state as the goal of a free school.

It is useful to distinguish between the hidden curriculum, which I have described, and the occult foundations of schooling. The hidden curriculum is a ritual that can be considered the official initiation into modern society, institutionally established through the school. It is the purpose of this ritual to hide from its participants the contradictions between the myth of an egalitarian society and the class-conscious reality it certifies. Once they are recognized as such, rituals lose their power, and this is what is now beginning to happen to schooling. But there are certain fundamental assumptions about growing up—the occult foundations—which now find their expression in the ceremonial of schooling, and which could easily be reinforced by what free schools do.

Among these assumptions is what Peter Schrag calls the "immigration syndrome," which impels us to treat all people as if they were newcomers who must go through a naturalization process. Only certified consumers of knowledge are admitted to citizenship. Men are not born equal, but are made equal through gestation by Alma Mater.

The rhetoric of all school states that they form a man for the future, but they do not release him for his task before he has developed a high level of tolerance to the ways of his elders: education *for* life rather than *in* everyday life. Few free schools can avoid doing precisely this. Nevertheless they are among the most important centers from which a new life-style radiates, not because of the effect their graduates will have but, rather, because elders who choose to bring up their children without the benefit of properly ordained teachers frequently belong to a radical minority and because their preoccupation with the rearing of their children sustains them in their new style.

The most dangerous category of educational reformer is one who argues that knowledge can be produced and sold much more effectively on an open market than on one controlled by school. These people argue that most skills can be easily acquired from skill-models if the learner is truly interested in their acquisition; that individual entitlements can provide a more equal purchasing power for education. They demand a careful separation of the process by which it is measured and certified. These seem to me obvious statements. But it would be a fallacy to believe that the establishment of a free market for knowledge would constitute a radical alternative in education.

The establishment of a free market would indeed abolish what I have previously called the hidden curriculum of present schooling—its age-specific attendance at a graded curriculum. Equally, a free market would at first give the appearance of counteracting what I have called the occult foundations of a schooled society: the "immigration syndrome," the institutional monopoly of teaching, and the ritual of linear initiation. But at the same time a free market in education would provide the alchemist with innumerable hidden hands to fit each man into the multiple, tight little niches a more complex technocracy can provide.

Many decades of reliance on schooling has turned knowledge into a commodity, a marketable staple of a special kind. Knowledge is now regarded simultaneously as a first necessity and also as society's most precious currency. (The transformation of knowledge into a commodity is reflected in a corresponding transformation of language. Words that formerly functioned as verbs are becoming nouns that designate possessions. Until recently dwelling and learning and even healing designated activities. They are now usually conceived as commodities or services to be delivered. We talk about the manufacture of housing or the delivery of medical care. Men are no longer regarded fit to house or heal themselves. In such a society people come to believe that professional services are more valuable than personal care. Instead of learning how to nurse grandmother, the teen-ager learns to picket the hospital that does not admit her.) This attitude could easily survive the disestablishment of school, just as affiliation with a church remained a condition for office long after the adoption of the First Amendment. It is even more evident that test batteries measuring complex knowledge-packages could easily survive the disestablishment of school—and with this would go the compulsion to obligate everybody to acquire a minimum package in the knowledge stock. The scientific measurement of each man's worth and the alchemic dream of each man's "educability to his full humanity" would finally coincide. Under the appearance of a "free" market, the global village would turn into an environmental womb where pedagogic therapists control the complex navel by which each man is nourished.

At present schools limit the teacher's competence to the classroom. They prevent him from claiming man's whole life as his domain. The demise of school will remove this restriction and give a semblance of legitimacy to the life-long pedagogical invasion of everybody's privacy. It will open the way for a scramble for "knowledge" on a free market, which would lead us toward the paradox of a vulgar, albeit seemingly egalitarian, meritocracy. Unless the concept of knowledge is transformed, the disestablishment of a school will lead to a wedding between a growing meritocratic system that separates learning from certification and a society committed to provide therapy for each man until he is ripe for the gilded age.

For those who subscribe to the technocratic ethos, whatever is technically possible must be made available at least to a few whether they want it or not. Neither the privation nor the frustration of the majority counts. If cobalt treatment is possible, then the city of Tegucigalpa needs one apparatus in each of its two major hospitals, at a cost that would free an important part of the population of Honduras from parasites. If supersonic speeds are possible, then it must speed the travel of some. If the flight to Mars can be conceived, then a rationale must be found to make it appear a necessity. In the technocratic ethos poverty is modernized: Not only are old alternatives closed off by new monopolies, but the lack of necessities is also compounded by a growing spread between those services that are technologically feasible and those that are in fact available to the majority.

A teacher turns "educator" when he adopts this technocratic ethos. He then acts as if education were a technological enterprise designed to make man fit into whatever environment the "progress" of science creates. He seems blind to the evidence that constant obsolescence of all commodities comes at a high price: the mounting cost of training people to know about them. He seems to forget that the rising cost of tools is purchased at a high price in education: They decrease the labor intensity of the economy, make learning on the job impossible or, at best, a privilege for a few. All over the world the cost of educating men for society rises faster than the productivity of the entire economy, and fewer people have a sense of intelligent participation in the commonwealth.

A revolution against those forms of privilege and power, which are based on claims to professional knowledge, must start with a transformation of consciousness about the nature of learning. This means, above all, a shift of responsibility for teaching and learning. Knowledge can be defined as a commodity only as long as it is viewed as the result of institutional enterprise or as the fulfillment of institutional objectives. Only when a man recovers the sense of personal responsibility for what he learns and teaches can this spell be broken and the alienation of learning from living be overcome.

The recovery of the power to learn or to teach means that the teacher who takes the risk of interfering in somebody else's private affairs also assumes responsibility for the results. Similarly, the student who exposes himself to the influence of a teacher must take responsibility for his own education. For such purposes educational institutions—if they are at all needed—ideally take the form of facility centers where one can get a roof of the right size over his head, access to a piano or a kiln, and to records, books, or slides. Schools, TV stations, theaters, and the like are designed primarily for use by professionals. Deschooling society means above all the denial of professional status for the second-oldest profession, namely teaching. The certification of teachers now constitutes an undue restriction of the right to free speech: the corporate structure and professional pretensions of journalism an undue restriction on the right to free press. Compulsory attendance rules interfere with free assembly. The deschooling of society is nothing less than a cultural mutation by which a people recovers the effective use of its Constitutional freedoms: learning and teaching by men who know that they are born free rather than treated to freedom. Most people learn most of the time when they do whatever they enjoy; most people are curious and want to give meaning to whatever they come in contact with; and most people are capable of personal intimate intercourse with others unless they are stupefied by inhuman work or turned off by schooling.

The fact that people in rich countries do not learn much on their own constitutes no proof to the contrary. Rather it is a consequence of life in an environment from which, paradoxically, they cannot learn much, precisely because it is so highly programed. They are constantly frustrated by the structure of contemporary society in which the facts on which decisions can be made have become elusive. They live in an environment in which tools that can be used for creative purposes have become luxuries, an environment in which channels of communication serve a few to talk to many.

A modern myth would make us believe that the sense of importance with which most men live today is a consequence of technology that cannot but create huge systems. But it is the technology that makes systems huge, tools immensely powerful, channels of communication one-directional. Quite the

contrary: Properly controlled, technology could provide each man with the ability to understand his environment better, to shape it powerfully with his own hands, and to permit him full intercommunication to a degree never before possible. Such an alternative use of technology constitutes the central alternative in education.

If a person is to grow up he needs, first of all, access to things, to places and to processes, to events and to records. He needs to see, to touch, to tinker with, to grasp whatever there is in a meaningful setting. This access is now largely denied. When knowledge became a commodity, it acquired the protections of private property, and thus a principle designed to guard personal intimacy became a rationale for declaring facts off limits for people without the proper credentials. In schools teachers keep knowledge to themselves unless it fits into the day's program. The media inform, but exclude those things they regard as unfit to print. Information is locked into special languages, and specialized teachers live off its retranslation. Patents are protected by corporations, secrets are guarded by bureaucracies, and the power to keep others out of private preserves—be they cockpits, law offices, junkyards, or clinics—is jealously guarded by professions, institutions, and nations. Neither the political nor the professional structure of our societies, East and West, could withstand the elimination of the power to keep entire classes of people from facts that could serve them. The access to facts that I advocate goes far beyond truth in labeling. Access must be built into reality, while all we ask from advertising is a guarantee that it does not mislead. Access to reality constitutes a fundamental alternative in education to a system that only purports to teach about it.

Abolishing the right to corporate secrecy—even when professional opinion holds that this secrecy serves the common good—is, as shall presently appear, a much more radical political goal than the traditional demand for public ownership or control of the tools of production. The socialization of tools without the effective socialization of know-how in their use tends to put the knowledge-capitalist into the position formerly held by the financier. The technocrat's only claim to power is the stock he holds in some class of scarce and secret knowledge, and the best means to protect its value is a large and capital-intensive organization that renders access to know-how formidable and forbidding.

It does not take much time for the interested learner to acquire almost any skill that he wants to use. We tend to forget this in a society where professional teachers monopolize entrance into all fields, and thereby stamp teaching by uncertified individuals as quackery. There are few mechanical skills used in industry or research that are as demanding, complex, and dangerous as driving cars, a skill that most people quickly acquire from a peer. Not all people are suited for advanced logic, yet those who are make rapid progress if they are challenged to play mathematical games at an early age. One out of twenty kids in Cuernavaca can beat me at Wiff 'n' Proof after a couple of weeks' training. In four months all but a small percentage of motivated adults at our CIDOC center learn Spanish well enough to conduct academic business in the new language.

A first step toward opening up access to skills would be to provide various incentives for skilled individuals to share their knowledge. Inevitably, this would run counter to the interest of guilds and professions and unions. Yet, multiple apprenticeship is attractive: It provides everybody with an opportunity to learn something about almost anything. There is no reason why a person should not combine the ability to drive a car, repair telephones and toilets, act as a midwife, and function as an architectural draftsman. Special-interest groups and their disciplined consumers would, of course, claim that the public needs the protection of a professional guarantee. But this argument is now steadily being challenged by consumer protection associations. We have to take much more seriously the objection that economists raise to the radical socialization of skills: that "progress" will be impeded if knowledge—patents, skills, and all the rest—is democratized. Their argument can be faced only if we demonstrate to them the growth rate of futile diseconomies generated by any existing educational system.

Access to people willing to share their skills is no guarantee of learning. Such access is restricted not only by the monopoly of educational programs over learning and of unions over licensing but also by a technology of scarcity. The skills that count today are know-how in the use of highly specialized tools that were designed to be scarce. These tools produce goods or render services that everybody wants but only a few can enjoy, and which only a limited number of people know how to use. Only a few privileged individuals out of the total number of people who have a given disease ever benefit from the results of sophisticated medical technology, and even fewer doctors develop the skill to use it.

The same results of medical research have, however, also been employed to create a basic medical tool kit that permits Army and Navy medics, with only a few months of training, to obtain results, under battlefield conditions, that would have been beyond the expectations of full-fledged doctors during World War II. On an even simpler level any peasant girl could learn how to diagnose and treat most infections if medical scientists prepared dosages and instructions specifically for a given geographic area.

All these examples illustrate the fact that educational considerations alone suffice to demand a radical reduction of the professional structure that now imepedes the mutual relationship between the scientist and the majority of people who want access to science. If this demand were heeded, all men could learn to use yesterday's tools, rendered more effective and durable by modern science, to create tomorrow's world.

Unfortunately, precisely the contrary trend prevails at present. I know a coastal area in South America where most people support themselves by fishing from small boats. The outboard motor is certainly the tool that has changed most dramatically the lives of these coastal fishermen. But in the area I have surveyed, half of all outboard motors that were purchased between 1945 and 1950 are still kept running by constant tinkering, while half the motors purchased in 1965 no longer run because they were not built to be repaired. Technological progress provides the majority of people with gadgets they cannot afford and deprives them of the simpler tools they need.

Metals, plastics, and ferro cement used in building have greatly improved since the 1940s and ought to provide more people the opportunity to create their own homes. But while in the United States, in 1948, more than 30 per cent of all one-family homes were owner-built, by the end of the 1960s the percentage of those who acted as their own contractors had dropped to less than 20 per cent.

The lowering of the skill level through so-called economic development becomes even more visible in Latin America. Here most people still build their own homes from floor to roof. Often they use mud, in the form of adobe, and thatchwork of unsurpassed utility in the moist, hot, and windy climate. In other places they make their dwellings out of cardboard, oil-drums, and other industrial refuse. Instead of providing people with simple tools and highly standardized, durable, and easily repaired components, all governments have gone in for the mass production of low-cost buildings. It is clear that not one single country can afford to provide satisfactory modern dwelling units for the majority of its people. Yet, everywhere this policy makes it progressively more difficult for the majority to acquire the knowledge and skills they need to build better houses for themselves.

Educational considerations permit us to formulate a second fundamental characteristic that any post-industrial society must possess: a basic tool kit that by its very nature counteracts technocratic control. For educational reasons we must work toward a society in which scientific knowledge is incorporated in tools and components that can be used meaningfully in units small enough to be within the reach of all. Only such tools can socialize access to skills. Only such tools favor temporary associations among those who want to use them for a specific occasion. Only such tools allow specific goals to emerge in the process of their use, as any tinkerer knows. Only the combination of guaranteed access to facts and of limited power in most tools renders it possible to envisage a subsistence economy capable of incorporating the fruits of modern science.

The development of such a scientific subsistence economy is unquestionably to the advantage of the overwhelming majority of all people in poor countries. It is also the only alternative to progressive pollution, exploitation, and opaqueness in rich countries. But, as we have seen, the dethroning of the GNP cannot be achieved without simultaneously subverting GNE (Gross National Education—usually conceived as manpower capitalization. An egalitarian system does not exist in a society in which the right to produce is conferred by schools.

The feasibility of a modern subsistence economy does not depend on new scientific inventions. It depends primarily on the ability of a society to agree on fundamental, self-chosen anti-bureaucratic and anti-technocratic restraints.

These restraints can take many forms, but they will not work unless they touch the basic dimensions of life. (The decision of Congress against development of the supersonic transport plane is one of the most encouraging steps in the right direction.) The substance of these voluntary social restraints would be very simple matters that can be fully understood and judged by any prudent man. The issues at stage in the SST controversy provide a good example. All such restraints would be chosen to promote stable and equal enjoyment of scientific know-how. The French say that it takes a thousand years to educate a peasant to deal with a cow. It would not take two generations to help all people in Latin America or Africa to use and repair outboard motors, simple cars, pumps, medicine kits, and ferro cement machines if their design does not change every few years. And since a joyful life is one of constant meaningful environment, equal enjoyment does translate into equal education.

At present a consensus on austerity is difficult to imagine. The reason usually given for the impotence of the majority is stated in terms of political and economic class. What is not usually understood is that the new class structure of a schooled society is even more powerfully controlled by vested interests. No doubt an imperialist and capitalist organization of society provides the social structure within which a minority can have disproportionate influence over the effective opinion of the majority. But in a technocratic society the power of a minority of knowledge capitalists can prevent the formation of true public opinion through control of scientific know-how and the media of communication. Constitutional guarantees of free speech, free press, and free as-

sembly were meant to ensure government by the people. Modern electronics, photo-offset presses, time-sharing computers, and telephones have in principle provided the hardware that could give an entirely new meaning to these freedoms. Unfortunately, these things are used in modern media to increase the power of knowledge-bankers to funnel their program-packages through international chains to more people, instead of being used to increase true networks that provide equal opportunity for encounter among the members of the majority.

Deschooling the culture and social structure requires the use of technology to make participatory politics possible. Only on the basis of a majority coalition can limits to secrecy and growing power be determined without dictatorship. We need a new environment in which growing up can be classless, or we will get a brave new world in which Big Brother educates us all.

THOMAS J. DODD

Mr. INOUYE. Mr. President, I wish to join Senators in paying tribute to the memory of one of our recently departed colleagues, Senator Thomas J. Dodd, with whom I had the pleasure of serving from the time I entered this body through the end of his service at the conclusion of the 91st Congress. His sudden death on May 24 of this year came as a shock and a tragic loss not only to his family but to his former colleagues and many friends in the Senate.

Tom Dodd was a very dedicated Member of this body. His tireless efforts on behalf of drug legislation, gun control, and crime control legislation were great contributions in his later years just as his early years were marked with distinct contributions to the security of our Nation.

Senator Dodd not only looked every inch a Senator, he exerted every effort to perform the duties of a Senator on behalf of his constituents and our nation. He was a most articulate and tenacious defender of the causes he espoused. He was a man of courage and conviction second to none. He was a true patriot.

I wish his family every good wish as they live with fond memories of a man who also meant much to those of us who were fortunate enough to have been his colleague.

DRUG ABUSE PREVENTION

Mr. PERCY. Mr. President, on Friday, June 19, I introduced S. 2097, to establish a Special Action Office for Drug Abuse Prevention in the Executive Office of the President. This legislation is the result of a great deal of hard work done by the administration and is an indication of the concern and commitment of President Nixon to solving this problem.

The bill obviously will not be a cure-all for the drug crisis we face. It is an auspicious beginning, however, one that holds out great hope for success. It is a program that deserves the recognition and support of all concerned citizens.

The Chicago Daily News of June 21, taking note of this timely legislation, addressed this subject in an editorial. I ask unanimous consent that the article be printed in the RECORD.

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

HELP COMING FOR ADDICTS

Congress should give President Nixon full support in his effort to mount a major attack on narcotics addiction. The affliction has reached epidemic proportions, spurring criminal activity in many fields as addicts strive to support the habit by any means at hand—shoplifting, mugging, burglary, armed robbery, prostitution, even murder.

Until now anti-drug abuse programs have involved nine separate federal agencies.

Legislation proposed by the President would set up a central authority—the Special Action Office of Drug Abuse Prevention—over all drug abuse prevention, education, treatment, rehabilitation and research activities. It would co-ordinate state and local programs and provide a clearing house for information for all agencies working on the problem.

Several aspects of the program are particularly heartening:

First, it will fill an acute need for a major co-ordinated research program. Many questions about drugs cry for answers: How effective is the methadone program and what are its hazards? Is there a safe substitute to follow methadone that can cushion the withdrawal shock? Exactly where does marijuana fit into the scale of harmfulness? What are its short- and long-range perils?

Second, it will insure that servicemen hooked on drugs because of their easy availability overseas will have access to thorough rehabilitation courses before they are mustered out. Moreover, the Veterans Administration treatment facilities will be expanded to accommodate all former servicemen who come seeking help.

Finally, a comprehensive program will be undertaken to limit the flow of narcotics into the United States as well as to eliminate the pushers from the domestic scene. "We are stopping less than 20 per cent of the drugs aimed at this nation," Mr. Nixon conceded. Co-operative programs will be undertaken with foreign governments to control the export of narcotics.

We congratulate the President for putting together a program of a scale ($155 million) calculated to have real impact on the problem. We congratulate him also for tapping Dr. Jerome H. Jaffe, 37, director of the Illinois Drug Abuse Program, to direct the program from the White House. Dr. Jaffe knows the problem and what must be done. With the help of Congress and the President, he has a chance to make history.

ERVIN HEARINGS ON PRIVACY (VI): TESTIMONY OF WILLIAM H. REHNQUIST

Mr. ERVIN. Mr. President, during the recent hearings on computers, data banks and the Bill of Rights, the Subcommittee on Constitutional Rights invited the Attorney General of the United States to give his opinion on the constitutional rights of citizens with respect to Government programs involving the use of computers and data banks and particularly those programs requiring intelligence data banks for monitoring the political attitudes, beliefs, and personal behavior of law-abiding Americans.

In response to our invitation, the Assistant Attorney General of the Office of Legal Counsel, Mr. William H. Rehnquist, appeared before the subcommittee and presented a statement on the "Constitutional and Statutory Sources of Investigative Authority in the Executive Branch of Government."

Mr. President, I ask unanimous consent that both our letter of invitation to the Attorney General and Mr. Rehnquist's statement at the hearings be printed in the RECORD.

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

SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS,
February 2, 1971.

Hon. JOHN N. MITCHELL,
The Attorney General,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: The Constitutional Rights Subcommittee in continuation of its study of unwarranted invasion of privacy, has now scheduled hearings to study the impact on the Bill of Rights of federal data banks on citizens. The hearings will focus on two aspects of this subject which are of urgent concern to Congress and the public. One is the extent to which the constitutional rights of citizens may be violated by executive department programs requiring intelligence data banks for monitoring the political attitudes, beliefs, and personal behavior of law-abiding Americans. The second, and broader problem, is the extent to which the requisites of due process are being observed in the increasing governmental use of computers to run nation-wide information systems on individuals.

As chief legal officer of the Federal Government, your opinion on these constitutional issues would be both vital and invaluable to the Congress as it seeks to determine the need for legislation in this area of the law. Therefore, the Subcommittee hereby extends to you an invitation to present your views on this subject on Tuesday, March 9 at 10:30 a.m. in Room 318 of the Old Senate Office Building.

The Subcommittee would like to know what constitutional authority executive branch officials possess to order or conduct surveillance and to acquire information on lawful political activities, personal beliefs, and private lives of citizens where no probable cause exists to believe they are guilty of any crimes. Your opinion as Attorney General on this issue is especially important since the Subcommittee's government-wide survey of such federal programs has elicited varied interpretations of authority by officials who cite in turn the Constitution, Presidential directives, statutes, or other rationale. So far, these responses have been conflicting, confusing, at times highly dubious and in several instances, downright implausible. I believe your testimony on the power of the executive branch departments, including that exercised by the Justice Department, will clarify the constitutional and legal issues immeasurably.

One program of major concern has been the Army's collection, analysis and maintenance of information on civilians in its so-called civil disturbance prevention program. During our investigation of charges of violation of First Amendment rights, Congress has been informed that the Army has cut back its efforts and will henceforth depend on the Justice Department for certain information on individuals and events in this program and for cooperation in covert surveillance. It would be most helpful to learn from you the degree to which the Justice Department has indeed assumed responsibility for this program and for others of concern to the military, as well as for the surveillance of law-abiding citizens which the Army heretofore has deemed necessary.

Secondly, we should appreciate a description of the interdepartmental Delimitation Agreements governing the respective roles of the Armed Services and the Justice Department in investigating of civilians and in retention of dossiers in non-criminal cases. It is hoped that your discussion will include the

basis for these agreements and the reason for them.

In the Subcommittee's study of the problems raised by computerized government files on individuals, it would be most helpful if you or your representatives would elaborate on the Department's October 1, 1970 reply to my letter of June 9, 1970. We should like to know what, if any, due process guarantees surround computerization of your major systems, including the National Crime Information Center and Project SEARCH.

In this connection, I believe the recent report by the Law Enforcement Assistance Administration indicates a highly commendable initiative and concern by your Department for the right to privacy in computerized data systems. Issued at a time when computerized dossiers are causing increased public alarm, this report on privacy considerations in Project SEARCH provides valuable insight and offers worthwhile recommendations which should be studied by every Congressional committee and by all federal and state officials contemplating data systems.

The Subcommittee will therefore welcome for the hearing record a description of the Project SEARCH report together with an account of the future plans for the nationwide computer law-enforcement program envisioned by Project SEARCH.

Your testimony, by defining the constitutional scope of the executive power, should guide and enlighten both the Executive Branch and the Congress. Only if all of the facts are candidly set forth by government will any excesses in these programs be limited and will the current public fears be allayed about unwarranted surveillance and official invasion of personal privacy.

I believe you will agree that the interest of the Administration can only be served and the preservation of liberty enhanced by a better public understanding of the needs of government and their relation to the constitutional rights of citizens. I hope you will find it possible to accept this invitation to appear before the Subcommittee and assist us in our investigation.

With kindest wishes,

Sincerely yours,

SAM J. ERVIN, Jr.,
Chairman.

CONSTITUTIONAL AND STATUTORY SOURCES OF INVESTIGATIVE AUTHORITY IN THE EXECUTIVE BRANCH OF GOVERNMENT

(Statement of William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel)

Mr. Chairman: I am pleased to appear before the Subcommittee this morning to discuss the constitutional and statutory sources of the investigative power of the Executive branch of the government generally, and of the Department of Justice in particular. This authority has properly been construed by the Executive to include the use of a wide variety of investigative techniques, among which are modern data processing systems.

The Department of Justice is convinced of the necessity to maximize the potential of these devices in combating organized crime, preventing acts of violence, controlling civil disorders where appropriate, and enforcing the numerous federal statutes. At the same time, the Department is aware of the potential for injury to individuals which could result from unauthorized collection or unnecessary dissemination of such data. We believe that full utilization of advanced data processing techniques is by no means inconsistent with the preservation of personal privacy. We reject the suggestion that the mere potential for abuse of these technological advances is a sufficient reason in itself to dispense with their use in the investigation and prosecution of crime. The Department believes that careful attention to the potential for abuses will enable us to improve methods for preventing these abuses without significantly impairing the value of data processing techniques as an important tool of law enforcement.

I. CONSTITUTIONAL AND STATUTORY SOURCES OF AUTHORITY

Turning to the central inquiry of your recent letter to the Attorney General, Mr. Chairman, you have inquired as to the Department's position regarding the Executive's constitutional and statutory authority to gather information and the possibilities of violation of individual rights that might result from surveillance of the private lives of individuals unrelated to any legitimate government interest.

The primary source of federal law enforcement power emanates from Article II, section 3, of the Constitution, which assigns to the President the duty to ". . . take Care that the Laws be faithfully executed. . . ." The word "[l]aws" has been interpreted broadly by the Supreme Court as encompassing not only statutes enacted by Congress but ". . . the rights, duties and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of government under the Constitution." *In Re Neagle,* 135 U.S. 1, 64 (1890).

Implicit in the duty of the President to oversee the faithful execution of the laws is the power to investigate, prosecute, and prevent the violation of federal law. Although the *Neagle* case was decided over eighty years ago, it contains language which is quite applicable to the mission of the federal government today.

"It has in modern times become apparent that the physical health of the community is more efficiently promoted by hygienic and preventive means, than by the skill which is applied to the care of disease after it has become fully developed. So also the law, which is intended to prevent crime in its general spread among the community, by regulation, police organization, and otherwise, which are adapted for the protection of the lives and property of citizens, for the dispersing of mobs, for the arrest of thieves and assassins, for the watch which is kept over the community, as well as over this class of people, is more efficient than punishment of crimes after they have been committed." *Id.* at 59.

In addition to the constitutional grant to the Executive of the authority to take care that the laws are faithfully executed, Article IV of the Constitution, and statutes passed in connection with it, are another basis of the information gathering authority of the Executive branch. Article IV, section 4, provides:

"The United States shall guarantee every State in this Union a Republican Form of Government and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence."

This section of the Constitution represents a unique exception to the framers' conception that the states should have virtually exclusive responsibility in the field of local law enforcement. The exception set forth in this section of the Constitution is applicable where domestic violence beyond the law enforcement capability of the states, such as that which occurred during Shays' Rebellion in Massachusetts in 1786–87, makes federal troops the only available source of authority for restoring domestic order within a state. The turmoil resulting from Shays' Rebellion was fresh in the minds of the framers during their sessions in Philadelphia in the summer of 1787, and Madison, Hamilton and Randolph all favored a provision which would allow the states to seek federal assistance in the event that civil disorder became uncontrollable. After several revisions on the floor and in committee, the Convention agreed upon the present wording of Article IV.

This section of the Constitution was implemented shortly after its ratification, in 1795, by the statutory predecessor of 10 U.S.C. 331. Upon request from the governor or legislature of a state, the President may dispatch federal troops where necessary to suppress an insurrection in the state.

Companion sections to 10 U.S.C. 331 were passed during Civil War and Reconstruction days. They provide that the President may, when he determines that unlawful obstructions make it impracticable to enforce federal laws in the states by ordinary judicial proceedings, use such of the armed forces as he considers necessary to enforce those laws or suppress the rebellion. 10 U.S.C. 332. In addition, 10 U.S.C. 333 provides for similar use of federal troops by the President if he determines that insurrection or domestic violence within a state is resulting in the denial to people within the state of rights protected by the Federal Constitution, and the state fails or refuses to protect such rights.

Upon request from the governors of several states, where local law enforcement capabilities had been overwhelmed, troops were sent on the authority of 10 U.S.C. 331 on several occasions to aid in quelling urban disorders in the late 1960s. Acting under the provisions of 10 U.S.C. 332, authorizing the use of federal troops to enforce federal laws within the states, President Eisenhower used troops at Little Rock, Arkansas, in September, 1957, and President Kennedy used them in Mississippi in 1962, and in Alabama in 1963.

As was indicated by the comprehensive statement to this Subcommittee by the Department of Defense, the previous administration recognized the need for intelligence data concerning the possibility or probability of further civil disturbances that might require deployment of federal troops. Given the frequency with which federal troops were used and alerted, and the possibility that they might be called up on very short notice, investigative activities that were directed to determine the possibility of domestic violence occurring at a particular place or at a particular time would appear to be clearly authorized by the constitutional and statutory provisions referred to above.

The functions and organization of the Department of Justice are outlined in the provisions of Part II of Title 28, United States Code (Supp. V) and regulations promulgated thereunder (28 CFR Part O). The Attorney General, as head of the Department, is the chief law enforcement officer. His duties include the appointment and supervision of investigative officials (28 U.S.C. 533) whose duty it is to ". . . detect and prosecute crime against the United States" (28 U.S.C. 533(1)) and "conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General." (28 U.S.C. 533(3)).

Regulations promulgated pursuant to these statutes define the duties of the various divisions of the Justice Department, including the Federal Bureau of Investigation. (28 CFR Part 0). For example, 28 CFR 0.85 states that:

"Subject to the general supervision and direction of the Attorney General, the Director (of the FBI) shall:

* * * * *

"(f) Operate a central clearinghouse for police statistics under the Uniform Crime Reporting Program, and a computerized nationwide index of law enforcement information under the National Crime Information Center."

With regard to the collection and dissemination of records, section 534 of Title 28 provides as follows:

"(a) The Attorney General shall—

(1) acquire, collect, classify, and preserve identification, criminal identification, crime, and other records; and

(2) exchange these records with, and for the official use of, authorized officials of the federal government, the states, cities, and penal and other institutions.

"(b) The exchange of records authorized by subsection (a)(2) of this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

"(c) The Attorney General may appoint officials to perform the functions authorized by this section."

As was stated in the material sent to the Subcommittee from the Deputy Attorney General's Office describing the various computer systems now being used or being planned, section 534 is the primary statutory source of authority for data collection, analysis and dissemination.

In addition, 5 U.S.C. 301 provides in part that:

"The head of an Executive department . . . may prescribe regulations for . . . the custody, use and preservation of its records, papers and property. . . ."

We believe these statutes authorize broad discretion over the control of investigative information that is collected and stored manually or electronically.

II. PARTICULAR INVESTIGATIVE METHODS

The *Neagle* case, referred to previously, is only one in a long line of Supreme Court decisions that deal explicitly or implicitly authorize a wide range of investigative activities that may be pursued by law enforcement authorities within the bounds of the Constitution. Understandably, such court-approved investigative activities include the use of both overt and covert surveillance. For example, as recently as 1966, the Supreme Court in *Hoffa* v. *United States*, 385 U.S. 293, held that the use by the government of paid informers was not violative of the Fourth Amendment prohibition against unreasonable searches and seizures. Justice Stewart, in announcing the opinion of the Court, stated:

"Neither this Court nor any member of it has ever expressed the view that the Fourth Amendment protects a wrongdoer's misplaced belief that a person to whom he voluntarily confides his wrongdoing will not reveal it." *Id.* at 302.

While there is obviously no justification for surveillance of any kind that does not relate to a legitimate investigative purpose, the vice is not surveillance *per se*, but surveillance of activities which are none of the government's business.

The Federal Bureau of Investigation uses both undercover agents and paid informers in its criminal intelligence activities. In many cases, arrest and prosecution of lawbreakers can be effected only through the use of such persons. Utilization of the full panoply of lawful investigative techniques is consistent with the oft-expressed desire of this administration to vigorously enforce the federal criminal law. It is our view that the computer is a useful aid in coordinating criminal intelligence gathering and fulfilling the overall purpose of efficient law enforcement. Thus far, we have only recently begun to use electronic data processing. Therefore, it has been of only limited use to date in the investigation and prosecution of crime. Yet we are beginning to realize that the computer with its ability to store, analyze, and quickly retrieve vast amounts of data can be of immense help to law enforcement administration.

Although we are anxious to increase the effectiveness of law enforcement through the use of technology, we do not propose to ignore the increased potential for abuse that arises from the expanded capability we will have to make complex analyses of investigative data. Indeed, we believe that stringent physical and personnel security measures can greatly reduce the risk of improper access and dissemination so that it poses no greater threat to personal privacy than manual data storage.

The function of gathering intelligence relating to civil disturbances, previously confided to the Army, has since been transferred to the Internal Security Division of the Justice Department. No information contained in the data base of the Department of the Army's now defunct computer system has been transferred to the Internal Security Division's data base. However, in connection with the case of *Tatum* v. *Laird*, now pending in the United States Court of Appeals for the District of Columbia Circuit, one print-out from the Army computer has been retained for the inspection of the court. It will thereafter be destroyed.

As should be evident from the print-out attached to the materials sent to the Subcommittee, the data being stored and analyzed by the Internal Security Division relates to specific incidents in which there is evidence that a law has been or may be broken. The information is obtained primarily from FBI reports.

To date the data base of the Internal Security computer has been used to determine the probability of civil disorder in various geographical areas of the country. For example, the computer might be queried concerning acts of violence that have occurred in a given city over a certain period of time. With the decrease in urban disorder and the corresponding increase in individual acts of destruction, such as bombing, there has been a shift in the use of the data base toward preventing and solving these kinds of crimes.

Concerning the nature of the information stored in the Internal Security computer and the potential threat to privacy, it may be instructive to compare the recently declassified Army intelligence guidelines with the print-out supplied to the Subcommittee. The Army document was inserted into the Congressional Record on March 2, 1971 at page 2290. While it is not altogether clear to what extent the Army guidelines were implemented, it should be apparent that the data base used by Internal Security is much more restricted and much more closely related to actual or potential violators of the law.

You inquired in your letter to the Attorney General, Mr. Chairman, about the provisions of the Delimitation Agreement governing the allocation of investigative responsibility between the Federal Bureau of Investigation and various intelligence agencies of the Department of Defense. This Agreement, dated February 23, 1949, allocates responsibility for investigation of espionage, counter-espionage, subversion and sabotage activities. The Agreement generally divides responsibility on the basis of whether the person to be investigated is in active or retired military status, is a civilian, or is a civilian employee of the military. The allocation of responsibility under the Agreement may also depend on whether the investigation is to be conducted within or without the United States.

III. CONCLUSION

Your letter to the Attorney General, Mr. Chairman, raised the question of whether the constitutional rights of individuals were violated by government surveillance in cases where there was not probable cause to believe that a particular individual had committed a crime. As I have previously said in my testimony, the responsibility of the Executive branch for the execution of the law extends not merely to the prosecution of crime, but to the prevention of it. Given the far-flung responsibilities of the Executive branch for law enforcement, and the large complements of personnel required to discharge these responsibilities, it would scarcely be surprising if there were not isolated examples of abuse of this investigative function. Such abuse may consist of the collection of information which is not legitimately related to the statutory or constitutional authority of the Executive branch to enforce the laws, or it may consist of the unauthorized dissemination of information which was quite properly collected in the first instance.

I know of no authoritative decision holding that either of these situations amounts to a violation of any particular individual's constitutional rights. I think the courts have been reluctant, and properly so, to enter upon the supervision of the Executive's information gathering activities so long as such information is not made the basis of a proceeding against a particular individual or individuals. But the fact that such isolated Executive excesses may not be a violation of individual rights does not mean that they are proper, and it does not mean that appropriate steps should not be taken to prevent their reoccurrence. Departmental regulations of the Department of Justice forbid any employee or former employee to produce any material contained in the files of the Department, or to disclose any information relating to material contained in files of the Department, without prior approval of the Attorney General. This regulation is intended to preserve the confidentiality of information contained in departmental files, and to make certain that it will not be disseminated to unauthorized persons.

With the additional investigative capabilities made available by technological advances, it will undoubtedly be necessary to be vigilant against possible violations of this regulation. Physical security precautions must be improved in order to assure both those within and without the Department that unauthorized personnel do not have access to confidential information. Those in the Executive branch generally, including the Department of Justice, properly alerted to the dangers of excessive zeal by some of the information testified to before this Subcommittee, must make certain that law enforcement intelligence gathering is limited to those areas in which the Executive branch has constitutional or statutory responsibility for law enforcement.

I think it quite likely that self-discipline on the part of the Executive branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering. No widespread system of investigative activity, maintained by diverse and numerous personnel, is apt to be perfect either in its conception or in its performance. The fact that isolated imperfections are brought to light, while always a reason for attempting to correct them, should not be permitted to obscure the fundamental necessity and importance of federal information gathering, or the generally high level of performance in this area by the organizations involved.

In saying this, I do not mean to suggest that the Department of Justice would adamantly oppose any and all legislation on this subject. Legislation which is carefully drawn to meet demonstrated evils in a reasonable way, without impairing the efficiency of vital federal investigative agencies, will receive the Department's careful consideration. But it will come as no surprise, I am sure, for me to state that the Department will vigorously oppose any legislation which, whether by opening the door to unnecessary and unmanageable judicial supervision of such activities or otherwise, would effectively impair this extraordinarily important function of the federal government.

THE QUESTION OF THE FEASIBILITY OF AN UNDERGROUND NUCLEAR TEST BAN

Mr. CASE. Mr. President, it is not an uncommon occurrence for scientific findings to be strongly resisted by Government bureaucracies, especially when such findings conflict with entrenched interests or cause the Government embarrassment.

When such bureaucratic resistance is translated into overt manipulation or suppression of the frank opinion of scientists, however, it becomes an abuse of authority which cannot be tolerated. Such I believe is the case with Pentagon handling of recent scientific assessments of the technical advances which might enable an underground nuclear test ban without the requirement for on-site inspections.

Early this year I learned that a conference of this country's leading seismologists sponsored by the Defense Department Advanced Research Projects Agency at Woods Hole, Mass., in July 1970, had presented evidence of a twenty-fold gain in our capability to detect and identify underground nuclear explosions in the Soviet Union. Specifically, advances in these techniques enabled identification of testing down to approximately 4.0 on the Richter scale, which is the equivalent of a 1 or 2 kiloton explosion—for purposes of comparison, the relatively primitive weapon exploded at Hiroshima yielded approximately 20 kilotons.

The first indication that an underground test ban treaty might be entered into without the necessity for onsite inspections was of obvious importance and I began a series of efforts to have this Woods Hole report released.

In April I finally received the body of the report, but the summary had been ripped out and the summary was the only portion of the report comprehensible to the layman.

I was subsequently told that the Pentagon's Advanced Projects Research Agency, the conference's sponsor, had decided that it disagreed with this summary and was going to write its own version of what the scientists had had to say.

Not satisfied with simply releasing its statement in disagreement, however, ARPA, on its own initiative, thereupon withdrew the scientists' summary from publication and classified this previously unclassified product of an unclassified conference "For official use only."

Forced to rely on competent, unofficial sources for an assessment, early in May I issued a statement incorporating an unedited evaluation of the significance of these scientific advances. I called for hearings on the prospects for a comprehensive nuclear test ban by the Foreign Relations Arms Control Subcommittee on which I am the ranking Republican, and Senator MUSKIE, its chairman, agreed to proceed with these hearings in mid-July.

I would have been satisfied to leave this matter to be explored in detail at these hearings. But now it has come to my attention that ARPA is explicitly representing its version of the summary as reflecting the judgment of the scientists who attended the conference. In a Washington Post article of June 13, an ARPA representative, attempting to explain his agency's actions, stated that the original summary failed to reflect a "consensus" of the conference but instead represented the views of only one unnamed man.

This I have confirmed to be simply not true. ARPA apparently did not even bother to get in touch with the Woods Hole participants before issuing its own version of the proceedings.

I am releasing today letters from six of the scientists who presented papers at this conference. These letters clearly rebut the assertion by the ARPA spokesman that the original summary represented the views "of only one man."

The letters clearly underscore the advances which have been made enabling our seismic identification of nuclear explosions in the Soviet Union down to the approximate level of very small blasts of from 1 to 2 kilotons.

However, I would like to emphasize that this briefly summarized affair of manipulation and management of scientific findings has an importance far beyond its seemingly esoteric subject matter.

Because of the way in which the results of the Woods Hole Conference have been handled, I am concerned that the U.S. representatives soon to meet with other members of the United Nations Conference on the Committee on Disarmament at Geneva on June 30 might not be as forthcoming as they might be.

Serious as this incident is in itself, it has particular significance that the Director of ARPA will be one of the U.S. representatives at Geneva. This conference was called at the behest of the Canadian delegation to explore just those advances which I have described.

The non-nuclear countries, some of which have been represented at Geneva, have been pressing for an underground nuclear test ban ever since the Limited Test Ban Treaty was concluded in 1963. These nations in fact entered into Nuclear Non-Proliferation Treaty on the basis of a solemn promise by the nuclear powers to, among other things, bring about a ban on all nuclear testing.

In the words of the preamble to the U.N. resolution of December 7, 1970, which pertains to the June 30 meeting in Geneva and which the Government of the United States agreed to, the United States and other U.N. members, recognize ". . . the urgent need for the cessation of nuclear and thermonuclear weapon tests, including those carried out underground." This recognition, in turn, is based upon the agreed-to statement of the parties of the Non-Proliferation Treaty ". . . to pursue negotiations in good faith on effective measures to the cessation of the arms race at any early date."

I am confident that the United States intends to fulfill this pledge. But even stated national policy can be thwarted by bureaucratic resistance.

These findings of the scientists participating in the Woods Hole conference must be placed clearly on the record so they can be explored without prejudice by the Arms Control Subcommittee and understood by the public. And certainly the technical advances described by them must receive a full and frank airing during our country's negotiations at Geneva.

I ask unanimous consent to have two letters printed in the RECORD.

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

JUNE 23, 1971.

DEAR SENATOR CASE: The following are comments on the two summaries of the recent Woods Hole conference on seismic discrimination sponsored by ARPA.

We have examined both the summary which originally accompanied the two volumes of the working papers and its modified version cleared for publication on May 24, 1971, and we feel that the original summary more adequately represents our views as to the present status of the discrimination problem. Subsequent to the meeting results reported on discrimination of surface waves by both Lamont and UCSD support the conclusions of the original summary.

The modified version deletes some of the important conclusions indicated by the conference, e.g. that data now indicate that discrimination is possible down to magnitude 4.0 given adequate arrays of teleseismic instruments.

One paragraph of the modified statement with which we strongly disagree is the statement that "a major result of the meeting was a clear impression that much research has yet to be done to resolve the discrimination problem." On the contrary we feel that the discrimination problem has essentially been solved down to magnitude 4.0 and what is required is an implementation of adequate instrumentation and analysis techniques.

Similarly we disagree with the statement in the next to the last paragraph of the modified summary that "occasional earthquakes larger than a magnitude of 4.75 do occur that fail to meet all present criteria for discrimination from explosives." We do not know of any such earthquakes.

The modified summary does not adequately emphasize (a) the recent developments in instrumentation which allow detection of 40 second surface waves (b) the extremely powerful discrimination criteria provided by azimuth and depth dependence of amplitude (and phase) spectra.

In conclusion we feel that the data now indicate that teleseismic discrimination is possible to magnitude 4.0 provided existing (recently developed) instrumentation is deployed.

Sincerely,

PROF. BARRY BLOCK,
PROF. JAMES BRUNE,
PROF. FREEMAN GILBERT,
University of California at San Diego.

JUNE 21, 1971.

DEAR SENATOR CASE: We are seismologists who participated in the Conference on Seismic Discrimination sponsored by ARPA and held in Woods Hole from 20 July 1970 to 23 July 1970. We contributed papers that are included in the proceedings.

This letter was stimulated by a recent article that appeared in the Washington Post of 13 June 1971 which discussed a new summary of the material presented in Woods Hole. This new summary is purported to reflect more of a "consensus" than the first summary. We question whether this latter summary is in fact a "consensus" as we were not aware of its existence until we read the article in the Post.

Our reaction to the original summary was that it adequately reported the many recent

advances in seismic techniques for detection and discrimination and that it expressed our impression of what was said at Woods Hole.

SIGNATORIES

Peter Molnar, New York, N.Y.
Peter L. Ward, Sparkill, N.Y.
Max Wyss, Valley Cottage, N.Y.

SUPREME COURT DECISIONS ON AID TO NONPUBLIC SCHOOLS

Mr. PELL. Mr. President, the recent decision of the U.S. Supreme Court, declaring unconstitutional Rhode Island's statute for the assistance to parochial schools, is most disturbing to me as chairman of the Subcommittee on Education of the Committee on Labor and Public Welfare and especially as a Senator from Rhode Island.

As one who is directly concerned with providing quality education in the communities of our State and Nation, and as one who has long recognized the important contribution made by the country's nonpublic schools, I am seriously concerned about the possible ramifications of the Court's decision.

A reading of the decisions in the Rhode Island and Pennsylvania cases, coupled with the dissent in the Connecticut case concerning higher education, points out that the Court may have raised more questions and ambiguities than it has answered, and it may even cause more uncertainties and perhaps more litigation. If this is so, action may be needed to clarify the status of State and Federal aid to church-related education, for those fine educational systems cannot be left in the limbo of not knowing their future legal status.

The Subcommittee on Education has worked many long hours under my chairmanship in the past years, as had, I know, the Rhode Island State Legislature, in drafting statutes which would protect our large investment in nonpublic schools, without violating the first amendment. It is somewhat ironic that it is the very diligence of the State legislature in trying to avoid first amendment problems that is cited by the Supreme Court as the basis of their ruling.

The impact on the parochial school system in our State could go far beyond the dollar amounts involved. The outlook for the future indicates that the fiscal deficits will continue to grow and grow. This will surely cause the closing of even more parochial schools, thus shifting extra costs to the already overburdened local city and town taxpayers. This new fiscal crisis we must not let come to pass.

As chairman of the Subcommittee on Education, which has already produced laws providing books and equipment aid to parochial schools, I believe that the Federal Government should not only investigate this far-ranging problem, but it should think in hard terms about alternative formulas for fiscal relief for parochial schools. For example, serious consideration should be given to the need for a constitutional amendment.

With this in mind, I am planning to hold hearings in Rhode Island to investigate alternative courses of action. I believe that in a government of law, legislation can be drafted which can ease the plight of nonpublic schools; and it is my intent to do so.

THE MANAGEMENT ASPECT OF WELFARE REFORM: A NEW EMPHASIS

Mr. PERCY. Mr. President, Illinois, like many other States, is facing a crisis in its welfare programs. The crisis has some very obvious symptoms: cost and numbers of people. Illinois welfare costs increased from $431 million in 1969 to about $1 billion this year, and the rate of growth continues. The number of Illinois welfare recipients has reached more than 800,000, or 7 percent of the State's population; 436,000 of these are children receiving assistance through the aid to dependent children program.

Gov. Richard Ogilvie, on May 20, outlined to the State legislature his carefully considered program to deal with the crisis—see CONGRESSIONAL RECORD May 26, 1971, page 17089. The Governor's program is marked by its careful approach to several difficult issues. These are outlined succinctly in an excellent speech by George A. Ranney, Jr., a member of Governor Ogilvie's staff, to the City Club of Chicago on June 7 titled "The Ogilvie Welfare Reform Program in Perspective."

First is the question of welfare fraud. Mr. Ranney said that "large-scale fraud has never been found within the Illinois system." Two-thirds of what at first appeared to be abuses were in fact mistakes by caseworkers themselves.

There is a lesson here for all of us. Emotional overreaction to the myth that significant amounts of cheating normally occur is unfair to the needy and will result in unwise public policy. Governor Ogilvie has responded in a measured, reasonable way to this problem—the State will require that eligibility for assistance be verified, and that the department of public aid fraud detection unit be strengthened—but unreasonable restrictions will not be imposed.

Second is the idea that the program is abused by people who enter Illinois just to receive welfare. In Illinois less than 7 percent of new recipients in 1970 had been in the State less than a year—only 25 percent of these or less than 2 percent of new recipients, went on welfare within 3 months after arrival. Governor Ogilvie chose not to institute a 1-year residency requirement.

Third is the idea that welfare recipients are chronic laggards. In Illinois less than 9 percent of all persons receiving assistance in the State are either able-bodied males or women with children over 6. Thus, of the 800,000 Illinois citizens receiving welfare, about 72,000 may in theory be able to hold jobs. This is a substantial number of people, and helping these people get to work is an important objective with cost-saving results. Governor Ogilvie thus proposed a major new work placement program—again, an appropriate response.

Against the perspective of major efforts in other large States, such as California and New York, to make significant cutbacks in welfare services, and in grants, Governor Ogilvie's program, Mr. Ranney said, is perhaps "as significant for what it does not propose as for what it does."

But Governor Ogilvie's program is distinctively innovative and creative in its focus on the management side of welfare programs. He and his staff have taken a close look at the ways in which Illinois welfare programs are structured, and managed, and have recommended major changes.

In focusing on the management side of welfare programs Governor Ogilvie is breaking new ground. Congress has mandated the terms under which States provide welfare. The Federal Executive has set administrative requirements on the States and the use of Federal moneys. We in Washington have done so with almost no regard for the actual problems of operating welfare programs in the 50 States. We have assumed—though perhaps with some uneasiness—that they would be able to implement their programs effectively. We now have increasing evidence—and recognition by the States themselves—that they have not been implementing their programs well; there seem to be serious weaknesses in the administration and management of State welfare programs. In Oregon a special task force on welfare programs created by the State legislature found that poor administration had resulted in sloppy and overly costly programs. The same conclusion was reached in Illinois. One problem common to both States was that welfare administration had been left exclusively to social workers whose jobs are—properly—to help people with welfare. The Oregon Legislature's task force reported that there was a disinclination to get people off welfare and into productive employment.

The Oregon task force found that:

> The prime objective of the public welfare program is to move persons toward self sufficiency. To our dismay, we discovered that social workers are neither educated nor trained to believe that such an objective is desirable.

In 1970 the General Accounting Office found a number of cases in which inadequate administrative or management systems had resulted in excessive costs and abuses.

California, and at least seven other States, claimed Federal funds for residents of State mental institutions on grounds they were receiving skilled nursing care. GAO investigation showed a very high proportion of the residents of the California institutions were not receiving and did not need to receive such care. GAO recommended appropriate improvements in the system.

In a special review of the Aid to Families with Dependent Children program in New York City GAO found that—

> Changes were needed in the quality control system used by the States to evaluate eligibility determinations, since it did not alert responsible officials to the high rate of ineligibility found during the special review.

Appropriate changes in State eligibility review systems were recommended.

In a study of the Ohio State Department of Public Welfare, the GAO found that in one county assistance was extended to at least 4,300 ineligible people. GAO's conclusion was not that there was

fraud on the part of the recipients, but a failure of public administration:

The failure of caseworkers to obtain and verify information, the frequent turnover of caseworkers, inadequate supervision and training, and complexity of State guidelines.

These are examples of the problem. States are finding they must give much closer attention to the effective management of their programs to insure that programs actually operate to achieve objectives. This requires two prerequisite steps: a closer statement of policy and goals, and administrative and management systems structured to achieve them.

I suggest that the responsibility of Congress extends to the management aspects of welfare reform as well as their substantive nature. The purview of the Senate Government Operation Committee, of which I am acting ranking minority member, includes both effective operation of the Federal Government and intergovernmental relations—the relationships between the Federal and State and local governments. We have the unique responsibility of helping ensure that federally mandated programs are operated effectively and efficiently. In fulfilling these responsibilities, we can call on the unique resources of the General Accounting Office as well as on the experience of the Executive departments and agencies.

Given these responsibilities and with these resources, I suggest we should turn our attention to designing a model framework for the administration of State welfare programs. Such a model could be adapted to the unique requirements of individual States, but it would also serve as a benchmark and a guide.

There is an urgent need for welfare reform. The House has acted, and the Senate I am sure will act to change the nature of the Federal approach in major ways. Though the Federal programs will change, the States will continue in their vital function of delivery of welfare benefits to the people. We must now add a new dimension to our responsibility and concern: to assist the States in effective administration of these critically important programs.

I ask unanimous consent that Mr. Ranney's speech be printed in the RECORD.

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

THE OGILVIE WELFARE REFORM PROGRAM IN PERSPECTIVE

On May 20, Governor Ogilvie announced a broad program of welfare reform for the State of Illinois. It has since become more apparent than ever before that welfare reform is a subject of great controversy and interest to people throughout the State, and particularly in Chicago. For this reason, the invitation to address such a distinguished group as the City Club, on this most divisive and important issue, was particularly welcome, and I am very pleased to be here representing the Administration today.

The Governor's message on welfare reform was, I believe, the longest address he has ever delivered to the General Assembly. In it he outlined actions—over 50 in number—that he would be taking to meet this problem.

Its major parts are eleven in number:

1. A strengthened work requirement for all able-bodied recipients of welfare.

2. Creation of new jobs in public service to make use of this work force.

3. New training, day care and other backup support for job placement efforts in all parts of the economy.

4. Revamping of our least effective program—General Assistance—to permit funds within the welfare budget to be shifted to job-related programs.

5. A clamp-down on the escalating cost of the medical assistance program.

6. Tightening of welfare procedures to prevent improper use of public funds, and even the appearance of impropriety.

7. Simplification of our absurdly complex system of welfare administration to free caseworkers to concentrate on essential services.

8. Administrative efforts backed by strong sanctions to secure all available existing federal funds.

9. Development of a long-range program to improve family planning and family stability among our low-income population.

10. Top-to-bottom restructuring of the entire social service function of state government at the earliest opportunity.

11. Reform of our basic private laws to insure that every poor family has legal and economic rights equal to others in our society.

Today, I would like to supplement the Governor's remarks, to say some things he did not say because of the length of his own message on the topic or because they were not particularly appropriate for that occasion. My effort is to step back, to put his program into perspective, and hence the title of my talk.

I

Whatever one's views on the subject—and whatever they are, they are likely to be strong—almost everyone agrees that welfare is a problem. It is a problem whether viewed from the fiscal, or the human perspective. It is a problem that has always been with us, and is always likely to be. In its simplest terms, it poses the age-old question of who is to be my brother's keeper—with the modern twist, who is to pay for him. And like any problem as difficult as this, it has developed mythical overtones all of its own.

II

It is easy to lose sight of the human dimension of the problem. But, this is an extremely important perspective to maintain.

Approximately 7 percent of the total population in Illinois is currently receiving some form of welfare assistance from the State. This is over 800 thousand people. By far the greatest number of these—well over two-thirds or almost 600 thousand are in families eligible for assistance because they include dependent children. In round figures, there are an additional 90 thousand receiving assistance because they are aged, blind, or disabled; another 75 thousand receiving medical assistance only; and still another 65 thousand receiving General Assistance because they need help but, theoretically, do not qualify for one of the other programs.

It is the ADC category which most often comes to mind in any discussion of welfare, and it is this category that is most often misunderstood. The simple fact is 436 thousand, or 73 percent of the recipients in the ADC program are children.

We ask every welfare mother on this program to feed each of her children for 29 cents a day.

Welfare in Chicago means trying to live on an average welfare payment of $3,300 for a family of four—in a city where the Bureau of Labor Statistics says $5,800 is required just to meet minimal standards of living.

III

Because of the enormous number of people involved, cash grants even at these minimal levels mount up to colossal amounts.

Next year, for the first time, the total welfare budget for the State of Illinois will exceed one billion dollars.

More significant than the total amount, however, is its rate of growth. Three years ago, the welfare budget was $431 million. This year it is $920 million. Next year, we expect it to be one billion, one hundred and twenty million dollars.

At that rate of growth, a simple straight-line projection indicates that the welfare budget for the fiscal year beginning next July could be over one and one-half billion dollars.

As the Governor pointed out in his message, this rate of growth is producing a crisis in Illinois financing which is every bit as serious as the crisis which led to the passage of the income tax.

Even with the income tax, state revenues grow at less than seven percent a year.

Welfare costs are growing at more than 30 percent. There is simply no way—short of raising taxes—for a state such as Illinois to fund a program of this magnitude when it grows more than four times as fast as available revenues.

As you all well know, in Illinois we have raised taxes. A substantial portion of these new revenues went to welfare. No person can fairly ask this Governor to do more.

IV

In no issue facing State government today are two sides of a question so starkly in contrast. There is simply no easy way for a State to reconcile in sensible public policy the human and fiscal perspective I have outlined.

State and local governments throughout the country are facing this dilemma. To my mind, the runaway costs of welfare—which largely are mandated by federal law—pose a fundamental threat to the continuing vitality of the federal system of Government.

It is a situation reminiscent of that which reached the Supreme Court some 150 years ago in the landmark case of *Marbury v. Madison*. There, the Court determined that the power to tax is the power to destroy, and so foreclosed the states from taxing a federal bank.

Today, we see the obverse of that situation. The federal government has created a program, and has required the States to fund it. In so doing, it threatens to destroy them.

The national debate on welfare reform and revenue sharing give some indication that Washington has come to recognize the seriousness of this situation. But, it was only as a desperate measure to preserve existing welfare grant levels that we decided, as we did, to budget $65 million in receipts during fiscal 1972 from the Family Assistance Plan.

The Governor has met with the President and Congressional leaders on this issue numerous times. Undoubtedly, there will be relief from Washington someday. But, until that time, in our search for perspective on this agonizing problem of welfare reform, we must look for guidance elsewhere.

V

One place to look for guidance in designing a welfare reform program is to popular sentiment. Everyone has an opinion on welfare. The mail the Governor has received in response to his message demonstrates that this area of government today upon which the average Illinois citizen considers himself most expert, and on which he is likely to have the most pronounced views.

In these circumstances, it might be the better part of valor for a public official merely to accede to the popular will, or what might be called the welfare mythology. The error of this approach would be that a great many of these popular assumptions are incorrect. But, like all myths, they contain elements of truth, and so should not be ignored.

Let us refer briefly to three of the most prevalent welfare myths:

The first is, "Welfare costs are high because so many recipients cheat." Welfare

fraud will forever be a heated issue, despite the fact that "large-scale fraud" has never been found within the Illinois system. On a national level, the Department of Health, Education and Welfare concluded that in October of 1969, 11 percent of AFDC cases received overpayments while 10% were underpaid. The Governor took pains to point out in his message that reviews of erroneous payments have revealed that two-thirds of what at first appear to be abuses were in fact mistakes made by caseworkers themselves. He carefully attributed the most flagrant abuses to defects in the system, not personal dishonesty. Despite the assertions in other states that major savings will be achieved through tightened security procedures, it is our belief that forseeable savings will be minor indeed in comparison with the over-all growth of the welfare budget. But, it is also over conviction that with the welfare system under attack it is imperative to avoid even the appearance of impropriety. It is in this perspective that the Governor has proposed a series of measures to reduce the appearance of fraud in the welfare system, without asserting that extravagant savings will result. These administrative reforms include a requirement that pertinent information be verified before eligibility for assistance is determined, and that trained investigators be added to the fraud detection unit within the Department of Public Aid.

A second welfare myth is that "welfare costs are high because so many outsiders come into the State to receive grants." The elimination of the one-year residency requirement has become a favorite scape-goat for opponents of the welfare system. Actually other factors have had a far greater impact upon our burgeoning caseload than has this. Statistics indicate that less than 7 percent of new recipients last year had been in the State less than a year, and only a quarter of these went on welfare within 3 months after arrival here.

It was deliberate that the Governor's program—unlike those of other states—does not include a residency requirement.

A third, and even more destructive, welfare myth is that the typical welfare recipient is a "loafer." The corollary is that costs are increasing because people can make much more on welfare than in available, but low-paying jobs. The announcement last week by two Chicago cab companies that they had openings for a thousand drivers serve to dramatize and feed this belief, to which, there is, like all myths, a modicum of truth. Nonetheless, the statistics show that less than 9 percent of all persons receiving assistance in the State are either able-bodied males or women with children over six; and many of these would undoubtedly be unable to work regularly for reasons their case files do not immediately record. A more likely explanation for jobs going unfilled is that potentially employable recipients have not been matched with available jobs. It is for precisely this reason that the Governor in his welfare message proposed a major expansion of the job placement capabilities of the State Department of Labor. And it is also for this reason that he carefully emphasized his belief that welfare recipients are as inclined to work as are other members of our society.

VI

Still another source of perspective on the Ogilvie welfare program is to look at similar efforts in other major industrial states. Legislators in California and New York, in particular, are now considering programs which include features quite distinct from the Ogilvie program.

I have already alluded to certain of these features, such as the residency requirement. More important, in terms of existing programs, are those states to change funding patterns and levels, efforts which are notably absent from the Illinois program. Let us look at three such initiatives which could apply in Illinois: a shift of the financial burden to local governments, reductions in service, and cut backs in grants.

(1) State government in Illinois funds almost the entire welfare burden, unlike almost every other state, where local governments fund very substantial percentages of the overall cost. Governor Reagan has proposed that the counties pay even more towards welfare than they currently do. Serious consideration was given to this approach more than a year and a half ago by the Ogilvie administration, but it was rejected because as a policy matter it was thought to be inconsistent with our position that because welfare is far more than a state or local problem, and thus its costs should be borne by governments with the largest taxing base. (Some 70% of all dollars spend in Illinois next year will be in the City of Chicago). Were the same formula which allocates welfare costs between State and city in New York to apply in Illinois, the city of Chicago would be paying over $200 million for welfare. As it is, it pays a total of $9 million, all for a General Assistance program that is administered at the local level.

(2) Significant cut-backs in services have been proposed in both California and New York, particularly in the medical area. No such reductions are included in the Ogilvie program.

(3) The simplest way to cut welfare costs is of course to cut grants. Precisely this has been done in New York, where grant levels have been cut across the board by 10 percent. Major reductions totaling hundreds of millions of dollars have also been proposed in California. The omission of such a proposal from the Ogilvie program is perhaps its most noteworthy feature.

In his message the Governor noted that because of welfare, "we are left with that prospect of a budget badly out of balance." But, instead of embracing the easiest way to balance his budget—a course which, you will recall, secured strong legislative support two years ago—the Governor set out clear guidelines when he said, "We must not be pushed into grant cuts until the last possible moment. If cuts must be made, they should first be made in services such as Medicaid which are of least direct impact upon those in need."

VII

In our search for perspective on the Ogilvie welfare reform program, we have identified a number of roads not taken. Given the nature of the welfare crisis today, in some respects it is fair to say that the Ogilvie program is as significant for what it does *not* propose as for what it does.

Yet the fact remains that the program includes a number of truly significant initiatives, in addition to those of an administrative tightening nature I discussed before. Among these are extensive simplification of the grant structure to permit caseworkers to spend more time on actually serving recipients, new family planning and counseling, complete restructuring of the State's 15 human service agencies, and basic poverty law reform.

Perhaps the most constructive feature of the program is creation of a new public service job program. In proposing a strengthened work requirement, to gainsay the allegations we have discussed that the welfare rolls are filled with loafers, the Governor noted that "the requirement . . will have meaning only if there are jobs available. In the present economy, it is evident that not enough jobs are available in the private sector to employ persons with considerable skills, to say nothing of relatively unskilled welfare recipients."

The Governor then proceeded to remark that "Nonetheless, there is much work—particularly in the public sector—crying out to be done." And he proposed that the State and local governments cooperatively take steps to place welfare recipients not in make-work but in jobs that need to be done. These could include jobs in education, pollution control, health and housing. They include work in parks, conservation and sanitation projects in rural parks or city alleys, custodial help in hospitals and nursing homes, or day care centers.

The general learning is that public service job programs at the State level are doomed to failure, for two reasons: first, because federal regulations severely restrict them for ADC recipients, and second because major new infusions of federal money will be needed to fund them. The break-through in our development of this program came with the recognition that because General Assistance is funded entirely with State money it not only was not subject to federal restrictions, but also offered the opportunity for creative shifting of up to $117 million. Our hope is to shift a portion of this money from direct welfare grants to recipients to grants to governmental and quasi-public entities which will then utilize it to pay salaries for individuals who would otherwise be on welfare. If this endeavor works, it could be a model for the nation, and a forerunner for the public service job program that both the Governor and Mayor Daley have urged the President to approve. It also may reduce resentment that many taxpayers feel against able-bodied individuals who could be working but who are on welfare instead. Then too, it will mean that some jobs that society needs to have done, are in fact performed.

VIII

The final perspective is not financial, or human, or comparative in nature, nor is it to be achieved by comparisons with other states or programs. Instead, the true perspective is that of history. Only with that perspective will we really know whether the welfare reform program I have described today has value.

It is worth recalling, however, that Illinois has a great history in the field of welfare. This is the State where Jane Addams gave social work new meaning.

It is the State where in the difficult early days of the Depression, civic leaders set an example for the nation to follow in forming the Public Aid Commission. Through these efforts, Illinois became the first state to secure federal money to fund its welfare program.

We may be on the threshold of similar achievements. Certainly, the challenge is no less.

We must set our sights high and far ahead. Our great hope is that Illinois will again lead the way toward sensible and humanic welfare policy for this Country.

THOMAS J. DODD

Mr. HUGHES. Mr. President, I did not have the privilege of knowing Tom Dodd as long as some of our distinguished colleagues who have thus far paid tribute to him. However, my association with him over a period of two and a half years is something I greatly value and will always remember.

I think of Tom as a man who often stood by himself at the forefront of one crucial battle or another through the years. He was a man of extraordinary talent and forcefulness who also had a depth of human compassion that only those who knew him well fully understood.

The chief prosecutor at the Nuremberg trials and the man who had the courage to push for gun control when it was an untouchable political issue also had deep

feelings about the victims of war atrocities and the problems of American youth.

Tom Dodd was a pioneer and innovator. He foresaw the perils of the growing drug epidemic in America long before most of our public leaders could see it. In the Senate, he finished a career of nearly four decades of public service, in the midst of the action, where he had always chosen to be.

Mr. President, it is my privilege to know Mrs. Grace Dodd and the Senator's family, and I join my colleagues in conveying to them my deepest sympathy.

NOISE POLLUTION

Mr. HATFIELD. Mr. President, yesterday I had the opportunity to preside at the opening hearing on the Noise Control Act of 1971 before the Environment Subcommittee of the Senate Commerce Committee.

As I indicated in my opening statement, noise pollution has been a concern of mine for some time. A meaningful first step toward control of this problem was the passage of the Noise Pollution and Abatement Act of 1970—title IV of the amendments to the Clean Air Act—which established an Office of Noise Abatement and Control within the Environmental Protection Agency. The bill now under consideration by the Environmental Subcommittee would expand the functions of this office to head off growing adverse effects of noise pollution in our land.

Mr. President, I am certain that Senators recognize the need for significant legislation in this area, and I call their attention to the article entitled "Senators Told Noise Makes Auditory Cripples," published in this morning's Washington Post. I ask unanimous consent that the article and my opening statement at the hearings be printed in the RECORD.

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

SENATORS TOLD NOISE MAKES AUDITORY CRIPPLES

(By Elsie Carper)

"We are becoming a country of auditory cripples. More and more our conversation is becoming 'what, what, what,' " a hearing specialist told a Senate subcommittee yesterday. Another witness said that noise is literally tearing families apart.

The testimony was on legislation that would set noise standards for certain heavy equipment and require labeling home appliances as to their noise level.

Dr. Moe Bergman of New York's Hunter College described environmental noise as "one of the most serious public health problems urgently requiring solutions and public controls."

Auditory clinics are seeing an increasing number of middle-aged and older adults paying the penalty for the round-the-clock assault on the ears, he said.

Much of this noise is in the home and specifically in the kitchen, making the home no longer the place you go for peace and quiet, said Dr. Jack C. Westman, professor of psychiatry at the University of Wisconsin Medical School.

Physicians are seeing "housewives who complain of headaches, gastrointestinal symptoms and nervous tension resulting from a general feeling of being overwhelmed by their home life," he said.

"They are unaware . . . that their symptoms are related to exposure to noise which brings to the surface submerged tensions and results in emotional outbursts, creating friction and conflict between family members."

The source of the noise is all the gadgets that are supposed to make life easier. A dishwasher, a running faucet or a washing machine can produce a narrowing of the arteries, an increase in blood pressure and decrease in blood supply to the heart.

He said a range vent fan, a garbage disposer, an electric mixer, a blender, or a knife sharpener as well as shouting or intense arguing can cause dilation of the pupils, drying of the mouth, loss of skin color, muscular contraction, reduction in the flow of gastric juices and an increase in the heart rate. Generally such noises are augmented by the background noise of the television set.

The kitchen, he said resembles "a miniature boiler factory" with all of its smooth, shiny, non-noise-absorbing surfaces reflecting and augmenting sound levels beyond what would be tolerable in a factory.

A third witness, Dr. William F. Geber, a pharmacologist at the Medical College of Georgia, described a test in which pregnant rabbits and rats were subjected to urban level noises for 10 per cent of the day. They produced defective fetuses 25 per cent of the time while the rate for animals not subjected to the noise was one per cent.

The pregnant animals suffered heart enlargement, and in addition the adrenal glands, blood cholesterol and certain blood cells were markedly altered by the noise exposure, he said.

STATEMENT BY SENATOR MARK O. HATFIELD

The national effort to restore our deteriorating environment has unfortunately neglected one of our most devastating and most common pollutants—noise. Excessive noise threatens not only our emotional well being, but as these hearings will establish, noise can be detrimental to our physical health as well.

For too long, the ecological movement has focused only upon the more obvious forms of air and water pollution. While most Americans are incensed because they are deprived of clean lakes and streams, and rightfully deplore the blight of smog, these same Americans are unaware of the toll which excessive noise extracts from their lives.

For over a century it has been known that noise exposure of sufficient intensity and duration produces hearing loss. Yet, we have disregarded known facts about noise and advanced to the point where we now have the dubious distinction of being the noisiest nation in the world. In fact, in the United States it is estimated that 10 to 20 million people have some degree of hearing impairment—the primary cause being overexposure to excessive noise.

It is common knowledge that exposure to a very loud noise such as an explosion, may create deafness—at least temporarily. What is not as well known, but equally as devastating, is that repeated noise builds up to produce the same effect as would a single loud noise. The phenomena, labeled "accoustical fatigue" is capable of producing the same harmful effects upon human hearing.

Loss of hearing, however, is not the only concern when dealing with the problem of increasing noise levels. We are all familiar with the annoyance properties of noise—conversations punctuated with the whir of a blender, television programs distrupted by the passing motor cycle, and a Saturday afternoon nap disturbed by the neighbor's power lawnmower or power saw.

What we do not always realize is that these "irritaions" should be regarded as health hazards as well. Although it is more difficult to measure, there is growing evidence that the levels of noise to which urban Americans have grown accustomed are actually capable of inducing a variety of physical and psychological ills.

Another matter of greater concern is that the noise level of the United States is increasing at an astonishing rate. Over the past 25 years the average increase in noise level has been at one decibel per year. When one considers that damage to the ears can occur at sustained exposure to the ranges around 85 decibels and over, and given our present noise levels, it will not be too many years before noise levels in the United States become lethal. To quote Dr. Vern O. Knudsen, physicist and former chancellor of the University of California: "If the noise we make keeps increasing at the present rate, it will be as deadly in thirty years in some of our downtown cities as were the ancient Chinese tortures for executing condemned prisoners."

It is my understanding that the witnesses will testify to the content and character of this growing problem in some detail so I will not dwell further on this matter at this time.

For a number of years I have been personally involved in trying to bring the noise problem to the attention of American people and my colleagues in Congress. I should at this point like to place in the RECORD copies of remarks I made before the Noise Abatement Council in 1969 and a compilation of State and local noise enforcement laws across the country which was prepared in conjunction with the conference. I am told that this compilation and analysis of existing statutes is the only one of its kind and my office has had numerous requests for it from persons dealing with the noise pollution problem.

I commend the Administration and the Environmental Protection Agency for the bill now before this committee. Too often, legislation follows in the wake of aroused public opinion when the proportions of a crisis have already overwhelmed us. In this case, however, we are presented with the opportunity of being on the offensive—of acting before further damage is done. The Administration has presented us with a bill that would head off what otherwise could be a crisis of the most serious consequences.

The "Noise Control Act of 1971" (S. 1016) if enacted would be a great step forward toward insuring the protection of the human environment from the detrimental effects of noise. This bill allows EPA to co-ordinate all existing Federal noise research and control programs, thus eliminating duplicity and providing for efficient handling of this crucial area.

The Noise Control Act also authorizes EPA to establish criteria for human exposure to noise and authorizes EPA to set standards based upon these criteria to regulate noise emissions on articles which move in commerce. In addition, the bill would authorize EPA to label manufactured goods giving the consumer the benefit of knowing just how noisy a product will be. The bill also provides assistance to states and local governments in establishing noise abatement programs.

The Amendment (216) which has been offered to the Noise Control Act would, in my judgment, serve to strengthen the bill. By setting reasonable time limits for the establishment and enforcement of standards and requiring rather than authorizing the setting of standards, the Amendment would insure that Americans will not be subject to any unnecessary delay in realizing the benefits of this legislation. The Amendment would also serve to guarantee the private citizen recourse against the detrimental effects of noise by allowing EPA to initiate legal action and providing for citizen suits.

I hope that these hearings will prove fruit-

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ful in bringing to light the nature of the noise problem and the need to enact this legislation.

OPPOSITION TO REDUCTION OF CROP PAYMENT LIMITATION

Mr. TALMADGE. Mr. President, I have received from the Secretary of Agriculture a letter urging the Senate to oppose the $20,000 payment limitation for the 1972 cotton, wheat, and feed grains crops that was included by the House as a rider to the 1972 agriculture appropriations bill.

Secretary Hardin is justifiably concerned about the possible imposition of this limitation. He correctly points out that the Nation's farmers would regard it as an act of bad faith. It would certainly be infinitely unfair to them, inasmuch as they have already made production plans on the basis of the $55,000 payment limitation which was enacted last year. To summarily lower the payment limitation to $20,000 at this time would in effect put the Government and the Congress in the position of going back on their word.

The $55,000 payment limitation was enacted by Congress after extensive hearings and debate, and I as chairman of the Senate Committee on Agriculture and Forestry earnestly hope that the Senate will not be a part of this move to lower the limit to $20,000. Present law in this regard should be allowed to stand for the remaining 3 years of the new farm law.

I ask unanimous consent that Secretary Hardin's letter be printed in the RECORD.

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

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 28, 1971.

Hon. HERMAN E. TALMADGE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TALMADGE: I strongly urge the U.S. Senate to strike the $20,000 payment limitation for the 1972 crops of cotton, wheat and feed grains included by the House of Representatives as a rider to the Department's 1972 Appropriations Bill.

I fear that many farmers will regard this action so soon after the enactment of the Agricultural Act of 1970 as an act of bad faith. Many have already bought land, entered into leasing arrangements, and made farming plans on this basis. Farmers had the right to believe that the $55,000 payment limitation enacted last year after full Congressional debate would be good for the 3-year duration of the new farm law. It would be unfortunate if the Government now reneged. This is not what people expect of the Congress.

The disruption caused by this rider would extend beyond those farmers directly affected. No farmer could plan secure in the belief that the legislative authorization for any program provision would remain unchanged for the life of the law. For example there are some who favor a limitation as low as $5,000 or $10,000 and the precedent set by this rider would encourage such attempts.

At the time we agreed to the present $55,000 limitation we indicated that this was as low as we could go and still hope to operate an effective program. At the lower level voted by the House it will be more difficult to make the programs work. As more farmers are forced out of the program the greater burden of providing the necessary set-aside acreage wall fall on the smaller farmers still able to participate. Further the limit would be made more restrictive before either the Congress or the Department would have an opportunity to measure the impact of the $55-000 payment limit and thus have the benefits of this experience.

There is little doubt however that the payment limit as it goes lower will work against increased farm efficiency. It would be indeed sad for the Congress to enact legislation which would have this unfortunate result at a time when farmers are increasing their efficiency at a rate of roughly 2½ times that of other industry.

It is my strong belief that this rider will be harmful to the farm program operation and to farmers without really benefitting taxpayers. I urge you to oppose it and acquaint your colleagues of its serious consequences in soliciting their support of your position.

Sincerely

CLIFFORD M. HARDIN
Secretary.

DEFICIT IN U.S. TRADE BALANCE

Mr. FANNIN. Mr. President, official statistics compiled by the Commerce Department show that for the second consecutive month there has been a deficit in the U.S. trade balance.

The statistics list a $214.7 million deficit for April and $205 million deficit for May.

These figures are alarming in themselves, but they actually are an understatement of the seriousnes of our trade situation.

The Commerce Department insists on a method of figuring the trade balance that gives Americans an unrealistically rosy picture—until we get into the kind of deep trouble that we are experiencing right now.

Actually, the United States has had a deficit in its trade balance since the mid-1960's. We have received a distorted picture of the trade balance because our Government's official statistics include U.S. exports paid for with our own money through foreign aid and because imports have been valued on a free-on-board basis rather than the cost, insurance, and freight basis which is more realistic and commonly used by other nations in their calculations.

Now even the Commerce Department statistics cannot gloss over the severity of our trade situation. Imports are flooding our home markets; our exports are unable to penetrate the well-protected foreign markets.

Mr. President, I ask unanimous consent that an article from the Wall Street Journal, reporting on the trade deficit, be printed in the RECORD.

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

UNITED STATES HAD DEFICIT IN TRADE IN MAY, SECOND MONTH IN ROW—BALANCE IN RED FOR TWO PERIODS FOR FIRST TIME IN OVER 20 YEARS; 5 MONTHS IN BLACK—BUDGET DEFICIT $3.96 BILLION

WASHINGTON.—The U.S. again ran a trade deficit last month, marking the first time in over 20 years the country's trade balance had been in the red for two months in a row.

Merchandise imports exceeded exports by a seasonally adjusted $205 million in May after a $214.7 million deficit in April, the Commerce Department reported. In May 1970, there was a hefty $33.1 million surplus.

The April trade deficit was the first in more than two years. Not since 1950, when imports exceeded exports in August, September and October, have the trade figures showed a deficit two months consecutively, officials said.

The past two months' deficits nearly wiped out the surplus for the year's first three months. For the first five months of 1971, the trade surplus totaled a slim $11.1 million, down from a $1.08 billion surplus in the comparable 1970 period.

Nixon administration officials have acknowledged for some time that this year's trade picture would be weaker than 1970's, but even some of the more pessimistic analysts didn't anticipate two straight sizable deficits. It's widely expected that these deficits will create new pressure for import restrictions or other protectionist measures.

Harold C. Passer, Assistant Commerce Secretary for Economic Affairs, noted that the rate of increase in exports so far this year "has slowed considerably" from a year earlier. He said this primarily is due to weak demand abroad for industrial materials and equipment. Export increases have been concentrated largely in agricultural products, aircraft and automobiles.

The official also said that the most recent increases in imports were concentrated in industrial supplies, particularly petroleum and steel. The strong advance in imports this year reflects "both the U.S. economic recovery and the continually rising demand of U.S. consumers for foreign goods," he said.

Imports last month totaled $3.99 billion, up 6.1% from April's $3.76 billion and well ahead of the year-earlier $3.34 billion. May exports totaled $3.78 billion, up 6.8% from the $3.5 billion a month earlier and also ahead of the $3.66 billion in May 1970, the report showed.

The government also reported that the federal budget deficit deepened in May. The budget deficit totaled $3.96 billion last month, the Treasury reported, compared with an April surplus of $3.21 billion and the year-earlier deficit of $2.46 billion.

For the first 11 months of the fiscal year ending tomorrow, the deficit totaled $25.58 billion compared with a deficit of $10.07 billion in the year-earlier period. The heavy June tax receipts are expected to cut the deficit, but most analysts still believe the fiscal 1971 budget shortfall will exceed $20 billion.

Expenditures totaled $17.15 billion last month, down from April's $17.82 billion but above the year-earlier $16.45 billion. May receipts totaled $13.19 billion, down from April's $21.02 billion and the year-earlier $13.99 billion.

For the first 11 months of the current fiscal year, receipts totaled $165.88 billion, down from the $171.22 billion in the year-earlier period. The most recent government estimate is that receipts this year will total $194.19 billion. To achieve this, June receipts would have to exceed $28 billion. Last year, June receipts totaled $22.56 billion.

Outlays in the first 11 months totaled $191.46 billion, up from the $181.28 billion a year earlier. The administration's latest forecast is that expenditures for the full fiscal year will total $212.76 billion.

THOMAS J. DODD

Mr. BAYH. Mr. President, our former colleague from Connecticut, Thomas J. Dodd, served with great distinction in this body for 12 years. During that time, a sizable portion of his work was devoted to combating crime in America and easing the problems of the young people of this country. Nothing demonstrates more fully the enormous contribution of Senator Dodd in this field than his legislative record as chairman of the subcom-

mittee on Juvenile Delinquency of the Committee on the Judiciary. Mr. President, I wish to honor Senator Dodd today by reviewing that record.

During his 10-year tenure as chairman of the Juvenile Delinquency Subcommittee, Senator Dodd was active in three related legislative areas: general problems of juvenile delinquency, firearms control, and drug abuse.

Senator Dodd is largely responsible for the enactment of the first Federal juvenile delinquency law, the Juvenile Delinquency and Youth Offenses Control Act of 1961. This act became the first major Federal program to fight delinquency. Many of the provisions of this act served as a blueprint for the national war on poverty and on crime undertaken by President Johnson. Senator Dodd later perfected and extended this law by introducing and securing passage of the Juvenile Delinquency Prevention and control Act of 1968.

In the second major area of legislation, gun control, Senator Dodd first proposed legislation as early as 1963 to limit mail-order traffic in firearms. Finally, in 1968 after 25 days of debate on the floor of the Senate, Senator Dodd obtained passage of the State Firearms Control Assistance Act and the Gun Control Act of 1968, two of the most important firearms laws in our history. These laws resulted in an enormous increase in the number of arrests for gun law violations and a significent improvement in the control of criminal use of firearms.

But perhaps Senator Dodd's greatest contribution has been in the area of drug abuse control. After years of subcommittee investigation and hearings, Congress enacted the Drug Abuse Control Amendment of 1965, which established the Bureau of Drug Abuse Control under the Department of Health, Education, and Welfare. This act proved to be extremely effective in protecting young people from the unregulated traffic in dangerous drugs such as amphetamines, barbituates, LSD, and other natural and synthetic substances.

In 1966 Senator Dodd introduced the Narcotic Addict Rehabilitation Act which for the first time enabled federally convicted heroin addicts to get back on their feet rather than make them rot in prison. Then in 1968 Senator Dodd introduced the Omnibus Narcotic and Dangerous Drug Control and Addict Rehabilitation Act of 1969. This bill was eventually signed into law in 1970 as the Comprehensive Drug Abuse Prevention and Control Act of 1970. It was a recodification of all existing Federal drug laws and as such was the most comprehensive Federal law ever proposed, covering every phase of the drug traffic and abuse problem.

Mr. President, neither this selective summary of some of his legislative accomplishments nor the more complete listing of the laws he has authored which is included at the end of my statement can adequately describe the skill and courage with which Senator Dodd led the Senate for so many years in the area of crime prevention and control. His legislative solutions were often innovative, always sound, and ever devoted to saving the lives and preserving the health of our Nation's young people. This body and the Nation will miss his leadership in this important area.

Mr. President, I ask unanimous consent that a more complete list of Senator Dodd's legislative accomplishments as chairman of the Juvenile Delinquency Subcommittee be printed in the RECORD.

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

SENATOR DODD'S LEGISLATION PASSED INTO LAW SINCE 1961

1961

S. 802—*The Juvenile Delinquency and Youth Offenses Control Act of 1961.* Introduced by Senator Dodd. Co-sponsored by Senators Kefauver, Carroll and Hart. Three days of hearings were held by the Juvenile Delinquency Subcommittee on this bill. Representatives of all of the major groups in the United States concerned with juvenile delinquency were heard. Referred to the Committee on Labor and Public Welfare. Reported to Senate as S. 279 on April 6, 1967, Senate Report 144. Passed Senate April 12, 1961, and referred to House Committee on Education and Labor. Passed House, amended, on August 30, 1961. Senate agreed to House amendments on September 11, 1961. Approved September 22, 1961. (Public Law 87-274)

S. 1953—A bill to amend Section 5021 of Title 18, United States Code, setting aside conviction of youth offenders released from probation. Introduced by Senator Dodd. (Subcommittee processed bill, wrote report and reported bill to Full Committee and Senate.) Passed into law, October 3, 1961. (Public Law 87-336)

1962

S. 1691—A bill to provide that any juvenile who has been determined delinquent by a District Court of the United States may be committed by the court to the custody of the Attorney General for observation and study. Introduced by Senator Hruska. Bill processed by the Juvenile Delinquency Subcommittee (hearings, legislative report) and reported to the Full Committee and to the Senate. Passed into law, March 31, 1962. (Public Law 87-428)

1963

S. 1319—A bill to amend chapter 35 of Title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents. Introduced by Senator Dodd. (Subcommittee processed bill, wrote report and reported bill to the Full Committee and to the Senate.) Passed into law December 30, 1963. (Public Law 88-251)

1965

S. 438—*The Drug Abuse Control Amendments of 1965.* Introduced by Senator Dodd. Co-sponsored by Senators Burdick, Fong, Hart, Hartke, Robert Kennedy, Montoya, Ribicoff and Yarborough. This law was developed by the Subcommittee after several years of investigation into the uncontrolled and indiscriminate manufacture, sale and distribution of dangerous drugs. Seven days of hearings were held by the Subcommittee in three cities (Los Angeles, California; New York City; Washington, D.C.). It was reported to the Labor and Public Welfare Committee which held three days of hearings at which Senator Dodd was the major witness. Labor and Public Welfare reported the bill to the Senate on June 21, 1965 and President Johnson signed it into law on July 15, 1965. On that date President Johnson in his published remarks on the signing said: "Certainly, very special mention is due for the courageous public leadership offered to this cause (the control of dangerous drugs) by Senator Tom Dodd, of Connecticut. He was the author of the forerunner of the present Act, which passed the Senate last year." (Public Law 89-74)

1966

S. 2152—*The Narcotic Rehabilitation Act of 1966.* Introduced by Senator Dodd. Co-sponsored by Senators Bayh, Burdick, Ervin, Fong, Gruening, Hartke, Javits, Lausche, Robert Kennedy, Ribicoff, Scott, Tydings and Yarborough. During 1966 the Subcommittee held 12 days of legislative hearings on S. 2152, "The Narcotic Rehabilitation Act of 1936," introduced by Senator Dodd on behalf of the Administration. This measure was signed into law on November 8, 1966. (Public Law 89-793).

1967

S. 1425—*A bill to amend Title 18 of the United States Code by prohibiting pandering advertisements in the mails.* Introduced by Senator Dodd. Co-sponsored by Senators Bayh, Fong and Thurmond. Referred to the Judiciary Committee. Three days of hearings were conducted by the Juvenile Delinquency Subcommittee. A similar bill (based on the hearings of the Subcommittee) was passed as part of the Postal Revenue and Federal Salary Act of 1967. (Public Law 90-206)

Amendments No. 90 to S. 1—The State Firearms Control Assistance Act. Introduced by Senator Dodd. Co-sponsored by Senators Clark, Fong, Edward Kennedy, Robert Kennedy, Smathers and Tydings. Referred to the Juvenile Delinquency Subcommittee. Twenty-one days of investigative hearings followed by eight days of legislative hearings were held by the Subcommittee on this legislation. The bill was ordered reported to the Judiciary Committee September 20, 1967. The legislation was passed as Title IV of the Omnibus Crime Control and Safe Streets Act of 1968. (Public Law 90-351, June 19, 1968.)

S. 3633—*The Gun Control Act of 1968.* Introduced by Senator Dodd. Co-sponsored by Senators Brewster, Brooke, Case, Clark, Fong, Griffin, Hartke, Inouye, Javits, Lausche, McIntyre, Magnuson, Mondale, Monroney, Muskie, Nelson, Pastore, Pell, Percy, Proxmire, Randolph, Ribicoff, Scott, Smathers, Spong, Tydings and Williams of New Jersey. Referred to the Juvenile Delinquency Subcommittee. Six days of legislative hearings were held by the Subcommittee and the bill was reported to the Judiciary Committee on June 12, 1968. The "Gun Control Act of 1968" was passed into law on October 22, 1968. (Public Law 90-618)

S. 2950—*Auto Master Key Bill.* A bill to amend Title 18 of the United States Code by prescribing criminal penalties for the illegal manufacture and interstate distribution of automobile master keys. Introduced by Senator Dodd. Five days of hearings were held by the Juvenile Delinquency Subcommittee. A similar House bill (based on the hearings of the Subcommittee) was passed regulating the mailing of master keys. (Public Law 90-560, October 12, 1968)

S. 1248—*The Juvenile Delinquency Prevention Act of 1968,* to provide for the training and recruitment of personnel in the juvenile correctional field to develop a model juvenile correctional system, to provide Federal assistance for juvenile courts, probation departments and correctional institutions and to incorporate new methods of delinquency prevention in the public school system. *Introduced by Senator Dodd.* Hearings were conducted by the Subcommittee on Employment, Manpower and Poverty at which Senator Dodd gave the Juvenile Delinquency Subcommittee's position on this bill as the lead-off witness. (Public Law 90——, July 31, 1968)

Amendments to S. 1248—to incorporate new methods of delinquency prevention in the public school systems of the United States. Introduced by Senator Dodd. The

amendment was adopted by the Senate on July 8, 1968.

1970

S. 1895—*The Omnibus Narcotic and Dangerous Drug Control And Addict Rehabilitation Act of 1969* Introduced by Senator Dodd. To reorganize and coordinate control of the narcotic and drug abuse laws under the Bureau of Narcotics and Dangerous Drugs, Department of Justice. Hearings held before the Juvenile Delinquency Subcommittee September 15, 17, 18, 24, 25, 26, and 29, and October 20, 1969. Reintroduced by Senator Dodd along with Senator Hruska as S. 3246, *The Comprehensive Drug Abuse Prevention and Control Act of 1970*. Reported from the Juvenile Delinquency Subcommittee December 16, 1969 and signed into law on October 27, 1970. (Public Law 91-513)

A NEW TRAINING PROGRAM FOR MEDICAL SERVICES ASSISTANT

Mr. JAVITS. Mr. President, I commend to the attention of the Senate a current opinion editorial by Dr. Arnold Lewis, director of the Brooklyn-Cumberland Medical Center, Long Island University medical services associates program, in the June 16, 1971, issue of Medical Tribune entitled "The Medical Services Associate." I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

The editorial describes a demonstration project to train medical service associates—MSA—jointly established by the Brooklyn-Cumberland Medical Center and Long Island University. The MSA's will be equipped to assist general practitioners or internists or surgeons.

A number of trainees are recently discharged armed forces medical corpsmen and representation from the surrounding community is included in the selection committee. Since both the medical center and the university are located in the Fort Greene Bedford-Stuyvesant ghetto of Brooklyn, where both medical manpower and facilities are inadequate, the program aims to upgrade the health care of the community and most candidates are chosen from the area, in hopes that they will remain after training.

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

THE MEDICAL SERVICES ASSOCIATE

(By Arnold Lewis, M.D.)

Why are we not training enough health personnel? Three reasons stand out:

1. The nation lacks a rational, coordinated system of health career development. There are now more than 200 different categories in the allied health professions, and the list expands almost daily to meet pressing needs.

2. Another detrimental influence lies in the "deadend" nature of the work, with little or no opportunity for advancement, transfer, or the utilization of skills already learned in related health professions.

3. Most allied health careers lack status, adequate financial reward, and individual responsibility and authority. Moreover, licensure requirements vary from state to state, creating frustration and geographic immobility.

How should we attempt to remedy these deficiencies?

I would suggest that a master plan be developed to set national goals for the provision of future health services and indicate methods to implement the goals. Judicious research and experimentation must be encouraged at state and national levels. Manpower development must fit into the larger health care picture. Planners must come up with a more rational and economical way of providing the totality of health services.

I would like to describe an approach which originated at the Brooklyn-Cumberland Medical Center which we hope will contribute to the evolution of a revised system of health care delivery.

The Fort Greene-Bedford-Stuyvesant area of Brooklyn is a prime illustration of a community in a socioeconomic crises situation. Paramount among its needs is the delivery of adequate medical care. The community is virtually without general practitioners. Its hospitals and clinics are understaffed. Its level of health is far below acceptable standards.

New approaches to the delivery of medical care have had to be developed. The Medical Center has begun a progressive and realistic program to improve medical services to the depressed area surrounding the hospital. It has begun a network of neighborhood family health centers to provide the comprehensive health care functions of the virtually nonexistent family physician. These facilities will complement the overcrowded hospital emergency rooms, clinics, and home care services.

Central to planning for these centers is a rational staffing pattern. To help cope with this need and provide job opportunities in the community, the Medical Center created a training program for physicians' assistants. We call these new health professionals Medical Services Associates (MSA).

The MSA, under the supervision and direction of the physician, will in many instances make primary contact with the patient, perform preliminary history taking and physical examinations, carry out certain basic laboratory studies, and report back to the physician on his findings.

The MSA training program was instituted as a demonstration project under a grant from the Bruner Foundation, providing for the development of a two-year, year-round, certificate course including academic training at Long Island University and clinical instruction at the Brooklyn-Cumberland Medical Center. Inherent in the spirit of the grant was strong emphasis on participation by the local community.

We had the cooperation of community agencies, state and local manpower service centers, and Department of Defense transition sites in recruiting applicants from the area who already were in low-level, dead-end health careers and eager to further their education and upgrade themselves vocationally. Many were former medical corpsmen, trained to function independently on the battlefield, aboard ship, or in remote military installations.

We selected 23 students—six women and 17 men—who began their training February 2, 1970. They included nine exmedical corpsmen, four licensed practical nurses, one registered nurse, two operating room technicians, a physical therapy aide, and a mental health aide. All but four were from our area and all but three had some pervious health training.

We made clear to the applicants that our operating budget did not include stipend or scholarship funds. This, of course, was a major problem. Much to our gratification, within a few months after the program began we were able to assemble a "package" of support for students through a variety of sources.

Another important consideration was to put the programs into an academic framework. We immediately undertook, with the L.I.U. Committee on Educational Policies and Innovation Programs, the development of a regular university degree. We felt this was the best way to ensure optimal career mobility and status for the new profession. Our program offers basic liberal arts and natural science courses, in addition to clinical training.

As was expected, many of the students initially found it difficult to adjust academically and socially to the new university milieu. Seven students had to discontinue studies for personal reasons. Those remaining have rapidly acclimated themselves and have done admirably in clinical and academic studies. They have also inspired their instructors with their energy, motivation, and desire to succeed.

At the end of two years of training, the student will be equipped to aid a general practitioner, internist, or surgeon. We expect approval of associate degree status soon. Later we plan to supplement the program with training in pediatrics, obstetrics and gynecology, and other specialty and subspecialty areas, and to award a baccalaureate degree at the end of this advanced training. In addition, we hope to develop a shorter, clinically based program for those students who have adequate college training in the liberal arts and natural sciences. To achieve upgrading opportunities for individuals with extensive clinical backgrounds, such as registered nurses and independent duty medical corpsmen, we hope to assist in working out equivalency testing so that acquired skills can be accredited and utilized with minimum additional training.

We also feel strongly that some graduates of such programs will be prime targets for recruitment by medical schools, perhaps in a telescoped two- or three-year course.

As the Carnegie Commission on Higher Education recently pointed out, we will need bold and imaginative steps to alleviate the crisis in health care delivery to the vast majority of the American people. Brooklyn has suffered a devastating 23.5 per cent decline in the number of local registered physicians in the last decade. We are confronted with providing medical care in large areas with too few health service facilities and inadequate medical manpower. Certainly Brooklyn is a community which feels the present health crisis intensely. We must confront this challenge with resolve.

DR. MAX PARROTT ON HEALTH ISSUES

Mr. PACKWOOD. Mr. President, we have heard much about national health insurance this year. It has been said that it is "an idea whose time has come." We have heard, in the Health Subcommittee, on which I serve, many complaints and we listen to much documentation on the shortcomings of our health delivery system.

Unfortunately, much of the rhetoric is not contributing very much to Congress as it seeks to find workable solutions to the very real problems in the health field. Mindful of the need for national discussion, it is a pleasure to place in the RECORD an article from the Wall Street Journal of June 8 concerning the view of the AMA toward health insurance. The article is adapted from a recent presentation to the Health Subcommittee by Max H. Parrott, M.D., chairman of the AMA board of trustees. I am pleased to say that Dr. Parrott is from Portland, Oreg., and is one of a number of leaders of American medicine from the State of Oregon.

Dr. Parrott cites the concern of most physicians about the problems of personnel shortages, distribution and the need to remove financial barriers to good health care for everyone. He expresses quite well the concerns of American doctors that, in his words—

In pursuit of some health goals we may be charging off in the wrong direction.

For example, Dr. Parrott questions the desirability of imposing any new delivery or financing system nationwide, especially before having any proof of effectiveness or efficiency. He questions the Government's ability as a manager and the limits on Federal funds, graphically demonstrated by limited funds for medical manpower. Finally, he discusses the dangerous notion that medicine can cure health deficiencies that are only partially medical problems.

These are valid questions raised in a thoughtful way by Dr. Parrott. I commend them and I commend his article to all in the Senate who are seriously concerned, and there are many of us, about trying to solve some of the pressing health problems in this country.

I ask unanimous consent that the article be printed in the RECORD.

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

THE AMA VIEW OF HEALTH INSURANCE

(By Max H. Parrott, M.D.)

Some 13 proposals for improved health care have surfaced in Washington so far this year, and the end is not in sight. Reading the dialogue generated by these various proposals, one can easily assume that it is not a question of whether we shall have national health insurance in this country. It is a question, rather, of what kind of national health insurance we shall have.

The prospect of national health insurance does not in itself create universal alarm in the medical profession. Quite the contrary. The American Medical Association, representing 82% of the physicians actively engaged in office-based, direct patient care, has vigorously entered its own health insurance bill, Medicredit. The medical profession generally acknowledges the shortages of personnel, the distributional problems and the need to remove the economic barriers to good health care for everyone.

But this is not to say that all doctors survey the health legislation scene with equanimity. Far from it. Most doctors, who usually take an I'm-from-Missouri attitude about nearly everything, have some hard-nosed questions to raise. And they are genuinely worried that in pursuit of some health goals we may be charging off in the wrong direction.

Worry Number One, at least as we at the AMA see it, is the doctor's natural reluctance to apply a new system of health care broadly till we are pretty sure it will work. Most doctors are yet to be convinced that any one system of delivering national health care will necessarily improve on the pluralistic system we have. We believe in innovation, in experimentation. But we want to see the evidence before initiating broad, nationwide changes.

We want to get the test results from the many significant studies, some near completion, others just under way, to identify those forms of medical practice that may be most efficient. But, as yet, few definite answers exist. The AMA, for example, is trying, through a study with the University of Southern California, to find out what economies of scale there may or may not be in group practice. At this point we do not know for sure; and no one else has solid proof either.

The AMA wants better health care for this country, along with everyone else. But I would say that most of our members fear to move into anything untested. We are sincerely concerned over the prospect of any sudden, single, massive, unevaluated experiment that would cast all 200 million Americans in the role of guinea pig. We do not want to try an experiment on a nationwide scale. We prefer to find out the mistakes on a small scale before the entire population is involved.

Worry Number Two focuses on the reservations nearly everyone shares about government's ability as a manager. Doctors, I think it's safe to say, are very interested that our postal system, in the interest of efficiency and economy, has now been restructured to operate more under the dicipline common to a private corporation. Similarly, doctors are aware that our welfare system, at great cost over 30 or 35 years, has not accomplished what it set out to do. Most doctors are dismayed when they look at all the over-utilization and under-utilization in Veterans Administration medicine—and the whimsical distribution of some of its facilities. Doctors raise questions about the occasional sorry estate of municipal medicine. They ask, too, how well we serve our mentally ill in various state programs.

Worry Number Three arises when the matter of priority in government medicine is considered. Doctors seriously wonder whether the American people will get the type of health care we all would like to see if our annual health budget is to compete in the national political arena against more glamorous and immediate demands for things like new highways, interplanetary exploration and defense appropriations.

Actually, that is a problem now. We need more medical assistants, for example, but the Allied Health Training Act is not fully funded by the Congress. We need more nurses, but the Nurse Training Act is not fully funded, either.

And, of course, we need more physicians. But a disturbing number of our medical schools are virtually broke, one reason being a shortage in authorized appropriations for the Health Professions' Educational Assistance Act, which provides construction money for medical schools, covers some operating costs and furnishes scholarship aid to the students.

The AMA has repeatedly urged full support for these programs, without much success.

We are therefore genuinely concerned that in competition with other public programs, health care for the American people just might come out second best.

Worry Number Four is that medicine may be expected to cure health deficiencies that at best can only respond *partially* to medical programs.

Many of our health problems arise more from factors of our society and economy than the absence of medical treatment.

One of the most damaging blows to our health statistics, for example, comes from the very affluence of our society. We do not hear much discussion about this. But the truth is that our fat standard of living does create health problems. We ride when we should be on a bicycle or on foot. We overeat. We overdrink. We smoke cigarets.

And this affluent life style of ours relates directly to some of our most depressing medical statistics.

Up to the time when a person is 45 or so, the most common cause of death is an accident—in a car, on the job or at home. After a person survives his mid-forties, heart disease takes over as the number one killer. And heart disease—many forms of it, anyway—links up very closely with the affluent standard of living most of us "enjoy."

Accidents and heart disease are two of the four principal causes of death in the U.S. Everyone is familiar with them. But is the best and only answer to these two major health problems purely medical? Is plunking down a fully equipped hospital every fifth mile of our $80 billion interstate highway system the most efficient way to prolong life among people under 45? To be sure, increased medical services would help the 55,000 killed on our highways each year and the 2 million injured. But is medicine the way to get at the root of the problem?

By the same token, is doubling or tripling the number of doctors really the best way to attack heart disease? Exercising vigorously, eating less and not smoking cigarets would accomplish more. Again, increased medical services would help. But again, is that the answer to the problem?

Poverty also exists in this country. And poverty, too, affects our health statistics. Infant mortality, though it may only account for 2% of our mortality rate—compared to 38% for heart disease among people after middle age—has, without much scientific basis, become one of the popular indices of health care. Infant mortality, especially in our slum areas, urban and rural, white and non-white, deeply disturbs us.

It probably disturbs the American physician more than it disturbs others. It particularly disturbs me because I am a practicing obstetrician, and I know first hand the tragedy of the new-born-child whose spirit flickers briefly and then dies away. But may I suggest that the best response to this sort of tragedy is only partly medical.

Infant mortality ties in with proper nutrition and high protein intake. It relates to the age of the mother at both ends of the scale. Ill-fed, ill-housed, ill-educated teenage girls are simply not strong enough, quite often, to support a healthy fetus. The real problem is the slum itself. What is to be accomplished by a medical program alone, without an attack on all the other problems as well? If we try just a medical solution we may be in for a sharp disappointment.

But if we could create a broad program to bring dignity into the lives of people in our slums; if we could create a world every mother wanted to bring a baby into, that would do more to improve our infant mortality rates than a hundred fancy facilities.

What the AMA wants to be sure of is that our health dollars are spent on programs that will produce results. By no means will all our major health problems vanish before an onslaught that is only medical. That approach is simplistic.

Our nation did not, for example, attack malaria by doubling the number of hospital beds or tripling the number of doctors. It conquered malaria by draining the swamps and controlling mosquitos.

In slum areas children are bitten by rats. Is the answer to that tragedy more doctors to stitch up the wounds? Or does it make more sense to get rid of the rats—through better garbage collection, better housing, more attention to sanitation?

Slum children suffer, too, a poisoning that comes from lead-based paint peeling from 30-year-old walls. More hospitals would help treat the kids. But wouldn't we do better by enforcing the municipal building laws, in many cases already on the books?

AMERICAN POLICY TOWARD CHINA

Mr. MUSKIE. Mr. President, on June 24, the Senator from Massachusetts (Mr. KENNEDY) testified before the Foreign Relations Committee on the first day of its widely publicized—and very successful—hearings on American policies toward China. The hearings have made an immense contribution to beginning a reasoned debate on the future of U.S. policy toward China.

Senator Kennedy's testimony is a thoughtful analysis of the problems that remain to be overcome in relations between ourselves and China. He suggests what we must do to end China's continued diplomatic isolation, urging, among other things, the admission of

Peking into the United Nations at the earliest opportunity.

I share Senator KENNEDY's concerns about the need to develop new policies toward mainland China, and I would like other Senators to have the benefit of his insightful testimony. I therefore ask unanimous consent that it be printed in the RECORD.

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

TESTIMONY OF SENATOR EDWARD M. KENNEDY, SENATE FOREIGN RELATIONS COMMITTEE HEARINGS ON CHINA

Mr. Chairman and members of the Committee. I am honored to appear before you today and to have the opportunity to testify at these important hearings on American policy toward China.

Like an icebreaker plowing through a frozen sea, the visit of the American table tennis team to the People's Republic of China last April has opened up a new passage to improved relations between China and the United States, relations that have been frozen solid for almost a quarter of a century.

For millions of Americans, our overwhelming reaction to the trip by the team was a sigh of relief and a prayer of hope—relief that at last we are beginning to surmount the hostility and distrust that have dominated our relations for so long, and hope that leaders in both nations would have the wisdom and the will to translate the aura of April into deeper and more lasting progress on all the great issues that divide us.

For more than twenty years, the United States has maintained a policy of diplomatic and political isolation against a nation whose sheer size and population should have entitled it long ago to a major place in the world community. How can we countenance a policy that makes outcasts of a nation with 800 million citizens—one quarter of the world's population—a nation that is a nuclear power, a nation with an immense share of the world's wealth, a nation with enormous potential impact on virtually every aspect of world affairs.

By some cruel paradox, an entire generation of young Americans and young Chinese have grown to maturity with their governments in a state of suspended war toward one another. Tragically, the world's oldest civilization and the world's most modern civilization, the world's most populous nation and the world's richest and most powerful nation, glare at each other across the abyss of nuclear war.

Three times within our lifetime, American soldiers have been sent to fight and die in Asia. Forty-five thousand Americans are dead in Vietnam, in a war whose primary purpose, we have been told, was the containment of Peking. Time and again, we have seen the ancient bond of friendship and reconciliation between Americans and Chinese shattered by the unyielding consequences of a policy based on arms and fear and war.

Now, thanks in large part to the overtures of the Nixon Administration and the response of Peking, we have an unparalleled opportunity to change all that, to lift our policy out of the shadows of the past and into the sunlight of the world as it is today—to achieve, in a word, the true generation of peace that the President seeks, and that only a realistic policy toward China can ensure.

* * * * *

It is to this question that I wish primarily to address my testimony today. The path we choose now must be the right path, because it may well determine the course of our relations for years to come on every other issue we face.

My view on the issue of U.N. representation is clear, and it is shared, I believe, by many members of the Senate, the academic community, and the American people at large. As I urged in 1969, it can be stated in three simple propositions:

First, the People's Republic of China should be granted its legitimate seat in the United Nations as the sole government of China, not only in the General Assembly, but also in the Security Council and in all the other principal and subsidiary organs of the United Nations.

Second, the United States should make no effort to impose a formula for dual U.N. representation on the People's Republic of China and Taiwan, unless those two governments themselves agree to such a formula.

Third, the resolution of the issue of United Nations representation need not await the resolution of the other complex issues dividing the United States and the People's Republic of China, such as the question of the future of Taiwan, or the question of diplomatic relations between the United States and the People's Republic of China. The time has come for the People's Republic to take its seat in the United Nations as the Government of China, whether or not these other issues are settled.

These propositions are set out in Senate Resolution 139, which I introduced in the Senate last week. The Resolution is based on the brief but extremely significant policy statement issued earlier by a distinguished group of 110 of the nation's leading China scholars, coordinated by Professor Allen Whiting of the University of Michigan. The signers of the statement include scholars at fifty colleges and universities in nineteen states, representing a broad cross section of academic opinion in many different regions of the country.

The choice we face is clear. We can abandon the fictions of the past and welcome U.N. representation for the People's Republic, thereby generating the most significant possible improvement in U.S.-Chinese relations at this time. Or, we can continue to nibble around the edge by easing travel and trade restrictions, thereby condemning ourselves to yet another round of the frustration and mutual hostility we have known for so long.

For twenty rigid years, the United States has opposed Peking on the issue of U.N. representation. Through a succession of strategic devices and parliamentary maneuvers in the U.N.—the "Moratorium" tactic in the Fifties and the "Important Question" device in the Sixties—we managed to prevent the People's Republic from occupying China's seat in the General Assembly, the Security Council, and all other organs of the U.N.

Surely, in the entire history of American foreign policy, there has never been a fiction more palpably absurd than the official American policy that the People's Republic of China does not exist, that the rulers of the fourteen million people on Taiwan are also the rulers of the hundreds of millions of Chinese on the millions of square miles of the mainland. It is as though the island of Cuba were to claim sovereignty over the whole continent of North America.

Given the history and consequences of our relentless opposition to Peking in the United Nations, it is fair to ask whether the United States itself—and not Peking—is the real victim of a policy whose folly has been matched only by its futility. How much diplomatic good will have we squandered in our decades of effort to persuade other nations to vote against Peking? How badly have we distorted other vital international programs, like foreign aid, in order to curry favor with nations against Peking? How many opportunities have we lost for real progress on all the vital international issues of our time, while we bargained for advantage against Peking?

The doubts and questions are endless, and we may never know the answers. Perhaps, at some future time, a China Archive will bubble to the surface from the secrecy of our government, and the light of history will illuminate the real and terrible costs the American people have paid as prisoners of our policies of the past.

Still, we can see today, more clearly than ever before, the reasons why the People's Republic of China is entitled to be represented in the United Nations. No world organization that prides itself on the name and on the principle of universal membership can ignore the gaping void imposed by the absence of Peking. Last October, we witnessed perhaps the ultimate absurdity of our policy. The United Nations admitted the Fiji Islands to membership, three days after it achieved independence, and with a population no larger than the City of Indianapolis. Yet, a nation of 800 million Chinese has been kept out for twenty years.

We also now see our "Important Question" tactic for what it is, a procedural device that is being used to frustrate the will of the majority of the members of the U.N. Last November, for the first time, by the vote of 51–49, the nations of the General Assembly voted to seat Peking as the representative of China. Only the American version of the filibuster rule in the U.N., the "Important Question" procedure, which requires that the decision be made by a two-thirds vote, allowed the position of the United States to prevail, in spite of the narrow but clear cut vote of the majority.

The roll call itself was illuminating. Of all the member nations of the North Atlantic Treaty Organization, only Greece and Turkey voted with the American delegation against representation for Peking. The roll of nations voting for Peking contained many of our closest friends—nations like Britain, Canada, Denmark, France, India, Italy, Norway, Pakistan, and Sweden, to name but some. And other countries, like Belgium, Ireland, Luxembourg, and the Netherlands, abstained on the vote, undoubtedly to spare the United States the embarrassment of voting for Peking.

Surely, a nation like ours, founded on the timeless principles of democracy, majority rule, and the responsiveness of government and all its institutions to the will of the people, should also apply those basic principles in our relations with the world community. The logic of our "Important Question" tactic has petrified, and the Administration should give it the burial it deserves. I urge the President, therefore, to remember the noble traditions on which our Republic stands, to forego the regressive "Important Question" tactic in the General Assembly session this fall, and to allow the will of the majority to prevail.

Even apart from the principle of majority rule at stake, however, there are important policy considerations that argue strongly in favor of U.N. representation for Peking.

Some aspects of the issue are obvious. We know that the Peking government may soon have the capacity to deploy intercontinental ballistic missiles, able to destroy America's largest population centers. We also know that we cannot expect Peking to cooperate in U.N. sponsored arms control discussions, unless we acknowledge her as China's legitimate representative in U.N. councils.

Similarly, so long as Peking is excluded from the U.N., we cannot expect China to cooperate in vital U.N. efforts on issues like international economic affairs and world development, the mushrooming world population explosion, the international crisis in refugees, the problems of pollution and ill health, poverty and disease that plague so many nations, or any of the host of other activities that can be of immense benefit to the world community.

The most hopeful sign I see is that the

American people themselves are demonstrating a progressive attitude toward the role of China in world affairs. The national sigh of relief over the table tennis trip and the warm reception of the President's overtures on trade and travel demonstrate that the bitter passions inspired by the McCarthy Era and the China Lobby, the Chinese Revolution and the Korean War have subsided. Americans are prepared to accept reality today, and to view China in a much more objective manner than we could possibly have done a decade ago.

Public opinion in the United States has become increasingly aware of the value of the People's Republic in the U.N. The people of America are far ahead of Congress and the Administration on the issue. The people are ready for change, if only we will listen. On balance, we can now agree, U.N. representation for Peking will be good for the United States, good for the U.N., and good for China.

The U.N. itself will be strengthened by the fact that one of the world's major powers no longer lies beyond its membership. Of course, the entry of the People's Republic will also require adjustments within the world organization. On certain issues, such as the Middle East, Peking may be expected to complicate decision making. Nevertheless, by and large, and particularly in the long run, China's participation will increase, rather than diminish, the U.N.'s capacity to deal with the great international issues of our time.

Moreover, the U.N. may be expected to exert reciprocal pressures on Peking. Membership in the world organization has never been a one-way street. If Peking complicates the U.N.'s decision making, the U.N. will also complicate the decision-making in Peking. Once the People's Republic is part of the U.N., it will be subjected to pressures—from friend as well as foe—to engage in the processes of bargaining, compromise and accommodation that makes it possible for the organization to function. Inevitably, the fact of membership will induce a more flexible, moderate outlook on the part of Peking. Already for example Peking realizes how much it has forfeited in the past 20 years in its role as outcast, and how much it stands to gain from U.N. representation in many areas of interest.

The question, then, is whether the United States will take the high road, and accept the reality of Peking's existence in the world organization, or whether, once again, we will take the low road and draw upon the resources of diplomatic ingenuity in another last-ditch effort to prevent the People's Republic from assuming China's seat at the U.N. I believe that we would be profoundly unwise to make the latter effort.

The only real difficulty in taking the high road is the sensitive question of the status of Taiwan. The problem, of course, centers upon the future of the government of Chiang Kai-shek and the island he controls. Today, more than 20 years after he left the mainland, the Chiang Government still claims to be the government of Mainland China. The claim is patently a fiction, and the time is long overdue for the U.S. to accept the reality that Peking is here to stay, that it is a genuinely Chinese Government and not a Soviet satellite, and that it controls the overwhelming bulk of China's people and territory.

Because of old friendships and alliances, however, the United States and a number of other members of the United Nations are properly reluctant to abandon Taiwan in the U.N. They concede that the Chiang government should not represent China in the Security Council and the other U.N. bodies. But they argue that Chiang is in control of Taiwan, which has 14 million people, and that the people of Taiwan should not be denied a voice in the General Assembly. The nations who adhere to this view do not wish to see Peking in the U.N., until some provision has been made to avoid the departure of the delegation from Taiwan.

In recent months, the United States itself has begun to move toward the deceptive formula of some form of "Dual Representation," a formula that would give Peking the China seat on the Security Council, but which would also seat both competing governments in the General Assembly.

Obviously, if the People's Republic and Taiwan were prepared to accept such a formula, the problem of China's representation in the U.N. could be easily resolved. Unfortunately, the fact is that neither of the rival governments is willing to sit in the U.N. if the other is present. They still regard themselves as engaged in civil war.

However reasonable such a "Dual Representation" compromise might seem to non-Chinese, therefore, it is unacceptable to the Chinese. Both sides have unequivocally rejected either the "Two China" solution or the "One China-One Taiwan" solution. Regardless of the merits of the "dual representation" formula for other divided nations, like Germany, Korea, or even Vietnam, it will not work for China

The conclusion is inescapable. If the United States decides to work actively in behalf of "dual representation" as the basis for inviting the People's Republic into the U.N., we will be promoting a formula to keep Peking out of the U.N. Whatever our government's intention, that will be the inevitable result. The only valid policy is a "One China" policy, and that is the policy we should adopt.

To the People's Republic, "dual representation" looks suspiciously like another tactic in the long line of techniques devised by American diplomats to keep Peking from taking its legitimate place in the U.N. as the sole representative of China.

Of course, unlike the "Moratorium" technique of the Fifties and the "Important Question" technique of the Sixties, "Dual Representation" purports to welcome Peking—but only on terms that neither China can accept. Thus, dual representation is simply a sophisticated new device to accomplish the same old goal—excluding the People's Republic of China from the world community.

I wish the facts were otherwise. In our optimism, we always hope that a reasonable solution can be found for every problem, an accommodation for every antagonism. It would be a happy occasion if, by hard work and good will, we could persuade the parties to a civil war that has been raging in one form or other for half a century to harmonize their differences.

Yet, our policy cannot be based on wishes and hopes. It must cope with reality. We cannot be naive enough to expect that the complex problems arising from the Chinese Civil War, World War II, and the Korean War can all be solved at once. Questions such as the duration of the Chiang and Mao regimes, the status of Taiwan, and the establishment of diplomatic relations between Peking and Washington will take years to clarify. We simply cannot predict what the future holds in store.

It seems extremely unlikely to me that any answers at all will be found to the problem of Taiwan, even in as "brief" a period as the next five years. It might easily take a decade to clarify the relationship of Taiwan to the Mainland. But it may also take twenty-five years, or even longer.

The problem before us is, what are we to do at the U.N. now, while we wait for these harder answers to come?

To me, there is only one valid answer, difficult as it may seem for Taiwan. We must recognize that it is vital to the peace and progress of the world that Peking be brought into the international community, and we must accept the reality that the People's Republic is the sole legitimate representative of China in the U.N.

If we take this route, we must also recognize that now, and for the foreseeable future—until the Taiwan problem is settled—there will be no U.N. representation for Taiwan, because a delegation from Peking would replace the delegation from Taiwan.

Eventually, when the Taiwan question is resolved, Taiwan will be represented in the U.N. in accordance with whatever status develops for the island. In the meantime, Taiwan will join those other nations, including the divided nation of Germany, that operate effectively outside the U.N. And nothing we do would in any way impair our continuing commitment to the defense of Taiwan under our existing treaty obligations. The only change would be in the U.N.

The choice is difficult, but to me the answer is clear. We have to choose the path of certainty, the path that assures the entry of Peking into the U.N. We must reject the Two China formula and other arrangements that will serve only to bring us more years of hostility and division, as we condemn ourselves to repeat the mistakes of the past. Too much is at stake, too much is to be gained from real Chinese representation in the U.N., for use to ignore Peking again.

The United States can ensure Peking's entry by voting in a number of ways. If we cannot bring ourselves to abandon the "Important Question" resolution or to support a moderate resolution that calls for Peking to take China's seat, we can at least abstain from voting on the questions and accept the will of the majority. Even a blind continuation of our past support for the Republic of China would be likely to assure Peking's entry in the near future, since the United States would simply go down with the ship. Even that seems better to me than advocating a "Dual Representation" policy—a policy that would prevent Peking's participation in the U.N. for the foreseeable future and that would add to the already heavy legacy of Chinese-American hostility we bear today.

The Two China policy so prominently urged in some quarters today is not without irony. Since 1950, the United States has rigidly pursued a One China policy—but always it was the Wrong China. Now, at least, when we are within reach of our goal of embracing a One China policy that has the Right China, we cannot allow ourselves to be lured astray by the illusory appeal of a Two China policy.

This is why I have introduced Senate Resolution 139. In spite of the doubts that cloud so many other aspects of our China policy, the opportunity is at hand to take a clear step forward on the issue of U.N. representation. We know the other issues of our China policy will require difficult negotiation and accommodation, a process that may go on for years. Peking's entry into the U.N. is the step we can take today to ensure that this process will begin. It is time to take that step.

THE UNITED STATES—"SICK MAN OF THE WEST"

Mr. JAVITS. Mr. President, I ask unanimous consent that an article entitled "The United States—'Sick Man of the West,'" published in the New York Times on June 16, 1971, which I wrote following my recent visit to Europe, be printed in the RECORD. From both sides of the Atlantic, I have received numerous indications of lively and appreciative interest in the ideas expressed in this article and therefore present these ideas for the consideration of the Senate.

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

THE UNITED STATES—"SICK MAN OF THE WEST"

(By Senator JACOB K. JAVITS)

The United States is currently regarded in Europe as the "sick man" of the West reminiscent of the Ottoman Empire before World War II. Why is this so and what is to be done about it? The United States is not opting for isolationism and a Fortress America. Europe is still the security threshold of the United States.

The conclusion of many in Europe that the United States is the sick man is principally attributable to the Vietnam war—the way we blundered into it, the destructive effects of the war at home and on the U.S. world position, and our seeming inability to extricate ourselves effectively from the Vietnam quagmire. Europe is acutely aware of our balance-of-payments difficulties and their vulnerability to any vulnerability of the dollar as the world's key reserve currency. The declining competitive position of U.S. production, in sharp competition with Germany and Japan, in the world's markets—and our own—compounds the image of "sickness." Our troubles at home with racial tensions, the urban crisis and inflation with unemployment, as well as the much publicized alienation of American youth, have caused Europe to begin to question the capability of the United States to be the leader of the free peoples, the guarantor of allied security, the financial bulwark of the non-Communist world and the apostle of peace.

In my judgment, U.S. assets—including the most productive economy in history—are as positive as ever; and the current, abnormal U.S. liabilities are in the process of being liquidated or can be liquidated with the cooperation of our traditional friends and allies.

If Europe's perception of America's "sickness" portended merely that free Europe would more fully look out for itself in all fields, there would be relatively little to worry about. The United States could breathe easier and enjoy a respite from what many Americans consider the headache of world leadership. But I do not think that is the case.

Western Europe, as presently organized, cannot stand alone economically, politically, or militarily in the face of the superpowers. The scale and concentration of superpower might is just too overwhelming.

It is my view, and that of many others on both sides of the Atlantic, that a U.S. withdrawal from Europe now would prepare the way for Soviet hegemony over Europe. Two recent French newspapers make this point:

"The American era is ending and Western Europe will have in the near future either to suffer Soviet hegemony or regain the will to exist."—Raymond Aron, Le Figaro.

"The threat of a U.S. strategic aboutface foreshadows Soviet supremacy in Europe."—Combat.

Western Europe is so united to us by tradition, ideas, trade and social and cultural bonds that we would only be courting a war to reclaim the alliance if the present one were dissolved now. Accordingly, we have first to resolve that the Atlantic alliance is indissoluble, and to proceed from this premise.

The danger of the situation for the United States is twofold. The first has been recognized: a precipitate U.S. withdrawal preparing the way for Soviet hegemony. The second danger is more subtle and more challenging.

The Senate's decisive rejection of the Mansfield amendment indicates that the United States will not leave Europe naked before Soviet military power; that the United States will at least see Europe through a transition period in the security field. The crucial question, in my judgment, is what will happen during this transition period of new arrangements in Europe. The old postwar pattern in Europe is giving way at last to a more permanent settlement. In this context, the renewed drive for unity in Western Europe—most crucially Britain's entry into the European Economic Community—is the leading factor. The key question, as Europe reorganizes itself, is what kind of new arrangements and new ties will be forged between the United States and a resurgent, unified Europe presaged by the momentum of present events.

Will Europe seek to insulate itself from the United States with trade and monetary barriers, as well as with a political and cultural separateness? Will the United States be irritable and defensive and hypersensitive about its relations with Europe? Will our domestic troubles leave us too little energy, imagination and resources to occupy the place our capacities command in constructing the Atlantic future which is possible?

NATO needs to be strengthened especially in respect of its much neglected Article II enjoining its members to "eliminate conflict in their international economic policies" and to "encourage economic collaboration." The Organization for Economic Cooperation and Development needs to sponsor a General Agreement for Tariffs and Trade for private investment and related problems. The consultation aspect of NATO needs to be built up to include not only the SALT and Mutual Balanced Force Reduction talks and Berlin, but also the Middle East and Far East problems. Lateral ministerial level meetings need to be put on a regular basis and include not only defense and the environment, but law, transportation, housing, health and education.

A true international currency needs to be developed, and aid to developing countries rationalized and coordinated through the Development Advisory Committee and Bank for International Settlements. Trade relations need to be considered on a regional basis through the O.E.C.D. and even an Atlantic or Industrial Free Trade area—with the Common Market as a member envisaged.

In short, we in the United States must go forward much more intensively to establish the Atlantic community rather than to fractionalize and run away from it—and Europeans must not prematurely write off their strongest element, U.S. participation. For the American people the stakes are greater hope and greater happiness—a more open and a more peaceful world—and a new birth of freedom. For Western Europe the stakes are to be free or perhaps vulnerable to the fate of Czechoslovakia.

JOSEPH McCAFFREY: PRIZE-WINNING JOURNALIST

Mr. WILLIAMS. Mr. President, recently one of Washington's most distinguished commentators, Joseph F. McCaffrey, was named as the recipient of the Ted Yates Award.

It is not the first time he has been singled out. Four times, he has won the Washington "Emmy" for his special interview programs.

He has received the Chesapeake Associated Press Broadcaster's Award for having helped police solve a murder, and he is the first nonnetwork correspondent to be elected president of the Radio-Television Correspondents Association.

This latest citation is one given to a Washington television news correspondent who "most closely characterizes Ted Yates' professional qualities of in-depth coverage, courage, and insight as well as his personal qualities of wit and compassion."

All Senators know Joe McCaffrey, and I feel certain that if the judges for the Yates Award had submitted the nomination to us, it would have been confirmed unanimously.

For Joseph McCaffrey is thoroughly professional; he has a reservoir of courage and insight; and certainly he possesses wit and compassion in large measure.

Joe McCaffrey has covered this town for 25 years. No one knows it better, and no one reports on its activities with more insight and depth.

In a Washington press corps that numbers many of the finest journalists in the world, he stands in the first rank.

I think he honors us by his coverage.

All of us owe a debt of gratitude for his tireless efforts in bringing the news to the American public.

THE PENTAGON PAPERS

Mr. HATFIELD. Mr. President, the Chicago Sun-Times, the Los Angeles Times, the St. Louis Post-Dispatch, the Knight newspapers, and Newsday have all published articles based upon the Department of Defense's own study of the origin and history of the Vietnam war. We are now at a crucial juncture in our long involvement in Indochina, when the reasons and motives that originally impelled us into this venture are all the more important to understand fully.

I am convinced that the more we understand about the real reasons that have guided our policy of intervention from the beginning, the better able Congress and the American public will be to make judgments about the wisest course for our complete disengagement from Indochina. It is in the interests of the public, as well as for the benefit of Congress, that this information should be made openly and freely available. We are often told that we have been fighting in Vietnam to preserve our ideals of freedom. I would suggest those ideals could best be enhanced by making them a reality here at home, and enabling all Americans to know and judge the historical record of our costly involvement in Southeast Asia. These articles, based upon the internal documentation of the Department of Defense, are an important contribution in educating the American public. I ask unanimous consent that they be printed in the RECORD, along with a statement by the Senator from South Dakota (Mr. MCGOVERN). Further, I ask unanimous consent that articles written by James J. Kilpatrick and James Reston about these documents also be printed in the RECORD.

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

STATEMENT BY SENATOR MCGOVERN

PENTAGON PAPERS PUBLISHED WIDELY

Mr. MCGOVERN. Mr. President, in the past few days I have been attempting to place in the CONGRESSIONAL RECORD all of the original newspaper reports and reprinted documents relating to the American military involvement in Indochina.

I believe that there is no valid reason for withholding the Pentagon Papers from Congress and the public. The administration

should delay no longer in making them public. Only by a study of these and other documents relating to the decision that got the United States into Vietnam can we gain a sufficient understanding to avoid falling into the same kind of trap in the future.

A great number of newspapers have now published summaries and documents relating to the Pentagon study. In addition one newspaper has published a report on the forthcoming memoirs of President Johnson which, it appears, will bear out information revealed in the documents.

I appreciate the help of the Washington bureaus of many of the newspapers concerned and of Ann Cooper in obtaining these articles for insertion in the RECORD.

1. Chicago Sun-Times, June 23, June 24, June 25—The Pentagon Papers.
2. Los Angeles Times, June 24, June 26—The Pentagon Papers.
3. St. Louis Post-Dispatch, June 25—The Pentagon Papers.
4. Knight newspapers, June 27—The Pentagon Papers.
5. Newsday, June 25—President Johnson's Memoirs.

WTOP COMMENTARY, FREE PRESS, JUNE 23, 1971

(By James J. Kilpatrick)

Law of necessity is built on precedents. Bad precedents make bad law, and that is precisely what the Federal courts are giving us this week in the government's proceedings against The New York Times, the Washington Post, and the Boston Globe. Even if we assume that the Supreme Court eventually will lift any injunctions that may have been imposed, the precedent will remain: The three newspapers now have been effectively restrained from printing what they choose to print, when they choose to print it. The whole body of First Amendment law, protecting a constitutional right of free press, has been struck a heavy blow.

This development, it seems to me, is vastly more important than anything disclosed thus far by the Pentagon Papers. If the government, acting through the courts, is able to prevent American newspapers from publishing these particular documents, the foundation will have been laid for censorship, plain and simple. The judge on the bench, and the bureaucrat with his rubber stamp, will have assumed powers they were not meant to have. And a free people will be less free.

The precedent should never have been sought. If the three newspapers violated Federal law, as the government apparently assumes, the proper course was to arrest the publishers and editors on criminal warrants. The cited statute permits prison terms up to ten years and fines up to $10,000. We ought to be testing that law before trial juries. The government protests that such a course would be "foolhardy," and that probably is true. But it would have been far wiser, for the present and for the future, for the government to have risked folly and shunned censorship. Rule of the press by injunction can never be accepted. Never. This is James J. Kilpatrick.

JAMES RESTON—CENTRAL ISSUE OF THE DOCUMENTS

NEW YORK.—For the first time in the history of the republic, the attorney general of the United States has tried to suppress documents he hasn't read about a war that hasn't been declared. This is one of the final ironies of this tragic Vietnam war, but it won't work for long.

The constitutional issue can be left to the courts. They need time. The issue is complicated. There is clearly a conflict between the government's desire to preserve the privacy of its internal communications, which everybody recognizes, and its attempt to extend this procedure to old historic documents, which analyze the blunders of the past.

But in practical terms, the documents will not be suppressed. The New York Times will abide by the final decision of the courts, but too many copies of the McNamara papers are around, and too many fundamental issues are involved to suppose that this official record of the war can be censored for long.

It is easy to get lost in the legalities, ambiguities, and politics of this controversy, but the central issue is what former Secretary of Defense McNamara had in mind when he ordered this analysis of the war in the first place.

McNamara was a principal actor in the drama, deeply involved and even incriminated in the struggle, but near the end, he insisted, on his own responsibility, that outside and objective minds should look at the record and try to find out what went wrong and why.

This involved many people—around 30—all of whom have knowledge of critical parts of the Pentagon investigation, some of whom have some of the documents, and a few of whom have copies or access to copies of most of the whole.

McNamara is clearly not alone in feeling that the basic questions—how did we really get involved, how did we lose our way?—should be made clear in order to avoid similar mistakes in the future. And at least some of these men are not going to be silenced by temporary or even permanent court injunctions against publication of the facts.

The attorney general, by seeking for the first time a court injunction before publication, has dramatized the issue. He has transformed an academic monograph, with a very limited audience of politicians, bureaucrats, journalists and scholars, into a world issue on the American war and the First Amendment of the American Constitution on the freedom of the press. And his efforts at suppression, while they may prevail for a short time, will almost certainly fail in the long run.

For the men who know most about these documents do not believe that publication involves national security or would cause, in the attorney general's words, "irreparable injury to the defense interests of the United States."

In fact, many of them in possession of the facts, and a few of them in possession of the documents, believe that the security argument is being used to cover up the blunders and deceptions of the past in Vietnam, and would gladly go to jail rather than submit to the suppression of their information.

Mitchell, consciously or not, has raised a fundamental question: What causes "irreparable damage" to the republic? Publication of documents that expose the weaknesses and deceptions of the government on issues of war and peace? The censorship of these documents in the name of "national security"?

This is the central issue. The attorney general and the secretary of defense have a respectable argument: They have the right to private communication.

Secretary of State William Rogers also has a point: Other nations cannot do business with Washington if their communications are going to end up in the headlines of the American press. But beyond that, and even above it, there is the question of the integrity of the American executive in its dealings with the American people and their representatives in the Congress.

These documents are in the possession of the principals. President Johnson has a copy. Clark Clifford and Robert McNamara are reported to have copies, and other interested parties have copies or access to parts of them, and all are writing their own versions of history. So the legal injunction, as it now stands, is only against making the main documents available to disinterested scholars, and the general public.

This is the main point about these documents and why the documents themselves had to be published. For they demonstrate beyond question, not reporters' opinions or speculations about presidential action, but obvious and even calculated deception in the words of the officials themselves.

It will be interesting to see how the courts, and even the principal personalities, react to this tangle of legal and philosophical questions. But however they react, the objective of the McNamara inquiry is going to be achieved.

The basic facts of the American involvement in Vietnam, many of them idealistic and many of them tragic, are going to be revealed, no matter what the attorney general says, and in the end, we may be a little nearer to the truth.

[From the Chicago Sun Times, June 23, 1971]

HOW JFK AND AIDES HELPED TOPPLE DIEM

(By Morton Kondracke and Thomas B. Ross)

WASHINGTON.—The late President John F. Kennedy and his leading advisers were intimately involved in the maneuvering that led to the downfall of South Vietnamese President Ngo Dinh Diem in 1963, top-secret State Department and Pentagon documents revealed Tuesday.

The documents show that Kennedy decided at a National Security Council meeting on Sept. 17, 1963, to put "escalatory pressure" on Diem to get rid of his brother-in-law Ngo Dinh Nhu, chief of the secret police.

The documents also recommended action against any Diem moves to counter his generals or negotiate with North Vietnam.

The NSC also decided to send Defense Sec. Robert S. McNamara and Gen. Maxwell D. Taylor on a fact-finding mission to Vietnam.

They reported back on Oct. 2 and from that point, the documents indicate, there was a growing consensus at the top of the administration that it would not be possible to get rid of Nhu without also getting rid of Diem.

The coup came on Nov. 1, and Diem, who had been installed in power by the United States in 1954, was assassinated. The President and his leading advisers disavowed any connection with his bloody end. But two months earlier, Roger Hilsman, assistant secretary of state for the Far East, had recommended in an Aug. 30 memo to Sec. of State Dean Rusk:

"Unconditional surrender should be the terms for the Ngo family. . . . Diem should be treated as the generals wish."

The Aug. 30 memo and another by Hilsman dated Sept. 16—both declassified by President Lyndon B. Johnson in 1968 but until now tightly held—were turned over to The Sun-Times by the Citizens Commission of Inquiry into U.S. War Crimes in Vietnam.

The other documents are included in the top-secret Pentagon history of the war. They reveal a battle over Diem's fate, with the State Department urging his ouster and the Pentagon insisting that the United States stick with him.

RFK FOR DISENGAGEMENT

One important voice raised for possible disengagement was that of the President's brother, the late Robert F. Kennedy.

Hilsman's first memo, prepared for an Aug. 31 NSC meeting, warned that Diem might move to open "neutralization negotiations" with North Vietnam.

If North Vietnam threatened to intervene on Diem's side, Hilsman recommended, the United States should "let it be known unequivocally that we shall hit the DRV (North Vietnam) with all that is necessary to force it to desist."

If Diem chose to make a last stand—a "Got-

terdammerung" (Twilight of the Gods)—Hillsman urged his superiors to "encourage the coup group to fight the battle to the end and to destroy the Palace if necessary to gain victory."

The Hillsman memos and the Pentagon documents illuminate a period of increasing U.S. dissatisfaction with Diem and his brother-in-law that began May 8 and ended with the Nov. 1 coup.

On May 8, government forces fired on Buddhist celebrators in Hue, and there ensued what became known as the Buddhist crisis, in which several priests and nuns burned themselves to death in the streets of major Vetnamese cities.

The self-immolations were reported throughout the world, bringing down increasing criticism on the Diem regime—and on U.S. government for supporting it. The Buddhists became the rallying point for all non-Communist opposition to Diem and Nhu.

Nhu's wife made matters worse by referring to the priests' self-sacrifice as "Buddhist barbecues."

On Aug. 21, nine days before Hilsman's first memo, government forces under the direction of Nhu and Diem attacked major Buddhist pagodas in Hue and Saigon, killing any monks who resisted.

The government crisis intensified because the attack at first was blamed on the Vietnamese military—which stoutly denied it had any part in the anti-Buddhist moves.

MILITARY FEARED PURGE

Leading generals reported to U.S. officials that they feared Diem and Nhu might institute a purge within the military—and perhaps seek an accommodation with North Vietnam.

Hilsman wrote the Aug. 30 memo at a time when U.S. officials believed a military coup or action by Diem against the military was imminent. This proved mistaken.

From the end of August until early October, the secret Pentagon study and Hilsman's second memo reveal, the U.S. struggled to decide how to keep Dieam as president but get rid of Nhu.

A conclusion of the Sept. 17 NSC meeting, for example, was that the best of all possible worlds would be for Diem to stay in power with Nhu out of the picture.

In fact, after it was determined that Nhu's special forces and not the army had been responsible for the attacks on the pagodas, the documents make it clear that there was unanimous agreement among Mr. Kennedy and his advisers that pressure should be applied on Diem to purge Nhu.

ALTERNATIVE LEADERSHIP SOUGHT

The documents indicate that it was also decided at the NSC meeting to identify and begin cultivating alternative leadership—believed to mean the generals.

The decision was made formal after two alternatives were debated at the Sept. 17 NSC meeting—"escalator pressure" and reconciliation," the latter representing acquiescence in the status quo under Diem and Nhu.

The alternatives had been laid out the day before in Hilsman's second memo, which used the terms "reconciliation track" and "pressures and persuasion track."

NHU "ADVENTURE" FEARED

"My own judgment," Hilsman declared, "is that the 'reconciliation track' will not work. I think Nhu has already decided on an adventure. I think he feels that the progress already made in the war and the U.S. material on hand gives him freedom to launch on a course that has a minimum and a maximum goal.

"The minimum goal would be sharply to reduce the American presence into those key positions which have political significance in the provinces and the strategic hamlet program and to avoid any meaningful concessions that would go against his Mandarin, 'personalist' vision of the future of Vietnam.

"The maximum goal, I would think, would be a deal with North Vietnam for a truce in the war, a complete removal of the U.S. presence, and a 'neutralist' or 'Titoist' but still separate South Vietnam."

The "escalatory pressure" track, as it was explained at the Sept. 17 NSC meeting, called for the withdrawal of AID support for the Diem regime, the removal of support for Nhu's CIA-backed special forces, and an order to Ambassador Henry Cabot Lodge to remain aloof from Diem, i.e., out of contact.

McNamara and Taylor reported on their mission to Vietnam at an Oct. 2 NBC meeting. Afterward, the White House put out a press release.

It said, in part:

"Sec. McNamara and Gen. Taylor reported that the major part of the U.S. military task can be completed by the end of 1965 . . .

"They reported that by the end of this year the U.S. program for training the Vietnamese should have progressed to the point where 1,000 U.S. military personnel could be withdrawn.

"The political situation in South Vietnam remains deeply serious. The U.S. has made clear its continuing opposition to any repressive actions in South Vietnam. While such actions have not yet significantly affected the military effort, they could do so in the future."

Hilsman's Aug. 30 memo recommended that, if Diem chose to leave the country with his family, the United States provide him with a plane but only if he agreed to go to France or another European country.

"Under no circumstances," he wrote, "should the Nhus be permitted to remain in Southeast Asia in close proximity to Vietnam because of the plots they will try to mount to regain power."

Hilsman warned that Diem might appeal to French President Charles de Gaulle "for political support for neutralization of Vietnam."

Hilsman urged Rusk to resist any such arrangement, adding: "We should point out publicly that Vietnam cannot be effectively neutralized unless the Communists are removed from control of North Vietnam. . . .

"Once an anti-Diem coup is started in South Vietnam, we can point to the obvious refusal of South Vietnam to accept a Diem-Communist coalition."

[From the Chicago Sun-Times, June 23, 1971]

TEXT OF THE MEMO

Following is the text of an Aug. 30, 1963, memorandum from Asst. Sec. of State Roger Hilsman to Sec. of State Dean Rusk recommending the United States encourage and assist a coup against South Vietnamese President Ngo Dinh Diem and his brother-in-law, Ngo Dinh Nhu:

The courses of action which Diem and Nhu could take to maintain themselves in power and the United States responses thereto are as follows:

1. Diem-Nhu move: Pre-emptive arrest and assassination of opposition military officers and/or Vice President Nguyen Ngoc Tho.

U.S. response:

(a) We should continue to pass warnings to these officials about their danger.

(b) CAS (code label for the Central Intelligence Agency) should explore the feasibility of prompt supply of a warning system to these officials.

(c) If several general officers are arrested, we should invoke aid sanctions to obtain their release on the ground that they are essential to successful prosecution of the war against the Viet Cong.

(d) Encouragement of prompt initiation of the coup is the best way of avoiding arrests and assassinations of generals.

2. Diem-Nhu move: Sudden switch in assignments of opposition generals or their dispatch on special missions outside of Saigon.

U.S. response: We should recommend that the opposition generals delay in carrying out any such orders and move promptly to execution of the coup.

3. Diem-Nhu move: Declaration of Ambassador Lodge and/or other important American officials in Vietnam as *personae non gratae*.

U.S. response:

(a) We should stall on the removal of our officials until the efforts to mount a coup have borne fruit. This situation again shows the importance of speed on the part of both the U.S. and Vietnamese sides. We should also suspend aid.

(b) Should the GVN (South Vietnam) begin to bring physical pressure on our personnel, we should introduce U.S. forces to safeguard their security.

4. Diem-Nhu move: Blackmail pressure on U.S. dependents in Vietnam, such as arrests, a few mysterious deaths or—more likely—disguised threats (like Nhu's recent threat to raze Saigon in case of a coup).

U.S. response:

(a) We should maintain our sang-froid with respect to threats.

(b) We should urge American personnel to take such precautions as avoidance of unnecessary movement and concentration of families. We should also issue arms to selected American personnel.

(c) We should demand the release of any Americans arrested and should insist for the record on proper protection of Americans by the GVN. (GVN failure to furnish this protection could serve as one of the justifications for open U.S. intervention.)

(d) We should evacuate dependents and other nonofficial personnel at the earliest possible moment that Ambassador Lodge considers it consistent with the over-all operation.

(e) We should intervene with U.S. forces if necessary to protect Americans during evacuation and to obtain the release of those arrested.

5. Diem-Nhu move: Severance of all aid ties with the U.S., ouster of all U.S. personnel (except for a limited diplomatic staff), and demand for removal of all U.S.-controlled military equipment in Vietnam.

U.S. response:

(A) We should stall in removing U.S. personnel and equipment from Viet Nam. This move by the GVN would again, however, underscore the necessity for speed in our counteraction.

(B) If Diem-Nhu move to seize U.S.-controlled equipment, we should resist by all necessary force.

6. Diem-Nhu move: Political move toward the DRV (North Vietnam) such as opening of neutralization negotiations, or rumors and indirect threats of such a move.

U.S. response:

(A) Ambassador Lodge should give Diem a clear warning of the dangers of such a course, and point out its continued pursuit will lead to cessation of U.S. aid.

(B) Encourage the generals to move promptly with a coup.

(C) We should publicize to the world at an appropriate moment any threats or move by Diem or Nhu toward the DRV in order to show the two-edged game they are playing and help justify publicly our counteractions.

(D) If the DRV threatens to respond to an anti-Diem coup by sending troops openly to South Vietnam, we should let it know unequivocally that we shall hit the DRV with all that is necessary to force it to desist.

(E) We should be prepared to take such military action.

7. Diem-Nhu move: Appeal to De Gaulle for political support for neutralization of Vietnam.

U.S. response:

(A) We should point out publicly that Vietnam cannot be effectively neutralized unless the Communists are removed from control of North Vietnam. If a coalition between Diem and the Communists is suggested, we should reply that this would be the avenue to a Communist takeover in view of the relative strength of the two principals in the coalition. Once an anti-Diem coup is started in South Vietnam, we can point to the obvious refusal of South Vietnam to accept a Diem-Communist coalition.

8. Diem-Nhu move: If hostilities start between the GVN and a coup group, Diem and Nhu will seek to negotiate in order to play for time (as during the November, 1960, coup attempt) and rally loyal forces to Saigon.

U.S. response:

(A) The U.S. must define its objective with crystal clearness. If we try to save Diem by encouraging negotiations between him and a coup group, while a coup is in progress we shall greatly increase the risk of an unsuccessful outcome of the coup attempt. Our objective should, therefore, clearly be to bring the whole Ngo family under the control of the coup group.

(B) We should warn the coup group to press any military advantage it gains to its logical conclusion without stopping to negotiate.

(C) We should use all possible means to influence pro-Diem generals like Cao to move to the coup side. For example, Gen. Harkins could send a direct message to Cao pointing to the consequences of a continued stand in support of the Ngo family and the advantage of shifting over to the coup group.

(D) We should use, or encourage the coup group to use: military measures to prevent any loyal forces outside Saigon from rallying to Diem's support. For example, we can jam radio communications between Diem and these forces and we can encourage interdiction of transportation by blowing up bridges.

(E) We should encourage the coup group to capture and remove promptly from Vietnam any members of the Ngo family outside Saigon, including Can and Thuc who are normally in Hue. We should assist in this operation to any extent necessary.

9. Diem-Nhu move: Continuation of hostilities in Saigon as long as possible in the hope that the U.S. will weaken because of the bloodbath which may involve U.S. personnel.

U.S. response:

(A) We should maintain our sang-froid and encourage the coup forces to continue the fight to the extent necessary.

(B) We should seek to bring officers loyal to Diem over to our side by direct approaches by MACV (Military Assistance Command, Vietnam) or CAS inducements.

(C) We should encourage the coup group to take necessary action to deprive the loyal forces of access to supplies.

(D) We should make full use of any U.S. equipment available in Vietnam to assist the coup group.

If necessary, we should bring in U.S. combat forces to assist the coup group to achieve victory.

10. Diem-Nhu move: A Gotterdammerung in the Palace.

U.S. response:

(a) We should encourage the coup group to fight the battle to the end and to destroy the Palace if necessary to gain victory.

(b) Unconditional surrender should be the terms for the Ngo family since it will otherwise seek to outmaneuver both the coup forces and the United States. If the family is taken alive, the Nhus should be banished to France or any other European country willing to receive them. Diem should be treated as the generals wish.

11. Diem-Nhu move: Flight out of the country (this is unlikely as it would not be in keeping with the past conduct of the Ngo family).

U.S. response:

We should be prepared, with the knowledge of the coup group, to furnish a plane to take the Ngo family to France or other European country which will receive it. Under no circumstances should the Nhus be permitted to remain in Southeast Asia in close proximity to Vietnam because of the plots they will try to mount to regain power. If the generals decide to exile Diem, he should also be sent outside Southeast Asia.

[From the Chicago Sun-Times, June 23, 1971]

PARTIAL TEXT OF OUSI-NHU MEMO

Following is a partial text of a Sept. 16, 1963, memorandum from Asst. Sec. of State Roger Hilsman to Sec. of State Dean Rusk. Other documents, from the Pentagon study, indicate Hilsman was recommending here that the United States pressure South Vietnamese President Ngo-Dinh Diem to remove from power his brother-in-law, Ngo Nhu:

Attached are two cables—one on the "Reconciliation Track" and one on the "Pressures and Persuasion Track."

I think it is important to note that these are true alternatives—i.e., the "Reconciliation Track" is not the same as Phase I of the "Pressures and Persuasion Track." The difference is in public posture. Phase I of the "Pressures and Persuasion Track" continues to maintain a public posture of disapproval of the GVN's (South Vietnamese) policies of repression. The "Reconciliation Track" requires a public posture of acquiescence in what the GVN has recently done, and even some effort by the U.S. to put these recent actions in as good a light as we possibly can.

If this distinction, which is a real one, is preserved, then it seems to me clear that it will NOT be possible to switch from the "Reconciliation Track" to a "Pressures and Persuasion Track" if the former does not work—except in the event that Diem and Nhu provide us with another dramatic act of repression as an excuse. On the other hand, it WILL be possible to switch from a "Pressures and Persuasion Track" to a "Reconciliation Track" at any time during Phases I and II of the "Pressures and Persuasion Track," although probably not after we had entered Phases III and IV.

My own judgment is that the "Reconciliation Track" will not work. I think that Nhu has already decided on an adventure. I think he feels that the progress already made in the war and the U.S. materiel on hand gives him freedom to launch on a course that has a minimum and a maximum goal. The minimum goal would be sharply to reduce the American presence in those key positions which have political significance in the provinces and the strategic hamlet program and to avoid any meaningful concessions that would go against his Mandarin, "personalist" vision of the future of Vietnam. The maximum goal, I would think, would be a deal with North Vietnam for a truce in the war, a complete removal of the U.S. presence, and a "neutralist" or "Titoist" but still separate South Vietnam . . .

I would recommend adopting as our initial course Phases I and II of the "Pressures and Persuasion Track," testing and probing as we go along and being ready to switch to "Reconciliation" at any moment that it becomes necessary, using the decision to switch as a means of getting at least nominal concessions in order to save as much of our face as possible.

I make this recommendation with the caveat that we do not have sufficient information to make a final and complete judgment on either of the two key issues—where Nhu will lead Vietnam if he remains in power and whether or not enough people will continue to fight the Viet Cong to bring victory.

[From the Chicago Sun-Times, June 24, 1971]

MORE VIET SECRETS—HOW KENNEDY SENT LBJ TO PROD DIEM TO ASK GI'S

(By Morton Kondracke and Thomas B. Ross)

WASHINGTON.—The late President John F. Kennedy sent Vice President Lyndon B. Johnson to Saigon in May, 1961, with orders to "encourage" South Vietnam President Ngo Dinh Diem to request U.S. ground troops. Diem originally opposed the request, government documents revealed Wednesday.

It was on that trip that Mr. Johnson publicly referred to Diem as the "Winston Churchill" of the Far East.

Diem responded to the unpublicized request that he did not want foreign troops on Vietnamese soil except in the case of direct aggression by North Vietnam. Diem pointed out that U.S. troops would violate the 1954 Geneva accords that ended the French war in Indochina.

Later, the documents show, Diem wrote a letter to Kennedy arguing that the United States should provide material support, not troops, since the presence of U.S. soldiers would tend to give credence to the Communist charge that he was a front for the colonialists.

Diem successfully balked at the Kennedy-Johnson proposal for five months, but with the military situation rapidly deteriorating, he yielded in October and made the solicited request for U.S. troops.

Two years later, the documents reveal, the situation was even worse. So much so that Kennedy's principal Vietnam expert on the working level, Paul H. Kattenburg, Chairman of the State Department's Vietnam working group, told an Aug. 31, 1963 National Security Council Meeting:

"At this juncture, it would be better for us to make the decision to get out honorably."

STEADILY DOWNHILL

He warned that Diem would get less and less support from the military and the "country will go steadily down hill."

Kennedy's advisers reacted with shock. Sec. of State Dean Rusk dismissed Kattenburg's remarks as "largely speculative." Defense Sec. Robert S. McNamara agreed with Rusk.

Rusk said:

"It would be far better for us to start on the firm basis of two things—that we will not pull out of Vietnam until the war is won, and that we will not run a coup."

And Mr. Johnson argued: "It would be a disaster to pull out . . . We should stop playing cops and robbers and get back to talking straight to the GVN (government of South Vietnam) . . . We should once again go about winning the war."

The report on the session, held at the State Department and led by Rusk in President Kennedy's absence, is contained in a memorandum written by Marine Maj. Gen. Victor C. Krulak, then the Pentagon's top expert on counterinsurgency.

Three months later Kennedy was dead and the conduct of the war passed to Johnson.

The documents, disclosed to The Sun-Times by a number of reliable sources, provide this chronology of how the U.S. involvement deepened during the Kennedy administration.

Upon taking office in January of 1961, Kennedy was confronted by reports from the U.S. Embassy in Saigon that President Diem was in danger of being overthrown because of his repressive policies and the toleration of corruption at the tip of his government.

A message from Ambassador Elbridge Durbrow had urged consideration of "alternative actions and leaders" to salvage the late President Dwight D. Eisenhower's policy of creating a non-Communist South Vietnam.

In March of 1961, the Central Intelligence Agency in a National Intelligence Estimate warned that the Viet Cong were gaining "control and influence over increasing areas

of the countryside." The CIA said Diem was growing progressively weaker and was vulnerable to a coup by "non-Communist elements."

Kennedy sought to bolster the regime by authorizing funds to increase the South Vietnamese army by 20,000 men and the Civil Guard by 32,000.

MILITARY'S HAND STRENGTHENED

In March, Kennedy also approved a plan by the Joint Chiefs of Staff for the military command to by-pass the ambassador, to be in a better position to handle a "hot-war situation."

In May, Johnson was sent to Vietnam with orders to "encourage" Diem to request U.S. ground troops. At first, Diem balked, arguing that he did not want foreign troops on Vietnamese soil unless he was threatened with outside attack.

By October, however, after a summer of deterioration, Diem changed his mind and made the solicited request.

Kennedy had then decided to send Gen. Maxwell D. Taylor and Walt W. Rostow on a fact-finding mission to Saigon. In advance, he requested a Pentagon assessment.

The Pentagon concluded that the "vast majority" of the Viet Cong troops were of local origin and that there was little evidence that they were receiving major supplies from outside. It recommended the dispatch of 22,800 troops—11,000 combat and 11,800 support—to be in a position to seal the border against possible infiltration.

MANPOWER NEEDS ESTIMATED

The Joint Chiefs of Staff calculated that three divisions, about 100,000 men, would be needed if North Vietnam invaded, and six divisions and possibly tactical nuclear weapons if Communist China intervened.

On the way to Vietnam, Taylor and Rostow stopped in Hawaii, where Adm. Harry D. Felt, the Pacific commander, told him that his plans were drawn on the "assumption" that tactical nuclear weapons would be used if necessary following a North Vietnamese or Chinese invasion.

Upon his return, Taylor urged Kennedy to deploy 8,000 U.S. troops but administration officials put out the word that he had recommended only advisers. Taylor conceded that commitment of the troops ran the risk of the U.S. commitment "escalating into a major war in Asia."

STRATEGIC RESERVE WEAK

He also acknowledged that the Army's strategic reserve was so weak that the United States could "ill afford any detachment of forces." Nevertheless, Taylor insisted Kennedy should deploy the 8,000 troops, because he did not believe "our program to save South Vietnam will succeed without it."

In an early foreshadowing of things to come Taylor noted that North Vietnam was "extremely vulnerable to conventional bombing" and recommended that the weakness be "exploited diplomatically" in Hanoi.

Taylor posed three options for Kennedy: (1) to remove Diem in favor of a "military dictatorship" that would give dominance to the army's needs; (2) to remove Diem for a "figure of more dilute power" who would delegate more authority to the military; (3) to use a U.S. presence to "force the Vietnamese to get their house in order."

After noting that it would be "dangerous for us to engineer a coup under present tense circumstances," Taylor recommended the third option.

RUSK RESPONDS WITH WARNING

Sec. of State Dean Rusk responded to Taylor's report with caution, warning against "committing American prestige to a losing horse."

Defense Sec. Robert S. McNamara, on the other hand, viewed the proposed force of 8,000 troops as a move that could get the United States "mired down in an inconclusive struggle." He recommended a "firm initial position," saying the American people would respond better to bold action. He suggested as many as 205,000 U.S. troops might be necessary if the enemy counterattacked against the U.S. military intervention.

Kennedy's decision was to reject Taylor's proposal for an open commitment and to send U.S. troops to Vietnam slowly and quietly as "advisers."

In National Security Memorandum 111, however, Kennedy made it clear that the troops were available for "operational duties" and for "performing crucial missions" to help the South Vietnamese army "win their war against the Viet Cong."

Kennedy deepened his commitment to a non-Communist South Vietnam despite a report by Charles Maechling Jr., chairman of the committee of deputies on the special group, that: "If free elections were to be held in South Vietnam in 1962, Ho (North Vietnamese President Ho Chi Minh) would get 70 per cent of the popular vote."

Maechling estimated that the Viet Cong were getting only a trickle of supplies from North Vietnam and noted that no one had ever found a Chinese rifle or Soviet weapon used by the guerrillas.

He concluded that the "massive aggression theory was completely phony."

Kennedy got essentially the same word from a White House aide, Michael Forrestal, upon his return from Vietnam in early 1963. Forrestal estimated that "the vast bulk of both recruits and supplies come from inside South Vietnam itself."

SECRET RAIDS ON NORTH

Other matters, related in the documents and previously reported on, show that

President Kennedy ordered an extensive program of secret raids on North Vietnam in March of 1961, three years before the Gulf of Tonkin incident.

The documents show that the raids included airlifting South Vietnamese sabotage teams into North Vietnam, PT-boat attacks on the North Vietnamese coast, and U.S. destroyer patrols to trigger and locate North Vietnamese and Communist Chinese radar.

The documents, disclose to the Sun-Times by several reliable sources, reveal that the raids were carried out under the direction of two super-secret agencies in Washington—the 303 Committee and Special Group Counter-Insurgency, co-chaired by the President's brother, Robert F. Kennedy.

[From the Chicago Sun-Times, June 24, 1971]

ANTI-DIEM PLOTTER TOLD U.S. AIDES IN ADVANCE

(By Morton Kondracke and Thomas B. Ross)

WASHINGTON.—Top-secret Pentagon documents disclose that a key plotter against South Vietnamese President Ngo Dinh Diem informed the U.S. Embassy 26 days before the successful coup that assassination of Diem was one of three courses of action being contemplated.

The coup, by military officers, took place Nov. 1, 1963, and Diem and his brother, Secret Police Chief Ngo Dinh Nhu, were captured and murdered the next day.

Sources, which involved the Pentagon study, indicate that the administration of President John F. Kennedy did not order or engineer the coup, although it gave many signals that the coup would not be unwelcome, The Sun-Times learned Wednesday.

LODGE, GENERAL AT ODDS

Before the coup, documents reveal, there was an intense dispute over it within the U.S. mission in Saigon between Ambassador Henry Cabot Lodge, who favored it and Gen. Paul Harkins, U.S. military commander, who opposed it.

When the coup was actually under way, Diem called Lodge at the U.S. Embassy, asking whether the United States supported it. Documents disclose that Lodge's reply was that the United States did not have a position.

Although Lodge expressed concern for Diem's safety in that phone call on Nov. 1, the president and his brother, Nhu, were captured and killed the next day.

The coup followed months of tension between the Roman Catholic Nhu family and Buddhists in the country and increasing U.S. feeling that no successful effort could be waged against Vietnamese Communists under their authoritarian regime.

DEBATE AT TOP LEVELS

Until Oct. 2, 1963 there was debate within the highest councils of the administration over proposals that Diem be pressured into firing his brother in order to save himself.

On Oct. 2, Defense Sec. Robert S. McNamara and Gen. Maxwell Taylor returned from a fact-finding mission, and from that point forward a consensus developed that Diem and Nhu could not be separated.

In Saigon, on the same day, an agent of the U.S. Embassy met with Vietnamese Maj. Gen. Tran Van Don at Ton Son Nhut Airport.

The embassy had approved the meeting, according to Pentagon documents and other sources.

Don told the embassy agent that a plot was under way for a coup, and that the key to whether it would take place was the II Corps commander, Maj. Gen. Ton That Dinh.

CONTACTS WITH PLOTTERS OK'D

On Oct. 5, President Kennedy approved of continuing contacts with the plotters, documents reveal.

The President's order was: "No initiative should be taken to give any active covert encouragement to the coup, but urgent efforts should be made to build contact with alternative leadership" should it occur.

On the afternoon of Oct. 5, with Lodge's approval, the embassy's agent met with another plot leader, Gen. Duong Van Minh, who said he had to know what the U.S. position would be if a coup took place.

Minh told the embassy agent that one of three plans being contemplated by the plotters was the assassination of Diem.

UNITED STATES "WOULD NOT THWART"

The embassy agent was noncommittal, documents reveal, but later on the same day Lodge recommended to Washington that when the plotters again contacted the embassy agent, he should be authorized to say that the United States "would not thwart" a coup and that the United States would review its plans and support a successor regime.

On Oct. 6, Washington confirmed that the U.S. position would be that it would not thwart a coup if it offered the prospect of a more efficient fight against the Viet Cong.

"Security and deniability," Washington decided, were paramount considerations in all contacts with the plotters.

The disagreement between Harkins and Lodge emerged in actions from Oct. 22 to the date of the coup Nov. 1.

CAUTIONED BY HARKINS

On Oct. 22, Harkins met with Gen. Don and told Don that U.S. officers were not to be approached about a coup because it distracted them from their foremost purpose, which was thwarting the Communists.

Don apparently took this as a sign of U.S. discouragement, and on Oct. 23 renewed his contact with the embassy's agent, asking for clarification. Don was reassured of the U.S. attitude, documents indicate.

On Oct. 24, Diem invited Lodge to his villa in Dalat. The same day, another contact took place between Don and the embassy agent. The agent assured Don that Harkins had been corrected.

Don advised that the coup was scheduled for Nov. 2 and that another meeting would be scheduled for reviewing plans.

That evening, Don told the agent that the coup committee was committed not to reveal plans but that special memos would be filed for Lodge's eyes only.

TIME FOR ACTION SEEN

On Oct. 25, Lodge argued within embassy circles that the time had come to go ahead with a coup. He took exception to Harkins' reservations.

Harkins reportedly believed that the generals would not be capable of mounting a successful coup.

On Oct. 28, Don informed the embassy that it would receive four hours' notice before the coup.

On Oct. 29—not Nov. 1, as the United States announced to the press—the Navy was ordered to have ships standing by, prepared to rescue U.S. dependents and civilians.

NO U.S. VIEW, DIEN TOLD

In another discussion Oct. 29, Harkins repeated his disagreement with Lodge's attitude toward the coup, and reiterated that the generals were incapable of accomplishing their mission. Lodge said he disagreed.

On Nov. 1, Gen. Don called Harkins to advise him that the coup was under way.

Diem, according to documents, called Lodge and asked where the United States stood. Lodge "expressed concern for Diem's safety" and said the United States "did not have a view yet."

The plotters, gathered at the Vietnamese joint general staff headquarters in Saigon earlier had called Diem and told him to surrender, but he refused.

FLEE TO SAIGON SUBURBS

At 5 p.m., the generals again called Diem and this time ordered Col. Le Quang Tung to take the phone and inform Diem and Nhu that even the special forces, which Tung commanded, had surrendered.

After the phone call, Tung was taken out of the headquarters and shot.

At 6:50 a.m. on Nov. 2, Diem and his brother escaped from the presidential palace, which had been surrounded, to a hideout in the Saigon suburbs.

When that was surrounded, they escaped again to a Roman Catholic church, where they were finally caught. They were killed en route to Vietnamese military headquarters.

The following day, Nov. 3, Gen. Don called on Lodge, who promised immediate restoration of U.S. aid programs—cut back to place pressure on the Diem regime—and assured the generals of immediate U.S. support. The United States announced its recognition of the new regime on Nov. 7, the day after it asked to be recognized.

[From the Chicago Sun-Times, June 25, 1971]

IKE'S TWO-VIET PLAN IS REVEALED

(By Morton Kondracke and Thomas B. Ross)

WASHINGTON.—The late President Dwight D. Eisenhower secretly established in 1958 a national policy to eliminate Communist control in Hanoi and reunite North and South Vietnam under a pro-U.S. government, official documents revealed Thursday.

In a National Security Council paper, NSC 5809, dated April 2, 1958, Eisenhower directed the government to "work toward the weakening of the Communists of North and South Vietnam in order to bring about the eventual peaceful reunification of a free and independent Vietnam under anti-Communist leadership."

Eisenhower took the decision, the documents show, at the high point of his confidence in Ngo Dinh Diem's ability to emerge as a truly national, anti-Communist leader.

Diem, who has been installed as prime minister by the United States in 1954, impressed Eisenhower and Sec. of State John Foster Dulles with his unexpected efficiency in putting down a number of dissident sects in 1955.

Just before the crackdown, Gen. J. Lawton Collins, Eisenhower's envoy in Saigon, recommended that Diem be removed. Dulles concurred and the State Department sent a cable to the U.S. Embassy directing that Diem be kicked upstairs into the presidency, then a figurehead position.

Surprised at Diem's forceful performance against the sects, Washington revoked the cable and ordered it burned.

Eisenhower and Dulles were also encouraged by the seemingly mild reaction to Diem's decision to cancel the 1956 national elections, which had been agreed upon in the 1954 Geneva (Switzerland) accords.

RED VICTORY AT POLLS SEEN

Eisenhower acquiesced in Diem's move on the basis of a Central Intelligence Agency assessment that the Saigon government "almost certainly would not be able to defeat the Communists in countrywide elections."

The documents indicate a growing sense of optimism between 1955 and 1958 in Diem's possibilities as a leader of both halves of Vietnam. But just as NSC 5809 was being promulgated, the Viet Cong launched their insurgency. And although the paper remained national policy, the documents indicate the Eisenhower administration was subsequently forced to concentrate on salvaging Diem's regime.

The documents, disclosed to The Sun-Times by a number of reliable sources, also revealed these previously unpublished facts about the U.S. involvement in Vietnam:

(1) All contingency planning for the bombing of North Vietnam was completed by mid-June, 1964, but the White House passed the order to mark time "during the next six months," that is, until December, the month after the Presidential election.

(2) Former President Lyndon B. Johnson was advised by a top-level panel in early 1964 that bombing North Vietnam would not win the war. Soon after the bombing began it was evident that it was not working and this was confirmed by an exhaustive study in 1967, a full year before it was stopped in November, 1968.

(3) A few days after taking office, Mr. Johnson issued a National Security Memo, NSAM 273, on Nov. 26, 1963 ordering plans for "possible increased activity" in secret raids on North Vietnam.

(4) From the beginning of the direct U.S. military involvement, high-ranking officials had difficulty estimating how many civilians were included in casualty figures. White House adviser Michael Forrestal observed after a visit to Vietnam in 1963: "No one really knows how many of the 20,000 'Viet Cong' killed last year were only innocent, or at least persuadable, villagers."

(5) William Jorden, a key Vietnam specialist, was sent to South Vietnam in 1963 to draw up evidence to support the administration's contention of massive infiltration by North Vietnam. He reported back: "We are unable to document and develop any hard evidence of infiltration."

(7) Gen. Maxwell D. Taylor was the principal exponent of the domino theory inside the Johnson administration. As chairman of the Joint Chiefs of Staff, Taylor warned on Jan. 22, 1964, that the fall of South Vietnam would result in the immediate loss of Laos, Thailand and Cambodia. He also warned that there could be a dangerous reaction in Burma, India, Indonesia, Malaysia, Japan, Taiwan, Korea and the Philippines and possibly similar "unfavorable effects" in Africa and in Latin America.

The CIA, on the other hand, consistently argued that it was unlikely that any other country would go Communist.

CIA ESTIMATE DISREGARDED

The documents show that the CIA was largely disregarded by the policy-makers from the start of the U.S. involvement. The thrust of the CIA's estimates in the early years was that Ho represented an almost irresistable nationalist force and Diem showed no promise of establishing a solid non-Communist government.

In a National Intelligence Estimate of August, 1954, the CIA said it did "not believe there will be the dramatic transformation in French policy necessary to win the active loyalty and support of the local population for a South Vietnam government. . . .

"Although it is possible that the French and the Vietnamese, even with support from the U.S. and other powers, may be able to establish a strong regime in South Vietnam, we believe that the chances for this development are poor and, moreover, that the situation is more likely to continue to deteriorate progressively over the next year."

FIND HIGH REGARD FOR HO

The CIA concluded in another document at the time that "the most significant particular political sentiment of the bulk of the population was an antipathy for the French combined with a personal regard for Ho Chi Minh as the symbol of Vietnamese nationalism."

The CIA predicted that the Communists would remain in a state of "relative quiescence" if Diem held the 1956 national elections as required by the 1954 Geneva accords that ended the war with the French. In effect, the CIA argued that Diem provoked the Communist uprising by reneging on the elections.

The documents show that Eisenhower was warned in advance by the CIA that Diem would balk at the elections but did nothing to see that they were held.

BRANDED A DICTATORSHIP

Eisenhower and Sec. of State John Foster Dulles decided to commit the United States to the regime, despite a 1957 estimate by the CIA that:

"A facade of representative government is maintained, but the government is in fact essentially authoritarian. The legislative powers of the National Assembly are strictly circumscribed; the judiciary is undeveloped and subordinate to the executive; and the members of the executive branch are little more than the personal agents of Diem.

"No organized opposition, loyal or otherwise, is tolerated, and critics of the regime are often repressed. . . . The exercise of power and responsibility is limited to Diem and a very small circle mainly composed of his relatives."

[From the Chicago Sun-Times, June 25, 1971]

BOMBING OF NORTH VIETNAM DESCRIBED AS A FAILURE

(By Morton Kondracke and Thomas B. Ross)

WASHINGTON.—Secret Pentagon "war games" indicated early in 1964 that strategic bombing of North Vietnam might be a failure, and other high-level studies in 1967 concluded that the policy had indeed failed.

Despite the warnings of 1964, which emerged from computerized "Sigma games" reminiscent of the movie "Dr. Strangelove"—the administration of former President Lyndon B. Johnson ordered the bombing to begin in March, 1965, under the code name "Rolling Thunder."

And despite the analyses of 1967—which include photos of war materiel leaving Yugoslavia and arriving in North Vietnam—the bombing was not finally halted until late 1968.

The early war games predicted—correctly—that North Vietnam could station civilians on airstrips to deter U.S. bombing and, if they were hit anyway, could use the fact to propaganda advantage.

After the bombing had been under way for 2½ years, the 1967 study showed that exaggerated claims for the success of the bomb-

ing had been fabricated in Vietnam and were believed by high-ranking officials in Washington.

Top-secret Pentagon documents and other sources also indicate a set of significant switches in U.S. aims in bombing North Vietnam. At first, the Johnson administration thought bombing stationary targets would break the will of North Vietnam and its leaders. Within a month, however, U.S. officials concluded that bombing would not accomplish that purpose, and the United States began trying to interdict supplies heading from North Vietnam to South Vietnam.

By April 20, 1965, the U.S. command concluded that bombing the north would not win the war, and that victory could come only by defeating the Viet Cong on the ground in South Vietnam.

Nevertheless, the bombing continued until it was stopped totally on the eve of the 1968 presidential elections.

In 1967, a study panel headed by Defense Undersecretary Paul Nitze concluded that the results of the bombing had been largely negative. The study concluded that there was no way to stop the flow of materiel into North Vietnam and no way to interdict it on its way to the south.

Ninety-five per cent of North Vietnam's war supplies entered through Haiphong Harbor—a forbidden target under President Johnson's rules. Had the harbor been attacked, however, supplies could have been shipped in by railroad from Port Biurd in China.

In 2½ years of bombing, the study concluded, North Vietnam had the same number of trucks—11,000—as it had when the bombing began, only they were new trucks in 1967, replacing the old ones of 1965.

The United States had knocked out 70 per cent of North Vietnam's electrical plants, yet the north had more generating capacity than it had before the war started. Diesel generators had been shipped in.

BOMBS DUMPED AT SEA

Further, evidence indicated that U.S. policy encouraged U.S. pilots to dump their bombs at sea or avoid their primary targets.

Military budgets depended on flying the maximum number of sorties authorized by Washington, meaning that pilots had to make two bombing runs a day. To do that, they would have had to fly the shortest route to target, which were known as "milk runs," that were saturated with enemy antiaircraft defenses.

A pattern developed: Pilots would fly part of the milk run only, drop their bombs short of target or in the sea, fly back to their bases—getting credit for one sortie—refuel, then fly out and bomb secondary targets outside North Vietnam, either along the Ho Chi Minh Trail or elsewhere in Laos.

Documents indicate that the North Vietnamese became accustomed to the pattern and scheduled truck traffic along the Ho Chi Minh trial to coincide with the arrival of second sorties.

Documents indicate that 15 minutes before the planes arrived at their secondary target, the trucks moved off the trail, waited in the bush, watched the bombs drop, then continued on their way.

STATISTICS REPORTED DOCTORED

There was a high sortie rate and a large consumption of bombs but, indications were that statistics were doctored to make it appear to Washington that the planes were dropping their ordnance on primary targets in North Vietnam.

The Nitze study reached conclusions, after 2½ years of bombing, that were similar to the predictions laid down by top-secret study groups in 1963 and early 1964. One of these was an interagency task force, the Vietnam Working Group, headed by William H. Sullivan, currently deputy assistant secretary of state for East Asian Affairs.

Simultaneously, high-level officials were meeting periodically in the Pentagon's war game rooms to play "Sigma games," the devising of possible U.S. bombing strategies, likely North Vietnamese counterstrategies, and U.S. counter-counterstrategies.

The officials were split into a "Red Team," headed by Marshall Green, assistant secretary of state for East Asian affairs, matched against a "blue team" that consisted of McGeorge Bundy, then President Johnson's national security adviser; his brother, William, from the State Department, and Generals Earle Wheeler, chairman of the Joint Chiefs of Staff, and Curtis E. LeMay, Air Force chief of staff.

THEY PLAN HANOI ROLES

It was Green's team, playing the roles of Hanoi's leaders, which suggested putting civilians on the airfield runways.

Separately, the Sullivan task force and the Sigma players reached similar conclusions in the spring of 1964; North Vietnam would be able to withstand aerial punishment and expand its aid to guerrillas in the south. Bombing the north would improve the morale of the people there, not break their will, and the United States would inherit the image in the world of "bully."

While documenting a case against strategic bombing, the Sullivan committee recommended Rolling Thunder on other grounds. Its report said: "We must prove to the world U.S. determination to oppose Communist expansion."

The Johnson administration debated through much of election year 1964 whether to institute bombing raids on North Vietnam—but by November the question had become one of how much bombing to do.

REPRISAL RAIDS DECIDED UPON

On Dec. 1, the Pentagon documents reveal, Mr. Johnson decided to begin with reprisal raids on North Vietnam in retaliation for Communist action in the south, and then to gradually escalate the attacks.

The United States, in February, launched two large-scale reprisal raids against the north, responding to a Viet Cong assault on the U.S. military advisers' compound at Pleiku.

On Feb. 13—following more than a year of planning, but appearing to respond to immediate Communist attacks—Mr. Johnson formally approved the start of continuous Rolling Thunder raids. Those raids actually began on March 2.

It became clear early that North Vietnam was not suffering severely under the raids, government documents reveal. Even before Rolling Thunder started, Defense Sec. Robert S. McNamara complained that the previous retaliatory strikes "left the targets relatively unimpaired."

As the war in South Vietnam continued to deteriorate, a debate broke out about what should be done. The U.S. commander in South Vietnam, Gen. William C. Westmoreland, requested permission to allow U.S. troops to fight offensively. U.S. Ambassador Maxwell Taylor wanted the President to end the limitation that no bombing could take place north of the 19th Parallel.

On March 19, 1965, President Johnson compromised—he rejected proposals for a U.S. ground combat role, but agreed to expand the air war.

He shifted the purpose of the bombing on that date—from the bombing of fixed targets to the interdiction of supplies. This signaled the end of purely psychological bombing and the beginning of bombing supplies heading south.

A MESSAGE OF DETERMINATION

Westmoreland told the Joint Chiefs of Staff that the new bombing program "by interrupting the flow of consumer goods to (North Vietnam) would carry to the (North Vietnamese) man in the street, with minimum loss of life, the message of U.S. determination."

The Air Force, according to Pentagon documents, urged raids on Hanoi, but Mr. Johnson ruled that out. McNamara and the President retained tight control over target selection, although the Nitze study later showed that the targets were not always being hit.

With pressures on him from Assistant Defense Sec. John McNaughton to commit ground troops to South Vietnam and contrary pressures from CIA director John McCone and Ambassador Taylor to escalate air strikes, Mr. Johnson ordered his key advisers to an April 20 conference at Honolulu.

Secret documents reveal that the conferees agreed—less than two months after the onset of the Rolling Thunder raids—that the Communists were "not going to capitulate or come to a point acceptable to us in less than six months."

McNamara and McNaughton, in a memo of their own prepared at the time, said "this is because settlement will come as much or more from VC failure in the south as from (North Vietnamese) pain in the north, and that it will take . . . perhaps a year or two, to demonstrate VC failure in the south."

Despite the admission that the war could not be won through air power in the north, the conferees agreed that bombing should continue, but decided it was necessary to increase U.S. troop strength by 82,000 men.

[From the Los Angeles Times, June 24, 1971]

DIEM'S POIGNANT LAST CALL TO LODGE REVEALED

(By David Kraslow)

WASHINGTON.—The transcript of the last conversation President Ngo Dinh Diem of South Vietnam had with any American is the poignant centerpiece of the Pentagon's secret reconstruction of the coup against Diem on Nov. 1, 1963, and his assassination the following day.

At 4:30 p.m. on Nov. 1, several hours after some generals and the units they commanded launched the rebellion in Saigon, Diem telephoned U.S. Ambassador Henry Cabot Lodge Jr. from the presidential palace.

Diem was under siege. Coup forces and the palace guard were fighting. The rebel generals had demanded the surrender of Diem and his brother, Ngo Dinh Nhu, head of the secret police, and had promised them safe conduct out of the country.

The United States was implicated in the coup at least to the extent that the Kennedy administration had pledged noninterference to the rebels.

"Apparently," the Pentagon study reports, "we had put full confidence in the coup committee's offers of safe conduct to the brothers."

ROLE TO CONCEAL

It was against this background that a desperate Diem telephoned Lodge to determine where the United States, which had virtually guaranteed the Diem regime's survival for nine years, stood in the coup.

Lodge's role was to conceal that American officials had been in close contact with the coup plotters for some time and to conceal the U.S. government's position that the coup was desirable if it could succeed.

The following conversation ensued:

Diem: "Some units have made a rebellion and I want to know what is the attitude of the U.S.?"

NOTES TIME DIFFERENCE

Lodge: "I do not feel well enough informed to be able to tell you. I have heard the shooting, but am not acquainted with all the facts. Also it is 4:30 a.m. in Washington and the U.S. government cannot possibly have a view."

Diem: "But you must have some general ideas. After all, I am a chief of state. I have tried to do my duty. I want to do now what duty and good senses require. I believe in duty above all."

Lodge: "You have certainly done your duty. As I told you only this morning, I admire your courage and your great contributions to your country. No one can take away from you the credit for all you have done. Now I am worried about your physical safety. I have a report that those in charge of the current activity offer you and your brother safe conduct out of the country if you resign. Had you heard this?"

URGED TO CALL

Diem: "No. (and then after a pause) You have my telephone number."

Lodge: "Yes. If I can do anything for your physical safety, please call me."

Diem: "I am trying to reestablish order."

That was the last Lodge or any other American heard from Diem, according to the Pentagon study.

During the night Diem and his brother escaped from the palace through one of the secret underground exits connected to the sewer system, the study says. They were met by a Chinese friend who took them to his home in Cholon, a section of Saigon. There the brothers spent their last night.

At 6:50 a.m. Nov. 2, after twice receiving assurances of safe departure from South Vietnam in telephone conversations with the joint general staff headquarters of the South Vietnamese army, Diem and Nhu surrendered unconditionally at a Catholic church.

Shortly thereafter, while en route in the back of an armored personnel carrier to the general staff headquarters, they were assassinated.

"The news of the brutal and seemingly pointless murder of Diem and Nhu . . . was received in Washington with shock and dismay," the Pentagon study noted. "President Kennedy was reportedly personally stunned . . . particularly in view of the heavy U.S. involvement in encouraging the coup leaders . . .

"Thus, the nine-year rule of Ngo Dinh Diem came to a sudden bloody and permanent end, and U.S. policy in Vietnam plunged into the unknown, our complicity in the coup only heightening our responsibilities and our commitment in this struggling leaderless land . . ."

[From the Los Angeles Times, June 24, 1971]

U.S. REJECTED FIRST VIET-PULLOUT ADVICE: KEY RUSK AIDE SPURNED BY TOP KENNEDY COUNCIL

(By Stuart H. Loory)

WASHINGTON.—Advised for the first time that the United States faced a can't-win situation in the Vietnam war, President John F. Kennedy's National Security Council in August, 1963, rejected the recommendation of a State Department expert on Vietnam to pull out honorably, the Pentagon's top-secret history of the war shows.

Instead, Secretary of State Dean Rusk put down such talk from one of his subordinates as "speculative," saying:

"It would be far better for us to start on the firm basis of two things—that we will not pull out of Vietnam until the war is won, and that we will not run a coup."

RUSK OVERRULED ASSISTANT

The expert overruled by Rusk was Paul M. Kattenburg, then head of the State Department's Vietnam Working Group, who had dealt with President Ngo Dinh Diem of South Vietnam for 10 years. Then-Vice-President Lyndon B. Johnson and Secretary of Defense Robert S. McNamara, among other important officials, backed Rusk's view, the account says.

The report on the session, held at the State Department and chaired by Rusk in Mr. Kennedy's absence, is contained in a memorandum written by Marine Maj. Gen. Victor C. Krulak, then the Pentagon's top expert on counterinsurgency.

Krulak's memorandum is included in previously unpublished sections of the report that The Times has obtained. The sections are from the same Pentagon study that was the subject of previous stories in the New York Times, Washington Post and Boston Globe. It was prepared by a team of Pentagon analysts under a directive from McNamara in 1968. The analysts had access to documents only on file in the Defense Department. The analysts did not have access to the complete files at the White House or State Department.

The meeting Krulak describes was called as a "where-do-we-go-from-here" session after a group of Saigon generals failed to bring off a coup against the increasingly unpopular regime headed by Diem.

The meeting was a key session in the period from May to November, 1963, during which non-Communist opposition to the Diem regime grew rapidly and eventually boiled over into the overthrow of Diem and the assassination of him and his brother Ngo Dinh Nhu on Nov. 2.

During the National Security Council session, Kattenburg advanced the suggestion that, in Krulak's words, "At this juncture it would be better for us to make the decision to get out honorably."

The complete text of Krulak's report on Kattenburg's presentation said:

"Mr. Kattenburg stated that as recently as last Thursday it was the belief of Ambassador (Henry Cabot) Lodge (Jr.) that, if we undertake to live with this repressive regime, with its bayonets at every street corner and its transparent negotiations with puppet bonzes (Buddhist monks), we are going to be thrown out of the country in six months.

WOULD NOT SEPARATE

"He stated that at this juncture it would be better for us to make the decision to get out honorably. He went on to say that, having been acquainted with Diem for 10 years, he was deeply disappointed in him, saying that he will not separate from his brother. It was Kattenburg's view that Diem will get little support from the military and, as time goes on, he will get less and less support and the country will go steadily downhill.

"Gen. (Maxwell D.) Taylor (then chairman of the Joint Chiefs of Staff) asked what Kattenburg meant when he said that we would be forced out of Vietnam within six months. Kattenburg replied that in from six months to a year, as people see we are losing the war, they will gradually go to the other side and we will be obliged to leave.

NOLTING DISAGREES

"Ambassador (Frederick) Nolting (who had just left his post in Saigon to be replaced by Lodge) expressed general disagreement with Mr. Kattenburg. He said that the unfavorable activity which motivated Kattenburg's remarks was confined to the city and, while city support of Diem is doubtless low now, it is not greatly so. He said that it is improper to overlook the fact that we have done a tremendous job toward winning the Vietnam war, working with the same imperfect, annoying government."

Rusk dismissed the view and McNamara agreed. Rusk then went on to say there was "good proof," in Krulak's term, that the war was being won. Lyndon Johnson agreed, saying that "from both a practical and a political viewpoint, it would be a disaster to pull out; that we should stop playing cops and robbers and get back to talking straight to the GVN (Saigon government) and that we should once again go about winning the war."

SHARPLY CRITICAL

The Pentagon report on the meeting was sharply critical of the deliberations. It spoke of the officials' "rambling inability to focus the problem, indeed to reach common agreement on the nature of the problem."

The report continues:

"More importantly, however, the meeting is the first recorded occasion in which someone followed to its logical conclusion the negative analysis of the situation—i.e., that the war could not be won with the Diem regime, yet its removal would leave such political instability as to foreclose success in the war; for the first time it was recognized that the U.S. should be considering methods of honorably disengaging itself from an irretrievable situation.

"The other alternative, not fully appreciated until the year following, was a much greater U.S. involvement in and assumption of responsibility for the war. At this point, however, the negative analysis of the impact of the political situation on war effort was not shared by McNamara, Taylor, Krulak nor seemingly by Rusk.

The documents accompanying the account of the precoup period show that Kattenburg's gloomy assessment of the situation dovetailed with the views expressed by South Vietnamese Gen. Duong Van Minh, known as Big Minh, in secret contacts with Lodge.

In mid-September, 1963, when the American high-level military assessment of the war against the Viet Cong was rosy. Lodge cabled President Kennedy:

"I doubt that a public relations package will meet needs of situation which seems particularly grave to me, notably in light of Gen. Big Minh's opinion expressed very privately yesterday that the Viet Cong are steadily gaining in strength: have more of the population on their side than has the GVN; that arrests are continuing and that the prisons are full; that more and more students are going over to the Viet Cong; that there is great graft and corruption in the Vietnamese administration of our aid; and that the 'Heart of the Army is not in the war.' All this by Vietnamese No. 1, general is now echoed by Secretary of Defense Thuan, who wants to leave the country."

CONFLICTS PERVADE

Conflicts and huge gaps in the information reaching Washington pervade the report of the May-November, 1963, period. Not only had the Kennedy administration, the report indicates, failed to see the deterioration in the war efforts; it did not recognize the growing signs in the spring of 1963 that the Diem regime was losing the support of the people.

Nhu, the head of the secret police and important strategic hamlet program, was growing more and more dominant over his brother, the president, the report notes.

POWER OBSESSION

Nhu's wife, the report says, was developing a power obsession of her own.

The regime was growing more isolated from the people.

These facts were not comprehended by U.S. officials at the time. Instead, the line was typically expressed in a briefing for McNarama at a strategy conference in Honolulu in May. The paper read:

"The overall situation in Vietnam is improving. And the military sector of the counterinsurgency, we are winning. Evidences of improvement are clearly visible, as the combined impact of the programs which involve a long lead time begins to have effect on the Viet Cong."

Meanwhile, relations between Washington and Saigon were beginning to deteriorate to the point where those matters, rather than the war, began to preoccupy both capitals.

BIRTHDAY CELEBRATION

The train of events leading to the Diem regime's downfall and the following escalation of the American involvement in the Vietnam war began on May 8, 1963, at a celebration of Buddha's birthday in the an-

cient city of Hue, where the Buddhists were defying a government ban on the flying of religious flags.

The ban had been put into effect by the government after such flags were similarly flown in Hue a month earlier at a ceremony commemorating the 25th anniversary of Ngo Dinh Thuc, the Roman Catholic primate in Vietnam. Thuc was Diem's brother and a close adviser to the South Vietnamese president.

The Roman Catholic Diem family took the Buddhist flag-flying as an affront. A Catholic deputy province chief ordered his troops to fire to disperse the crowd. Nine were killed, including some children. Armored vehicles allegedly crushed some in the crowd.

The Diem government released a statement that the disorder was started by a Viet Cong grenade and that victims had been crushed in a stampede.

The next day, more than 10,000 Buddhists in Hue took part in a protest, beginning the long series of Buddhist protests that included the now-famous self-immolations of Buddhist monks in South Vietnam's cities.

At first Diem refused to negotiate with the Buddhists and then, on June 16, he reached an agreement that he subsequently refused to carry out. In this reversal, he was prodded by Nhu and his wife, who referred to a suicide at one point as a "barbecue."

By July, an American national intelligence estimate—the combined best judgment of all American fact-finding agencies—foresaw a summer of demonstrations and possible non-Communist coup attempt against Diem if he made no effort to conciliate the Buddhists.

But the U.S. mission in Saigon, the study says, failed to see the realities of the situation. It says:

"The explanation of how the U.S. mission became detached from the realities of the political situation in Saigon in August, 1963, is among the most ironic and tragic of our entire involvement in Vietnam."

Despite tough talks from Ambassador Elbridge Durbrow in the late 1950s and up to 1961, Diem had learned, the study says, "that the U.S. was committed to him as the only Vietnamese leader capable of rallying his country to defeat the Communists."

He began to ignore Durbrow "with relative impunity," the study says. "He became adept at playing the role of offended lover."

Durbrow grew increasingly cut off from the presidential palace. Mr. Kennedy appointed Nolting to replace him in 1961 and Nolting, trying a different approach, appeased Diem.

"Both tactics failed," the study says, "because of the American commitment. No amount of pressure of suasion was likely to be effective in getting Diem to adopt ideas or policies which he did not find to his liking since we had communicated our unwillingness to consider the ultimate sanction—withdraw of support for his regime. We had ensnared ourselves in a powerless, no-alternatives policy.

"The denouncement of this policy, the ultimate failure of all our efforts to coerce, cajole and coax Diem to be something other than the mandarin he was, came in the midnight attack on the pagodas."

Unable to coax Diem into reforms, neither could the United States withdraw support from him because of the "political instability and erosion of the war effort," the study says.

At a White House meeting in early July, President Kennedy discussed the possibility of a coup with Undersecretary of State George Ball; W. Averell Harriman, undersecretary for political affairs; McGeorge Bundy, White House national security affairs adviser; Roger Hilsman, assistant secretary of state for Far Eastern affairs, and Michael Forrestal, a member of Bundy's staff.

The group agreed, according to a Hilsman memorandum, "that it would not be possible" to get rid of the Nhus. Hilsman said a coup would "most likely" result in a civil war in Vietnam—a civil war that would take place alongside the fight against the Viet Cong insurgency.

The White House session appears to be the first time that a coup was considered at the highest level in Washington.

Meanwhile, optimistic reports continued to flow from the field. Gen. Krulak reported that the political strife had not hurt the war effort. But American correspondents in Saigon were reporting the situation differently and the Pentagon study says those newspaper accounts were, "in retrospect, nearer the reality."

It cites, as typical, a dispatch by David Halberstam to the New York Times on Aug. 15 "presenting a very negative appraisal of the war in the Delta." The study's retrospective view of Halberstam's work is ironic, since Mr. Kennedy in October, 1963, suggested to the New York Times' management that Halberstam be assigned elsewhere. The N.Y. Times refused to do so.

NOLTING REPLACED

During the summer President Kennedy replaced Nolting with Lodge, who had had long experience in Southeast Asia. While the new ambassador was preparing to go to his post, Nhu arranged the famous Aug. 21 raids on the pagodas in Saigon, Hue and all the other major cities. The buildings were ransacked. More than 1,400 monks were arrested; 30 were injured or wounded in Saigon's Xa Loi pagoda alone.

The raids were carried out by Special Forces troops, trained by the United States government, and Nhu's combat police, although Nhu contrived in a number of ways to make it appear as if the army had conducted them.

KEPT IN DARK

The American Embassy was kept in the dark, though the American correspondents learned of the impending action.

"It was several days before the U.S. Mission in Saigon and officials in Washington could piece together what had happened," the Pentagon study notes.

Not only were the raids a major challenge to the Buddhists by the Catholic Diem regime, they also were an affront to Lodge. He went immediately to Saigon to take up his new post, arriving the day after the raids.

That same day, the study notes, South Vietnamese generals made their first inquiries about U.S. reaction to a possible coup against Diem, at the same time expressing puzzlement over why the Americans were blaming the Army for the raids.

CABLES WASHINGTON

Lodge cabled Washington implicating Nhu as the organizer of the raids, noting the inquiries from the generals and asking for instructions on Aug. 24, which was a Saturday.

Hilsman, Harriman, Ball and Forrestal moved quickly and decisively, giving approval for American support of a coup. As it happened, most of the top-level members of the government were out of town.

The Hilsman group's cable to Lodge said:

"It is now clear that whether military proposed martial law or whether Nhu tricked them into it, Nhu took advantage of its imposition to smash pagodas with police and . . . special forces loyal to him, thus placing onus on military in eyes of world and Vietnamese people. Also clear that Nhu has maneuvered himself into commanding position.

"U.S. government cannot tolerate situation in which power lies in Nhu's hands. Diem must be given chance to rid himself of Nhu and his coterie and replace them with best military and political personalities available.

REPLACEMENT SUGGESTED

"If in spite of all your efforts. Diem remains obdurate and refuses, then we must face possibility that Diem himself cannot be preserved.

". . . You may also tell appropriate military commanders we will give them direct support in any interim period of breakdown central government mechanism . . ."

"Concurrently with above, ambassador and country team should urgently examine all possible alternative leadership and make detailed plans as to how we might bring Diem's replacement if this should become necessary . . .

Lodge quickly endorsed the strong position, proposing even not to bother with a final approach to Diem. He cabled Washington:

"Believe the chances of Diem meeting our demands are virtually nil. At the same time by making them we give Nhu chance to forestall or block action by military. Risk, we believe, is not worth taking, with Nhu in control combat forces Saigon. Therefore, we propose to go straight to generals with our demands, without informing Diem. Would tell them we preferred have Diem without Nhu but it is, in effect, up to them whether to keep him."

FAVORABLE PROSPECTS

Meanwhile, according to the study, CIA station chief John Richardson was reporting that prospects of a coup succeeding were favorable with Big Minh emerging as the most likely postcoup government head.

Meanwhile, two CIA agents—a Lt. Col. Conein and a Mr. Spera, neither of whom are further identified in the study—made contact with the generals.

By Monday, Hilsman reports, McNamara, Gen. Taylor and McCone began to have second thoughts about supporting a coup. By the next day, Gen. Paul Harkins, the American military commander in Saigon, registered his reservations, cabling Taylor:

"In my opinion as things stand now I don't believe there is sufficient reason for a crash approval on our part at this time."

The clash in views between Harkins and Lodge was to grow to the point that, by late October, Harkins was complaining to higher military authorities that Lodge was not showing him important cable traffic. And Lodge would be complaining that in his absence, Harkins should not be left in charge of the American team.

INDEPENDENT JUDGMENT

The debate within the National Security Council grew "testy," in the study's word, and concerned President Kennedy so much that he cabled Harkins and Lodge to each submit to him their "independent judgment," Lodge replied.

"We are launched on a course from which there is no respectable turning back: the overthrow of the Diem government. There is no turning back in part because U.S. prestige is already publicly committed to this end in large measure and will become more so as the facts leak out.

"In a more fundamental sense, there is no turning back because there is no possibility, in my view, that the war can be won under a Diem administration, still less than Diem or any member of the family can govern the country in a way to gain the support of the people who count, i.e., the educated class in and out of government service and military—not to mention the American people."

Harkins replied that Diem should be given an ultimatum to remove Nhu and that after that, there would be time to back the generals. The study does not quote Harkins as it does Lodge.

At a National Security Council meeting, McNamara backed Harkins, the study says, "but the issue was not decided." Rusk cabled Lodge about presenting the ultimatum. Lodge

opposed the idea, not wanting to make any approach to Diem.

Meanwhile, the abortive coup died quietly. An obscure colonel sought out a CIA officer on Aug. 30 and reported, according to the study, "that for the moment the plans of his group had stopped because the risk of failure was too great."

WITHOUT POLICY

Poignantly, the Pentagon analysts described the situation at that point:

"Having at long last decided to seek an alternative to the Diem regime by sanctioning a coup, only to have the attempt fail, the U.S. found itself at the end of August, 1963, without a policy and with most of its bridges burned."

Not part of the Pentagon study was a memorandum from Hilsman to Rusk, declassified on authority of President Johnson in 1968. In it, Hilsman offered several scenarios for dealing with Diem and Nhu, including what he called "a Gotterdammerung in the Palace" with U.S. support of leaders of the anti-Diem coup and destruction of the palace "is necessary to gain victory."

NEVER PRESENTED

This memorandum was prepared for the N.S.C. meeting in which Kattenburg presented his idea for honorable withdrawal, but Rusk never presented the Hilsman memo to the NSC for consideration.

In September, the Kennedy administration fell into a long period of soul-searching and fact-finding. The month began, however, with a statement by Mr. Kennedy on a television news show reaffirming the American commitment to help the Diem regime if Diem would change personnel and develop policies bringing it into closer contact with the South Vietnamese people.

OPPOSES WITHDRAWAL

The President went on to say, however, "I don't agree with those who say we should withdraw. That would be a great mistake."

In Saigon, Lodge met with Nhu and extracted from him a promise to resign. Madame Nhu would go abroad, he promised, and Archbishop Thuc, the other presidential brother, would leave the country. In addition, he promised gestures would be made to ease Buddhist tensions and a prime minister would be named in the government as a public relations gesture. Days passed with nothing happening.

GROWS IMPATIENT

Lodge grew impatient, the study says, and his cables to Washington reflected fears that Nhu was secretly dealing with Hanoi and/or the Viet Cong through the French and Polish ambassadors in Saigon.

Madame Nhu did leave on her trip and Archbishop Thuc did go to Rome but arrests of students by the regime continued, the study says, and "stories of torture and atrocities began to circulate."

Lodge continued to remain aloof from Diem despite an order from Washington to make contact with the South Vietnamese president.

BACKS KATTENBURG

On Sept. 6, the National Security Council met in Washington. The study notes that Hilsman, in his book, reported that Robert F. Kennedy, the attorney general, picked up the Kattenburg line. According to Hilsman:

"As he (Kennedy) understood it, we were there to help the people resisting a Communist takeover. The first question was whether a Communist takeover could be successfully resisted with any government. If it could not, now was the time to get out of Vietnam entirely rather than waiting.

"The answer was that it could, but not with a Diem-Nhu government as it was now constituted; we owed it to the people resisting Communism in Vietnam to give Lodge enough sanctions to bring changes that would permit successful resistance. But the basic question of whether a Communist takeover could be successfully resisted with any government had not been answered, and he was not sure that anyone had enough information to answer it."

KRULAK DISPATCHED

The study says: "(Robert) Kennedy's trenchant analysis, however, did not guarantee a . . . reappraisal of U.S. policy. It did stimulate further efforts to get more information on the situation."

President Kennedy sent Krulak and Joseph Mendenhall, a foreign service officer with long experience in Vietnam, to South Vietnam to study the situation. The CIA sent its own top-ranking but unidentified man to make an independent assessment.

Krulak, the report says, made a whirlwind tour of all four corps areas, talking to Harkins, Lodge, 87 U.S. advisers and 22 Vietnamese officers. Mendenhall went to Saigon, Hue, Da Nang and other cities talking to all Vietnamese friends.

Back in Washington, both reported to President Kennedy and the Security Council, Krulak optimistically, Mendenhall with pessimism. Krulak said the war was being won impressively; Mendenhall said it could not be won with the present regime. Krulak said the South Vietnamese military viewed the Buddhist crisis with detachment; Mendenhall said a religious war threatened. Krulak said news of Nhu's ouster would solve problems; Mendenhall said a breakdown of civil government could occur.

President Kennedy said: "You two did visit the same country, didn't you?"

Meanwhile, a similar split in opinions developed in the American Embassy in Saigon, the study notes. Harkins, Richardson and the director of the aid mission argued that the war effort had not been affected by the Buddhist crisis and Diem's loss of popular support. Lodge, Mendenhall and John Mecklin, United States Information Agency director in Saigon, argued that it did.

By mid-September, the Kennedy administration decided not to fan the flames of the coup. After a National Security Council meeting, the White House cabled Lodge:

ALSO OPTIMISTIC

"We see no good opportunity for action to remove present government in immediate future; therefore, as your most recent message suggests, we must, for the present, apply such pressures as are available to secure whatever modest improvements on the scene as may be possible . . . such a course, moreover, is consistent with more drastic effort as and when means become available."

At the same National Security Council meeting, President Kennedy decided to escalate the level of fact-finders going to Vietnam. He ordered McNamara and Taylor to make a trip. Like Krulak, they returned with an optimistic view of progress against the Viet Cong. They noted that the "serious political tensions in Saigon" (the study's phrase) could "erode the favorable military trend."

In Saigon, McNamara and Lodge called on Diem. Although authorized by Mr. Kennedy, McNamara did not ask for Nhu's removal. Neither did he and Lodge deliver, as they were authorized if they felt wise, a tough letter from Mr. Kennedy to Diem.

McNamara and Taylor reported that continued American pressures on Diem would only harden the regime's attitudes, the study says. But, noting the American dilemma, they reported that without such pressure "past patterns of behavior" would continue.

RECOMMENDS REVIEW

Militarily, the McNamara-Taylor report recommended that Gen. Harkins should review the war effort with Diem with a view toward winning the war throughout the country except the Mekong Delta area by the end of 1964, and in the Delta by the end of 1965.

The two further proposed withdrawing 1,000 American troops by the end of 1963. Mr. Kennedy approved that, authorized announcement of the withdrawal but ordered that implementation of the withdrawal not be announced.

In the wake of the McNamara-Taylor report, the Kennedy administration, the study noted, settled on the course of applying pressure on its ally in Saigon to make reforms.

Though McNamara and Taylor had found no evidence of a coup in the making, such a move was forming. And on Oct. 2, three days after they left, the generals once again sought out American officials to determine the U.S. attitude toward the prospective overthrow of Diem.

Conein, the CIA man, began a long series of contacts with the generals that were reported in detail by Lodge to Washington. Washington instructed Lodge to react this way:

". . . President today approved recommendations that no initiative should now be taken to give any active covert encouragement to a coup. There should, however, be urgent covert effort with closest security under broad guidance of ambassador to identify and build contacts with possible alternative leadership as and when it appears.

"Essential that this effort be totally secure and fully deniable and separated entirely from normal political analysis and reporting and other activities of country team. We repeat that this effort is not to be aimed at active promotion of coup but only at surveillance and readiness . . ."

As the planning progressed, with Lodge giving no discouragement, a hitch developed when Harkins approached one of the generals involved and tried to discourage the coup.

Asked by Lodge about this, Harkins replied, according to the Pentagon study, that he had misunderstood the instructions from Washington; that he was only trying to discourage activities by South Vietnamese soldiers that would hinder the effort against the Viet Cong.

A South Vietnamese general later complained to Conein that Harkins' discouragement had forced cancellation of plans to stage the coup on Oct. 26, a Vietnamese national holiday.

The incident, the study says, "once again highlighted the differing outlooks of the ambassador and MACV (American Military Command) and underscored lack of close coordination between them."

The South Vietnamese generals distrusted Harkins. Lodge, responsive to their fears, kept information to himself, the study says.

As planning progressed, Washington began to worry more and more about its success and ordered Lodge to urge a go-slow attitude on the generals, the study says. Lodge replied that the United States was committed.

Harkins, belatedly learning of all the planning, cabled his superiors:

"I would suggest we not try to change horses too quickly. That we continue to take persuasive actions that will make the horses change their course and methods of action. That we win the military effort as quickly as possible, then let them make any and all changes they want.

"After all, rightly or wrongly, we have backed Diem for eight long hard years. To me it seems incongruous now to get him down, kick him around, and get rid of him. The U.S. has been his mother superior and father confessor since he's been in office and he has leaned on us heavily."

By Oct. 30, Harkins was disagreeing with Lodge to such a great extent that Lodge was reporting the fact in his cables. Lodge was reporting he did not have "the power to delay or discourage a coup."

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TELLS U.S. INTEREST

On Oct 30, still nervous about the possible failure of a coup, McGeorge Bundy cabled Lodge, saying:

"Once a coup under responsible leadership has begun, and within these restrictions, it is in the interest of the U.S. government that it should succeed."

The rest of the cable outlined instructions on how to act during the coup; reject all appeals for intervention on both sides; perform acts agreeable to both sides "in event of indecisive contest," if coup fails, give asylum, on Lodge's discretion, to those taking part. But they should seek asylum first in another embassy.

NO INTIMATE KNOWLEDGE

By not taking steps to thwart the coup, the United States had acted in complicity with the generals. But nonetheless, neither Lodge nor anyone else on the embassy staff, according to the study and the documents, had intimate knowledge of when the coup would take place.

A day after Bundy's cable to Lodge, preliminary movements by the plotters to secure their forces against counterattack were put into effect. On Nov. 1 the coup was consummated. On Nov. 2, Diem and Nhu were assassinated.

In the coup aftermath, Viet Cong activity heightened. But more worrisome, according to the study, there were indications that under Diem, the real military situation had been distorted by "regular and substantial classification in the military reporting system." The situation had been made to appear less serious than it was. But "as time wore on, the accumulating evidence of the gravity of this military situation displaced the sanguine prognoses."

ANOTHER SESSION

Another Honolulu strategy session was planned for Nov. 20. At Honolulu, the conferees drafted a national security action memorandum stating the purpose of the United States as one "to assist the people and government of that country (South Vietnam) to win their contest against the externally directed and supported Communist conspiracy."

It called for the withdrawal of troops, directing a withdrawal of 300 by Dec. 3. It ordered maintenance of military and economic aid to the new regime and, in the study's words, "plans were requested for clandestine operations by the GVN against the north and also for operations up to 50 kilometers inside Laos; and as a justification for such measures. State was directed to develop a strong documented case to demonstrate to the world the degree with which the Viet Cong is controlled sustained and supplied from Hanoi, through Laos and other channels."

PICKS UP BURDEN

It was a harbinger of the future escalation, drafted on the eve of President Kennedy's assassination.

After the conference—and the assassination—Lodge flew to Washington to confer with President Johnson, who had picked up the burden. The national security action memo, the study says, "was to be extremely short-lived. In the jargon of the bureaucracy, it was simply overtaken by events. The gravity of the military situation in South Vietnam was only hinted at . . . in Honolulu. Its full dimensions would rapidly come to light in the remaining weeks of 1963 and force high-level reappraisals by year's end.

"But probably more important, the deterioration of the Vietnamese position in the countryside and the rapid collapse of the strategic hamlet program were to confront the fragile new political structure in South Vietnam with difficulties it could not surmount and to set off rivalries that would fulfill all the dire predictions of political instability made by men . . . before Diem's fall."

[From the Los Angeles Times, June 26, 1971]

A SMALL STEP LED TO ASIAN LAND WAR—PENTAGON STUDY TELLS DECISION TO DEPLOY MARINES

(By Stuart H. Loory)

WASHINGTON.—The Johnson Administration, without extensive consideration, made a watershed decision without recognizing it, that ultimately involved the United States in a land war in Asia, according to the secret Pentagon study.

Gen. William C. Westmoreland and Ambassador Maxwell D. Taylor each recognized the significance of what appeared to be a small step—the deployment of 3,500 marines in March, 1965, to protect the growing air base at Da Nang.

The American press corps in Saigon agreed that the move was pivotal, but Washington saw it only as a step limited to the defense of the air base.

Westmoreland urged the decision for deployment on Washington. Taylor had strong reservations about it and went along reluctantly.

MAJOR HISTORICAL EVENT

"The landing of the marines at Da Nang was a watershed event in the history of the U.S. involvement in Vietnam," the study says. "It represented a major decision made without much fanfare—and without much planning.

"Whereas the decision to begin bombing North Vietnam was the product of a year's discussion, debate and a lot of paper, and whereas the consideration of pacification policies reached Talmudic proportions over the years, this decision created less than a ripple.

"A mighty commandment of U.S. foreign policy—thou shalt not engage in an Asian land war—had been breached. Besides Cincpac (the military commander-in-chief in the Pacific) and Gen. Westmoreland who favored the deployment, Ambassador Taylor who concurred with deep reservation, and (John) McNaughton (assistant defense secretary for international security affairs), who apparently tried to add a monkey wrench, this is a decision without faces.

"The seeming ease with which the marines were introduced and the mild reaction from Hanoi served to facilitate what was to come. It also weakened the position of those who were, a few scant months later, to oppose the landing of further U.S. ground combat forces."

When the 3,500 marines were sent into Da Nang there was little thought that they would presage a troop buildup that would eventually grow to more than 540,000 men. They were intended by President Lyndon B. Johnson and his advisers only to protect the air base at Da Nang against mortar and rocket attacks by the Viet Cong.

At that time, Da Nang, in the northern part of South Vietnam, was a base from which the first of the bombing raids against North Vietnam were being flown.

The air war against the north was begun at a time when the outlook for the survival of the United States-supported Saigon regime was gloomy from almost every point of view. Indeed, the bombing of the north was begun, according to the study, not only to raise the price of North Vietnamese participation in the war but to boost the morale of the South Vietnamese, the study shows.

Portions of the study which the Los Angeles Times has obtained and which were previously unpublished, show that Taylor, a general who had served as chairman of the Joint Chiefs of Staff before taking over as ambassador in Saigon, sought to warn the Johnson administration of the dangers of deploying the marines.

REVERSING POLICY

"I develop grave reservations as to wisdom and necessity of so doing," he cabled Washington. "Such action would be a step in reversing long standing policy of avoiding commitment of ground combat forces in SVN (South Vietnam). Once this policy is breached, it will be very difficult to hold line. . . .

"Once it becomes evident that we are willing to assume such new responsibilities, one may be sure that GVN (government of South Vietnam) will seek to unload other ground force tasks upon us.

"Increased number of ground forces in SVN will increase points of friction with local population and create conflicts with RVNAF (Republic of Vietnam armed forces) over command relationships. These disadvantages can be accepted only if there is clear and unchallenged need which can be satisfied only by U.S. ground forces. . . .

"The use of marines in mobile counter-VC (Viet Cong) operations has the attraction of giving them an offensive mission and one of far greater appeal than that of mere static defense. However, it would raise many serious problems which in past have appeared sufficiently formidable to lead to rejection of use of U.S. ground troops in a counterguerrilla role.

UNSUITABLE SOLDIERS

"White-faced soldier armed, equipped and trained as he is (is) not suitable guerrilla fighter for Asian forests and jungles. French tried to adapt their forces to this mission and failed.

"I doubt that U.S. forces could do much better . . . There would be ever present question of how foreign soldier would distinguish between a VC and friendly Vietnamese farmer. When I view this array of difficulties, I am convinced that we should adhere to our past policy of keeping our ground forces out of direct counter-insurgency role."

Virtually everything Taylor prophesized in Vietnam came true. But when the dire prediction was made, it fell on the deaf ears of policy-makers in Washington.

Taylor's view, according to the study, represented a change in his attitude from the previous August. At that time, in the wake of the Gulf of Tonkin affair, he recommended to Washington the landing of marines at Da Nang to beef up the American support base and defend the airfield.

At that time, the study notes in a footnote. "There is no agonizing over 'white faces.' "

ONLY A BEGINNING

Westmoreland and his staff, according to the study, "saw in the deployment of the marines the beginning of greater things to come . . . The rapidity with which the staff followed on the marine(s) . . . with more proposals would tend to back up such a conclusion.

"It seems hardly a coincidence that Gen. (Harold K.) Johnson (then Army chief of staff) immediately following his briefings by MACV, (American Military Command, Vietnam) returned to Washington and recommended, among other things, that a U.S. division be deployed to SVN," the study says.

However, insignificant in terms of grand strategy the move seemed in Washington, the American press corps in Saigon viewed it as of major significance.

As an example, the study quotes a dispatch from Los Angeles Times Saigon correspondent Ted Sell, which said, on March 10, 1965: "The landing of the two infantry battalions is in its own way a far more significant act than were earlier attacks of U.S. airplanes, even though those attacks were directed against a country—North Vietnam—ostensibly not taking part in the direct war."

CALLED UNDESIRABLE

Sell, the study notes, went on to quote a high official as saying that the deployment was undesirable "but that doesn't mean we won't do it."

The Pentagon analysts who wrote the study could not determine from the record whether those who actually planned the Marine move (as opposed to those at the top of the

Johnson administration who approved it) really meant it as a one-shot proposition to protect the base or as the wedge in the doorway through which more troops would follow.

"In light of subsequent events, it would be facile to conclude that the modest input of some 3,500 marines at this juncture presaged the massive buildup of U.S. fighting power in Vietnam which brought American military strength in the country to over 180,000 by the end of 1965.

"Except for COMUS-MACV (Westmoreland) who did see it as a first step and welcomed it and Ambassador Taylor who saw it as an unwelcome first step, official Washington regarded the deployment as a one-shot affair to meet a specific situation."

But before the year was half over, the door was open all the way and American combat troops were pouring into the Asian land war in ever-increasing numbers, a trend that was to continue for the next four year.

[From St. Louis Post-Dispatch, June 25, 1971]

McNAMARA: PACIFICATION A FAILURE—DESPAIRED IN 1966 OF QUICK VICTORY, PAPERS SHOW

WASHINGTON, June 25.—Secret Pentagon documents obtained by the Post-Dispatch show that Secretary of Defense Robert S. McNamara was calling the pacification program "a bad disappointment" a year and a half after the massive U.S. build-up in Vietnam began.

"Pacification has if anything gone backward," he said in a memorandum to President Lyndon B. Johnson.

Faint signs of development of national political institutions and a legitimate civil government had not filtered down to province level or below, he wrote.

"As compared with two, or four, years ago, enemy full-time regional forces and part-time guerrilla forces are larger; attacks, terrorism and sabotage have increased in scope and intensity; more railroads are closed and highways cut; the rice crop expected to come to market is smaller; we control little, if any, more of the population; the VC (Viet Cong) infrastructure thrives in most of the country, continuing to give the enemy his enormous intelligence advantage; full security exists nowhere (not even behind the U.S. marines' lines and in Saigon); in the countryside, the enemy almost completely controls the night," he went on.

McNamara gave his bleak judgment in private at a time when he and President Johnson were speaking confidently in public of progress being made in the American military escalation that had begun in the spring of 1965.

"I see no reasonable way to bring the war to an end soon," McNamara wrote.

He told Johnson also that the first year and a half of the bombing of North Vietnam had failed to stem infiltration or to crack Hanoi's morale.

He proposed leveling off the troop build-up at 470,000 and holding the bombing of the north at its current level. The Joint Chiefs of Staff disagreed strongly on both points, the documents showed.

"In essence, we find ourselves—from the point of view of the important war (for the complicity of the people)—no better, and if anything, worse off," McNamara said, comparing the situation with that of 18 months earlier.

"This important war must be fought and won by the Vietnamese themselves. We have known this from the beginning. But the discouraging truth is that, as was the case in 1961 and 1963 and 1965, we have not found the formula, the catalyst, for training and inspiring them into effective action."

The memorandum was quoted in full in parts of a Pentagon history of the United States involvement in Vietnam obtained by the Post-Dispatch. Although other parts quoted by other newspapers in the last two weeks have been described as top secret, the several hundred Xeroxed pages obtained by the Post-Dispatch bore no security classification.

Each Xeroxed page had a blank space at the bottom, however, where a strip of paper had been laid over the place where a security label usually is stamped.

Elaborating on his somber appraisal, McNamara told President Johnson that enemy morale had not been broken.

"He (the enemy) apparently has adjusted to our stopping his drive for military victory and has adopted a strategy of keeping us busy and waiting us out (a strategy of attriting our national will)," McNamara wrote.

He said that the one thing clearly going for the United States in Vietnam over the previous year was the large number of enemy killed in action in the big military operations. He estimated enemy battle deaths at more than 60,000 a year.

"The infiltration routes would seem to be one-way trails to death for the North Vietnamese," he wrote. "Yet there is no sign of an impending break in enemy morale and it appears that he can more than replace his loses by infiltration from North Vietnam and recruitment in South Vietnam."

The narrative history by unnamed Pentagon analysts commented that McNamara's memorandum was a clear no to Gen. William C. Westmoreland, then the U.S. commander in Saigon; Adm. U.S. Grant Sharp, then commander of the Pacific Fleet, and the Joint Chiefs of Staff in their proposals for expanded bombing and major ground force increases.

"But it was a negative with a difference," the historian said.

Among the options it offered was installation of a counterinfiltration barrier across northern South Vietnam, the device later known as the McNamara Line. Another was an intensified pacification program with increased attention paid to physical security, to be provided by having military forces remain in an area after clearing it of enemy troops.

At the proper time, McNamara said, "I believe we should consider terminating bombing in all of North Vietnam, or at least in the northeast zones, for an indefinite period in connection with covert moves toward peace."

On a bombing halt, McNamara proposed that "without fanfare, conditions or avowals" the United States stop bombing all of North Vietnam and then "see what develops, retaining freedom to resume the bombing if nothing useful was forthcoming."

As an alternative, he suggested shifting the bombing largely away from Hanoi and Haiphong to provide the North Vietnamese a face-saving device and "reduce the international heat on the U.N."

He said that the bombing of northeastern North Vietnam could be resumed at any time or spot attacks could be made there from time to time "to keep North Vietnam off balance and to require her to pay almost the full cost by maintaining her repair crews in place."

Actually the bombing of North Vietnam was halted for the first time in 1965 when Mr. Johnson suspended it from May 13 to 19. On Dec. 24, 1965, the bombing was halted again, this time for 37 days.

On March 31, 1968, the air war was halted in the northern part of the country, freeing about 90 per cent of the population of North Vietnam from attack. That was announced in the speech in which Johnson announced he would not seek re-election.

Seven months later, on Nov. 1, 1968, four days before the election of Richard M. Nixon as president, Johnson halted the bombing altogether. President Nixon has resumed the bombing on an intermittent basis.

Other parts of the McNamara package were to try to split the Viet Cong from Hanoi, press contacts with North Vietnam and other parties that might contribute to a settlement, and development of a plan to give the Viet Cong a role in negotiations and in post-war life.

McNamara told Mr. Johnson that the prognosis was bad for a satisfactory end of the war within the next two years. He predicted that neither large-unit operations nor negotiations would accomplish that result, but he said both should continue to be tried.

"The solution lies in girding, openly, for a longer war and in taking action immediately which will in 12 or 18 months give clear evidence that the continuing costs and risks to the American people are acceptably limited, that the formula for success has been found, and that the end of the war is merely a matter of time," he wrote.

McNamara supported his dim view of the so-called Rolling Thunder program of bombing North Vietnam by appending extracts from appraisals by the Central Intelligence Agency, the Defense Intelligence Agency and the Institute for Defense Analyses.

A CIA–DIA report on the bombing through Sept. 12, 1966, said there was no evidence of any shortage of petroleum products or any serious transport problem in North Vietnam, nor any evidence that the air strikes had significantly weakened popular morale. It said that they had curtailed economic growth, but not essential economic activities.

A March 16, 1966, CIA report said that, despite the bombing, Hanoi was as firm as ever in its determination to continue supporting the insurgency in the South. It concluded that air attacks almost certainly could not cut back the infiltration rate significantly.

The Summer Study Group of the Institute for Defense Analyses reported that many intelligence observers agreed that Rolling Thunder did not restrict the flow of supplies into South Vietnam "because North Vietnam is neither the source of supplies nor the choke-point on the supply routes from China and USSR."

Not even closing Haiphong harbor, eliminating electric power plants and destroying the railroads would change the situation, the report said, because the North Vietnamese could improvise alternative transportation.

A month later, however, in a draft memorandum for the President, dated Nov. 17, McNamara took a more optimistic view of the results of both the American military build-up and the bombing of North Vietnam.

He wrote that the introduction of large-scale U.S. combat forces "almost completely neutralized" the large units of the Viet Cong and North Vietnamese. As for the air war, he noted, "the B-52 and tactical air efforts have hurt enemy morale, produced casualties and disrupted his (the enemy's) operations and logistics operations.

The Pentagon analysts observed that the reaction of the Joint Chiefs of Staff to McNamara's October memorandum was "predictively rapid—and violent." They agreed that the war would be long, but they thought he was too restrained in his report of some military progress.

The Joint Chiefs contended, the narrative said, that the memorandum did not take into account the "adverse impact over time of continued bloody defeats on the morale of Viet Cong and North Vietnamese army forces and the determination of their political military leaders."

They said they wanted to reserve judgment on the proposed 470,000-troop deployment ceiling in Vietnam.

On the bombing, the Joint Chiefs were quoted as saying:

"The Joint Chiefs of Staff do not concur in your recommendation that there should be no increase in the level of bombing efforts and no modification in areas and targets subject to air attack. They believe our air campaign against North Vietnam to be an integral and indispensable part of our over-all war effort. To be effective, 'the air campaign should be conducted with only those minimum constraints necessary to avoid indiscriminate killing of population.' "

There was no indication of the source from which the Joint Chiefs' statement had quoted that last sentence.

On pacification, the Joint Chiefs continued to press for transfer of the program to Gen. Westmoreland's military command, warning of costly delays if a civilian agency was created. Later, a civilian agency was established, but a military command eventually took it over.

They explained their disagreement with McNamara over the way to induce negotiations by contending that the bombing was one trump card held by the President.

It should not be surrendered without a quid pro quo, such as "an end to the North Vietnamese aggression in South Vietnam," the Joint Chiefs said, according to the Pentagon analyst.

The unnamed historian said that the heads of the service branches observed that the conflict had reached a stage where decisions taken over the next 60 days could determine the outcome of the war. They wanted, therefore, to provide the President with their unequivocal views on the search for peace and military pressures on North Vietnam, they said.

"The frequent, broadly based public offers made by the President to settle the war by peaceful means on a generous basis, which would take from North Vietnam nothing it now had, have been admirable," the Joint Chiefs said.

"Certainly, no one—American or foreigner—except those who are determined not to be convinced, can doubt the sincerity, the generosity the altruism of U.S. actions and objectives.

"In the opinion of the Joint Chiefs of Staff the time has come when further overt actions and offers on our part are not only nonproductive, they are counterproductive. A logical case can be made that the American people, our allies, and our enemies alike are increasingly uncertain as to our resolution to pursue the war to a successful conclusion."

The analysts said they recommended a "sharp knock" against North Vietnamese installations rather than the current campaign of slowly increasing pressures.

"Whatever the political merits of the latter course," the Joint Chiefs wrote, according to the analyst, we deprived ourselves of the military effects of early weight of effort and shock and gave to the enemy time to adjust to our slow, quantitative and qualitative increase of pressure.

"This is not to say that it is now too late to derive military benefits from more effective and extensive use of our air and naval superiority."

They went on to recommend an increased Rolling Thunder program, authorizing attacks against North Vietnam's single steel plant, the Hanoi rail yards, the thermal power plants, selected areas within Haiphong ports and other ports, selected locks and dams controlling waterways, surface-to-air missile support facilities inside Hanoi and Haiphong, and petroleum installations at Haiphong and other places.

They wanted also to use naval surface forces against North Vietnamese coastal shipping and land routes and against radar and antiaircraft artillery sites along the coast.

McNamara's Oct. 14 memorandum was dated two days before President Johnson left on a 17-day trip that included a meeting with Premier Nguyen Cao Ky at Manila and a military planning conference at Honolulu.

The Johnson Administration was being pressed by the military services to increase the bombing and the troop level and by antiwar groups to reverse the U.S. escalation in Vietnam.

In memorandum that he drafted for President Johnson on Nov. 17, 1966, McNamara spoke again in gloomy terms on the pacification program that was aimed at securing the South Vietnamese countryside from Communist domination.

"The pacification program has been stalled for years," he said. "It is stalled today. The situation in this regard is no better—possibly worse—than it was in 1965, 1963, and 1961."

In the 14 months between July 31, 1965, and Sept. 30, 1966, McNamara said, the government of South Vietnam reportedly gained control of areas containing 1,500,000 more persons, increasing its control from 47 to 55 per cent of the total population, "the highest level to date."

He said that Viet Cong and North Vietnamese control decreased by 6 percent in the same period, a loss of areas containing 800,000 persons. The South Vietnamese government's control of the rural population rose to 35 per cent from 23 in this period, McNamara said, and the Viet Cong's control of rural areas dropped to 28 per cent from 35.

After reciting these figures, however, the Defense Secretary said they were based on available reports of questionable validity.

"It is highly likely that these figures are grossly optimistic," he said. "It should be noted that about 30 percent of the reported gains by the South Vietnamese government" probably resulted from movement of refugees into cities and towns."

"Another report indicates that GVN (the government of South Vietnam) increased its control of area only from 8 to 12 per cent" in the first nine months of 1966.

"Since 1965, the Viet Cong and North Vietnamese army have claimed control of 80 per cent of the South Vietnamese territory and 75 percent of the population.

"At the end of September 1966, GVN controlled about 25 per cent of the vital roads in South Vietnam. It controlled about 20 per cent of the total roads, down from 35 per cent in 1965 and 40 per cent in 1964. The rest were marginal or closed and could be traveled only with adequate security cautions."

By 1966, the pessimistic evaluation of the pacification program was not being concealed by the Administration to the extent that it covered up other aspects of the Vietnam situation.

Earlier in the war, Administration officials had claimed successes in the pacification effort that were disputed by American reporters covering the war.

But on Oct. 14, 1966, the date of the first McNamara memorandum obtained by the Post-Dispatch and a month before the second memorandum, President Johnson said at a press conference that the pacification program "can stand a great deal of improvement."

The President told reporters also, however, that "our military effort, we think, is going very well."

Later that month, Johnson made a dramatic trip to Southeast Asia and South Vietnam. In a radio broadcast from South Vietnam, he painted a glowing picture of the military situation.

"We received an eloquent and encouraging report from Gen. Westmoreland," the President said. "We saw that our military shield is now strong enough to prevent the aggressor from succeeding."

McNamara's dry factual discussion of the military situation in South Vietnam, in his Nov. 17 memorandum, was not so optimistic as Mr. Johnson's public statements.

"Despite the wide variation in estimates of infiltration, recruitment, and losses, the data indicate that current enemy recruitment, infiltration rates and tactics have more than offset the increased (Allied) deployments, enabling the enemy to increase his forces in the past and in the foreseeable future," McNamara said.

"If we assume that the estimates of enemy strength are accurate, the ratio of total (Allied) to total enemy strength has only increased from 3.5 to 4 to 1 since the end of 1965.

"Under those circumstances, it does not appear that we have favorable leverage required to achieve decisive attrition by introducing more forces."

The Defense Secretary was sharply critical of the performance of the South Vietnamese army in combat.

"The increasingly unsatisfactory performance of the ARVN (Army of the Republic of Vietnam) in combat operations is reflected in U.S. Army advisory reports and in ARVN and U.S. operational statistics," he said.

"During the January-September (1966) period for which data are available, U.S. field advisers rated combat effectiveness as unsatisfactory or marginal in up to 32 per cent of all ARVN combat positions.

"Over 115,700 South Vietnamese military personnel (19 per cent of the total ARVN) deserted in 1965, and desertions in 1966 through October were at the annual rate of 130,000, 21 per cent (of the total).

"The poor ARVN performance also shows in the operational statistics. ARVN made contact (with the enemy) in only 46 per cent of its large-scale operations, against a U.S. contact rate of 90 per cent."

In the memorandum, McNamara said the Administration would have to choose between two approaches in 1967: another rapid substantial increase in U.S. combat forces in South Vietnam or a more modest increase.

In the first instance, the additional big build-up would be used for large-scale search-and-destroy operations to destroy large Communist troop concentrations, he said.

If a smaller build-up was decided on, it would be only large enough to utilize, not destroy, the main Communist units "and prevent them from interfering with the pacification program," McNamara said.

"I believe it is time to adopt the second approach, for three reasons," he wrote. "One, if MACV (The U.S. military command in South Vietnam) estimates of enemy strength are correct, we have not been able to attrite the enemy forces fast enough to break their morale and more U.S. forces are unlikely to do so in the foreseeable future.

"Two, we cannot deploy more than about 470,000 personnel by the end of 1967 without a high probability of generating a self-defeating runaway inflation in South Vietnam, and,

"Three, an endless escalation of U.S. deployments is not likely to be acceptable in the U.S. or to induce the enemy to believe that the U.S. is prepared to stay as long as is required to produce a secure non-Communist South Vietnam."

The contrast between McNamara's private assessments of the war and his public statements in 1966 is marked in the extreme.

For example, on May 11, 1966, McNamara told the Senate Foreign Relations committee that captive Viet Cong soldiers said they no longer expected to win the war.

"There seems to be considerable doubt among the ordinary soldiers that even in a protracted war the Viet Cong will win," he said.

A month later he told reporters at a Pentagon press-conference that U.S. military successes in South Vietnam had "exceeded our expectations" in the first quarter of 1966. Communist losses were reported to be three times as great as combined U.S., South Vietnamese and Allied losses.

Another month later, on July 11, 1966, he told a press conference in Washington that "we are gaining militarily" in South Vietnam. While expressing cautious optimism, he added carefully, "We do not look for a short war."

Perhaps the strongest disparity between McNamara's public remarks and his private reports to Mr. Johnson shows up in a press conference on Nov. 5, just three days before the congressional elections of 1966.

After meeting with President Johnson at the LBJ Ranch in Texas, McNamara told reporters that the Communists could not win a military victory in South Vietnam in 1967.

As a result, he said, draft calls would be cut and so would the planned production of bombs and other air ordnance. The increase in U.S. forces in South Vietnam would be "nothing on the order of" the 200,000-man build-up in 1966 and no sharp increases would take place in the level of bombing attacks, he stated.

McNamara said he told Mr. Johnson that the military situation in South Vietnam was dramatically brighter than it had been 15 months before. However, he said, he expected the Viet Cong to "continue to fight on stubbornly."

The pessimistic view that McNamara took of the war in his memoranda of October and November 1966 continued a frame of mind that the Secretary of Defense had exhibited privately the preceding year. The earlier attitude is spelled out in the Pentagon papers obtained by the Post-Dispatch in a section titled "Evolution of the War, U.S./GVN: 1963–1967.

The analyst writing in this section recounts that on July 1, 1965, McNamara submitted a memorandum to President Johnson reviewing all aspects of Vietnam policy. The analyst said that McNamara concentrated on deployment of American fighting forces to Vietnam and "had little to say on GVN's problems."

The Pentagon study said in a section of the memorandum titled "Initiatives Inside Vietnam," McNamara's "only significant recommendations were that we should increase our aid to GVN and that Chieu Hoi program should be improved." The latter program was the so-called "open arms" effort aimed at attracting defectors from enemy forces.

In a second memorandum to the President, written July 20, 1965, after a trip to Saigon, McNamara suggested that the U.S. should lay down some terms for the assistance it provided.

With South Vietnamese leaders "again pressing for more U.S. forces than were available," the study related, McNamara mentioned the possibility of an American veto on bellicose statements by South Vietnamese military commanders suggesting an invasion of North Vietnam and other possible restraints.

The Pentagon historian reported that in this memorandum "McNamara's over-all evaluation was deeply pessimistic, making clear why he recommended increased U.S. forces at that time." The study then quoted from the memorandum:

"Estimate of the situation: 'The situation in South Vietnam is worse than a year ago (when it was worse than a year before that). After a few months of stalemate, the tempo of the war has quickened.'

"A hard VC (Viet Cong) push is now on to dismember the nation and to maul the army. The VC main and local forces, reinforced by militia and guerrillas, have the initiative and, with large attacks (some in regimental strength), are hurting ARVN (South Vietnamese Army) forces badly.

"The main VC efforts have been in southern First Corps, northern and central Second Corps and north of Saigon. The central highlands could well be lost to the National Liberation Front during this monsoon season.

"Since June 1, the GVN has been forced to abandon six district capitals; only one has been retaken. U.S. combat troops deployment and U.S.–VNAF (Vietnamese air force) air strikes in-country have probably shaken VC morale somewhat.

"Yet the government is able to provide security to fewer and fewer people and less and less territory as terrorism increases. Cities and towns are being isolated as fewer and fewer roads and railroads are usable and power and communication lines are cut.

"The economy is deteriorating. The war is disrupting rubber production, rice distribution, dalat vegetable production and the coastal fishing industry, causing the loss of jobs and income, displacement of people, and frequent breakdown or suspension of vital means of transportation and communication; foreign exchange earnings have fallen; and severe inflation is threatened."

Although McNamara's private appraisals of the war in both 1965 and 1966 were dour, he and President Johnson, along with other administration officials, were speaking confidently in public of progress being made in the American build-up in Vietnam.

At a press conference on Oct. 6, 1966, Johnson discussed his forthcoming trip later that month to six Asian countries in connection with the Manila conference on the war. He said the conference would consider the rehabilitation and redevelopment work needed in Vietnam "once aggression has been defeated."

One week later at another press conference, again referring to the approaching Manila meetings, Johnson noted that at the Honolulu conference of February 1966, it had been agreed that American and South Vietnamese leaders would get together again in about six months.

In the interim, the President told reporters, "Much has happened." He referred particularly to the fact that "the North Vietnamese and the Viet Cong monsoon offensive, that gave us concern, failed." He said also that "foundations have been laid and progress begun in the field" for the so-called revolutionary program in Vietnam.

On Oct. 14, the very date of the memorandum disclosed in the Pentagon documents obtained by the Post-Dispatch, the Secretary of Defense, meeting reporters with the President, offered no discouraging words.

To the contrary, he noted that one of the purposes of his just-concluded trip to South Vietnam had been to examine American troop deployment there. He saw no need, he said, for any "substantial increase in the rate of deployment."

He denounced "wild speculation" that he said had been appearing in the press about a possible increase in the pace of American troop assignments to Vietnam and termed such reports "absolutely without foundation."

Throughout his 17-day trip in Asia in October 1966, Johnson struck a firm and confident note about the eventual outcome in Vietnam. In Melbourne, Australia, for example, he likened the Vietnamese conflict to the onset of World War II, remarking:

"As the aggressor marched in the Low Countries in the late 1930s and ultimately wound up in World War II, there are aggressors prowling tonight on the march again. Their aggression shall not succeed."

The Allied forces fighting in Vietnam, the President declared, "are going to stay there until this aggression is checked before it blooms into World War III."

Much of the same theme prevailed near the end of the trip at the Manila summit conference itself. At the opening session on Oct. 24, 1966, Johnson said the most important function of the meeting would be to let the world know "that the nations directly assisting the people of South Vietnam are resolute."

He said there was a general determination of those present "that aggression must fail."

The final declaration of the conference, joined in by Johnson and the leaders of six other nations, including President Nguyen Van Thieu and Prime Minister Nguyen Cao Ky, both representing South Vietnam, set a note of firm determination. The statement, issued Oct. 25, said:

"We shall continue our military and all other efforts, as firmly and as long as may be necessary, in close consultation among ourselves until the aggression is ended."

The statement recounted that "the government of Vietnam described the significant military progress being made against aggression."

This was less than two weeks after McNamara's memorandum to Mr. Johnson had painted such a bleak picture of the 18-month-old American build-up in South Vietnam and the U.S. bombing of North Vietnam.

After the Manila conference, Johnson paid a secret visit to South Vietnam. In a radio report a few hours later to the American people, he spoke glowingly of the accomplishments being made in Vietnam.

He said then that U.S. fighting men were in Vietnam "because somewhere and at some place the free nations of the world must say again to the militant disciples of Asian communism: This far and no further.

"The time is now, and the place is Viet nam."

[From St. Louis Post-Dispatch, June 25, 1971]

PARTIAL TEXTS OF WAR DATA

WASHINGTON.—Following are excerpts from secret Pentagon papers on United States involvement in the Vietnam War that have been obtained by the Post-Dispatch:

Text of a memorandum to President Lyndon B. Johnson from Secretary of Defense Robert S. McNamara on Oct. 14, 1966:

1. A Memorandum for the President

1. Evaluation of the situation. In the report of my last trip to Vietnam almost a year ago, I stated that the odds were about even that, even with the then-recommended deployments, we would be faced in early 1967 with a military stand-off at a much higher level of conflict and with "pacification" still stalled. I am a little less pessimistic now in one respect. We have done somewhat better militarily than I anticipated. We have by and large blunted the Communist military initiative—any military victory in South Vietnam the Viet Cong may have had in mind 18 months ago has been thwarted by our emergency deployments and actions. And our program of bombing the North has exacted a price.

My concern continues, however, in other respects. This is because I see no reasonable way to bring the war to an end soon. Enemy morale has not broken—he apparently has adjusted to our stopping his drive for military victory and has adopted a strategy of keeping us busy and waiting us out (a strategy of attriting our national will). He knows that we have not been, and he believes we probably will not be, able to translate our military successes into the "end products"—broken enemy morale and political achievements by the GVN (government of South Vietnam).

The one thing demonstrably going for us in Vietnam over the past year has been the large number of enemy killed-in-action resulting from the big military operations. Allowing for possible exaggeration in reports, the enemy must be taking losses—deaths in and after battle—at the rate of more than 60,000 a year. The infiltration routes would seem to be one-way trails to death for the North Vietnamese. Yet there is no sign of an impending break in enemy morale and it appears that he can more than replace his losses by infiltration from North Vietnam and recruitment in South Vietnam.

Pacification is a bad disappointment. We

have good grounds to be pleased by the recent elections, by Ky's 16 months in power, and by the faint signs of development of national political institutions and of a legitimate civil government. But none of this has translated itself into political achievements at province level or below. Pacification has if anything gone backward. As compared with two, or four, years ago, enemy full-time regional forces and part-time guerrilla forces are larger; attacks, terrorism and sabotage have increased in scope and intensity; more railroads are closed and highway cut; the rice crop expected to come to market is smaller; we control little, if any, more of the population; the VC political infrastructure thrives in most of the country, continuing to give the enemy his enormous intelligence advantage; full security exists nowhere (not even behind the US Marines' lines and in Saigon); in the countryside, the enemy almost completely controls the night.

Nor has the Rolling Thunder program of bombing the North either significantly affected infiltration or cracked the morale of Hanoi. There is agreement in the intelligence community on these facts (see the attached Appendix).

In essence, we find ourselves—from the point of view of the important war (for the complicity of the people)—no better, and if anything, worse off. This important war must be fought and won by the Vietnamese themselves. We have known this from the beginning. But the discouraging truth is that, as was the case in 1961 and 1963 and 1965, we have not found the formula, the catalyst, for training and inspiring them into effective action.

2. Recommended actions. In such an unpromising state of affairs, what should we do? We must continue to press the enemy militarily; we must make demonstrable progress in pacification; at the same time, we must add a new ingredient forced on us by the facts. Specifically, we must improve our position by getting ourselves into a military posture that we credibly would maintain indefinitely—a posture that makes trying to "wait us out" less attractive. I recommend a five-prong course of action to achieve those ends.

a. Stabilize U.S. force levels in Vietnam. It is my judgment that, barring a dramatic change in the war, we should limit the increase in U.S. forces in SVN in 1967 to 70,000 men and we should level off at the total of 470,000 which such an increase would provide. It is my view that this is enough to punish the enemy at the large-unit operations level and to keep the enemy's main forces from interrupting pacification. I believe also that even many more than 470,000 would not kill the enemy off in such numbers as to break their morale so long as they think they can wait us out. It is possible that such a 40 per cent increase over our present level of 325,000 will break the enemy's morale in the short term; but if it does not, we must, I believe, be prepared for and have under way a long-term program premised on more than breaking the morale of main force units. A stabilized U.S. force level would be part of such a long-term program. It would put us in a position where negotiations would be more likely to be productive, but if they were not we could pursue the all-important pacification task with proper attention and resources and without the spectre of apparently endless escalation of U.S. deployments.

b. Install a barrier. A portion of the 470,000 troops—perhaps 10,000 to 20,000—should be devoted to the construction and maintenance of an infiltration barrier. Such a barrier would lie near the 17th parallel—would run from the sea, across the neck of South Vietnam (choking off the new infiltration routes through the DMZ) and across the trails in Laos. This interdiction system (at an approximate cost of $1 billion) would comprise to the east a ground barrier of fences, wire sensors, artillery, aircraft and mobile troops; and to the west—mainly in Laos—an interdiction zone covered by air-laid mines and bombing attacks pin-pointed by air-laid acoustic sensors.

The barrier may not be fully effective at first, but I believe that it can be made effective in time and that even the threat of its becoming effective can substantially change to our advantage the character of the war. It would hinder enemy efforts, would permit more efficient use of the limited number of friendly troops, and would be persuasive evidence both that our sole aim is to protect the South from the North and that we intend to see the job through.

c. Stabilize the Rolling Thunder program against the North. Attack sorties in North Vietnam have risen from about 4000 per month at the end of last year to 6000 per month in the first quarter of this year and 12,000 per month at present. Most of our 50 per cent increase of deployed attack-capable aircraft has been absorbed in the attacks on North Vietnam. In North Vietnam, almost 84,000 attack sorties have been flown (about 25 percent against fixed targets), 45 percent during the past seven months.

Despite these efforts, it now appears that the North Vietnamese-Laotian road network will remain adequate to meet the requirements of the Communist forces in South Vietnam—this is so even if its capacity could be reduced by one-third and if combat activities were to be doubled. North Vietnam's serious need for trucks, spare parts and petroleum probably can, despite air attacks, be met by imports. The petroleum requirement for trucks involved in the infiltration movement, for example, has not been enough to present significant supply problems, and the effects of the attacks on the petroleum distribution system, while they have not yet been fully assessed, are not expected to cripple the flow of essential supplies. Furthermore, it is clear that, to bomb the North sufficiently to make a radical impact upon Hanoi's political, economic and social structure, would require an effort which we could make but which would not be stomached either by our own people or by world opinion; and it would involve a serious risk of drawing us into open war with China.

The North Vietnamese are paying a price. They have been forced to assign some 300,000 personnel to the lines of communication in order to maintain the critical flow of personnel and materiel to the South. Now that the lines of communication have been manned, however, it is doubtful that either a large increase or decrease in our interdiction sorties would substantially change the cost to the enemy of maintaining the roads, railroads, and waterways or affect whether they are operational. It follows that the marginal sorties—probably the marginal 1000 or even 5000 sorties—per month against the lines of communication no longer have a significant impact on the war. (See the attached excerpts from intelligence estimates.)

When this marginal inutility of added sorties against North Vietnam and Laos is compared with the crew and aircraft losses implicit in the activity (four men and aircraft and $20 million per 1000 sorties). I recommend, as a minimum, against increasing the level of bombing of North Vietnam and against increasing the intensity of operations by changing the areas or kinds of targets struck.

Under those conditions, the bombing program would continue the pressure and would remain available as a bargaining counter to get talks started (or to trade off in talks). But, as in the case of a stabilized level of U.S. ground forces, the stabilization of Rolling Thunder would remove the prospect of ever-escalating bombing as a factor complicating our political posture and distracting from the main job of pacification in South Vietnam.

At the proper time, as discussed on pages 6–7 below, I believe we should consider terminating bombing in all of North Vietnam, or at least in the Northeast zones, for an indefinite period in connection with covert moves toward peace.

d. Pursue a vigorous pacification program. As mentioned above, the pacification (Revolutionary Development) program has been and is thoroughly stalled. The large unit operations war, which we know best how to fight and where we have had our successes, is largely irrelevant to pacification as long as we do not lose it. By and large, the people in rural areas believe that the GVN when it comes will not stay but that the VC will; that co-operation with the GVN will be punished by the VC; that the GVN is really indifferent to the people's welfare; that the low-level GVN are tools of the local rich; and that the GVN is ridden with corruption.

Success in pacification depends on the interrelated functions of providing physical functions of providing physical security, destroying the VA apparatus, motivating the people to co-operate and establishing responsive local government. An obviously necessary but not sufficient requirement for success of the Revolutionary Development cadre and police is vigorously conducted and adequately prolonged clearing operations by military troops, who will "stay" in the area, who behave themselves decently and who show some respect for the people.

This elemental requirement of pacification has been missing.

In almost no contested area designated for pacification in recent years have ARVN forces actually "cleared and stayed" to a point where cadre teams, if available, could have stayed overnight in hamlets and survived, let alone accomplish their mission. VC units of company and even battalion size remain in operation, and they are more than large enough to overrun anything the local security forces can put up.

Now that the threat of a Communist main force military victory has been thwarted by our emergency efforts, we must allocate far more attention and a portion of the regular military forces (at least half of the ARVN and perhaps a portion of the U.S. forces) to the task of providing an active and permanent security screen behind which the Revolutionary Development teams and police can operate and behind which the political struggle with the VC infrastructure can take place.

The U.S. cannot do this pacification security job for the Vietnamese. All we can do is "massage the heart." For one reason, it is known that we do not intend to stay; if our efforts worked at all, it would merely postpone the eventual confrontation of the VC and GVN infrastructures. The GVN must do the job; and I am convinced that drastic reform is needed if the GVN is going to be able to do it.

The first essential reform is in the attitude and GVN officials. They are generally apathetic, and there is corruption high and low. Often appointments, promotions, and draft deferments must be bought; and kickbacks on salaries are common. Cadre at the bottom can be no better than the system above them.

The second needed reform is in the attitude and conduct of the ARVN. The image of the government cannot improve unless and until the ARVN improves markedly. They do not understand the importance (or respectability) of pacification nor the importance to pacification of proper, disciplined conduct. Promotions, assignments and awards are often not made on merit, but rather on the basis of having a diploma, friends or relatives, or because of bribery. The ARVN is weak in dedication, direction and discipline.

Not enough ARVN are devoted to area and population security, and when the ARVN

does attempt to support pacification, their actions do not last long enough; their tactics are bad despite U.S. prodding (no aggressive small-unit saturation patrolling, hamlet searches, quick-reaction contact, or offensive night ambushes) they do not make good use of intelligence; and their leadership and discipline are bad.

Furthermore, it is my conviction that a part of the problem undoubtedly lies in bad management on the American as well as the GVN side. Here split responsibility—or "no responsibility"—has resulted in too little hard pressure on the GVN to do its job and no really solid or realistic planning with respect to the whole effort. We must deal with this management problem now and deal with it effectively.

One solution would be to consolidate all U.S. activities which are primarily part of the civilian pacification program and all persons engaged in such activities, rroviding a clear assignment of responsibility and a unified command under a civilian relieved of all other duties. Under this approach, there would be a carefully delineated division of responsibility between the civilian-in-charge and an element of COMUSMACV under a senior officer, who would give the subject of planning for and providing hamlet security the highest priority in attention and resources. Success will depend on the men selected for the jobs on both sides (they must be among the highest rank and most competent administrators in the U.S. Government), on complete co-operation among the U.S. elements, and on the extent to which the South Vietnamese can be shocked out of their present pattern of behavior. The first work of this reorganized U.S. pacification organization should be to produce within 60 days a realistic and detailed plan for the coming year.

From the political and public-relations viewpoint, this solution is preferable—if it works. But we cannot tolerate continued failure. If it fails after a fair trial, the only alternative in my view is to place the entire pacification program—civilian and military—under General Westmoreland. This alternative would result in the establishment of a Deputy COMUSMACV for Pacification who would be in command of all pacification staffs in Saigon and of all pacification staffs and activities in the field; one person in each corps, province and district would be responsible for th U.S. effort.

e. Press for negotiations. I am not optimistic that Hanoi or the VC will respond to peace overtures now (explaining my recommendations above that we get into a level-off posture for the long pull). The ends sought by the two sides appear to be irreconcilable and the relative power balance is not in their view unfavorable to them. But three things can be done. I believe, to increase the prospects:

(1) Take steps to increase the credibility of our peace gestures in the minds of the enemy. There is considerable evidence both in private statements by the Communists and in the reports of competent Western officials who have talked with them that charges of U.S. bad faith are not solely propagandistic, but reflect deeply held beliefs. Analysis of Communists' statements and actions indicate that they firmly believe that American leadership really does not want the fighting to stop, and that we are intent on winning a military victory in Vietnam and on maintaining our presence there through a puppet regime supported by U.S. military bases.

As a way of projective U.S. bona fides, I believe that we should consider two possibilities with respect to our bombing program against the North, to be undertaken, if at all, at a time very carefully selected with a view to maximizing the chances of influencing the enemy and world opinion and to minimizing the chances that failure would strengthen the hand of the "hawks" at home: First, without fanfare, conditions, or avowal, whether the stand-down was permanent or temporary, stop bombing all of North Vietnam. It is generally thought that Hanoi will not agree to negotiations until they can claim that the bombing has stopped unconditionally. We should see what develops, retaining freedom to resume the bombing if nothing useful was forthcoming.

Alternatively, we could shift the weight-of-effort away from "Zones 6A and 6B"—zones including Hanoi and Haiphong and areas north of those two cities to the Chinese border. This alternative has some attraction in that it provides the North Vietnamese a "face saver" if only problems of "face" are holding up Hanoi peace gestures; it would narrow the bombing down directly to the objectionable infiltration (supporting the logic of a stop-infiltration/full-pause deal); and it would reduce the international heat on the U.S. Here, too, bombing of the Northeast could be resumed at any time, or "spot" attacks could be made there from time to time to keep North Vietnam off balance and to require her to pay almost the full cost by maintaining her repair crews in place. The sorties diverted from Zones 6A and 6B could be concentrated on the infiltration routes in Zones 1 and 2 (the southern end of North Vietnam, including the Mu Gia Pass), in Laos and in South Vietnam.

To the same end of improving our credibility, we should seek ways—through words and deeds—to make believable our intention to withdraw our forces once the North Vietnamese aggression against the South stops. In particular, we should avoid any implication that we will stay in South Vietnam with bases or to guarantee any particular outcome to a solely South Vietnamese struggle.

(2) Try to split the VC off from Hanoi. The intelligence estimate is that evidence is overwhelming that the North Vietnamese dominate and control the National Front and the Viet Cong. Nevertheless, I think we should continue and enlarge efforts to contact the VC/NFL and to probe ways to split members or sections off the VC/NFL organization.

(3) Press contacts with North Vietnam, the Soviet Union and other parties who might contribute toward a settlement.

(4) Develop a realistic plan providing a role for the VC in negotiations, post-war life, and government of the nation. An amnesty offer and proposals for national reconciliation would be steps in the right direction and should be parts of the plan. It is important that this plan be one which will appear reasonable, if not at first to Hanoi and the VC, at least to world opinion.

3. The prognosis. The prognosis is bad that the war can be brought to a satisfactory conclusion within the next two years. The large-unit operations probably will not do it; negotiations probably will not do it. While we should continue to pursue both of these routes in trying for a solution in the short run, we should recognize that success from them is a mere possibility, not a probability.

The solution lies in girding, openly, for a longer war and in taking actions immediately which will in 12 to 18 months give clear evidence that the continuing costs and risks to the American people are acceptably limited, that the formula for success has been found, and that the end of the war is merely a matter of time. All of my recommendations will contribute to this strategy, but the one most difficult to implement is perhaps the most important one—enlivening the pacification program. The odds are less than even for this task, if only because we have failed consistently since 1961 to make a dent in the problem. But, because the 1967 trend of pacification will, I believe, be the main talisman of ultimate U.S. success or failure in Vietnam, extraordinary imagination and effort should go into changing the stripes of that problem.

President Thieu and Prime Minister Ky are thinking along similar lines. They told me that they do not expect the enemy to negotiate or to modify his program in less than two years. Rather, they expect the enemy continue to expand and to increase his activity. They expressed agreement with us that the key to success is pacification and that so far pacification has failed. They agree that we need clarificationa of GVN and U.S. roles and that the bulk of the ARVN should be shifted to pacification. Ky will, between January and July 1967, shift all ARVN infantry divisions to that role. And he is giving Thang, a good Revolutionary Development director, added powers. Thieu and Ky see this as part of a two-year (1967–68) schedule, in which offensive operations against enemy main force units are continued, carried on primarily by the U.S. and other Free World forces. At the end of the two-year period, they believe the enemy may be willing to negotiate or to retreat from his current course of action.

Note: Neither the Secretary of State nor the JCS have yet had an opportunity to express their views on this report. Mr. Katzenbach and I have discussed many of its main conclusions and recommendations—in general, but not in all particulars, it expresses his views as well as my own.

Excerpts from reports by the Central Intelligence Agency, the Defense Intelligence Agency and the Summer Study Group of the Institute for Defense Analysis:

Extracts from CIA–DIA Report "An Appraisal of the Bombing of North Vietnam through 12 September 1966."

1. There is no evidence yet of any shortage of POL (ed. note: petroleum products) in North Vietnam, and stocks on hand, with recent imports, have been adequate to sustain necessary operations.

2. Air strikes against all modes of transportation in North Vietnam increased during the past month, but there is no evidence of serious transport problems in the movement of supplies to or within North Vietnam.

3. There is no evidence yet that the air strikes have significantly weakened popular morale.

4. Air strikes continue to depress economic growth and have been responsible for the abandonment of some plans for economic development, but essential economic activities continue.

Extracts from a March 16, 1966, CIA report "An Analysis of the Rolling Thunder Air Offensive against North Vietnam":

1. Although the movement of men and supplies in North Vietnam has been hampered and made somewhat more costly (by our bombing), the Communists have been able to increase the flow of supplies and manpower to South Vietnam.

2. Hanoi's determination (despite our bombing) to continue its policy of supporting the insurgency in the South appears as firm as ever.

3. Air attacks almost certainly cannot bring about a meaningful reduction in the current level at which essential supplies and men flow into South Vietnam.

Bomb Damage Assessment in the North by the Institute for Defense Analysis' "Summer Study Group."

What surprised us (in our assessment of the effect of bombing North Vietnam) was the extent of agreement among various intelligence agencies on the effects of past operations and probable effects of continued and expanded Rolling Thunder. The conclusions of our group, to which we all subscribe, are therefore merely sharpened conclusions of numerous intelligence summaries. They are that Rolling Thunder does not limit the present logistic flow into SVN because NVN is neither the source of supplies nor the choke-point on the supply routes from China and USSR. Although an expansion of Rolling

Thunder by closing Haiphong harbor, eliminating electric power plants and totally destroying railroads, will at least indirectly impose further privations on the populace of NVN and make the logistic support of VC costlier to maintain, such expansion will not really change the basic assessment. This follows because NVN has demonstrated excellent ability to improvise transportation, and because the primitive nature of their economy is such that Rolling Thunder can affect directly only a small fraction of the population. There is very little hope that the Ho Chi Minh Government will lose control of population because of Rolling Thunder. The lessons of the Korean War are very relevant to the damage we inflict, and growing. Probably the government of NVN has assurances that the USSR and-or China will assist the rebuilding of its economy after the war, and hence its concern that the damage being inflicted may be moderated by long-range favorable expectations. Specifically:

1. As of July 1966 the U.S. bombing of North Vietnam had had no measurable direct effect on Hanoi's ability to mount and support military operations in the South at the current level.

2. Since the initiation of the Rolling Thunder program the damage to facilities and equipment in North Vietnam has been more than offset by the increased flow of military and economic aid, largely from the USSR and Communist China.

3. The aspects of the basic situation that have enabled Hanoi to continue its support of military operations in the South and to neutralize the impact of U.S. bombing by passing the economic costs to other Communist countries are not likely to be altered by reducing the present geographic constraints, mining Haiphong and the principal harbors in North Vietnam, increasing the number of armed reconnaissance sorties and otherwise expanding the U.S. air offensive along the lines now contemplated in military recommendations and planning studies.

4. While conceptually it is reasonable to assume that some limit may be imposed on the scale of military activity that Hanoi can maintain in the South by continuing the Rolling Thunder program at the present, or some higher level of effort, there appears to be no basis for defining that limit in concrete terms, or, for concluding that the present scale of VC–NVN activities in the field have approached that limit.

5. The indirect effects of the bombing on the will of the North Vietnamese to continue fighting and on their leaders' appraisal of the prospective gains and costs of maintaining the present policy have not shown themselves in any tangible way. Furthermore, we have not discovered any basis for concluding that the indirect punitive effects of bombing will prove decisive in these respects.

Partial text of a memorandum drafted by Secretary of Defense Robert S. McNamara for President Lyndon B. Johnson, Nov. 17, 1966:

The war in Vietnam has two highly interdependent parts: (1) the "regular" war against the main force VC/NVA battalions and regiments, and the interdiction of their men and supplies flowing down from North Vietnam, and (2) the "Pacification" or revolutionary development war to neutralize the local VC guerrillas and gain the permanent support of the SVN population.

The infiltrated men and supplies serve to bolster the regular units whose function is to support the local VC guerrillas and infrastructure by defeating the GVN forces in the area and generally exposing the GVN's inability to protect the rural populace. The local guerrillas and infrastructure maintain a constant VC presence in their area and support the offensive efforts of the regular units by providing intelligence, terrain guidance, supplies, and recruits. In addition, the guerrillas conduct many of the thousands of incidents of terror, harassment, and sabotage reported each month. The principal task of U.S. military forces in SVN must be to eliminate the offensive capability of the regular units in order to allow the GVN to counter the guerrilla forces and extend permanent control over areas from which regular units have been cleared.

We now face a choice of two approaches to the threat of the regular VC/NVA forces. The first approach would be to continue in 1967 to increase friendly forces as rapidly as possible, and without limit, and employ them primarily in large-scale "seek out and destroy" operations to destroy the main force VC/NVA units.

This approach appears to have some distinct disadvantages. First, we are finding very strongly diminishing marginal returns in the destruction of VC/NVA forces. If our estimates of enemy losses (killed, captured and defected) are correct, VC/NVA losses increased by only 115 per week (less than 15 per cent) during a period in which we increased friendly strength by 160,000 including 140,000 U.S. military personnel and 42 U.S. and Third Country maneuver battalions. At this rate, an additional 100,000 friendly personnel deployed would increase VC/NVA losses by some 70 per week. Second, expanding U.S. deployments have contributed to a very serious inflation in South Vietnam. Prices increased 75–90 per cent in FY66. An extra 100,000 U.S. forces would add at least P9 billion to our piaster expenditures, doubling the 1967 inflationary gap in SVN. Third, the high and increasing cost of the war to the United States is likely to encourage the Communists to doubt our staying power and to try to "wait us out."

The second approach is to follow a similarly aggressive strategy of "seek out and destroy," but to build friendly forces only to that level required to neutralize the large enemy units and prevent them from interfering with the pacification program. It is essential to this approach that such a level be consistent with a stable economy in SVN, and consistent with a military posture that the United States credibly would maintain indefinitely, thus making a Communist attempt to "wait us out" less attractive.

I believe that this level is about 470,000 U.S. and 52,000 Free World personnel and less than half of the ARVN. The remainder of the ARVN, plus a portion of the U.S. force, would give priority to improving the pacification effort. The enemy regular units would cease to perform what I believe to be their primary function of diverting our effort to give security to the population. This, plus the effects of a successful interdiction campaign to cut off their other support, would effectively neutralize them, possibly at the cost of far fewer casualties to both sides than the first approach would allow.

I believe it is time to adopt the second approach for three reasons: (1) if MACV estimates of enemy strength are correct, we have not been able to attrite the enemy forces fast enough to break their morale and more U.S. forces are unlikely to do so in the foreseeable future; (2) we cannot deploy more than about 470,000 personnel by the end of 1967 without a high probability of generating a self-defeating runaway inflation in SVN, and (3) an endless escalation of U.S. deployments is not likely to be acceptable in the U.S. or to induce the enemy to believe that the U.S. is prepared to stay as long as is required to produce a secure non-Communist SVN. Obviously a greatly improved pacification campaign must be waged to take advantage of the protection offered by the major friendly forces. Alternatively, if enemy strength is greatly overstated and our "seek out and destroy" operations have been more effective than our strength and loss estimates would imply—a possibility discussed below—more than 470,000 U.S. personnel should not be required to neutralize the VC/NVA main force.

Attriting Enemy Forces. All of our estimates of enemy strength and variations in it contain very great uncertainties. Thus, any conclusions drawn from them must be considered to be highly tentative and conjectural. Nevertheless, the data suggest that we have no prospects of attriting the enemy force at a rate equal to or greater than his capability to infiltrate and recruit, and this will be true at either the 470,000 U.S. personnel level or 570,000. The table on the following page shows our estimates of the average enemy loss rate per month since April 1965. By 4th quarter 1965, estimated military losses (killed, captured, military defectors) reached 2215 per week. The weekly average for CY66 has remained about the same, although enemy losses increased to 2330 per week in the 3rd quarter and to 2930 in October.

Enemy losses from wounds are included above based on the U.S. Intelligence Board estimate that there are 1.5 enemy wounded for each one killed, with one-third of the wounded put out of action, resulting in a loss of .5 for each VC/NVA recorded killed, or 520 additional average losses per week. (MACV estimates .28 additional losses for each VC/NVA killed, or an average loss of 300 per week.) Also included are defectors not turning themselves into the GVN centers, based on the Board estimate that there is one unrecorded military deserter for each military defector, resulting in another 235 average losses per week.

The enemy loss rate was apparently not affected significantly by the greatly increased friendly activity during 1966, which included: 44 per cent increase in battalion days of operation; 25 per cent increase in battalion sized operations contacting the enemy; and 28 per increase in small unit actions accompanied by a 12 per cent increase in contacts. Moreover, armed helicopter sorties doubled from 14,000 to 29,000 per month and attack sorties in SVN rose from 12,800 to 14,000 per month.

The failure of enemy losses to increase during the first half of 1966 was primarily due to the January Vietnamese New Year lull, the political turmoil during the Spring, the apparent decrease in ARVN efficiency, and an increasing enemy reluctance to fight large battles.

Despite improvements during the past four months, it is impossible to predict the point at which we can expect to attrite enemy forces at the rate he introduces new ones. As the table above indicates, an average enemy total loss rate of 2230 per week has prevailed for the past 13 months, compared to the calculated enemy personnel input rate of 2915 per week for the same period. The input rate is that required to provide the average increase of 685 per week reflected in the VC/NVA order of battle strength figures estimated by MACV, it is not estimated independently. Assuming that the weekly infiltration rate from NVN for the past 13 months averaged 1075 as estimated (MACV indicates that the 1966 figure may be as high as 1638 per week), VC recruitment (input minus infiltration) must have been about 1840 per week. This recruitment rate lies well within the current U.S. Intelligence Board estimate that the VC can recruit and train 1635 to 2335 men per week, and can replace current losses solely from within South Vietnam if necessary. But it lies far above the current MACV recruitment estimate of 815 VC personnel per week.

As indicated in the VC/NVA losses table, enemy losses increased by 115 per week during a period in which friendly strength increased by 166,000; an increase of about 70 losses per 100,000 of friendly strength. There are far too many uncertain variables in the situation to permit a simple extrapolation of these results to the effect of introduction of the next 100,000, or a subsequent 100,000 troops. However, we have no evidence that

more troops than the 470,000 I am recommending would substantially change the situation. For example, if it were assumed that new forces would produce enemy losses of a rate equal to the average of all forces deployed by the end of October 1966, each deployment of 100,000 additional friendly troops would produce only 230 more total enemy losses per week compared to the 2915 current enemy input rate. A U.S. force of 470,000 would result in enemy losses of 2450 per week; an extra 100,000 U.S. personnel would increase average weekly enemy losses to about 2680, still less than the 3500 per week that the enemy is supposed to be able to infiltrate/recruit. Moreover, it is possible that our attrition estimates substantially overstate actual VC/NVA losses. For example, the VC/NVA apparently lose only about one-sixth as many weapons as people, suggesting the possibility that many of the killed are unarmed porters or bystanders.

In summary, despite the wide variations in estimates of infiltration, recruitment and losses, the data indicate that current enemy recruitment/infiltration rates and tactics have more than offset the increased friendly deployments, enabling the enemy to increase his forces in the past and in the foreseeable future. If we assume that the estimates of enemy strength are accurate, the ratio of total friendly to total enemy strength has only increased from 3.5 to 4.0 to 1 since the end of 1965. Under these circumstances, it does not appear that we have the favorable leverage required to achieve decisive attrition by introducing more forces. It may be possible to reduce enemy strength substantially through improved tactics or other means such as an effective amnesty/defection program or effective pacification to dry up VC sources of recruitment, but further large increases in U.S. forces do not appear to be the answer.

Enemy Offensive Capability. These estimates of enemy strength, losses and replacement rates raise some important questions. They assume that the enemy has all the battalions carried in the MACV Enemy Order of Battle (OB), and that most of these battalions have retained their offensive capability. Neither assumption can be supported by available data.

In the last 7 months (February-August) for which data are available, friendly forces averaged 35 contacts per month with VC/NVA battalions. If each contact represented a different battalion the contract rate would equal 20% of average reported total enemy VC/NVA battalions: at best, we would contact each battalion once in 5 months. However, analyzing the August OB of 175 battalions, only 112 battalions had been positively identified as contacted during the 7 month period and 59 battalions were unrecorded as to last contact. (The remaining battalions were contacted prior to period.) Other battalions in addition to the 112 positively identified were undoubtedly active during the period. Nevertheless, it appears that the actual existence, or ability to operate, of some of the 59 units with no records of contact with friendly forces is open to question. Moreover, enemy activity rates reflected in the number of battalion contacts initiated by themselves or by us do not show increases that we might expect as the result of the 49 battalion increase reflected in the Order of Battle reports.

Furthermore, the enemy is undertaking fewer large-scale offensive operations in recent months and concentrating his small-scale attacks, ambushes, and harassments against easier targets (troops in the field and isolated military posts). This indicates a possible regression to activities characteristic of earlier stages of guerrilla warfare, is inconsistent with large numbers of battalions and even divisions, and many reflect an increasing inability to conduct large scale operations without incurring unacceptably high casualties. The VC/NVA have not won a significant large-scale military victory in several months. There is every reason to be on guard, as General Westmoreland is, but there is no reason to believe that we need to increase our planned deployment of large units to prevent such victories in the future.

The Interdiction Campaign. The VC force has reportedly increased by 20 battalions (from 74 to 94) since last December, NVA by 43 (from 43 to 86) during the same period. The NVA represented only 25,600 of 249,700 (10%) last December, increasing to 45,600 of 277,000 (16%) in October. The weekly rate of accepted infiltration has been about 1115 in 1966 compared to 945 in 4th quarter 1965 and 510 for all of 1965. MACV has recently reported that infiltration may have been as high as 1630 per week in 1966. The NVA units, equipped almost exclusively with Chinese and Russian weapons, have a much greater requirement for infiltrated ammunition and supplies, thus increasing their dependence on the logistics network flowing from NVN to SVN.

Air Interdiction. The use of air power to interdict enemy infiltration and supply has been very great by any standard. Attack sorties in Laos and NVN have risen from 4750 per month at the end of last year to 9100 in 1st quarter of this year and to 10,600 and 12,900 in subsequent quarters. The interdiction campaign has absorbed most of the increase in deployed attack-capable aircraft in the past years.

A substantial air interdiction campaign is clearly necessary and worthwhile. In addition to putting a ceiling on the size of the force that can be supported, it yields three significant military effects. First, it effectively harasses and delays truck movements down through the southern panhandles of NVN and Laos, though it has no effect on troops infiltrating on foot over trails that are virtually invisible from the air. Our experience shows that daytime armed reconnaissance above some minimum sortie rate makes it prohibitively expensive to the enemy to attempt daylight movement of vehicles, and so forces him to night movement. Second, destruction of bridges and cratering of roads forces the enemy to deploy repair crews, equipment, and porters to repair or bypass the damage. Third, attacks on vehicles, parks, and rest camps destroy some vehicles with their cargoes and inflict casualties. Moreover, our bombing campaign may produce a beneficial effect on U.S. and SVN morale by making NVN pay a price for its aggression and by showing that we are doing what we can to interdict the enemy. But at the scale we are now operating, I believe our bombing is yielding very small marginal returns, not worth the cost in pilot lives and aircraft.

II. Consolidation and extension of GVN control.

Pacification. Based on available reports of questionable validity, the table on the following page [not printed in the RECORD] indicates the various degrees of GVN and VC–NVA population and hamlet control. In the 14 months between July 31, 1965 and September 30, 1966, the GVN reportedly gained control of an addtiional 1.-500,000 people, raising its control of the total SVN population from 47 per cent to 55 per cent—the highest level to date. During the same period VC–NVA control of the total population decreased 6 per cent, a loss of 800,000 people. GVN control of the rural population rose from 23 per cent to 35 per cent, while VC–NVA rural control fell from 35 per cent to 28 per cent during the same period.

It is highly likely that these figures are grossly optimistic. It should be noted that about 30 per cent of the reported gains probably came from movement of refugees into cities and towns. Another report indicates that GVN increased its control of area only from 8 per cent to 12 per cent in 1966 through September. Since 1965 the VC–NVA have claimed control of 80 per cent of the SVN territory and 75 per cent of the population. At the end of September 1966, the GVN controlled about 25 per cent of the vital roads in SVN. It controlled about 20 per cent of the total roads, down from 35 per cent in 1965 and 40 per cent in 1964. The rest were marginal or closed and could be traveled only with adequate security precautions.

The pacification program has been stalled for years; it is stalled today. The situation in this regard is no better—possibly—than it was in 1965, 1963, and 1961. The large unit war, at which we are succeeding fairly well, is largely irrelevant to pacification as long as we keep the regular VC–NVA units from interfering and do not lose the major battles.

The most important problems are reflected in the belief of the rural Vietnamese that the GVN will not stay long when it comes into an area but the VC will; the VC will punish cooperation with the GVN; the GVN is indifferent to the people's welfare; the low-level GVN officials are tools of the local rich; and the GVN is excessively corrupt from top to bottom.

Success in changing these beliefs, and in pacification, depends on the interrelated functions of providing physical security, destroying the VC organization and presence, motivating the villager to cooperate, and establishing responsive local government.

Physical security must come first and is the essential prerequisite to a successful revolutionary development effort. The security must be permanent or it is meaningless to the villager, and it must be established by a well organized "clear and hold" operation continued long enough to really clear the area and conducted by competent military forces who have been trained to show respect for the villager and his problems. So far this prerequisite has been absent. In almost no area designated for pacification in recent years have ARVN forces actually "cleared and held" to a point where cadre teams could have stayed overnight in hamlets and survived, let alone accomplished their missions. VC units of company and even battalion size, too large for local defenses, have remained in operation.

Now that the threat of a Communist large-unit military victory has been eliminated, we must allocate far more attention and a significant portion of the regular military forces (at least half of the ARVN) to providing permanently secure areas in which Revolutionary Development (RD) teams, police, and civilian administrators can root out the VC infrastructure and establish the GVN presence. This has been our task all along. It is still our task. The war cannot come to a successful end until we have found a way to succeed in this task.

Assignment of ARVN to Revoluntionary Development Role. The increasingly unsatisfactory performance of ARVN in combat operations is reflected in U.S. Army advisory reports and in ARVN and U.S. operational statistics. During the January-September period for which data are available, U.S. field advisors rated combat effectiveness as unsatisfactory or marginal in up to 32% of all ARVN combat battalions. Over 115,700 SVN military personnel (19%) deserted in 1965, and desertions in 1966 through October were at the annual rate of 130,000, 21% of forces. The poor ARVN performance also shows in the operational statistics. ARVN made contact in only 46% of its large-scale operations against a U.S. contact rate of 90%. Similar actions for small unit actions are not readily available.

ARVN effectiveness against the enemy has declined markedly during the January-September 1966 period. ARVN kills of VC-NVA dropped from a weekly average of 356 to 238, while the U.S. average rose from 476 to 557 per week. VC-NVA killed per ARVN killed per ARVN battalion per week averaged 1.8 com-

pared to 8.6 for U.S. battalions. Conversely, the friendly killed rates were .6 per ARVN battalion and 1.7 per U.S. battalion per week. The enemy-friendly killed ratios for ARVN and U.S. were 3.2 and 5.4 to 1 respectively.

In view of the ARVN's low efficiency in major combat operations and the increasing difficulties that SVN forces have had in recruiting and retaining the planned forces in an overtaxed economy, I believe that we should not increase the SVN forces (ARVN, Regional and Popular Forces) above the present strength of 158 battalions with 610,000 men. It is likely that GVN control can be extended most rapidly by using SVN forces mainly for revolutionary development, and using additional recruitable personnel for non-military and para-military revolutionary development duty. The ARVN must be retrained and assigned to RD duty, and General Westmoreland plans to do so. The performance of the ARVN and other SVN forces as an instrument for winning popular support for the GVN has been decidely unsatisfactory. Apparently ARVN personnel have not appreciated the decisive importance of revolutionary development and popular support; the importance of these items will be heavily emphasized in the retraining programs.

The Problem of Inflation. To unite the population behind the Government—indeed, to avoid disintegration of SVN society—a sound economy is essential. Runaway inflation can undo what our military operations accomplish. For this reason, I have directed that a "piaster budget" be established for U.S. military funded activities. The intent of this program is to hold military and contractor piaster spending to the minimum level which can be accomplished without serious impact on military operations.

Ambassador Lodge has asked that U.S. military spending be held to P42 billion (piasters) in CY 67. The ambassador's proposed program of tightly constrained U.S. and GVN civilian and military spending will not bring complete stability to SVN; there will still be, at best, a P10 billion (piasters) inflationary gap. It should, however, hold price rises in CY 67 to 10 per cent to 25 per cent as opposed to 75 per cent to 90 per cent in the current year. Unless we rigidly control inflation, the ARVN desertion rate will further increase and effectiveness will decline thus partially canceling the effects of increased U.S. deployments. Further, government employees will leave their jobs and civil strife will occur, possibly collapsing the GVN and, in any event, seriously hindering both the military and the pacification efforts.

The success of our efforts to hold U.S. military expenditures to P42 billion (piasters) depends, among other things, on U.S. force levels. The impact of three differing deployment plans on piaster spending at constant prices is shown in the table below. The actual level of piaster spending associated with each deployment program is, of course, determined by what policies are pursued in saving piasters. The planning factors used in the table are based on little actual experience and may be either too high or too low to serve as a reliable basis for projection. They do, however, reflect first quarter FY 67 experience, MACV planning factors, and expected anti-inflationary programs.

The table clearly illustrated that with the deployment of 463,000 troops the CY 67 goal of P42 billion (piasters) is feasible. The planning factors used, however, entail a "pushing down" of O&M and personal spending from the MACV planning factors ($360 per man year for personal spending, $600 for O&M) in light of past performance and likely future savings; application of the MACV planning factors result in P46 billion piaster spending. If these later planning factors hold, the P46 spending rate would increase the inflationary gap by 40% and would be a severe blow to the stabilization program. If inflation occurs and U.S. expenditures are maintained in constant dollar terms, piaster expenditures will increase and the problem will be worsened. If the CINCPAC construction program were approved, similar problems would result. It appears imperative to adopt a plan, such as the one exemplified in the table above, which will call for a strong effort to reduce spending below the levels embodied in the MACV planning factors.

In addition to U.S. military spending, stabilization of the SVN economy requires strict limitation of RVNAF spending. We must plan to support the RVNAF at no higher than the ambassador's requested level of P50 billion during CY 67.

[From the Philadelphia Inquirer, June 27, 1971]

BACK IN 1966, L.B.J. RESISTED PRESSURE TO SEND TROOPS INTO LAOS, CAMBODIA

(By Loye Miller, Jr.)

WASHINGTON.—U.S. military leaders were constantly pressuring President Lyndon B. Johnson to expand the ground war from South Vietnam into Laos and Cambodia during 1966 and 1967, the secret Pentagon papers show.

There was even some serious discussion about using U.S. troops to invade North Vietnam in force.

But Mr. Johnson, Defense Secretary Robert McNamara and other top civilians in the government steadily resisted these requests from the generals, the Pentagon archive indicates.

Mr. Johnson did allow bombing and covert use of Special Forces troops in Laos and bombing in Cambodia.

But it remained for Mr. Johnson's successor, President Nixon, to approve partially the much larger military pleas by expanding the ground war into Cambodia and launching a major foray into Laos years later.

Mr. Nixon sent U.S. and South Vietnamese ground troops into Cambodia on April 30, 1970, setting off a political uproar that swept the campuses in this country and led to the killing of four students by the Ohio National Guard at Kent State University.

The American troops were withdrawn by June 30, but South Vietnamese units are still fighting in Cambodia.

BADLY BATTERED

And earlier this year, at Nixon's urging, South Vietnamese troops, with heavy U.S. air cover and logistic support, attempted to cut the Ho Chi Minh Trail during a six-week foray into Laos. Some returned badly battered.

The pressure on Mr. Johnson and McNamara to approve far wider incursions into these "sanctuaries" adjacent to South Vietnam began building during 1966.

Massive infusions of U.S. ground troops were resulting in heavy losses to North Vietnamese and Vietcong units in South Vietnam at that time.

But even as these successes unfolded, William Westmoreland, U.S. Vietnam commander, was complaining that "sanctuaries" of Laos and Cambodia and the jungle infiltration routes from them posed a major peril to the security of South Vietnam.

During this period, the limited and secret use of small numbers of U.S. troops in the jungles along the Laotian border was conducted under the code name Operation Shining Brass.

The Pentagon analyst writes that on Feb. 21, 1967, the Joint Chiefs of Staff petitioned President Johnson for a series of new military moves, including expansion of Shining Brass.

SUGGESTION DENIED

The study shows that Johnson approved extension of the operations up to 20 kilometers (about 13 miles) into Laos, but denied the general's suggestion that "battalion-size forces" be moved across the border.

Later in the spring, McNamara submitted to Mr. Johnson a summary of U.S. activities against Laos, Cambodia and North Vietnam. It noted:

"At the present time, no actions—except air strikes and artillery fire necessary to quiet hostile batteries across the borders—are allowed against Cambodian territory

"In Laos, we average 5000 (air) sorties a month against the infiltration routes and base areas, we fire artillery from South Vietnam against targets in Laos and we will be providing three-man leadership for each of twenty 12-man U.S.-Vietnamese Special Forces teams that operate to a depth of 20 kilometers into Laos.

8,000 ATTACK SORTIES

"Against North Vietnam, we average 8000 or more attack sorties a month against all worthwhile fixed and LOC (lines of communication) targround targets across the DMZ (Demilitarized Zone); we fire from naval vessels afloat . . .; we mine their inland waterways."

With U.S. efforts in South Vietnam becoming bogged down, Westmoreland returned to Washington in April 1967 to urge another major escalation in troop levels

The Pentagon study discloses that in meeting with the President at the White House in April, Westmoreland laid out plans to move South Vietnamese troops into Laos and Cambodia.

UNDER U.S. COVER

The study says the general "believed we should confront the DRV (North Vietnamese) with SVN (South Vietnamese) forces in Laos.

"He reviewed his operational plan for Laos, called High Port, which envisioned an elite SVN division conducting ground operations in Laos against DRV bases and infiltration routes under cover of U.S. artillery and air."

Westmoreland, the study continues, believed that eventually Laos would become "a major battlefield, a development which would take some of the military pressure off the south."

The general also proposed the same type of High Port operation into Cambodia near the town of Chu Pong, "again using SVN forces but this time accompanied by U.S. advisers."

WHEELER HAWKISH

At this same meeting, the Joint Chiefs of Staff chairman, Gen. Earle G. Wheeler, was even more hawkish.

Wheeler told the President that "U.S. troops may be forced to move" against North Vietnamese troops in Laos and Cambodia, the study says.

Beyond that, Wheeler said, "we may wish to take offensive action against the DRV" by invading North Vietnam with U.S. ground forces.

"The President remained skeptical, to say the least," writes the Pentagon analyst.

Later in the spring, the Joint Chiefs suggested expansion of Laos operations with a new project to be dubbed Prairie Fire and a Cambodian escalation to be named Daniel Boon.

INTERNAL RESISTANCE

They also wanted to mount an Operation Footboy to build up internal guerrilla resistance to the enemy government within North Vietnam, although all such previous efforts had failed badly.

But the Pentagon study indicates these ideas brought a shower of opposing memos from civilian leaders within the State Department and Pentagon, and were disapproved by the President.

The paper that most effectively summed up these objections was written by Assistant Defense Secretary John McNaughton, who argued that any ground movement into North Vietnam would bring China to the enemy's aid with 'both ground and air

forces' and cause the Soviet Union to provoke "a serious confrontation" with the United States elsewhere in the world.

NEW FRONTS FEARED

McNaughton also argued against any serious troop movement into Laos or Cambodia, warning that this would simply add new battle fronts closer to the North Vietnamese supply lines.

Discussing the idea of a troop commitment to Laos, he predicted "a brigade will beget a division and a division A corps, each calling down matching forces from the Dry (North Vietnamese) into territory to their liking and suggesting to Hanoi that they take action in northern Laos to suck us further in.

"We would simply have a wider war, with . . . world opinion against us. And no solution either to the wider war or the one we already had in Vietnam."

[From the Philadelphia Inquirer, June 27, 1971]

DOMINO THEORY HAS LED U.S. POLICY SINCE 1950, PAPERS SHOW

(By Saul Friedman)

WASHINGTON.—On March 27, 1950, President Harry S. Truman gave his approval to "NSC 64," the first National Security Council memorandum to deal solely with Indochina.

That spring, echoes of World War II could still be heard. The cold war had set in. Mainland China had fallen to Mao, and the Korean War would soon begin.

Against that background, according to the opening chapters of the Pentagon's study of the Vietnam War, "NSC 64" gave birth to the "Domino Principle"—the theory that if one country falls, its neighbors in succession will follow.

SET THE PATTERN

As the history of the Vietnam conflict and the Pentagon Papers available to Knight Newspapers make clear, the Domino principle spawned its own set of dominoes, which fell successively on the administrations of Mr. Truman, Dwight D. Eisenhower, John F. Kennedy and Lyndon B. Johnson.

Dr. Daniel Ellsberg—who is said to have been a source of the Pentagon documents—has called that early period one of the most important chapters because it set the pattern for much of what was to come.

Adopted by the Truman Administration, NSC 64 warned that "the threat of Communist aggression against Indochina is only one phase of anticipated Communist plans to seize all of Southeast Asia."

SERIES SPELLED OUT

"It is important to U.S. security interests," the still-secret memo said, "that all practicable measures be taken to prevent further Communist expansion in Southeast Asia. . . .

"The neighboring countries of Thailand and Burma could be expected to fall under Communist domination if Indochina were controlled by a Communist-dominated government. The balance of Southeast Asia would then be in grave hazard."

France granted limited independence in February 1950 to Laos, Cambodia and Vietnam.

ACHESON'S REASONS

On Feb. 2, then Secretary of State Dean Acheson, in a memo to the President, recommended recognition of the three new states.

Acheson gave these reasons: "Encouragement to national aspirations under non-Communist governments in areas adjacent to Communist China . . . and . . . a demonstration of displeasure with Communist tactics which are obviously aimed at eventual domination of Asia, working under the guise of indigenous nationalism."

Two weeks after Acheson's memo France requested U.S. assistance to fight the Communist-dominated Viet Minh.

BEGAN IN MARCH 1950

Secretary of Defense Louis Johnson backed the request, in language that would be heard many times in the next two decades:

"The choice confronting the U.S. is to support the legal governments in Indochina or to face the extension of Communism over the remainder of the continental area of Southeast Asia and possibly westward."

Thus in March 1950, this country sent to Southeast Asia the first of countless missions. On May 1, Mr. Truman approved the first military assistance funds for Indochina—$10 million.

The French installed as head of government the Emperor Bao Dai, something of a playboy, who had spent the war and the Japanese occupation of his country exiled in Europe.

SLAP AT BAO DAI

On the emperor's return to Vietnam from exile, the Pentagon study shows, Acheson sent him a sharp cable, telling Bao Dai that "many people, including a great number of Americans, have been unable to understand reasons for emperor's 'prolonged holiday' on Riviera and have misinterpreted it as an indication of lack of patriotic attachment to his role of chief of state." Acheson suggested the emperor shape up.

The Truman Administration was also deep in the Korean war and under criticism as "soft on Communism."

The Pentagon analyst writes, "The 'domino principle' in its purest form was written into the 'general considerations' section of NSC 124–2," adopted in June 1952. It said:

"Communist domination, by whatever means, of all Southeast Asia would seriously endanger in the short term, and critically endanger in the longer term, U.S. security interests.

SOMEBODY IMPRESSED

"The loss of any of the countries of Southeast Asia to Communist agression would have critical psychological, political, and economic consequences.

". . . The loss of any single country would probably lead to relatively swift submission to or an alignment with Communism by the remaining countries of this group . . . an alignment with Communism of the rest of Southeast Asia and India, and in the longer term, of the Middle East . . . would in all probability progressively follow. Such widespread alignment would endanger the stability and security of Europe."

(At this point, some anonymous reader of the Pentagon documents penned in the margin the word: "Wod.")

IKE HEEDED JUDD

The National Security Council memo went on to warn that Communist control of Southeast Asia "would" seriously endanger the American position in the Far East and the Pacific and could force "Japan's eventual accommodation to Communism."

"Southeast Asia, especially Malaya and Indonesia, is the principal world source of natural rubber and tin, and a producer of petroleum and other strategically important commodities. . . .". NSC 124—2 concluded.

DULLES' WARNING

A few months after later, Dwight D. Eisenhower became President, with John Foster Dulles as Secretary of State. In spring of 1953 they sent a special study commission to Indochina headed by Rep. Walter Judd (R., Minn.).

His report set the tone of the Eisenhower Administration policy. It said: "The area of Indochina is immensely wealthy in rice, rubber, coal, and iron ore. Its position makes it a strategic key to the rest of Southeast Asia.

"If Indochina should fall . . . Communism would then be in an exceptional position to complete its perversion of the political and social revolution that is spreading through Asia . . . the Communists must be prevented from achieving their objectives in Indochina."

Dulles said in September: "A single Communist aggressive front extends from Korea on the north to Indochina in the south."

FRANCE BOWED OUT

Then in a new NSC paper quoted the domino principle as explicity as Mr. Truman had, and in much the same language.

Washington repeatedly urged the French, after their defeat by Ho Chi Minh at Dien Bien Phu, to refuse to negotiate or even accept a cease-fire. But France agreed at Geneva on elections, which probably would have brought Ho to power throughout the country.

SUBVERTED ELECTIONS

Dulles who declined even to shake hands with China's Chou En Lai at Geneva—would have none of that, the Pentagon analyst reports.

After trying to get U.S. military aid to the French at Dien Bien Phu, he backed a new strong man for South Vietnam—Ngo Dinh Diem.

Dulles sought "united action" with France and England, preaching the domino principle to them.

Failing in that, the documents say, Dulles told Diem to do nothing that would "instill life" into the Geneva accords. Consequently, the elections were never held.

On Nov. 22, 1961—after several more U.S. missions to Vietnam—President Kennedy approved National Security Memorandum 111. This incorporated much of a memo to him from Secretary of State Dean Rusk and Secretary of Defense Robert S. McNamara.

KENNEDY COURSE

That memo was reproduced in full by the Pentagon analyst because it set the Kennedy Administration's course towards Vietnam. It began: "The loss of South Vietnam would make pointless any further discussion about the importance of Southeast Asia to the free world; we would have to face the near certainty that the remainder of Southeast Asia and Indonesia would move to a complete accomodation with Communism . . . (and) would determine the credibility of American commitments elsewhere. . . .

JOINT CHIEFS SWAYED

Mr. Kennedy increased military aid to Vietnam and sent helicopter pilots, more advisers and logistical personnel.

According to the Pentagon documents, the Joint Chiefs of Staff, from 1950 to about 1962 (when Maxwell Taylor became chairman), were generally opposed to becoming bogged down in an Asian war. But once U.S. forces were committed, they pressed for more and more. The specter of military humiliation had become an important ingredient in the domingo principle.

In Spring 1964, the new President, Lyndon B. Johnson, ordered a full-scale review of the war, and asked whether it was necessarily true that loss of Vietnam lead to the fall of Southeast Asia.

[From the Philadelphia Inquirer, June 27, 1971]

RUSK FEARED WORLD OPINION ON SABOTAGE OF PEACE TALKS

(By Robert S. Boyd)

WASHINGTON.—Secretary of State Dean Rusk, in a private message to Defense Secretary Robert McNamara, warned of "general international revulsion" if U.S. bombers raided Hanoi during a Canadian peace feeler, the Pentagon papers disclosed.

In early June 1966, Canadian Ambassador Chester Ronning was about to leave for Hanoi to try to find a basis for peace talks between the U.S. and North Vietnam.

On June 7, Rusk, traveling in Europe, learned that the Pentagon was planning to hit petroleum supplies in Hanoi for the first time.

URGENT CABLE

Rusk flashed an urgent cable to President Johnson from Brussels.

"Regarding special operation in Vietnam we had under consideration, I sincerely hope that timing can be postponed until my return. A major question in my mind is * * *

The next day, the Pentagon papers disclose, Rusk cabled McNamara:

"I am deeply disturbed by general international revision, and perhaps a great deal at home, if it becomes known that we took an action which sabotaged the Ronning mission to which we had given agreement."

Rusk argued that if Ronning failed to find Hanoi ready to talk, "as we expect, that provides a firmer base for the action we contemplate and would make a difference to people like (British Prime Minister Harold) Wilson and (Canadian Premier Lester) Pearson.

"If, on the other hand, he learns that there is a serious breakthrough toward peace, the President would surely want to know of that before an action which would knock such a possibility off the track. I strongly recommend, therefore, against (Bombing on) the 9th or 10th.

That exchange is one of the fascinating glimpses into the world of secret diplomacy that emerges from the Pentagon papers on the history of the war.

The portion of the papers made available to Knight Newspapers does not include an especially sensitive volume devoted entirely to international diplomacy. Government officials contend that publication of this volume could harm the national security even at this time.

The diplomatic maneuvers referred to in the available documents reveal no previously undisclosed secret negotiating channels. But fresh light is shed on the attitude of Johnson Administration figures toward peace talks and toward third parties who were trying to get talks started.

The documents show:

That U.S. officials were not really interested in peace talks in the early years of the war. While publicly professing their desire for peace, they privately maneuvered to avoid talks—except on very favorable terms—until South Vietnam was stronger.

That periodic bombing halts were designed less to bring about negotiations than to prepare U.S. and foreign opinion for further escalation.

That as late as March 1968, less than a month before Hanoi agreed to come to the Paris peace table, senior U.S. officials were arguing that U.S. should stiffen its peace terms and predicting that Hanoi would not accept them.

Discussing the five-day bombing pause in May 1965, for example, the Pentagon analyst who wrote this section of the report said Johnson wanted to see if Hanoi would respond by de-escalating the war. But he added:

"Yet the President also saw a pause as a means of clearing the way for an increase in the tempo of the air war in the absence of a satisfactory response from Hanoi."

In November 1965, discussing plans for the 37-day bombing pause and sensational "peace offensive" of that winter, McNamara argued for what he called a "hard-line pause."

"Under a hard-line pause we would be firmly resolved to resume bombing unless the Communists were clearly moving toward meeting our declared terms," McNamara said. Under a "soft-line pause," in contrast, "we would be willing to feel our way with less insistence on concrete concessions by the Communists."

DOUBLE PURPOSE

McNamara said the purpose of the pause would be twofold: "First we must lay a foundation in the mind of the American public and in world opinion for such an enlarged phase of the war, and second, we should give North Vietnam a face-saving chance to stop the aggression."

The Pentagon analyst noted that these were "not very attractive options," for Hanoi.

After the 37-day pause failed, there was a flurry of peace-making activity by third parties. The Pentagon papers mentioned maneuvers by President Nkrumah of Ghana, President Abdul Gamal Nasser of Egypt, President Charles de Gaulle of France, Prime Minister Wilson, Soviet Premier Alexli Kosygin, Indian President Radharrishnon, Canada's Pearson and Ronning; UN Secretary-General U Thant, Dutch Foreign Minister Luns and various Algerians, Rumanians and Guineans.

HALT RECOMMENDED

None of these got anywhere, and McNamara, who was rapidly becoming disillusioned with the war effort, recommended in October 1966, that the U.S. halt the bombing and began "covert moves toward peace."

One such move, code-named "Operation Marigold" involved a Polish effort to open talks in Warsaw. It collapsed when the U.S. raided Hanoi in December.

[From Newsday, June 25, 1971]

SECRET ESCALATION PLANS IN 1964 DESCRIBED IN JOHNSON MEMOIRS—BOOK SUPPORTS PENTAGON DATA

(By Brian Donovan)

Lyndon Johnson's still-unpublished White House memoirs acknowledge that his administration was privately preparing in early 1964 for large-scale American military involvement in Vietnam, long before the depth of the U.S. commitment was known to the public.

The memoirs, to be published in November, support many of the findings of the classified Pentagon study of the war's origins, which the government has been fighting to keep secret. The former President's book, now largely in galley form at the New York publishing house of Holt, Rinehart & Winston, is entitled "The Vantage Point: Perspectives of the Presidency." Newsday obtained information about the material from a publishing industry source.

Johnson depicts himself in the book as having been hesitant for several months over approving military advisers' recommendations for bombing raids against North Vietnam. But in February of 1965, he writes, he told his aides that he was approving the bombing. " 'We have kept our gun over the mantel and our shells in the cupboard for a long time now,' I said. 'And what was the result? They are killing our men while they sleep in the night. I can't ask American soldiers out there to continue to fight with one hand tied behind their backs.' "

Johnson says in the book that he first decided to pursue President Kennedy's policy of defending South Vietnam's sovereignty while flying back to Washington only a few hours after Kennedy was assassinated in November, 1963.

In the highlights of his chapters on Vietnam, portraying more than five years of growing U.S. involvement, Johnson says:

On March 17, 1964, he approved a recommendation by Defense Secretary McNamara that U.S. forces should be prepared for a "program of graduated military pressure against the North."

During the 1964 presidential campaign, Robert Kennedy volunteeered to go to South Vietnam as the U.S. ambassador.

During the same campaign, all that he meant by his often-quoted statement that he would not send U.S. troops "to do the fighting that Asian boys should do for themselves" was that America should not "take charge" of the war or provoke a conflict with China. "I did not mean that we were not going to do any fighting, for we had already lost many good men in Vietnam."

In September, 1964, Johnson approved a contingency plan for bombing, recommended by the military, to be implemented if Communist forces made a "spectacular" attack in the South. But he then waited until Feb. 7, 1965, to start bombing, twice rejecting military advice to begin earlier.

On Feb. 17, 1965, Johnson met with former President Eisenhower and was urged to mount a "campaign of pressure" against the North.

About three weeks after the first major battle involving American ground troops in a campaign in June, 1965, Johnson authorized a 25,000-man troop increase to 75,000. He writes, "I was convinced that our retreat from this challenge would open the path to World War III."

At the 1967 Glassboro summit conference, Soviet Premier Kosygin told Johnson that if the U.S. stopped bombing, peace negotiations would start, but no mutually agreeable terms for pursuing that peace feeler could be reached.

Johnson prefaces his chronology of his Vietnam decisions by saying, "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.' "

In 1964, while taking the steps that led to an extensive U.S. military effort in Vietnam, Johnson writes, "I had moments of deep discouragement, times when I felt that the South Vietnamese were their own worst enemies. The South Vietnamese seemed to have a strong impulse toward political suicide."

Johnson's portrait of his early policy-making stance coincides to a certain extent with the picture drawn in the embattled Pentagon study, indicating a President considering plans for major military operations while hesitating at several points to put those plans into effect. The picture becomes particularly clear in Johnson's account of the steps leading to the U.S. bombing raids.

Although no "formal" bombing proposal had been advanced by his advisers during his first year in the White House, Johnson writes, "the idea of hitting North Vietnam with air power, either on a reprisal basis or a sustained campaign, had been discussed inside the government, in Saigon and in the American press for some time . . ."

According to the classified Pentagon study that has surfaced in recent days, the President, in June of 1964, considered "the political conventions just around the corner and the election issues regarding Vietnam clearly drawn." So he held back, the study said, from seeking any major escalation and from seeking any congressional approval for it.

Then, on Sept. 9, 1964, a little more than a month after the Tonkin Gulf incidents, Johnson received recommendations, from the State and Defense Departments, he writes, supporting the idea of bombing the North. Johnson says he ordered that contingency plans for such raids be prepared. "Acting on [that] order, the military forces made plans to retaliate by air against the North if the North Vietnamese or Viet Cong hit U.S. forces or carried out some kind of 'spectacular' attack in South Vietnam," he writes. "Twice before the year was out, I was asked to put those contingency plans into effect."

The first time, he writes, was after an attack on the air base at Bien Hoa; the second, after the bombing of an American officers' billet in Saigon. It was not until February of 1965, when an attack on a U.S. base at Pleiku killed eight Americans, however, that the strikes finally were authorized, he writes.

Despite the decision to prepare to begin bombing came in September of 1964, Johnson was presenting a far different impression to the public at that time. During a campaign appearance before a gathering of steelworkers in Atlantic City on Sept. 26, Johnson, in a slap at his Republican opponent, Sen.

Barry Goldwater, said: "You know it takes a man who loves his country to build a house instead of a raving, ranting demagogue who wants to tear one down." At another campaign appearance, he described the contest between Goldwater and himself as one "between the center and the fringe, between the responsible mainstream of American experience and the reckless and rejected extremes . . ."

And in another statement that month, Johnson said: "There are those who say, 'You ought to go north and drop bombs to try to wipe out the supply lines,' and they think that would escalate the war. We don't want our American boys to do the fighting for Asian boys. We don't want to . . . get tied down in a land war in Asia."

Johnson comments on that statement, and several similar ones he made during the same period, with these words in his book: "I was answering those who proposed, or implied, that we should take charge of the war or carry out actions that would risk a war with Communist China. I did not mean that we were not going to do any fighting, for we had already lost many good men in Vietnam."

According to the Pentagon study, Johnson also ordered, in private meetings with advisers during that same month, several more military steps in addition to the bombing contingency plans. They included the resumption of destroyer patrols off North Vietnam and covert South Vietnamese commando raids in North Vietnam with American support, the study said. Those raids, under the code name of 34A, originally ordered by Johnson to increase pressure against North Vietnam, grew in scope during the summer of 1964, according to the Pentagon papers. During some of the raids, U.S. ships, including destroyers, were standing by in international waters off North Vietnam, the study said. Two of the destroyers, the Maddox and the Turner Joy, figured in a key international incident.

According to Johnson's account, he received a report from a Pentagon duty officer on Aug. 2 that the Maddox had been attacked by three North Vietnamese torpedo boats. Johnson writes that he decided that day against any immediate retaliation. Two days later, Johnson writes, the Turner Joy was attacked. But Johnson's book goes along with other accounts in reporting some confusion at the scene over what actually happened. "The destroyer Maddox questioned whether the many reports of enemy torpedo firings were all valid," he writes.

Nonetheless, the Pentagon study said, Johnson then ordered limited retaliatory strikes against the North, using contingency plans already prepared. "The Tonkin Gulf reprisal constituted an important firebreak, and the Tonkin Gulf resolution set U.S. public support for virtually any action," it said.

Johnson writes that in early 1965, with the full-scale bombing of the North finally underway, he received more advice supporting a further widening of the war. On the night of Feb. 7, the day that Johnson ordered the air strikes, special presidential adviser McGeorge Bundy came back from Saigon with a recommendation that the war policy be one of "gradual and continuing reprisal."

Ten days later, Johnson writes, he met with Eisenhower and was urged to continue a "campaign of pressure." Johnson says Eisenhower told him that during the Korean war, Eisenhower had told the enemy that if a settlement was not reached, the U.S. would remove "the limits we were observing as to the area of combat and the weapons employed."

It was against the background of such advice, Johnson writes, that his administration began in that period to move into a ground war. "In March, I agreed to Gen. [William] Westmoreland's request that we land two Marine battalions to provide security for the Da Nang air base."

According to the Pentagon study, Hanoi's failure to respond to the initial air strikes with an offer of negotiations surprised and discouraged the Johnson administration. After a month, the study said, Johnson decided that the only alternative was to step up the war on the ground as well.

Johnson writes that during the first two days of April, he approved an increase of 18,000 to 20,000 men in American support forces, the deployment of two more Marine battalions and a Marine air squadron, and a change in the previously defensive Marine mission.

That change, the book says, permitted "their more active use" subject to approval from the State and Defense Departments. By the end of April, the total ground troop level had exceeded 50,000, and the U.S. was well on its way to a deeper involvement.

But nearly three months later, on July 28, Johnson was still saying publicly that the troop deployments did not signal any change in the nation's Vietnam policy. At a news conference that day, he said: "It does not imply any change in policy whatever. It does not imply any change of objective."

During the bombings, Johnson writes, the U.S. crews "made fantastic efforts" to avoid killing civilians. But he adds: "They could not be totally successful, it is true, and that was a constant source of sorrow to me."

Johnson's Vietnam chapters also touch on some of the diplomatic maneuvers accompanying the escalation of the war. At one point, his account seems to confirm previously published reports that in February, 1967, Harold Wilson, who was then the British prime minister, received a peace feeler from Hanoi through Alexei Kosygin, then the Soviet premier. Kosygin, in London at the time, said that stopping the bombing and reducing U.S. troop strength would lead to peace talks, Johnson writes.

Johnson responded with his own set of proposals, according to the book, and asked for an answer from Hanoi within 24 hours. Wilson then complained, Johnson writes, that 24 hours was not enough time. In the end, the book says, there was no response from Hanoi. When Kosygin returned to Moscow, the U.S. resumed bombing.

At the Glassboro conference in June of 1967, Johnson writes, Kosygin again said that a bombing halt would lead to peace negotiations. Johnson reiterated his insistence, he writes, that Hanoi not take advantage of a bombing cessation. Kosygin relayed that position to Hanoi, Johnson writes, but the U.S. never received an answer.

At one point in this account, Johnson writes that the concept of turning the war over to the South Vietnamese was a major goal of his administration in 1968. Somewhat pointedly, he writes that that policy was later adopted by President Nixon and called Vietnamization.

At another point, the Johnson book says that two French intermediaries returned to Paris after a visit to Hanoi and told Henry Kissinger, then a Harvard professor and now a key Nixon foreign policy adviser, that Hanoi would begin talks if the bombing stopped. The intermediaries said that the halt need not be billed as permanent step, according to the book.

Johnson writes that the U.S. relayed to Hanoi a message that it would accept those terms if the North Vietnamese pledged not to take advantage of the move by infiltrating troops. Hanoi refused to give such a guarantee, Johnson writes.

Summing up his thoughts on his Vietnam years, Johnson's narrative says, "Looking back as I left the presidency, I knew not everything I did about Vietnam, every decision I made about it, had been correct."

OPPOSITION TO OCEAN MAMMAL PROTECTION ACT

Mr. STEVENS. Mr. President, in a speech delivered to this body on June 4, 1971, I expressed strong opposition to S. 1315, the Ocean Mammal Protection Act, and similar legislation now pending in the House. In this speech, I contended that the enactment of S. 1315 would be extremely unwise from both an ecological and an economic point of view.

In my remarks, I also mentioned that my staff had contacted Mr. Tom Kimball, director of the National Wildlife Federation, and Mr. Dan Poole, president of the Wildlife Management Institute, both of whom oppose S. 1315 in that it prohibits prudent management on the Pribilofs and requires the termination of the North Pacific Fur Seal Convention.

This view is also held by the leaders of many other prestigious and knowledgeable conservation groups. In separate letters to President Nixon and to all Members of the House and Senate, these leaders stated that programs for the protection and scientific management of marine mammals are being threatened by well publicized, but misguided efforts which, if successful, would destroy the operation of biologically sound activities conducted by the State and Federal conservation agencies. The letters made clear that the "hands off" policy proposed in S. 1315 and similar House bills would severely jeopardize the efforts of responsible fish and wildlife agencies to manage their marine mammals programs in a scientific manner. Thus, the ability of these mammals to survive and prosper would be adversely affected.

The conservationists signing the letter to the President were Mr. William E. Towell, executive vice president of the American Forestry Association; Spencer M. Smith, secretary of the Citizens Committee on Natural Resources; Chester F. Phelps, president of the International Association of Game, Fish, and Conservation Commissioners; Joseph W. Penfold, conservation director of the Izaak Walton League of America; Charles H. Callison, executive vice president of the National Audubon Society; Maxwell E. Rich, executive vice president of the National Rifle Association of America; C. R. Gutermuth, secretary of the North American Wildlife Foundation; Richard H. Stroud, executive vice president of the Sport Fishing Institute; Fred G. Evenden, executive director of the Wildlife Society; Ray A. Kotrla, Washington representative of Trout Unlimited; Daniel A. Poole, president of the Wildlife Management Institute; and Ira N. Gabrielson, president of World Wildlife Fund.

The letter to House and Senate Members, which was accompanied by a comprehensive fact sheet, was signed by Harold J. Coolidge, honorary chairman of the American Committee for International Wild Life Protection; Robert F. Hutton, secretary of American Fisheries Society; William E. Towell, executive vice president of American Forestry Association; Frederick C. Pullman, president of the Boone and Crockett Club; Spencer M. Smith, Jr., secretary of the

Citizens Committee on Natural Resources; Chester F. Phelps, president of the International Association of Game, Fish, and Conservation Commissioners; Joseph W. Penfold, conservation director of the Izaak Walton League of America; Maxwell E. Rich, executive vice president of the National Rifle Association of America; Thomas L. Kimball, executive director of the National Wildlife Federation; C. R. Gutermuth, secretary of the North American Wildlife Foundation; Richard H. Stroud, executive vice president of the Sport Fishing Institute; Ray A. Kotria, Washington representative of Trout Unlimited; Daniel A. Poole, president of the Wildlife Management Institute; Fred G. Evenden, executive director of the Wildlife Society; and Ira N. Gabrielson, president of the World Wildlife Fund.

In order that the contents of these letters can be shared with the Members of this body and all those who read the CONGRESSIONAL RECORD, I ask unanimous consent that they be printed in the RECORD.

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

JUNE 18, 1971.

To all Members of the House and Senate:

An organized press and television campaign is underway to solicit support for banning the taking of certain marine mammals. House and Senate bills to accomplish this are H.R. 6554, S. 1315, and others.

The undersigned national conservation organizations believe such a step would interfere with the needed scientific management of these interesting and valuable animals. Some of these highly migratory animals can be managed only through international agreements. Others come under the various jurisdictions of federal and state government.

Total protection, as is being urged, would halt a number of management programs, some of which have been remarkably successful. The application of science, not emotion, has brought back the fur seal and the sea otter from the shadows of extinction to their thriving and productive population levels of today.

Total protection also would make it impossible to manage any population of marine mammals even though, under future circumstances, a culling may be desirable in the interest of man or to reduce local overpopulations that usually are detrimental to the species itself. In some cases, protection also would eliminate urgently needed sources of income to Eskimos, Aleuts, and Indians and revenue for state and federal treasuries, as well.

We believe that adoption of such a negative policy would be a serious mistake. We believe the government should strengthen its management authorities, including providing more funds and manpower, and should explore new and more effective international agreements. We believe that there is no substitute for scientific fact when it comes to assuring the perpetuation of any species.

The accompanying fact sheets provide more detailed information on the status and management opportunities for marine mammals, should you have the time or need to read them.

Sincerely,

Harold J. Coolidge, Robert F. Hatton, William E. Towell, Frederick C. Pullman, Spencer M. Smith, Jr., Chester F. Phelps, Joseph W. Penfold, Maxwell E. Rich, Thomas L. Kimball, C. R. Gutermuth, Richard H. Stroud, Ray A. Kotria, Daniel A. Poole, Fred G. Evenden, and Ira N. Gabrielson.

THE HARVEST OF THE PRIBILOF FUR SEALS

The northern fur seal is a creature of the high seas, the open water. It comes ashore only to breed and bear its young.

Each year the fur seals leave the mist-shrouded rookery islands of the North Pacific to migrate as far south as California, as far west as Japan. And each year their mysterious homing instinct draws them back across the ocean to the same rocky nursery isles.

The adult male, or bull, may weigh 500 pounds or more and the female about 100 pounds. Harems are composed of one bull and as many as 100 females, although the average harem has about 40 females. The pups are born in the early summer and weigh about 10 pounds at birth. By the time they depart for the sea in the late fall, the pups may weigh 30 pounds or more.

The seal is a commercially valuable animal. Its furs are prized for coats; the meat is consumed both by humans and by animals. The annual fur seal harvest on the Pribilof Islands is virtually the sole source of gainful work for the 600 Aleuts who live in its two communities.

The seal herd of the Pribilofs today is thriving, its number estimated at 1⅓ million animals. Its return from a dangerously low level of 200,000 in 1911 is a historic story in the annals of man's effort to conserve wildlife.

That story began when the indiscriminate slaughter of northern fur seals on the high seas was ended.

In the 18th century, the seals' rich fur made them targets of intensive hunting in the Northern Hemisphere.

The Russians discovered the Pribilof Islands in 1786. In the ensuing years Russian hunters reportedly took 2.5 million seal pelts. Initially, harvesting was uncontrolled, breeding females were unprotected in the Pribilof herds were reduced to remnants. In 1834, when the seals had been almost annihilated, the Russians stopped killing females and the herd began to increase. By 1867, when the U.S. purchased Alaska, (including the Pribilofs) the Pribilof herd had recovered to the point that it sustained an annual harvest of 100,000 males for many years.

The United States began its jurisdiction by permitting a number of independent companies to operate. In the first season 300,000 skins were taken. To protect the fur seals, Congress in 1869 set aside the Pribilofs as a special reservation. During the next 20 years, sealing on the Pribilofs was conducted under a leasing arrangement, with some 2 million sealskins taken. A second 20-year lease produced only 343,000 skins, and in 1910 the Federal Government assumed direct management of the approximately 200,000 fur seals that survived.

During this 40-year period, killing at sea had continued. American, Canadian, and Japanese sealers had shot and speared fur seals from ships. They could not tell the sex or age of the animals, many of which were lost through wounding or sinking. When a nursing mother was killed it often meant slow starvation for her pup.

From 1879 to 1909, almost one million fur seals were taken at sea. No one knows how many more were wasted.

The open sea killing was halted by international agreement in 1911, when the United States, Great Britain, Japan, and Russia concluded a convention for the protection of the North Pacific fur seal. In exchange for the ban on pelagic sealing, the United States and the Soviet Union, under the agreement, provide Japan and Canada each with 15 percent of the harvest from the Pribilofs and 15 percent of the harvest from those islands under jurisdiction of the Soviet Union.

In addition to the conservation of the seal herd made possible by this agreement, there is now an economic gain for the State of Alaska, which by the Alaska Statehood Act obtains 70 percent of the net proceeds from the sale of Alaska sealskins.

The majority of sealskins are presently utilized by the European market. A ban placed on the importation of seal pelts into the United States would have little, if any, effect on world seal harvests.

In the United States, the Fur Seal Act of 1966 charged the Secretary of the Interior with management of the fur seals. This responsibility was transferred to the Secretary of Commerce on Oct. 3, 1970. The National Oceanic and Atmospheric Administration's National Marine Fisheries Service supervises the harvest of an average 50,000 fur seals each summer on the Pribilof Islands.

There are now seal rookeries under U.S. jurisdiction on Alaska's Pribilof Islands of St. Paul and St. George in the Bering Sea, on Robben Island, and on the Kurile Islands in the Seal of Okhotsk. There is substantial intermixing between the herds of the eastern and western Pacific Ocean.

The harvest is restricted largely to 3- and 4-year old bachelor males that congregate on the edges of the rookeries. Baby seals, or pups, are not harvested. Females are taken only when it is necessary to keep the number of animals at the most productive level the Pribilof environment can support. Overcrowding brings higher mortality among the pups. The battle for living space causes injuries and leads to disease and starvation. Such mortality, in the past, has taken up to 20% of the pups before they are sufficiently mature to leave the rookeries.

One concern has been the length of the paths along which seals are driven from the shore to the harvest. To reduce discomfort, the drive paths have been shortened by approximately one-half. Experiments are planned with other ground cover to determine whether the drive can be further improved.

Seals are harvested with clubs. They are dispatched quickly with a blow to the head.

For several years, the Fisheries Service has been experimenting with alternative methods including drugs, gases, electricity, shooting, and others to dispatch seals. At this point, despite extensive effort, none has been found which accomplishes the task as quickly and as humanely. The Service's position is that it cannot cause increased suffering, and introduce an element of danger to the men employed in the harvest, simply to provide a cosmetic death. Meanwhile, the quest for a more humane method will be vigorously pursued.

The Service has cooperated closely with representatives of humane societies who observe the seal harvest annually. It will continue this cooperation. Further, the cooperation of the American Veterinary Medical Association's Research Committee is being sought in the Service's continuing search for the most humane way in which to conduct the harvest.

Should the fur seal harvest continue? When the alternatives are considered, the answer must be affirmative.

Should the present managment scheme be unilaterally halted by the United States, other nations would, in all probability, resume the harvest at sea, a wasteful and inhumane process.

If the Pribilof fur seal herd is not managed properly and excess numbers removed, many will succumb to other environmental controls such as parasites, diseases, and physical injury magnified by overcrowded conditions. Their illnesses and deaths, in many cases would be lingering, with pups suffering the greatest losses. It is a rare occasion when "natural" mortality is as humane as current harvest methods.

If proper management harvests are stopped, the single source of employment for the Aleut population in its ancestral home would disappear, with nothing in view to replace it.

As the harvest continues, with its operation under constant review within and outside of the government, the Pribilof fur seal herd will be kept at a level of high, productive abundance, and the resource which has been saved by careful conservation methods will be preserved for the future.

STATUS AND MANAGEMENT OF MARINE MAMMALS

The marine mammals are a varied group of animals representing four orders of the class Mammalia: Cetacea (the whales, dolphins and porpoises); Carnivora (the sea otter); Pinnipedia (the seals, sea lions and walruses); and Sirenia (the dugongs and manatees). Most of the species are wide-ranging animals which travel extensively through international waters. Due to their extensive movements and distribution and their restriction to a marine environment, with many species breeding in the far north, research on this group has proven to be quite difficult. In recent years, however, there has been an intensification of research effort, with international cooperation in some cases, and man's knowledge of this group is now expanding.

Management needs of the marine mammals vary with the species concerned, as would be expected. In many cases, management is complicated by the animals extensive movements within international waters. With respect to these species, sound management depends on international cooperation.

The following discussion presents current information on the status of the various species, the opportunities for management, present management measures, and the needs for management.

WHALES AND OTHER CETACEANS

Estimates of the population size of the commercially utilized species of whales indicate that the populations are low and that they are being taken at near or over the maximum sustainable level, mainly by countries other than the United States. Those previously utilized and which are now fully protected as endangered species are, of course, also at a low level. However, the federal government through the Departments of the Interior and Commerce has prohibited after December 1971, both the importing of products from whales and the taking of them by U.S. citizens. This is the ultimate unilateral protection possible by this nation. Additional protection must come from other countries.

Other cetaceans such as the dolphins, porpoises, killer whales, and belugas appear to be at about the optimum population size. They are little utilized by U.S. citizens. Small numbers are being taken mainly for live display in aquariums or research purposes. A few beluga and bowhead whales are taken for local use by the Eskimos in Alaska.

The approximate world population of whales, but based in some cases on limited data, are as follows:

Blue, 8,000.
Fin, 100,000+.
Sei, 120,000+.
Humpback, 4,000.
Right, 2,000.
Bowhead, 1,000.
Gray, 11,000.
Sperm, several hundred thousand.
Killer, 10,000.

The population size of dolphins and porpoises is not known but probably ranges from 10,000 to 1,000,000 for most species.

FUR SEAL

The Pribilof Islands fur seal population is about 1.3 million which is near the number which produces the greatest yearly surplus. These seals are taken only on the Pribilof Islands under the direct supervision of the federal government. International treaty forbids the killing of fur seals on the high seas. See attached fact sheet on fur seals.

ELEPHANT SEAL AND SEA LION

The northern elephant seal is thought to number about 20,000 while the California sea lion population is about 50,000. Neither of these species is utilized except for the capture of a few sea lions for zoos and aquariums. The Stellar sea lion numbers about 500,000 of which about 5,000 a year are taken by natives in Alaska for food and the hides. Sea lions are resident species under state jurisdiction.

HAIR SEALS

Pacific hair seal populations which include the ribbon, ringed, bearded, and harbor seal appear to have stable populations with the exception of the ribbon seal which has decreased in number through excessive kills by the seal fleet of the U.S.S.R. in the Chukchi Sea. Population estimates for these seals are: bearded—300,000, ringed—250,000, ribbon—150,000, harbor—200,000. It is estimated that about 25,000–30,000 hair seals are taken annually in Alaska for food and clothing and sale of pelts primarily by Eskimos, Indians, and Aleuts.

SEA OTTER

In the early days of this century the sea otter population had been reduced by exploitation to scattered remnants (a few hundred) at a number of different islands. Under a policy of complete protection which began in 1911, the population spread and is today in a phase of rapid growth. Studies by the U.S. Fish and Wildlife Service in the 1950's and early 1960's showed that at that time they had increased to at least 25 to 30 thousand animals and were rapidly spreading into new areas. Aerial surveys have been continued by the State of Alaska, and today it is estimated that the population has grown to about 40 to 50 thousand animals. The rate of population growth in uncrowded areas is at least 10 percent per year. In crowded populations there is approximately a 4 percent rate of increase and at islands where the populations exceed carrying capacity of the habitat (i.e. more than 10 to 15 otters per square mile of habitat) a population decrease has been observed. Scientists believe that stress mortality such as starvation, as well as emigration accounts for the declining populations in such cases. The annual rate of reproduction is about 14 percent. Modern population surveys are in accordance with these findings.

The information presented above indicates that where populations are crowded the sea otter resource could easily be cropped to the benefit of the habitat and the health of the population. Present management in Alaska is attempting to determine whether this is actually the case. This management program consists, basically of three approaches:

1. Experimental harvests are being conducted at Amchitka Island. This population has exceeded the carrying capacity of the habitat and has suffered large juvenile and aged adult die-offs. Approximately 300 otters have been harvested annually since 1965 in an attempt to determine the level of harvest that will benefit the population. All harvesting is done by game biologists and only single, adult otters are taken. No females with young are harvested. Some harvesting from other crowded populations is also being performed by biologists. To date there has been no observable decline in those populations subjected to annual harvest.

2. Transplants of live otters have been made in southeastern Alaska, Washington, Oregon, and British Columbia in areas having suitable habitat but presently lacking otter populations. There is evidence that some of the transplants in southeastern Alaska are being successful; pups have been seen in these areas where otters previously were not seen. Also, otters are still observed on the Washington coast a considerable period of time after release. More time is needed to fully evaluate the success of these attempts, however. Further transplants are planned as these attempts have the double benefit of reducing population pressure in the crowded areas from which the animals are taken and offering the potential for reestablishment of the sea otter in areas from which it had been extirpated. Natural spread of the otter over its former range would take a very long time as this species does not emigrate to new areas until placed under considerable population pressure and natural mortality is occurring. Even then, natural dispersion is slow and limited.

3. Complete protection is given to sea otters where their populations are below the carrying capacity of the habitat and population growth can be expected.

Management of the sea otter, at present, is under state jurisditcion, except where the otters occur on land within a federal refuge or where they occur on high seas outside the 3-mile limit. The sea otter now occurs on the California coast off Monterey, possibly in the transplant areas off Washington, Oregon and British Columbia, and primarily along the southern coast of Alaska, the Aleutian Island, Medny Island, Kamchatka, and certain Kurile Islands, the latter three locations being under the jurisdiction of the Soviet Union.

WALRUS

By the end of the 19th century, the walrus population was greatly reduced. This reduction was due to the fact that whalers, after reducing northern whale populations (the bowhead in particular), turned to walrus hunting, using Eskimo laborers and guides. When the populations of walrus became greatly reduced, around the turn of the century, commercial hunting of walrus ceased. The harvest of walrus today consists of those taken by natives for food and ivory and those taken by trophy hunters. It is estimated that 2 to 3 thousand walrus have been taken annually by the natives; actually fewer are being taken every year. In 1970 the United States native harvest amounted to 1,304 and an additional 23 walrus were taken as trophies; of these 850 were adult males, 374 were adult females and 103 were calves. The walrus also is under state jurisdiction. Alaska now limits the harvest by natives dependent on walrus for food to 5 adult females or subadults of either sex per season. There is no limit on adult males, and orphaned calves may be taken without contributing to the bag.

The decline in numbers of walrus harvested by natives is primarily the result of two factors. The natives are moving into larger towns, such as Nome, and few return to hunt walrus. This trend will probably continue. In addition, non-natives are now permitted to take one adult male (trophy) by purchasing a $100 permit. Trophy hunters must be taken out by teams of native guides and the natives may not harvest walrus while accompanying trophy hunters. These teams, if harvesting walrus on their own rather than accompanying trophy hunters, might kill more than 100 adult male walrus per day. The trophy hunter will pay at least $2,000 for the services of these natives. Thus, trophy hunting has multiple benefits; it reduces the annual harvest of walrus and at the same time permits economic utilization of the walrus resource by the native population.

Management of the walrus in Alaska has consisted of the following measures:

1. The only major hauling ground regularly used by walrus in Alaska, Round Island of the Walrus Islands in northern Bristol Bay, has been designated as a refuge and complete protection is provided there.

2. The annual harvest of walrus is controlled and the regulations governing the harvest favor the taking of adult males. Since the walrus is polygamous, taking of adult

males, within limits, is not detrimental to the population.

While it is impossible to make any firm estimate of walrus numbers because they are widely scattered, aerial surveys indicate that there are at least 60 to 100 thousand in the Bering Sea population. Walrus are not yet overpopulated, but present evidence indicates that the populations are growing and that the walrus are repopulating areas from which they were extirpated.

The Pacific walrus population occurs in international waters and in territorial waters of the United States and the U.S.S.R. Proper management and regulation of the harvest of this species, therefore, is dependent on international cooperation. At present there is no international agreement governing harvest of walrus.

HAWAIIAN MONK SEAL

Monk seals are the only tropical-water seals in the world. In the 1,000 mile-long chain of Pacific Islands on which it breeds (Kure Island to French-Frigate Shoals) the species was reduced by commercial exploitation in the mid-19th century to a very low level. The present population is not more than 1,500 animals. Since 1909, when the Hawaiian Islands National Wildlife Refuge was created, the monk seal has been afforded protection by the Federal Government. The monk seal today breeds on only four islands; all within the confines of the refuge.

There are indications that the monk seal populations on the refuge are declining. Attrition by shark bite is quite high and this species will not tolerate human disturbance. Therefore, management consists of complete protection for this species, even to the exclusion of disturbances from visitors. The population is visited only about twice a year to determine current status. This species is presently classified as rare by the U.S. Department of the Interior.

POLAR BEAR

The distribution of the polar bear is circumpolar and coincides with the Arctic ice pack. This ice pack is in constant motion, circulating with the ocean currents and it is presumed that this motion affects movements of the bears. Due to the adverse climatic conditions present within the range of this species, research has been lacking. There has, however, been an intensification of investigations on this species in recent years.

A cooperative study of polar bears currently is being conducted by Canada, Denmark, Norway, the U.S.S.R. and the United States. This study was initiated following an international meeting held in Fairbanks, Alaska in 1965. Since then two working group meetings were held in Morges, Switzerland. Areas of needed research were outlined, agreements were reached on standardizing research methods and procedures and certain research problems assigned to individual specialists in attendance.

A review of harvest data reported by the involved countries indicates the arctic-wide harvest of bears is now at least 1,250 annually. In 1969, the harvest by country included 128 for Greenland, 346 for Norway, 406 for Canada, 298 for the United States and a few for the U.S.S.R. The harvest in Alaska is controlled by that state which restricts the number of permits issued to 300. It is illegal to harvest females with cubs.

Hunting parties originating in Alaska are required to submit all skins and skulls of polar bears to the Game Commission so that age data may be obtained. Data from bears harvested in Alaska show that the average age of males has been declining since 1966. This means that younger and smaller bears are being taken, but not necessarily that the population has been harmed. The survival of young bears is thought to be enhanced by the removal of older males since they are known to be cannibalistic. Consideration should be given to reducing the kill, however, in order to maintain a better balanced age ratio.

Management of the polar bear is complicated by the fact that five nations have direct interest in this species. Individual bears range extensively over the arctic and it is not known whether any nation has truly a resident population of polar bears. Any management program, to be successful, must be based on international cooperation between the nations concerned.

MANATEE

The manatee is given complete protection as an endangered species by both state and federal governments.

JUNE 9, 1971.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Programs for the protection and scientific management of marine mammals are being threatened by well-publicized but misguided efforts which, if successful, would destroy the conduct of biologically sound activities of state and federal conservation agencies.

Conservation of this varied group of animals has been a long and arduous battle in the face of indifference and exploitation. Their management has been made more difficult by the international movements of several of the species involved and insufficient knowledge concerning their habitat requirements. Progress has been and is being made, however.

Some animals, such as the fur seal and sea otter, have been restored to productive numbers. Research is underway into the life histories, habitats, and movements of others.

Much more can be done. This will require the understanding and support of the Administration, support which no Administration heretofore has seen fit to confer in any degree commensurate with the need. Your Administration could gain much support and commendation by requesting adequate authorities and funds to bring federal programs for marine mammals up to necessary levels and by seeking new and more effective international understanding.

Should these many past years of progress be undermined by a complete "hands off" policy forced upon responsible fish and wildlife agencies, such as proposed by S. 1315 and similar House bills, marine mammals under scientific management would suffer a serious set back.

In essence, the issue is whether natural resources will be protected, managed and used on a scientific basis or whether they are to be regarded as something apart from and unaffected by man.

As has been amply demonstrated by the successful management and restoration of other wildlife resources, the latter course is unacceptable. Decisions regarding the well-being of any wildlife resource must be based on fact, not on emotion.

The following national conservation organizations respectfully request that you support programs to improve domestic and international management of marine mammals. Further, we urge the Administration to oppose S. 1315 and similar House bills as being a negative response to a resource management responsibility that should be accepted by the Federal and State Governments.

Sincerely,

William E. Towell, Spencer M. Smith, Chester F. Phelps, Joseph W. Penfold, Charles H. Callison, Maxwell E. Rich, C. R. Gutermuth, Richard H. Stroud, Fred G. Evenden, Ray A. Kotrla, Daniel A. Poole, and Ira N. Gabrielson.

TOWARD A NATIONAL POLICY ON AGING

Mr. CHURCH. Mr. President, the United Presbyterian Health, Education, and Welfare Association has long been an effective advocate for aged and aging Americans.

At their recent meeting in Detroit, the delegates outlined ambitious goals for the association. Especially noteworthy was their concern that the White House Conference on Aging should lead to a meaningful dialog and national policy on aging. For its own part, UPHEWA has focused its attention on two key concerns of the elderly: First, the need for improving the delivery and financing of our health care structure, and, second, alleviating the "double jeopardy of aged minority groups."

This represents a major undertaking. And UPHEWA should be complimented for its vigorous interest in seeking solutions to some of the crucial problems confronting 20 million older Americans.

These issues are also of major concern to the Senate Committee on Aging, of which I am chairman. In May the committee launched a study into recent proposed cutbacks in the medicare and medicaid programs.

Today persons 65 and older represent about 10 percent of our total population, but they account for 27 percent of the personal health care expenditures. Their average health bill totals $791 per year—six times that for a youth and three times that for a person in the 19 to 64 age category. And medicare now only covers about 43 percent of their health care expenditures.

Additionally, the committee is working with the National Council on the Black Aged on the special problems of minority groups. Among minority elderly persons, the likelihood of being poor is twice as great as for the white aged individuals and four times as great as for our total population.

In 1970, more than 79 percent of all Negro aged women living alone or with nonrelatives fell below the poverty line. And 88 percent of their total would be considered poor or near poor.

In the very near future, the committee plans to issue a report directed at the issues of health care for the aged, and unique and growing problems of elderly minority groups, and other concerns for older Americans. This can help provide a dialog for meaningful discussion by participants before, during, and after the White House Conference on Aging.

Mr. President, because of the timeliness of the resolution by the UPHEWA, I ask unanimous consent that it be printed in the RECORD.

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

RESOLUTION

Whereas: This nation is in the midst of study, information gathering in preparation for the 1971 White House Conference on the Aging which will focus on new national policies for work with older adults, we address ourselves to that conference in two urgent concerns.

Be it resolved: That UPHEWA rejects the

present health structure for the delivery of services and financing of health care. We see the Administration proposals for a National Health Insurance program as an inadequate adjustment within a presently defunct system and call for totally new structures for health services which will consider the special needs of the elderly for preventive medicine and long term care.

Be it further resolved: That UPHEWA call attention to the double jeopardy placed upon the elderly of the various minorities of America and ask that concerns and strategies developed by the National Caucus on Black Aged supported by UPHEWA and the Regional Councils and that this Association express its appreciation to that caucus for its work on behalf of older adults.

Be it further resolved: That UPHEWA Secretary submit this resolution in letter form to Presbyterian Life and copies of the letter sent to all U.S. Senators and Congressmen.

That the Board of Directors of UPHEWA give special priority to the development of a comprehensive ministry with the majority of older adults, namely those who are not residents of Presbyterian homes and agencies.

1. To explore ways and means in which essential supportive services and programs may be made available to enable them to live fully and with dignity in their own homes and neighborhoods.

2. That Presbyterian Homes and agencies be encouraged to develop innovative and creative ways and means to extend their services and expertise to non-resident elderly persons in adjacent neighborhoods and communities.

INDIVIDUAL VIEWS OF MESSRS. NELSON AND CRANSTON ON S. 1828

Mr. NELSON. Mr. President, we voted to report S. 1828 as amended in committee, and to cosponsor the original S. 34, because we strongly support the objective of the bill.

The bill is designed to expand the resources and intensify the effort to achieve better methods of treating and controlling cancer with the final conquest of cancer as the ultimate objective.

There is no doubt that Congress, the administration, and the Nation are prepared to give extensive support to expanding the effort to eliminate cancer. This is amply demonstrated by the fact that the President asked for, and Congress appropriated, an immediate additional $100 million for cancer research in the second supplemental appropriations bill, Public Law 92–18, for fiscal year 1972.

However, while we agree with the intent of the bill, we have serious reservations about the design and structuring of the approach as spelled out in the language of the bill.

The bill provides that a newly-created independent Conquest of Cancer Agency will be established within the National Institutes of Health with the Director of the Agency and the National Cancer Advisory Board each reporting independently and directly to the President on all matters respecting cancer research, including programs, plans, budget proposals and annual progress reports.

Thus, the Director of NIH is specifically by statute bypassed in the chain of command and communications. We think this is a serious error because the NIH Director has under his jurdisdiction the other nine Institutes, several of which are engaged in continuing cancer and cancer-related research, and he is, therefore, the only individual in or outside of NIH with the overview and responsibility for all cancer-related activities and research.

No credible rationale for bypassing the NIH Director can be found in the testimony. The proponents assert that bypassing the NIH Director will somehow expedite the program, enhance the prestige of the enterprise and assure the acquisition of a higher quality Director. A better argument can be made, we think, that this approach will tend to handicap the program rather than improve and expedite it.

For all practical purposes, this bill creates an independent agency, with its own director and independent advisory board housed within the NIH but in no way responsible to the Director of NIH.

Of course, it is intended by language in the bill—as reported from committee—that the Director of NIH and the Director of the Cancer Agency will engage in whatever cooperative efforts are indicated to implement the program effectively.

We think this arrangement raises very serious practical and policy questions that will impair the effort and set a very bad precedent.

While it is our view that the best approach was spelled out in our proposal to create a special cancer authority within an independent NIH—described in our joint floor statement of May 21, 1971, set forth at the end of our view—we think that at the very minimum, this bill should require that the annual budget and program be submitted to the Director of NIH and that he submit it to the President with his comments and evaluations.

We recognize that the committee report states:

> The Committee intends that the Director of the Cancer Conquest Agency will make a copy of the Agency's annual budget and program plan available to the Director of the NIH not later than the time of its submission to the President. This will give the Director of the NIH an opportunity to submit his comments to the President, without interfering with the Cancer Conquest Agency's budget independence. The Committee believes that such reviews and comments, particularly in development phases, will facilitate progress in both cancer research and in biomedical research generally.

We feel this report language is insufficient.

It is anomalous that the only person in Government with overall responsibility for cancer-related research in the various Institutes within NIH does not have the formal responsibility for presenting his evaluation of the cancer program and budget to the President. The NIH Director's only statutory role concerning the cancer budget and program is as a member of the Cancer Advisory Board, where he is only one voice of 22 members.

Furthermore, there are sharp divisions within the medical and scientific community over the best approach or approaches to the conquest of cancer. When, in fact, there are such substantive divisions over a particular research program or budget, it should be the NIH Director's responsibility to so advise the President.

We also believe that in the interest of efficiency and sound management, the NIH Director should be made responsible for coordinating the cooperative activities of the Cancer Agency with the other NIH institutes.

Congress and the public should recognize that by creating a totally independent Cancer Agency reporting directly to the President, a compelling precedent will have been set for creating similar agencies to deal with other afflictions—for example, an independent Heart and Cardiovascular Disease Institute. The case for creating such an institute can surely be presented in an equally convincing way, and it will be difficult to deny such Institute the same status. Inevitably, cases will be developed for other institutes with arguments for independent status presented as forcefully as cancer or heart and cardiovascular diseases.

Advocates of heart and cardiovascular disease research already have written the Secretary of Health, Education, and Welfare seeking status for the National Heart and Lung Institute equal to that established for cancer research.

Arthritis is a disease which affects literally millions of persons; why should not the National Institute of Arthritis and Metabolic Diseases be given equal status?

In short, we believe that totally independent status for any Institute will tend to weaken NIH, and to hinder the success of an attack on cancer or any other diseases, rather than strengthen it.

The breakup of NIH, probably the finest biomedical research structure in the world, would be, in our opinion, highly undesirable and unwise. S. 1828 as reported poses a clear and present threat of this breakup.

Dr. James A. Shannon—who served as Director of NIH during its period of greatest growth—stated in a letter submitted as testimony on March 9–10, 1971, during hearings on S. 34 before the Health Subcommittee:

> The several Congressional actions which propose that the new program be mounted under a separate Authority, perhaps reporting directly to the President, and, as a corollary, to be operated outside the NIH, is to my mind wtihout merit and dangerously destructive. The NIH is many things, but above all, it symbolizes a set of processes for the governance of the orderly growth and development of science . . . the NIH, in the sense described above, is an invaluable and irreplaceable guarantor to the nation that order, stability, sound judgement, balance, flexibility, responsiveness, and responsibility will characterize the country's assaults on the problems of disease, disability, and death.

A large number of management problems arise when one research effort is made independent of others in NIH. Cancer research is heavily dependent on extensive supporting resources of NIH, such as clinical facilities, animals, instrumentation, computer services, central research grant services, and a variety of logistical services. The various institutes share scientific and manpower resources. They deal with the same grantee insti-

tutions and the same contractors. They should be governed by common and consistent policies.

We fully recognize that those joining in the committee report have only the best intentions in inserting language calling for communication and coordination between the Cancer Agency and NIH. We believe, however, that what is needed is an interrelationship under the overall direction of the NIH Director, which would be stronger than could be achieved among research institutes of clearly differing rank and authority.

As Dr. Philip R. Lee, former Assistant Secretary for Health and Scientific Affairs in HEW, testified at the March 9–10 hearings:

Cancer is not simply an island waiting in isolation for a crash program to wipe it out. It is in no way comparable to a moon shot . . . which requires money, men and facilities to put together in one imposing package the scientific know-how we already possess. Instead, the problem of cancer—or rather the problem of the various cancers—represents a complex, multifaceted challenge at least as perplexing as the problem of the various infectious diseases . . . We do not know where the breakthroughs will come and I think it would be a great mistake to begin to dismantle NIH in favor of an untested approach."

Therefore, we see no compelling reason to set up cancer research as an independent entity, an approach which we suspect may turn out to be more detrimental than beneficial to conquering cancer or any other disease. We believe the answer to a successful attack on cancer is to strengthen NIH as much as possible.

I ask unanimous consent that a statement by me be printed in the RECORD.

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

THE CONQUEST OF CANCER ACT—SEPARATE NIH TO CONQUER CANCER

AMENDMENT NO. 109

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. NELSON. Mr. President, I send to the desk for printing, an amendment I intend to propose to S. 34, the proposed Conquest of Cancer Act. I am sponsoring this amendment along with the Senator from California (Mr. CRANSTON) and the Senator from Pennsylvania (Mr. SCHWEIKER), and the statement I am making regarding this amendment is on behalf of my fellow cosponsors and myself.

The proposed Conquest of Cancer Act has been a matter of enormous debate and discussion within the Congress, within the medical and biomedical research world, and within the Nation as a whole since the bill was first introduced. On March 9 and 10, the Health Subcommittee, chaired by the distinguished Senator from Massachusetts (Mr. KENNEDY), of the Labor and Public Welfare Committee, conducted extensive hearings on S. 34. These hearings fully demonstrated the great concern and broad base of support across the country for establishing a special research program with the objective of conquering cancer at the earliest possible time.

Mr. President, there is no question in my mind, nor that of any Member of this body, insofar as I am aware, that the Congress and the country are prepared to give extensive support to expanding the effort to eliminate this disease. This is amply demonstrated by the inclusion by both Houses of Congress in H.R. 8190, the second supplemental appropriation bill, fiscal year 1971, of an immediate additional $100 million to support the urgent attack on cancer right now. The consensus behind the conquest of cancer is the broadest possible, including Members of both parties in the Congress and President Nixon, as indicated in his February 18, 1971, health message and further amplified in his May 11, 1971, statement on cancer.

The only difference of opinion is over what is the best approach to accomplish this end.

The resolution—Senate Resolution 376 of April 27, 1970—sponsored by the esteemed former Senator from Texas, Mr. Yarborough, then chairman of the Health Subcommittee, authorized the creation of the National Panel of Consultants on the Conquest of Cancer, which conducted the study and made the recommendations calling for this concerted national effort. Senator Yarborough in the last Congress and Senator KENNEDY in this Congress moved to implement the panel's recommendations by introducing appropriate legislation (S. 34).

The recent Health Subcommittee hearings on S. 34 brought forth some sharp differences over the particular approach recommended by the panel: that is, to establish an independent, separate cancer agency outside of the National Institutes of Health in order to mount the fight against cancer. As a cosponsor of S. 34 as introduced, I agree wholeheartedly with the objectives of that measure. However, after reviewing the testimony at the hearings and having extensive conversations with physicians, biomedical researchers, health educators, and scientific groups, we believe that the best compromise between S. 34 as introduced and the administration bill (S. 1829), introduced by the Senator from Colorado (Mr. DOMINICK) on May 11, 1971, is modification of S. 34 to establish the National Institutes of Health as an independent agency outside the Department of Health, Education, and Welfare. Within NIH, this compromise elevates the cancer effort to a new Cancer Authority.

Mr. President, I wish to stress in the strongest possible terms that we believe this modification we are proposing accomplishes all of the objectives of the panel's recommendations. It gives special priority emphasis to cancer research by elevating the cancer effort within NIH to a new Cancer Authority, thereby removing the numerous HEW bureaucratic layers above NIH, and at the same time, meets the very strong objections of the biomedical research community to any proposal to remove the cancer effort from NIH.

The amendment we are proposing is an adaptation of the Kennedy bill (S. 34), retaining all of its major features and making relatively minor changes while maintaining the cancer research program within NIH.

Briefly described, our amendment would create a separate National Institutes of Health as an independent agency of the United States accountable directly to the President, with Presidential appointment of an NIH Director and nine other top-level agency officials. The amendment would create within the new independent NIH a National Cancer Authority, the Administrator of which would also be Deputy Director for Cancer of the new NIH. Thus, only one administrative position—the Director of NIH—would separate the Cancer Authority Administrator from the President.

At present, within HEW there are six bureaucratic layers between the Director of the National Cancer Institute and the President—the Deputy Director of NIH, the Director of NIH, the Deputy Assistant Secretary of HEW for Health and Scientific Affairs, the Assistant Secretary of HEW for Health and Scientific Affairs, the Under Secretary of HEW, and the Secretary of HEW.

The autonomous NIH would be comparable to other Federal research agencies; namely, the National Aeronautics and Space Administration, the Atomic Energy Commission, and the National Science Foundation. It would place biomedical research on a par with space, atomic, and general scientific research. It should be pointed out that these programs are careful to combine both targeted and basic research, so that no research effort is isolated, and no areas of discovery are closed off or ignored.

The scientific and biomedical communities have expressed very strong concern that isolating cancer research energies may result in cutting off valuable, possibly related, research channels. They point out that cancer research is still at the frontier stage, that it is multifaceted and elusive in its present state of the art, and that important discoveries have historically derived, and likely will continue to derive, inadvertently from basic research. They fear that crucial areas of basic research will be dropped, possibly at the expense of such discoveries, and they urge the continued Federal support of the multifaceted activities now supported by NIH.

Dr. James A. Shannon, who served as Director of National Institutes of Health during its period of greatest growth, expressed these fears in a letter submitted as testimony during hearings on S. 34 before the Health Subcommittee.

"The several Congressional actions which propose that the new program be mounted under a separate Authority, perhaps reporting directly to the President, and, as a corollary, to be operated outside the NIH, is to my mind without merit and dangerously destructive. The NIH is many things, but above all, it symbolizes a set of processes for the governance of the orderly growth and development of science . . . the NIH, in the sense described above, is an invaluable and irreplaceable guarantor to the nation that order, stability, sound judgment, balance, flexibility, responsiveness, and responsibility will characterize the country's assault on the problems of disease, disability and death."

Dr. Shannon and others are concerned that separating cancer research from other biomedical research will create a divisive competition for funds, which will be counterproductive to the cause of cancer research.

Dr. Philip R. Lee, former assistant for Health and Scientific Affairs in the Department of Health, Education, and Welfare, testified:

"Cancer is not simply an island waiting in isolation for a crash program to wipe it out. It is in no way comparable to a moon shot . . . which requires mainly the mobilization of money, men and facilities to put together in one imposing package the scientific know-how we already possess. Instead, the problem of cancer—or rather the problem of the various cancers—represents a complex, multifaceted challenge at least as perplexing as the problem of the various infectious diseases. . . . We do not know where the breakthroughs will come and I think it would be a great mistake to begin to dismantle NIH in favor of an untested approach."

The amendment we propose would keep NIH together, would emphasize a cancer program, and establish biomedical research at a priority level comparable to other scientific research.

The infusion of substantial funds will insure an expansion of cancer research. By maintaining cancer within the NIH structure we will insure that all basic research efforts that may touch on cancer will be fully developed in the battle against cancer.

Mr. President, on May 2, 77 chairmen of departments of medicine in the Nation's medical schools endorsed the concept that progress in cancer research can best be achieved within the NIH, utilizing the capacities of the National Cancer Institute, and possibly may be "facilitated by establishing NIH as a separate agency" outside of HEW.

Mr. President, the Health Subcommittee

has scheduled for June 8 another hearing on S. 34 which will also consider the administration proposal, S. 1828. I intend to request the witnesses scheduled to testify at that hearing to be fully prepared to comment on the modification proposed in the amendment I have outlined today.

Mr. President, I ask unanimous consent that, at this point in my remarks, there be printed in the RECORD the full text of the amendment to S. 34 which I have submitted for printing as well as a section-by-section analysis of the amendment.

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

AMENDMENT No. 109

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Conquest of Cancer Act".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that the incidence of cancer is increasing and is the major health concern of the American people;

(2) that the attainment of better methods of prevention, diagnosis, treatment, and cure of cancer deserve the highest priority;

(3) that this and other dread diseases such as diseases of the heart and lung, diseases of the nervous system and joints, and diseases related to birth defects have for too long afflicted mankind; and

(4) that great opportunity is offered as a result of recent advances in the knowledge of these dread diseases to conduct energetically a national program for their conquest.

(b) In order to carry out the policy set forth in this Act, it is the purpose of this Act to establish the National Institutes of Health as an independent agency of the United States, and, within it, the National Cancer Authority.

NATIONAL CANCER AUTHORITY ESTABLISHED

SEC. 3. (a) There is hereby established within the National Institutes of Health the National Cancer Authority, having as its objective the conquest of cancer at the earliest possible time.

(b) The Authority shall be headed by an Administrator who shall also be Deputy Director for Cancer of the National Institutes of Health, who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. There shall be in the Authority a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. The Deputy Administrator shall perform such functions as the Administrator may prescribe and shall be the Acting Administrator during the absence or disability of the Administrator or in the event of a vacancy in the position of Administrator. Upon the expiration of his term, the Administrator shall continue to serve until his successor has been appointed and has qualified.

ESTABLISHMENT OF THE NATIONAL INSTITUTES OF HEALTH AS AN INDEPENDENT AGENCY

SEC. 4. (a) The National Institutes of Health is hereby established as an independent agency within the executive branch of the Federal Government, having as its objective the conquest of cancer and other serious diseases at the earliest possible time.

(b) The agency shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years. There shall be in the agency a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of five years and who shall also be the Administrator of the National Cancer Authority. The Deputy Director shall perform such functions as the Director may prescribe and shall be the Acting Director during the absence or disability of the Director, or in the event of a vacancy in the position of Director. Upon the expiration of his term, the Director shall continue to serve until his successor has been appointed and has qualified.

(c) The President, by and with the advice and consent of the Senate, is authorized to appoint within the National Institutes of Health a Deputy Director for Science, a General Counsel, a Deputy Administrator of the National Cancer Authority, and not to exceed five Associate Directors.

(d) The agency shall include the existing National Institutes of Health, including its research institutes and divisions and the National Library of Medicine, Bureau of Health Manpower Education, and other such units that the Director determines are necessary to carry out the purposes of this Act, and the Regional Medical Programs carried out under Title IX of the Public Health Service Act.

TRANSFERS FROM THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 5. (a) All officers, employees, assets, liabilities, contracts, property, and resources as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the National Institutes of Health, its public advisory groups, and except as otherwise specifically provided in section 12, with any function of the National Cancer Advisory Council, are hereby transferred to the agency.

(b) (1) Except as provided in paragraph (2) of this subsection, personnel, including commissioned officers of the Public Health Service, engaged in functions transferred under this Act shall be transferred in accordance with applications and regulations relating to transfer of functions.

(2) The transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

TRANSFER OF FUNCTIONS

SEC. 6. (a) Except as provided in subsection (b), there are hereby transferred to the Director all functions of the Secretary of Health, Education, and Welfare—

(1) with respect to and being administered by him through, or in cooperation with, the National Institutes of Health, the various institutes and divisions of the National Institutes of Health, including the National Library of Medicine, the Bureau of Health Manpower Education, and the various public advisory groups to such institutes and divisions and to the Director.

(2) under the Public Health Service Act which the Director of the Office of Management and Budget determines relate to the administration, conduct, and support of biomedical research, biomedical communications, and the construction and development of health research facilities;

(3) under title IX of the Public Health Service Act.

(b) There are hereby transferred to the Administration of the National Cancer Authority all functions of the Secretary of Health, Education, and Welfare with respect to and being administered by him through, or in cooperation with, the National Cancer Institute and the National Cancer Advisory Council.

(c) Functions transferred to the Administrator under subsection (b) of this section shall be carried out under the general supervision and direction of the Director.

FUNCTIONS OF THE NATIONAL INSTITUTES OF HEALTH

SEC. 7. In order to carry out the purposes of this Act, the agency shall—

(1) carry out all functions and research activities previously conducted by the National Institutes of Health, prior to the enactment of this Act, together with an expanded, intensified, and coordinated research program to conquer cancer, heart disease, and other dread diseases;

(2) advise the President with respect to the progress of biomedical research in the conquest of disease and recommend to the President appropriate policies and programs to foster the orderly growth and development of biomedical research facilities and resources, especially in the light of emerging scientific opportunities;

(3) expeditiously utilize existing research facilities and personnel for accelerated exploration of the opportunities for cures of cancer, heart disease and other diseases in areas of special promise;

(4) encourage and coordinate biomedical research by industrial concerns where such concerns evidence a particular capability for such research;

(5) strengthen existing cancer centers, and establish new cancer centers, and other centers for the treatment and cure of other diseases as needed in order to carry out a multidisciplinary effort for clinical research and teaching, and for the development and demonstration of the best methods of treatment in such cases;

(6) collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer and other diseases for professionals and for the general public;

(7) establish or support the large-scale production of specialized biological materials for health research and set standards of safety and care for persons using such materials; and

(8) support research in the field of cancer and other diseases outside the United States by highly qualified foreign nationals, collaborative research involving American and foreign participants and the training of American scientists abroad and foreign scientists in the United States.

ADMINISTRATIVE PROVISIONS

SEC. 8. The Director is authorized, in carrying out his functions under this Act, to—

(1) appoint and fix the compensation of personnel of the Agency in accordance with the provisions of title 5, United States Code, except that (A) to the extent the Administrator deems such action necessary to the discharge of his functions under this Act, he may appoint not more than four hundred of the scientific, professional, and administrative personnel of the Agency without regard to provisions of such title relating to appointments in the competitive service, of whom not less than two hundred shall be in the National Cancer Authority, and may fix the compensation of such personnel, without regard to the provisions of chapter 51 and subchaper II of chapter 53 of such title relating to pay rates, not in excess of the highest rate paid for GS-18 of the General Schedule under section 5332 of title 5 of such Code; (B) to the extent that the Director deems it necessary to recruit specially qualified scientific and professionally qualified talent he may establish the entrance grade for scientific and professional personnel without previous service in the Federal Government at a level up to two grades higher than a grade provided such personnel under the provisions of title 5 of such Code governing appointments in the Federal service, and fix their compensation accordingly;

(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in him or in the agency and delegate authority to any officer or employee under his direction or his supervision;

(3) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, re-

pair, operate, and maintain comprehensive cancer centers, laboratories, research, and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the agency for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

(4) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(5) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments he deems desirable to advise him with respect to his functions under this Act;

(6) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(8) accept unconditional gifts, or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

(9) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(10) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as he deems necessary, including funds appropriate for construction, repairs, or capital improvement; and

(11) take such actions as may be required for the accomplishment of the objectives of the agency.

(b) Upon request made by the Director, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the agency in the performance of its functions, with or without reimbursement.

(c) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

SAVINGS PROVISIONS

SEC. 9. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any agency or institute, or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction; and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Director, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or institute, or part thereof, functions of which are transferred by this Act; but such proceedings to the extent that they relate to function so transferred shall be continued under the agency. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or repealed by the Director, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or institute, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or institute, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the agency as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any part, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which that Act takes effect, any agency or institute, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such agency or institute, or any part thereof, is transferred to the Director or the Administrator, or

(B) any function of such agency, institute, or part thereof, or officer is transferred to the Director or the Administrator,

then such suits shall be continued by the Director or the Administrator, as the case may be (except in the case of a suit not involving functions transferred to the Director or Administrator, in which case the suit shall be continued by the agency, institute, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any agency, institute, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the agency or officer in which such function is vested pursuant to this Act.

(e) In the exercise of the functions transferred under this Act, the Director and the Administrator shall have the same authority as that vested in the agency or institute, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or institute, or part thereof.

REPORTS

SEC. 10. (a) The Administrator of the National Cancer Authority shall, within one year after the date of his appointment, prepare and submit to the President through the Director, National Institutes of Health, for transmittal to the Congress, a report containing a comprehensive plan for a national program designed to conquer cancer at the earliest possible time, together with appropriate measures to be taken, time schedules for the completion of such measures, and cost estimates for the major portions of such plan.

(b) The Director shall, as soon as practicable after the end of each fiscal year, make a report to the President for submission to the Congress on the activities of the National Institutes of Health during the preceding calendar year, including a comprehensive report of the Administrator of the National Cancer Authority. In addition, the report will include such information as is appropriate on the health of the citizens of the United States, and the progress of biomedical research in improving diagnosis, treatment, cure, and prevention of disease.

NATIONAL CANCER ADVISORY BOARD

SEC. 11. (a) There is hereby established in the Authority a National Cancer Advisory Board to be composed of eighteen members appointed by the President, by and with the advice and consent of the Senate. Nine of the members of the Board shall be scientists or physicians and nine shall be representative of the general public. Members shall be appointed from among persons, who by virtue of their training, experience, and background are exceptionally qualified to appraise the programs of the Authority. The Director and the Administrator shall be an ex officio member of the Board.

(b)(1) Members shall be appointed for six-year terms, except that of the members first appointed six shall be appointed for a term of two years, six shall be appointed for a term of six years as designated by the President at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) A vacancy in the Board shall not affect its activities and eleven members thereof shall constitute a quorum.

(c) The Board shall biannually elect one of the appointed members to serve as Chairman for a term of two years.

(d) The Board shall meet at the call of the Chairman but not less than four times a year and shall advise and assist the National Cancer Authority in the development and execution of the program.

(e) The Administrator of the Authority shall designate a member of the staff of the Authority to act as Executive Secretary of the Board.

(f) The Board may hold such hearings, take such testimony, and sit and act at such times and places as the Board deems advisable to investigate programs and activities of the Authority.

(g) The Board shall perform all of the functions of the National Cancer Advisory Council, which are hereby transferred to it.

(h) The Board shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Authority toward the accomplishment of its objectives.

(i) The Board shall supersede the existing National Advisory Cancer Council, and the members of the Council serving on the effective date of this Act shall serve as additional members of the Board for the duration of their present terms, or for such shorter duration as the President may prescribe.

(j) Members of the Board who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including traveltime, and while so serving away from

their homes or regular places of business they may be allowed travel expenses including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5708, title 5, United States Code, for persons in the Government service employed intermittently.

(k) The Administrator shall make available to the Board such staff, information, and other assistance as it may require to carry out its activities.

COMPENSATION OF THE DIRECTOR, ADMINISTRATOR, DEPUTY DIRECTORS, THE DEPUTY ADMINISTRATOR, GENERAL COUNSEL, AND ASSOCIATE DIRECTORS

SEC. 12. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(21) Director, National Institutes of Health."

(b) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(56) Deputy Director for Cancer, National Institutes of Health, the incumbent of which also serves as the Administrator, National Cancer Authority.

"(57) Deputy Director for Science, National Institutes of Health."

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(131) General Counsel, National Institutes of Health,

"(132) Associate Directors of the National Institutes of Health (five),

"(133) Deputy Administrator, National Cancer Authority".

DEFINITIONS

SEC. 13. For the purposes of this Act—

(1) "Administrator" means the Administrator of the National Cancer Authority;

(2) "agency" means the National Institutes of Health;

(3) "Authority" means the National Cancer Authority;

(4) "Board" means National Cancer Advisory Board;

(5) "cancer center" means such cancer research facilities as the Administrator determines are appropriate to carry out the purposes of this Act, including laboratory and research facilities and such patient care facilities as are necessary for the development and demonstration of the best methods of treatment of patients with cancer, but does not include extensive patient care facilities not connected with the development of and demonstration of such methods;

(6) "construction" includes purchase or lease of property; design, erection, and equipping of new buildings; alteration, major repair (to the extent permitted by regulations), remodeling and renovation of existing buildings (including initial equipment thereof); and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings;

(7) "Director" means Director, National Institutes of Health;

(8) "function" includes power and duty;

(9) "Federal agency" means any department, agency, or independent establishment of the executive branch of the Government including any wholly owned Government corporation.

AUTHORIZATION OF APPROPRIATIONS

SEC. 14. For the purpose of carrying out any of the programs, functions, or activities authorized by this Act, there are authorized to be appropriated for each fiscal year such sums as may be necessary.

EFFECTIVE DATE

SEC. 15. (a) This Act, other than this section, shall take effect sixty days after its date of enactment or on such prior date after the enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a), any of the officers provided for in sections 3 and 4 may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the agency pursuant to this Act.

SECTION-BY-SECTION ANALYSIS OF AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR S. 94.

Section 2: Findings and Purpose.

Findings: Similar to existing language of S. 34 except language expanded to include other disease with priority maintained for cancer.

Purpose: To establish the National Institutes of Health as an independent agency of the United States and within it the National Cancer Authority.

Section 3: National Cancer Authority Established. Headed by an Administrator, who shall also be Deputy Director for Cancer of NIH (Grade III). Except for dual title language, all other language is identical to S. 34.

Section 4: Establishment of the National Institutes of Health as an Independent Agency. Provides for Presidential appointment of Director of NIH (Grade II), Deputy Director for Cancer (Administrator of National Cancer Authority) (Grade III), a Deputy Director for Science (Grade III), General Counsel and up to five Associate Directors (all Grade V), Agency includes all existing institutes (other than National Cancer Institute which is absorbed by the National Cancer Authority established in Section 3), the Bureau of Health Manpower, divisions, the National Library of Medicine, the Regional Medical Programs, and such other units as the Director determines to be necessary (for example, the Fogarty International Center).

Section 5: Transfers from the Department of Health, Education & Welfare to Independent N.I.H. Provides for the transfers of appropriate employees, assets, etc. from HEW to an independent NIH.

Section 6: Transfer of H.E.W. Functions to National Cancer Authority. (a) Related functions of Secretary of HEW are transferred to Director of NIH. (b) Functions of Secretary for National Cancer Institute and Advisory Council are transferred to the Administrator of the National Cancer Authority.

Section 7: Functions of the National Institutes of Health. Language with emphasis on cancer restates existing NIH authority.

Section 8: Administrative Provisions. Allows Director of NIH to appoint 400 persons to supergrades with not less than 200 within National Cancer Authority. S. 34 now provides 200 supergrades for National Cancer Authority. (Note: at present NIH has 180 supergrades authorized 30 of which are for NCI).

(Note other provisions of Section 8 are routine and identical to S. 34.)

Section 9: Savings Provisions. These are routine technical provisions to insure a smooth transition.

Section 10: Reports. (a) The Administrator of the National Cancer Authority is required within one year to report to the President and Congress with a national program designed to conquer cancer. This language is identical to S. 34 (section 9) except the report is made through the Director of NIH.

(b) The Director of NIH is required to report annually to the President and Congress on the activities of NIH. This report must include a comprehensive report of the Administrator of the National Cancer Authority.

Section 11: National Cancer Advisory Board. These provisions for the Board are identical of S. 34 except for the addition of subsection (g) which follows the recommendation of the National Panel of Consultants on the Conquest of Cancer that it be made clear by statute that the new Board assume all the functions of the old Advisory Council, plus the functions elsewhere provided in Section 11.

Section 12: Compensation of the Director, Administrator, Deputy Directors, the Deputy Administrator, General Counsel and Associate Directors.

Director NIH (Executive Grade II).

Deputy Director for Cancer–Administrator, National Cancer Authority (Executive Grade III).

Deputy Director for Science NIH (Executive Grade III).

General Counsel NIH (Executive Grade IV).

Associate Directors NIH (Executive Grade IV).

Deputy Administrator NCA (Executive Grade IV).

Section 13: Definitions.

Section 14: Authorization of Appropriations. This section continues existing NIH appropriations authorizations without limit as to time or money.

Section 15: Effective Date.

THE STOPGAP SOCIAL SECURITY INCREASE: HOW HELPFUL?

Mr. CHURCH. Mr. President, approximately 27 million social security beneficiaries received checks earlier this month reflecting a 10-percent increase in their benefits.

Welcome as this raise is, we must still face hard facts.

Even with the 10-percent increase, benefits for the typical retired worker amount to about $1,560 per year, nearly $300 below the poverty threshold.

For the average retired couple, annual benefits total $2,528, which would make them near poor according to Bureau of Census definitions.

And the typical elderly widow receives only about $1,350 per year, approximately $500 below the poverty line. With such an inadequate amount, it is no wonder that 50 percent of all aged women living alone subsist in poverty. And approximately 63 percent would be classified as poor or near poor. In terms of dollars and cents, this means that about five out of every eight single women 65 and over would have total annual income below $2,315.

A recent article appearing in the Wall Street Journal describes in very human terms what the recent 10-percent increase means as to many older Americans.

Mr. President, I commend this article to the Senate and ask unanimous consent that it be printed in the RECORD.

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

FOR MANY OLDSTERS, SOCIAL SECURITY RISE DOESN'T DO MUCH GOOD

(By Marguerite Nugent)

NEW YORK.—Today should be a happy day for 72-year-old Rubin Traub, a weary-looking retired garment worker who wears a battered hat and rumpled trousers. In this morning's mail will come a $16 increase in his monthly Social Security check—seemingly enough for a few more groceries or a pair of new shoes.

Not enough at all, says Mr. Traub as he sits forlornly in the dingy basement of an old people's club on Manhattan's Lower East

Side. The increase in Social Security benefits, he explains, won't even cover the $17 a month by which his rent recently rose. Pinned to Mr. Traub's tattered lapel is a small black-and-gold button that says "Senior Power." Pointing to the pin, he laments, "This means nothing. New shoes? Why, I can't even afford a shoeshine."

Others share Mr. Traub's feelings about the 10% rise in benefits. To a large extent, that increase soon will be—or already has been—eaten up by advances in the cost of living, talks with more than 100 elderly persons in New York indicate. And while costs in the U.S. as a whole haven't risen as fast as in this city, many of the nation's 26 million Social Security recipients aren't in much better financial shape than Mr. Traub.

What's more, the elderly complain, whatever they might gain from the 10% increase is being wiped out by cuts in other federal programs designed to help the aged. On July 1, for example, the Health, Education and Welfare Department will stop its funding for food at 26 centers across the nation. The program is designed to provide nutritionally balanced meals for the elderly. Already, nine of the centers have eliminated hot noontime meals—for which they charged 55 to 65 cents.

SUNDAE IN NEW YORK

As a result, there's a tinge of bitterness when some of the elderly discuss the Social Security increase. "I think I'll get a banana split," says Tom Duffy, a retired transit worker who spends much of his time playing shuffleboard in a Brooklyn park. "Sure, it'll help," sneers Max Tobias, a retired house painter who lives on the Lower East Side. "Maybe I can afford a newspaper every once in a while." But Mrs. Flora Meegan, a widow in her 80s, says she may go to the dentist for the first time in seven years.

The extra money is provided by a bill that President Nixon signed March 17. The increase will be retroactive to Jan. 1 (retroactivity checks will be mailed in June) and will raise the total of national benefits by $260 million from the current level of $2.6 billion a month. The measure also provides for a 5% increase in payments for persons 72 and over who don't qualify for full Social Security benefits.

On the average the rise will mean $125 a month instead of $114 for single recipients and $218.90 intsead of $199 for couples. The minimum payment for single people will rise to $70.40 from $64, and for couples it will go to $105.60 from $96.

Since January of last year, when the previous Social Security benefit rise of 15% went into effect, the cost of living across the nation has risen 5.9%. In New York City, where 1.1 million recipients live, the jump has been 7.4%.

WOES OF A FORMER FURRIER

A retired furrier, Max Silverman, says all but $4 of his $16 gain in Social Security benefits will go toward a recent increase in his rent.

Rent increases come as no surprise to those who must deal with the problems of the elderly. "Once new benefits go into effect, it isn't long before the landlords start raising their rents to match the increase," says an official at New York City's Office of the Aging. No one could agree more than Mrs. Gurtie Shlakman, who lives in a low-income housing project on the Lower East Side and just had her rent raised 20%. "It's like they give you the money with one hand and take it away with the other," she complains.

The elderly, however, can fight such increases. New York City has a program under which retired persons aged 62 and over may apply for exemptions from rent increases provided their yearly income doesn't exceed $4,500 and their rent is at least a third of that total. Under this stipulation, a group of the elderly in the Bronx is fighting a 15% rent increase.

Housing, of course, represents only one of the rising expenditures that older citizens—as well as Americans in general—must face. Some elderly persons under doctors' care say they can no longer afford certain foods they are supposed to eat. "My doctor says I'm supposed to have liver once a week," says an 80-year-old man sitting on a park bench at Broadway and 72nd Street. Choking on the exhaust fumes of buses that roar by, he adds, "But liver went to $1.15 a pound from 85 cents in one week recently, and I can't afford it any more, even with the increased benefits." And Mr. Tobias, the former house painter, says he is supposed to take lemon juice with his medication but has stopped buying lemons because the price rose so sharply. "Who can afford it?" he asks.

SOUTH KOREA: FRIEND OR FOE?

Mr. PERCY. Mr. President, Ambassador-at-Large David M. Kennedy's discussions on textiles in Taiwan, Korea, and Hong Kong are receiving their share of attention in the press. The reports are perhaps not as complete as we would like, but they do serve to highlight the nature of the problem and the seriousness of the issue to all parties concerned.

Our textile problems with Japan are, of course, a matter of public knowledge. However, I would like to call attention to the fact that we import more man-made apparel items from Taiwan than we do from Japan. We import practically as much man-made apparel from Korea as from Japan, while our imports of man-mades from Hong Kong fall only slightly below these levels.

The administration, through Ambassador Kennedy, is attempting to reach voluntary agreements with Taiwan, Korea, and Hong Kong under which their textile exports to the United States will continue to grow, but at a slower pace.

In this respect, it is encouraging to learn that the Republic of China has shown great understanding and appreciation for our situation. Ambassador Kennedy left Taipei with the major elements of an agreement worked out. Even though the Republic of China's textile exports to the U.S. market are currently growing at well over 60 percent a year, she agreed to slow that growth during the next 5 years to a rate slightly below 9 percent—roughly equal to the average growth of her economy.

Our friends in Taipei have negotiated with us in good faith on an issue that is as important to them as it is to us.

South Korea is also a friend of the United States, and I would have expected a similar reception for Ambassador Kennedy in Seoul. But if my information is correct, the lack of understanding and cooperation in Korea on the textile issue was startling, and all the more so when contrasted with the cordial reception in Taiwan.

It is, of course, true that textile exports to the United States are highly important to the continued growth and expansion of the Korean economy. Consequently, in his discussions in Seoul, Ambassador Kennedy asked only that Korea slow its growth of textile exports to the United States to a level approximating the growth of the Korean economy—around 8 percent in recent years.

Since the U.S. market absorbed 20 percent more textile exports from Korea in 1970 than in 1969, it seems reasonable to suggest a reduction in future growth rates to approximately 8½ percent per year. This is especially true in view of the fact that the United States is prepared to assist Korea in finding new textile markets as well as cushioning, by other means, any foreign exchange losses that might possibly occur.

I find it discouraging and disheartening to learn that Korea refused to seriously consider the U.S. proposal. We fought 3 long years for Korean independence and have spent $5 billion for her economic development, as well as another $3.2 billion on a military shield for Korea.

Korea speaks of a special relationship with the United States. Yet if her reaction to our textile problem, which she is in a position to help us resolve, is any indication of her role in this special relationship, then I can only conclude that Korea expects all the benefits to flow only one way.

In these circumstances, it is obvious to me that a reexamination of our special relationship—in every detail—is absolutely necessary. Friendship is a two-way street, and it implies understanding and cooperation on the part of both parties. I hope that Korea will reconsider the crucial elements of true friendship—and the mutual benefits that flow from such a relationship—because that is precisely what we are now compelled to do.

APPOINTMENT OF ADVISORY COMMITTEE TO CONSIDER IMPROVEMENTS TO THE OLDER AMERICANS ACT, OR AN ALTERNATIVE

Mr. CHURCH. Mr. President, a little more than a year from now, June 30, 1972, is the deadline to act on legislative proposals to continue or replace the Older Americans Act. Equally important, the Congress must decide what type of an advocate the elderly should have to represent them in the highest councils of government. Additionally, other issues must also be considered:

Should the Administration on Aging be continued as it is presently constituted?

Should it be changed and given new responsibilities?

Or should it be replaced with a successor agency?

These important questions take on an added meaning during this year, the year of the White House Conference on Aging. Moreover, recent reorganization moves have raised widespread concern about the future role of the AOA to serve as the focal point for the aged.

Research and training programs, for example, have been assigned to the Social and Rehabilitation Service regional offices. And the administration's reorganization plan has placed the foster grandparent and the retired senior volunteer programs in a new volunteer agency.

In the view of many experts in the field of aging, these reorganization moves have been contrary to the legislative intent of the Older Americans Act. In addition, this action has raised serious questions about the capability of ACA to function as a strong force for im-

proving and enriching the lives of older Americans.

A few weeks ago the Senate Committee on Aging, in conjunction with the Subcommitte on Aging of the Labor and Public Welfare Committee, conducted 5 days of hearings on this issue as well as other related questions affecting the elderly. At these hearings, Nelson Cruikshank, president of the National Council of Senior Citizens, urged that a task force be appointed to determine:

"What kind of organization could best serve as a visible and articulate Government spokesman for the elderly, commanding the respect and wholehearted cooperation of all our Federal agencies."

This is an important task with potentially far-reaching implications for our Nation's elderly. Without effective organization and leadership, our efforts on behalf of older Americans will continue to be fragmented and haphazard. Therefore, the naming of this panel takes on an added dimension.

For these reasons, as chairman of the Senate Committee on Aging, it gives me great pleasure to announce the appointment of an advisory committee to consider proposals for the most effective advocate to represent the elderly. In addition, the advisory committee will report out its recommendations, at the earliest possible date, to the Committee on Aging.

The appointment of such a task force at this time, I believe, is advantageous from many standpoints. First, the Congress would have the benefit of the input of many renowned experts in the field of aging before acting on the Older Americans Act. Second, the advisory committee will provide a helpful service for delegates to the November White House Conference on Aging.

Mr. President, I ask unanimous consent that the names of this advisory committee be printed in the RECORD.

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

ADVISORY COUNCIL MEMBERS

Walter M. Beattie, Jr., Dean, School of Social Work, Syracuse University.

William D. Bechill, Chairman, Social Policy Sequence, School of Social Work, University of Maryland.

Dr. Blue Carstenson, Director Green Thumb, Incorporated National Farmers Union.

Mr. Charles H. Chaskes, Executive Director. Michigan Commission on Aging and President, National Association of State Units on Aging.

Nelson H. Cruikshank, President, National Council of Senior Citizens.

Dr. Wilma Donahue, White House Conference on Aging Staff and former Director, Institute of Gerontology University of Michigan.

Mr. William C. Fitch, Executive Director, National Council on the Aging.

Mrs. James H. Harger, former Director, N.J. Division on Aging and former President, National Association of State Units on Aging.

William C. Hudelson, Director, Division of Services & Programs for Aging, Prince George's County Department of Community Development, Md.

J. R. Jones, Director, Office on Aging, Little Rock, Arkansas.

Dr. Jerome Kaplan, President, Gerontological Society.

Mr. Garson Meyer, Chairman of President's Task Force on Aging (1970) and former President, National Council on the Aging.

Dr. Woodrow W. Morris, Institute of Gerontology, University of Iowa.

Mr. Bernard E. Nash, Executive Director, American Association of Retired Persons/National Retired Teachers Association.

Mrs. Kay Pell, Director, Idaho Department of Special Services.

Mrs. Margaret Schweinhaut, Chairman, Maryland Commission on Aging.

Dr. Harold Sheppard, Staff Social Scientist, W.E. Upjohn Institute for Employment Research.

Clarence M. Tarr, Vice-President, National Association of Retired Federal Employees.

Bernard S. Van Rensselaer, Director, Senior Citizens Division—Republican National Committee.

Frank Zelenka, Associate Director, American Association of Homes for the Aged.

RULES OF THE SPECIAL COMMITTEE ON AGING

Mr. CHURCH. Mr. President, as required by section 133B of the Legislative Reorganization Act of 1970—Public Law 91-510—I ask unanimous consent that the rules of the Special Committee on Aging be printed in the RECORD.

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

RULES OF THE SPECIAL COMMITTEE ON AGING

(As adopted June 12, 1963)

RULE 1. CONVENING OF MEETINGS

Unless the Senate is in session and a different date within the month is ordered and notice given, the Committee shall meet regularly at 10 a.m. on the second Thursday of each month during the session. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary. Regularly scheduled meetings of the Committee may be postponed or cancelled by the Chairman should there be insufficient business before the Committee to warrant such a meeting. Subcommittee Chairmen may call meetings of the Subcommittees at such times as they deem necessary except that no such meetings may be called at a time when the full Committee is scheduled to meet. Special meetings may be called by a majority of all Committee or Subcommittee members upon written notice to the Clerk of Committee. The Clerk shall give at least 24 hours notice to every member of the meeting, time, and place.

RULE 2. PRESIDING OFFICER

The Chairman of the Committee (or Subcommittee) or if the Chairman is not present, the ranking Majority member present shall preside at all meetings.

RULE 3. QUORUMS

A majority of the Committee or any Subcommittee shall constitute a quorum sufficient for the conduct of business at executive sessions. One member shall constitute a quorum for the receipt of evidence, the swearing of witnesses and the taking of testimony at hearings.

RULE 4. SUBCOMMITTEES

Matters referred to the Committee shall be considered initially by the full Committee or by such Subcommittees as the Chairman, with the approval of the Committee, shall designate. Subcommittees may be established and their size determined by vote of a majority of all members of the Committee. The Chairman of the full Committee shall be an ex officio member of all Subcommittees. Party membership of each Subcommittee shall be proportionate to Party membership on the full Committee. Each Subcommittee is subject to these rules and any limitations imposed by the full Committee and is authorized (a) to hold and report hearings; (b) to sit and act during meetings of the Senate and during recesses or adjournment of the Senate; and (c) to require by subpoena or otherwise the attendance of witnesses and the production of documentary evidence.

RULE 5. AGENDA AND VOTING AT MEETINGS

The business to be considered at any meeting of the Committee or a Subcommittee shall be designated by its Chairman and any other measure, motion or matter substantive or procedural within the jurisdiction of the Committee or a Subcommittee shall be considered at such meeting and in such order as a majority of the members of such Committee indicate by their votes or by presentation of written notice filed with the Clerk. Voting by proxy shall be permitted in the full Committee and all Subcommittees.

RULE 6. RIGHT TO COUNSEL

Any witness subpoenaed to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

RULE 7. AMENDMENT OF RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

RULE 8. REPORTS

Staff reports and Committee reports shall be printed only with the prior approval of a majority of the full Committee. The printing, as Committee documents, of materials not originating with the Committee or its staff shall also require prior approval of a majority of the full Committee. The printing of a Subcommittee report shall require prior approval of a majority of the Subcommittee concerned. With respect to the printing of Staff reports, the Chairman is authorized to conduct a poll of the Committee. In such cases, the Minority shall have the right to request reconsideration of the results of such poll at the next meeting of the Committee.

FISH ON THE SNAKE AND THE COLUMBIA

Mr. CHURCH. Mr. President, one of the pressing problems that has been troubling those living along the Snake and Columbia Rivers is the loss of anadromous fish because of nitrogen supersaturation, inadequate access to their spawning streams, damage as they pass through turbines, or over dams.

The nitrogen supersaturation problem, a condition very similar to the diver's bends that affects the fish, has become increasingly serious as more and more dams have been constructed along the Snake and Columbia. Water cresting over these dams, particularly during the spring runoffs, plunges into the river with enough force to trap nitrogen at high levels in the water. Fish in this water then suffer the bends when they approach the surface. It has been estimated that as many as 70 percent of the anadromous fish in the Snake and Columbia have been damaged in this spring's runoff.

The Governors of Idaho, Oregon, and Washington have urged the Corps of Engineers and other official bodies to do whatever can be done to alleviate the nitrogen supersaturation problem. A

number of private groups and individuals are urging that work on dams now under construction be halted until some relief from the nitrogen problem can be found. The widespread concern about the problem is indicative of its importance to those who live in the Northwest and to those concerned with wildlife.

This spring the Corps of Engineers initiated an experiment designed to lower the nitrogen supersaturation level in the Snake and Columbia Rivers. Special experimental slotted flood gates were installed on three empty—without turbines—bays at the Little Goose Dam. These gates were designed to slow the flow of water and reduce the force of the water as it dropped over the dams and thus reduce the nitrogen trapped in the river. These gates were installed by May of this year during the heavy runoff on the Snake River.

The Corps of Engineers reports that the slotted flood gates have successfully maintained the nitrogen level of the water as it passes over the dam. The nitrogen content of the water is still the same after it has passed through the flood gate. As a result, the Corps of Engineers has requested $12 million from the White House to procure and install slotted flood gates on the empty bays on the Columbia and the Snake. I understand that this request is now being considered by the Office of Management and Budget. I want to take this opportunity to urge the Office of Management and Budget to approve this funding request so that the corps can install the necessary flood gates prior to next year's runoff. Any delay may lead to the total destruction of the anadromous fish runs on the mighty rivers of the Pacific Northwest. I have also urged Director William Ruckelshaus of the Environmental Protection Agency to use his influence to see that an environmental disaster does not occur on the Snake and Columbia.

Shortly after learning of the initial success of the corps' experiments with the so-called holey gates, I received a letter from Mr. W. William Puustinen, chairman of the Legislative and Conservation Committee of the Columbia River Fishermen's Protective Union, expressing concern about the nitrogen supersaturation problem. I wrote back to ask him his opinion of the corps' results with the slotted flood gates. I received a most detailed and informative reply. Mr. Puustinen believes that we should proceed with the installation of the slotted flood gates but he also suggests a number of other steps that should be examined and possibly pursued so that the anadromous fish runs on the Snake and Columbia can be preserved and enhanced.

I have been greatly impressed with Mr. Puustinen's letter and ask unanimous consent that it be printed at the end of my remarks. I have also forwarded copies to the Corps of Engineers, the Bureau of Reclamation, and the Environmental Protection Agency and have asked for their evaluation of Mr. Puustinen's suggestions.

We need to tax our imaginations to the fullest if we are to continue to have anadromous fish in our great rivers. Sports and commercial fishing remain a great natural resource of the Northwest only because we have worked to preserve these fish runs. It is now clear that we need to do more if we are to continue to have the opportunity to fish for steelhead and salmon in the great Northwest. Mr. Puustinen has offered us the benefit of his knowledge. We should take advantage of it.

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

SPRINGFIELD, OREG.,
June 25, 1971.

Hon. FRANK CHURCH,
Senator from Idaho,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Thank you for your letter of June 18, 1971, asking if I think the slotted flood gates to be adequate protection against the nitrogen super-saturation threat to our Columbia and Snake fish.

As far as I know today, this first slotted gate test by the Army Engineers indicated at that site and the conditions there then, that the nitrogen saturation reading above the test was 106 percent of saturation and 104 percent of saturation below. Thus it seems that this first test of that idea did not result in more dissolved nitrogen. However, one such test can not be expected to materially lower or alter the dissolved nitrogen riverwide. I do want to express my sincere appreciation to the Army for even this test. I believe we have in General Kelly of the Army Corps of Engineers a true champion of realistic conservation. I look forward to much constructive progress from any team including General Kelly.

But, you will have to excuse me for other questions and considerations coming to my mind. Forty-five years of active salmon conservation has taught me to look further for satisfactory solutions to the complicated fisheries problems of today. Experience has taught me to anticipate some inherent counters to any new innovation we may try. So it is with the slotted flood gates.

Immediately I begin to wonder about the physical bruising and battering of downstream migrating salmon going through the turbulence of the slotted gates. We know that falling over Grande Coulee kills kokanee. We know that salmon are killed at every power dam on the Columbia to date. Some of these fish are killed outright while others suffer abrasions and wounds which then invite killing fungi and bacteria. Some fish also suffer airbladder damage in the sudden pressure changes involved in their passage through dam vents and other unnatural areas. The slotted gates might give us other physical damages to the fishes we wish to protect.

It seems to me that if we are to realistically envisage a volume redevelopment of our Columbia and Snake salmon and steelheads, we will have to look forward to volume migrations of young fish downstream, most of them by ancient biologic order, right at the time of the regularly occurring spring floods. The slotted gates do not seem any satisfactory fishway here. I would rather explore by-pass channels and tunnels around, through, or over present dams for safe fishways for not only the downstream migrants, but also for ascending mature fish we hope to have utilizing the river all of the twelve months, eventually.

I feel we will have to explore fishways of several designs and at several forebay water levels in order to come up with adequate dam passage facilities for the differing water levels, temperatures and other conditions we will just have to meet in the more complex water-use plans of the future. These multi-form fish passage facilities of the future, whatever their ultimate nature may be, will cost more. But we must not forget that we are looking today at only a very small fragment of the once very heavy and extensive runs of a variety of races of salmon and steelheads originating in the various Columbia tributary habitats. I look forward to the eventual expansion from even our remaining seedstocks of native salmon and steelheads of the Columbia to runs to yield commercial food fish alone worth more than the earnings of a half dozen Bonneville Dams. Add to this our increasing need for recreational fishing and we come up with first priority food values and high priority recreational values far too great for any of us to let slip into the same oblivion we already have lost the above-Grand Coulee runs of June Giant salmon and native Kootenay bluebacks—plus many other Columbia races of spring and fall chinooks, silvers, bluebacks, summer and winter steelheads, and searun cutthroat trout killed elsewhere on the river. We are working today with a very fragile and thin margin of remnants of the once heavy Columbia runs. We cannot afford to monkey around with unnatural gimmicks any longer.

In looking into the future of Columbia water uses, I would seriously suggest immediate attention to such details also as how and where best plan for the inland storages we will need for the intensive agricultural irrigation certain to come for eastern Oregon, eastern Washington and for your own state of Idaho. Nuclear or other forms of future power will make it not only feasible, but necessary for us to plan on inland water storage reservoirs at some distances from the rivers. Such reservoirs should be planned now to take our river water as much as possible from our excessive spring flows. This in itself could lower our nitrogen problem by the amount of water then taken into such inland reservoirs for later local nuclear, industrial and agricultural or other subsequent uses. Such planning is not any one-shot, nor one-day planning. It will take many years to slowly materialize into its ultimate forms and potentials. We need now to begin such studies.

This is some of the thinking which brings me to not be over-optimistic even about the fine effort of the Army Engineers with the slotted gates. Along with utilizing the present shiplocks at the main river dams and even the inactive turbine channels, for emergency flood releases, we will need to study the slot uses even further than this first test. I'm sure our ultimate answer to nitrogen supersaturation will be of several parts relating to much more Columbia Basin planning than just this one aspect of avoiding supersaturation of the dams.

Respectfully yours,

W. WM. PUUSTINEN,
Chairman, Legislative and Conservation Committee, Columbia River Fishermen's Protective Union.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that morning business be closed.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, with the understanding that the time for the quorum call be charged equally to both sides.

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

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR PERCY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the able junior Senator from Iowa (Mr. HUGHES) under the previous order, the distinguished senior Senator from Illinois (Mr. PERCY) be recognized for not to exceed 15 minutes.

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

MESSAGES FROM THE PRESIDENT

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

REPORT ON NATIONAL HOUSING—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-136)

The PRESIDING OFFICER (Mr. GAMBRELL) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

I herewith transmit the third annual report on national housing goals as required by Section 1603 of the Housing and Urban Development Act of 1968.

This Report, prepared by the Secretary of Housing and Urban Development, notes the progress toward meeting the Nation's housing needs. Increased housing opportunities have been provided for lower income families through the greatly expanded federally assisted housing programs. Lower interest rates and the increased availability for mortgage capital will permit greatly expanded housing production during the current year.

The Report also makes it quite obvious that we must not be complacent about the progress we have made in the past two years. Several types of problems are emerging. Housing costs continue to rise, pricing many families out of the market for adequate homes. This Administration has taken firm steps to control the inflation in construction costs, but we cannot consider the problem solved.

Other problems highlighted in this Report are equally or more difficult to solve:

—The need to deal with inequities which arise when some families receive subsidies and others do not, the inevitable result of having to allocate scarce resources.

—The need to assure that the effort to meet housing production objectives goes forward in consonance with our deep concern for assuring a desirable overall living environment.

These problems are complex; simplistic solutions will not do the job. This Report raises the problems in a straightforward way so that they can be aired and each of the possible solutions explored openly. Only in this way can realistic answers be found. This Administration is committed to the search for those answers, working in full cooperation with the Congress, private industry, labor and the American people.

I commend this Report to the Congress and to the public as a major step forward in our efforts to meet the housing needs of the American people.

RICHARD NIXON.

THE WHITE HOUSE, *June 29, 1971.*

REPORT OF NATIONAL SCIENCE BOARD—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. GAMBRELL) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I am pleased to transmit to the Congress the third Annual Report of the National Science Board, as required by Section 4(g) of the National Science Foundation Act, as amended by Public Law 90-407.

Action to meet the needs of today includes laying the foundation for tomorrow's problem solving. For this reason, I suggest that this report of the National Science Board receive your attention.

RICHARD NIXON.

THE WHITE HOUSE, *June 29, 1971.*

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 Fred L. Hadsel, of Ohio, a Foreign Service officer of class one, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Ghana, which was referred to the Committee on Foreign Relations.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1971—VETO MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. GAMBRELL) laid before the Senate the following message from the President of the United States:

To the Senate of the United States:

Expansion of job opportunities for those presently unemployed is one of this administration's highest priorities. Measures to expand job opportunities must be effective; they must hold real promise of providing the jobs when they are needed, where they are needed, for the persons who most need them.

In recent weeks, the Congress has acted on two measures which seek to achieve the same goal of job creation through two quite different approaches.

One meets the test. Another does not. I hope the two Houses of Congress will soon vote final passage of the Emergency Employment Act of 1971 (S. 31), on which the Conference Committee has now completed its report, which would create new job opportunities in the public sector. However, I am returning without my approval S. 575, which among its other provisions would attempt to deal with unemployment through a $2 billion program of accelerated public works.

The administration has been working closely with Congressional leaders on the Emergency Employment Act of 1971 in an effort to ensure its adoption in a form permitting States and localities to move quickly, and on a sound and responsible basis, to create new job opportunities in the public sector. In the form agreed to by the Conference Committee, it would do so. Like the provision for 200,000 public service jobs in the welfare reform bill passed by the House, it would mark a useful addition to the existing programs—including Operation Mainstream and the administration's own Public Service Careers program—which are currently providing public service job opportunities for the unemployed.

In December of last year I disapproved a manpower measure passed by the Congress, because in the form in which it was passed it would have created dead-end jobs amounting to a system of permanent subsidized public employment. However, I have made it clear that the administration considers that our unmet needs in the public sector provide an opportunity to combat joblessness by bringing unemployed men and women into the labor force in selected areas and appropriate circumstances. We have stressed one key point: that these created jobs must be *transitional*—that is, they must be a bridge to permanent, productive jobs, not a substitute for them.

The action taken thus far this year by the Congress on the Emergency Employment Act of 1971 deals effectively with these concerns. Public employment is defined as "transitional." It is targeted on locally-supported jobs of proven need. Moreover, the bill, as it has been agreed to in Conference, would be limited to two years and would be triggered when national unemployment exceeds 4.5%.

I am particularly gratified that the Emergency Employment Act as currently drawn extends special consideration to recent veterans. The level of unemployment among veterans who have served their country so well and so bravely is unconscionable. The Emergency Employment Act would be an installment on repaying the debt that we owe them.

Furthermore, leaders in both bodies of the Congress have indicated that, as soon as action on the Emergency Employment Act of 1971 is completed, they will move with dispatch to hold hearings, and then make every effort to obtain favorable action, on broader manpower reform legislation this year. They will include in these deliberations the administration's proposal for Manpower Special Revenue Sharing.

In terms of its capacity for generating new jobs quickly, the accelerated public works approach—as embodied in S. 575—at best comes out a poor and distant second. Among its deficiencies are these:

—Construction projects have notoriously long lead times. Experience under the original Public Works Acceleration Act of 1962 demonstrates that spending—and hence job creation—under this bill would not become fully effective for at least 18 months at which time further stimulation would be unnecessary and inflationary. Only about 10 percent of the funds would be likely to be spent within the next twelve months. It therefore would not even make a real start on delivering on its implied promise of jobs now, when jobs are needed.

—It would have little effect in reducing joblessness in the areas where it is now most concentrated. The Vietnam Veteran, the unskilled youth, and other persons unemployed because of lack of training or opportunity would have little chance of securing a job on one of these projects.

—Rather than helping the broad spectrum of the presently unemployed, the impact of the bill would focus primarily on the construction industry which already has experienced rapid cost inflation. In no other industry have wage increases been higher. Increases in that industry have affected collective bargaining elsewhere, thus further fueling inflation in the overall economy.

—Because the accelerated public works program has been conceived of as an emergency measure, with an implied promise of quick approvals and a broad scattering of the benefits, insistent demands could be expected for marginal, hurriedly planned, environmentally damaging and uncoordinated projects.

—Finally, false hopes would be created in many communities, and this administration does not wish to be a party to these misleading impressions. The previous Accelerated Public Works program resulted in applications for nearly double the amount of funds available despite early efforts to discourage requests. On the basis of these expectations, communities deferred locally funded projects. Therefore, the net economic impact in many communities was, actually, a delay in needed public works projects.

In addition to accelerated public works, S. 575 also extends—by title II—the Public Works and Economic Development Act of 1965 until June 30, 1973, and extends—by title III—the Appalachian Regional Development Act to June 30, 1975. I agree that our present economic development programs should be extended while the Congress is considering my revenue-sharing proposals. But most importantly, the Congress must act immediately to insure that there is no gap in service to the people in Appalachia and in the economically depressed areas served by EDA. In this connection, I am pleased to note that the House has already provided for the temporary continuance of these programs until new legislation can be enacted. I urge the Senate to do likewise.

I know the problems of these areas. I met with the Appalachian Governors last year for a full half day to discuss the best ways in which we could meet the needs of the people of Appalachia. When I met with the Governors of Virginia, West Virginia, and Kentucky last week, I emphasized that even if I would have to veto the accelerated public works bill, I support the Appalachian program 100 percent.

The Appalachian Regional Commission has been a very useful experimental development program which can be improved upon and can serve in many respects as a model for a national program. This is essentially what I have done in proposing to the Congress rural and urban community development revenue sharing. The record of the Appalachian Regional Commission goes a long way in proving that State and local governments do have the capacity to make revenue sharing work.

The revenue sharing proposals will insure that States and localities will get their fair share of the funds automatically without having to play grantsmanship games. Furthermore, those proposals would eliminate Federal red tape and local share requirements. State and local officials could more quickly provide public projects which are most responsive to local needs. The gap between Federal resources and local needs would be bridged in a way that would strengthen State and local responsibilities and decision-making. These proposals deal with problems which simply will not yield to the old approaches, no matter how they are reworked or expanded. I again urge upon the Congress the early enactment of my revenue sharing programs.

Meanwhile, as a means of providing additional jobs now, the public service jobs approach as it has emerged in the Emergency Employment Act of 1971 is clearly a better answer than the Accelerated Public Works program.

Public sector jobs are labor-intensive: a high proportion of Federal appropriations under that bill would flow into direct wages and salaries for new employees. In community service activities such as environmental protection, health and sanitation, unemployed persons can be put to work rapidly. No long lead time is required for complicated engineering studies.

On the other hand our experience during the early 1960s clearly shows that accelerated public works is a costly and time-consuming method of putting unemployed persons to work. Even the bill's strongest proponents recognize that public works programs are not people-intensive, but money-intensive.

The job of the administration, indeed of any administration, is to search out the best ways to deal with the problems and needs of the Nation. We need more jobs. A bill to do this directly and *now*, when the jobs are needed, is clearly the best answer.

RICHARD NIXON.

THE WHITE HOUSE, *June 29, 1971.*

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the message with respect to the Presidential veto of the Public Works Acceleration Act remain at the desk for future disposition.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum with the same understanding as previously.

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

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1972

The Senate continued with the consideration of the bill (H.R. 7109) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished manager of the bill, the Senator from Nevada (Mr. CANNON), I take the liberty of yielding 12 minutes from the time under his control to the distinguished Senator from Alabama (Mr. ALLEN).

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from West Virginia for yielding his time to me.

Mr. President, I rise in opposition to amendment No. 233 by the Senator from Minnesota (Mr. MONDALE) which would eliminate the provision for the space shuttle from the NASA authorization.

Mr. President, on April 19 the Soviet Union launched an unmanned "orbital scientific station" called Salute, into earth orbit. Three weeks ago a three-man team of Russian spacemen docked with Salute and have remained in space, conducting a wide variety of experiments, most of which remain deep secrets of the Soviets. We are told, however, that one of the experiments involves the successful growing of plants under artificial conditions and that the spacemen, who have already set a record for living under the conditions of weightlessness are putting on weight themselves.

We are told nothing of the other experiments being conducted, and we are left to wonder and to worry about how many military projects are being performed in that manned space station.

Mr. President, the key words to the new Russian effort are "manned space station."

How many times have we heard the arguments—and are still hearing the arguments—that the manned space program being carried out by the United

States is unnecessary. And those who make this type of argument have pointed to the Soviet Union's moon shots as examples of unmanned flight. But how do those who attempt to detract from our manned space program now explain away the Russian manned space station that even now is traveling in space over our head—human minds and human hands directing its movements from aboard the spacecraft, not from some ground station? The point is that the Soviet Union, like the United States, is developing manned as well as unmanned space programs.

The United States, through the National Aeronautics and Space Administration, has gone through the initial period of exploration and discovery in space and we are on the brink of great returns.

One of our top priority programs for the 1970's is the space shuttle program as proposed and now under study by NASA.

The space shuttle is not a manned spacecraft; it is a reusable space transportation system to deliver manned and unmanned payloads to low earth orbit. It will consist of a booster and an orbiter, both of which can be reused up to 100 times.

Program planners have known for some time that the use of this vehicle 100 times or more will lead to substantial reductions in the cost of space transportation. The cost of placing a pound in orbit and returning it back to earth will be reduced by more than a factor of 10—from $1,000 a pound for the present one-way trip to about $100 a pound to orbit and back to earth.

New economic studies have determined that even greater savings will result in the cost of producing and testing the spacecraft themselves, which will be the shuttle's cargo.

The greatest savings will be in unmanned satellites, which now cost generally between $12,000 and $20,000 a pound. Some are even more expensive. The high present costs result from the need for extensive miniaturization and testing. The machinery within a satellite is much more delicate than that in a fine watch. It must be tested and retested to be sure that nothing will fail to operate properly after it is in orbit.

With the reusable space shuttle, both of these problems will be solved. The shuttle will have as much space and weight-carrying capacity as a large cargo airplane. Thus it will be able to carry less expensive equipment, like that used on earth. Standard, low-cost parts and components will be in general use.

The shuttle will be able to bring satellites back to earth as easily as it puts them into orbit. Thus the costs will be reduced by planning on the reuse of satellites and space flight equipment. Should anything malfunction in space, it will be returned to earth for adjustment, repair, refurbishment, or replacement. And in many cases, scientists or technicians will be able to go into space by way of the shuttle to adjust and operate the instruments, just as they now do in aircraft.

The space shuttle will be the only capability for manned space flight after 1973, when the earth-orbital Skylab experimental space station program will be completed. Without a shuttle, there will be no more U.S. manned space flights after 1973. Even with a shuttle, there will be a gap in manned space flights from 1974 through at least 1977.

Termination of U.S. manned space flight activities by a conscious decision or by failure to provide adequate support to continue a balanced total program would mean—besides the loss of the benefits to science, technology, exploration, and practical applications—that for the indefinite future the Soviets would have manned operations in space as their exclusive domain. The operation of Salute should erase any doubts that the U.S.S.R. is pursuing manned space flight as a continuing major objective to which they are applying very substantial resources.

I am growing increasingly concerned about our Nation's long-term position in space relative to the Soviet Union. I can only hope that we are able to profit from the lessons of history. Surely, this country cannot so soon have forgotten the tremendous shock we faced in 1957 when the first sputnik went beeping around the world to give us warning that another country was challenging our position of technological leadership. It took us many years of hard work and unflagging effort and much of our treasure to regain that position of leadership, and today we see it again being strongly challenged.

If we lose our position of leadership again, we may not have the capacity to catch up. For a period of at least 4 years after our Skylab program is completed, there will be no Americans in space. During that rather long period of time, we can be quite sure that the Russians will continue to make major advances in manned space flight, and specifically, space station technology.

That is why I think it is of the utmost importance that we of the legislative branch give our strong support to the U.S. space program of the next decade. Even more than that, I feel we must urge that all steps possible be taken to strengthen it, to keep us from falling too far behind.

NASA studies of shuttle benefits are quite conservative. For example, they do not assume the great expansion of space flight applications that can be predicted from these sharply reduced costs. They do not anticipate the growth envisioned by many scientists in communications, weather and earth observation satellites, or scientific studies of the earth and its environment. Nor do they presume any expansion to meet the needs of other agencies of the U.S. Government, commercial interests or foreign agencies.

Mr. President, I have been a foremost advocate of leveling off our space activities from the crash program of the past to a more stable program accommodating the national budget and national priorities.

The NASA appropriations contained in the Independent Offices-HUD authorization bill will give us this stability and will enable us to build our future space program on the solid foundations of past discovery and technological achievement.

The space shuttle capabilities form a required part of the total U.S. space program for the 1970's; it is important that we develop these new capabilities soon; and the program NASA is presenting for fiscal year 1972 is calculated to proceed with this development in an orderly step-by-step fashion.

I believe that it is in the best interests of our country that the NASA appropriations be approved without further reduction.

Mr. President, we live in a much too fast-moving era when accomplishments of yesterday are almost overwhelmed in the problems of today and almost lost in the promises of tomorrow. I do not think that it is necessary for me to take time here to recount the achievements made by our civilian space agency during the past 20 years—achievements which all of us should recount with pride. From the successful launching of Explorer I to manned exploration of the moon, the tremendous economic and social growth of the United States has paralleled the accomplishments of our space pioneers.

Neither is it necessary for me to devote time now in ennumerating the gains to our way of life because of our space program. These reach all the way from instant video and audio communications from any point on this earth because of our satellites, to teflon-coated cooking utensils in our homes, resources exploration and pollution detection of our planet and charting the course of dangerous weather conditions throughout the world.

Nonetheless, because of the fast pace we run, I fear that many of us forget the achievements of our space program and we tend to overlook the gains to our way of life because of our space program. In its August 29, 1970, issue, the estimable Christian Science Monitor published an article entitled "Aerospace 'Fallout'—Something for Everyone" written by Eric Burgess, who is a staff writer for the paper. I commend this article to the attention of every Member of this body and I ask unanimous consent that it be printed in the RECORD.

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

AEROSPACE "FALLOUT"—SOMETHING FOR EVERYONE

(By Eric Burgess)

Jane Evans heard her husband's voice clearly on the telephone. He had just arrived from across country on a large jet and was about to pick up his automobile at the airport. He said he expected to be home within an hour even though the freeways were slick with rain.

Jane didn't stop to think that her husband's fast trip from the East Coast was a boon of aerospace technology. Even his telephone call had been automatically routed by advanced electronics first evolved to control missiles.

And his drive over the rain-slick freeway was made safe by grooves cut into the pavement to stop skidding—an innovation from aerospace work to improve runways.

As Jane prepared the evening meal for her family she removed a thin plastic that wrapped the meat. It originated from plastic developed for an Echo satellite. The electric-

ity heating her stove was supplied through power-control techniques developed from aerospace research. Nor did she connect the beat music from her teen-age daughter's record player as an indirect product of the aerospace age.

But aerospace is all around—inititmately woven into the technological pattern of American civilization. The impact on the United States standard of living is proverbial.

BENEFITS—DIRECT AND INDIRECT

Specific and direct aerospace benefits include commercial jets, computers, and communications and weather satellites. Indirect ones include new materials, manufacturing techniques, management systems, and a broadened outlook.

Benefits are not solely new gadgets—Teflon-coated kitchen utensils, transistor radios, color TV, micro-computers, flameproof materials—even though these are important spinoffs from aerospace programs. Many experts say the real payoff from aerospace is the broadening of thought—a cognizance by the many of things before known only to a select few.

They say aerospace has helped trigger a new renaissance, a revolution of rising expectations. For the first time in history great numbers of people realize that mankind has tools, resources, energy sources, and knowledge to achieve what earlier seemed impossible.

Earlier technology was applied mainly for better military posture or to amass great wealth for a few. But in the past decade technology expanded man's physical and mental realms tremendously.

Aerospace showed how to discover and invent on schedule for nonmilitary as well as military purposes. In the words of Dr. Kraft A. Ehricke, a rocket expert from Peenemünde and now chief scientific adviser at the Space Division of North America Rockwell: "Our space effort is the first nonwar-oriented technoscientific endeavor large enough to require a national commitment.

"It set a precedent encouraged the conception of many other large-scale efforts, such as the 'war on poverty,' the concept of a national oceans program, and the organization of a national fight against pollution—all of which, ironically, attack or criticize their seedbed, the national space program."

Nor is it by chance, says Dr. Fred Hoyle, world-famous British astronomer, that quite suddenly everyone worldwide has become seriously interested in protecting the environment "Somthing new has happened to create this feeling of awareness about our planet," says Dr. Hoyle, who many years ago predicted that, once men saw the earth from space, "a new idea, as powerful as any in history, will be let loose."

This new awareness parallels the experience of Europeans as they expanded to explore and then develop other continents. Europe blossomed in art, science, social, and religious reform. Now earth as a whole is blossoming in a new awakening and a new reformation that also has many material benefits.

THRONGS IN LINDBERGH'S WAKE

Dr. Wernher von Braun, when he directed the Marshall Space Flight Center, Huntsville, Ala., once said: "The real payoff [from spaceflight] does not lie in mining the moon . . . but in enriching our economy and our science in new methods, new procedures, new knowledge, and advancing technology in general."

Only 40 years after Charles Lindbergh made his hazardous flight across the Atlantic Ocean, more than 20,000 people cross that ocean by air each day. Aerospace technology breaks down worldwide mental barriers and helps cement international goodwill—it brings the man in the street together with others on an unprecedented scale. Earlier ocean travel was too expensive in time and money.

Aerospace, as America's largest manufacturing industry, employs 1.3 million people with a $14 billion annual payroll. It is one of the great producers of national wealth, exporting (in 1969) $2.9 billion in aircraft and parts. This furthers American purchases of goods and products worldwide.

And there are direct benefits from aerospace technology. One is the communication satellite, which was made possible by application of large rocket boosters, miniaturized electronics, and solar cells that convert sunlight into electrical power.

REVOLUTION IN WORLD COMMUNICATIONS

Thus, a relatively small, self-contained, unmanned satellite now does the work of many thousands of tons of ocean cables. Such satellites brought a revolution in global communications, helping underdeveloped countries as well as industrial nations.

In 1969 live TV could not be sent across major oceans. Now it is commonplace via satellite. And before satellite it cost $15,000 a month to rent a cable circuit across the Pacific. Via satellite it is only $4,000.

And communication satellites can assist education and link computers. They may one day transmit messages instead of mail and extend their communications links into every home, replacing telephone lines for rapid communications with information stores throughout the world.

Meteorology became a science only through applications of aerospace technology. Meteorological satellites allow weather systems to be mapped and tracked on a global scale for the first time.

If Jane Evans lived in some parts of this country she would receive warnings of hurricanes because of satellites. Since 1966 these satellites have kept close watch on every major storm threatening this nation and have alerted against potential major disasters.

In response to requirements of space and planetary exploration the technologies associated with automatic computation and advanced technical analysis took on a new and vigorous growth. Computer-analysis techniques of tremendous power were developed.

And even the computer itself was developed to meet the needs of aerospace. Now virtually every aspect of human endeavor is enhanced by the commercial application of the digital computer. To cite only a few: airline and travel reservations, accounting, law enforcement, stock market transactions, industrial process control, engineering design, banking, and typesetting.

And the aerospace industry developed computer simulation techniques by which complex human situations can be mathematically modeled and tried out in advance. These simulation techniques brought back the Apollo 13 astronauts from near-disaster. They are being used to find solutions for pollution and traffic problems and to aid business management and planning.

Almost every major computer system in the world is made in America. Without the space effort of 5 to 10 years back these computers would not be available today. And now the computing industry is an $8 billion-a-year business that pays the highest wages of all U.S. industry. It is the fastest-growing industry and contributes most to the American balance of trade. U.S. computer exports increased 1,400 percent in the first decade of the space age.

AUTO-POLLUTION MINIMIZERS SEEN

Lt. Gen. Sam Phillips, commander of the Air Force Space and Missile Systems Organization, recently told a management group meeting in Chicago: "Of some 12,000 new products and techniques which have come into being in the last decade, a very large percentage are directly attributable to space and missile development."

W. H. Berger, president of North American Rockwell's space division, says he visualizes many applications of aerospace technology. For example, micro-miniaturized computers in automobiles might control fuel injection and timing to minimize exhaust pollution.

Large aerospace programs have revolutionized management techniques. They motivate and bring together many highly intelligent and energetic people of diverse technical skills, keep track of myriads of parallel processes, identify problems quickly, and continually adapt to changes needed as experience produces more knowledge.

These management techniques are capable of solving the socioeconomic problems facing the world today, say aerospace managers.

Aerospace has also made significant contributions to manufacturing technology which are only just beginning to be felt in commerce and industry. Industry now welds complex shapes and exotic new materials and manufactures items in previously impossible configurations.

Computer-controlled machining, metal-forming by hydroexplosives, chemical milling, electric-arc sculpturing, and solid-state diffusion bonding are new processes derived from aerospace.

Some manufacturing engineers say that within a few years solid-state diffusion bonding will be applied widely in chemical, petrochemical, nuclear, refining, and air-conditioning industries because it results in metal parts that have joints as strong and leakproof as the materials that are bonded together.

And filament-wound glass structures came from aerospace. Suggested as building materials for homes of the future, they are used now to fabricate large-diameter pipes—an outcome of making cases for solid-propellant rockets.

"The marriage of numerical control, the digital computer, and machine tools is one of the stunning technological innovations of our time," said Willard F. Rockwell Jr., chairman of North American Rockwell, in a keynote address to the Western Metal and Tool Exposition and Conference here.

And this all began back in 1952, he explains, because the Air Force wanted a better way to machine helicopter blades.

Now numerical control of machine tools has spread from aerospace to increase productivity four or five times.

No longer need a product be locked inexorably into an inflexible assembly line. Products can be changed to meet changing markets but still be mass produced.

APPLICATION IN WATER TRANSPORT

Automated fabrication is seen by many as the next step of aerospace applications to the nonaerospace economy. Factories will automatically manufacture commercial products through computer-aided design now commonplace in aerospace.

System engineering techniques developed for aerospace were used in the multibillion-dollar California water project designed to move more than 2 million acre-feet of water every year from northern to southern California, including the crossing of a 4,000-foot-high mountain range.

Aerospace lasers align tunnelmaking machines with unheard-of precision.

And systems-approach methods are being used to define power scheduling of the Columbia River hydroelectric system for the Bonneville Power Authority to achieve substantial savings in water consumption.

Aerospace has produced a galaxy of new materials—tough steels that are not brittle, lightweight alloys, honeycomb panels, plastics, lubricants, special coatings, fireproof textiles, refractories, and foam insulation.

A van uses foam and honeycomb structure to reduce overall weight by 50 percent.

Trains, autos, buses can use space-age materials that will reject solar heat and keep them 10 degrees cooler.

Aerospace foam provides a lightweight substitute for cork in tuna ships.

Railroad cars fabricated of aerospace materials are half the weight of steel cars.

The roof of the U.S. pavilion at Expo '70 in Japan is a fire-resistant coated beta fabric developed for aerospace. And the National Aeronautics and Space Administration has developed through its contractors a variety of fabrics, panels, plastics, and coatings that if used generally would eliminate most fire hazards in automobile, aircraft, and bus interiors, in home furnishings, and interiors of public buildings.

NASA even has nonflammable paper and nonflammable adhesive and acoustic tiles.

Ron Phillips, director of NASA's Office of Technology Transfer, recently told a convocation at Nebraska Wesleyan University: "In the areas of housing, urban transportation, and the environment, we are only now beginning to make the type of national commitment which was made in space in the 1960's.

"Since this country first made its commitment to space . . . we have vastly increased our technical know-how and put it to use. We have seen overall productivity rise significantly in the United States, and along with it we have come to realize both the magnitude of new problems associated with our growth and the new capabilities which may be brought to bear on them," he says.

COST PICTURE ROUGHED IN

"Since 1950, the real output of goods and services in the U.S. has grown as much as in the entire period of prior American history dating back to 1620," he explains.

Mr. Phillips says: "We cannot solve our most pressing problems by rhetoric."

Nor is change in itself a panacea for all problems, he adds. "The generation growing up in the '60's was born into the space age and a new era. It is learning a new science, a new cosmology, a different view of man's place in the universe, and it is the recipient of vast new opportunities—on which it alone has the potential to act."

And these new technological opportunities have come mainly from aerospace.

And how much has space technology cost the nation? Less than the money spent yearly on hard narcotics by known addicts; about the same as that spent on tobacco or cosmetics; about half that spent in one city, New York, in legal gambling.

"Investments in space and aeronautics science and technology are, in fact, investments in our future," says Melvin S. Day, acting administrator for technology utilization at NASA. "The total impact, economic and social, will in the long run exceed even our own optimistic predictions," says Mr. Day.

And Dr. Heinrich Haymerle, permanent representative of Austria to the United Nations, told delegates to a recent international conference on communications in San Francisco that the rapid evolution of new technologies from space exploration is about to change the very basis of our existence.

"Perhaps the most challenging effect of the evolution of space technology will be the inevitably increasing gap in technology and involvement between those nations which conduct space programs and those not able to do so," he said.

Jane Evans has something to think about as she unwraps that meat for dinner.

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

Mr. CANNON. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I believe that the space shuttle program is absolutely fundamental to the future of this Nation's space program.

To really understand and appreciate the space shuttle program, we must look at the entire space program and its future in 10- and 20-year terms.

I do not believe there is a person on the floor of the Senate today who has studied the space program who will disagree with the statement that this Nation, and other advanced nations, are in space for keeps and that there will be satellites and space operations as long as man is down below on earth to direct those operations.

The space program is as fundamental as our highways and our air travel systems.

And to accept that fact is to look down the road for 10 and 20 or even 50 years and attempt to analyze what will be happening in space and what we will be attempting to do there.

Certainly we will be operating a worldwide system of communications satellites of all kinds for television, for radio-telephone links for computer data transmitting systems.

We will be operating a worldwide system of navigational satellites for guiding merchant marine and aircraft and for directing that traffic safely.

We will be utilizing and expanding our system of weather satellites, to provide long-range forecasting and warn us against storms and other approaching changes in the weather.

We will almost certainly be operating scientific satellites for analyzing earth resources, for monitoring pollution and other environmental threats, for performing geodetic and astronomic studies and tests.

And we will be in space for preserving peace in the world—for surveillance systems and for providing other information and guidance systems for our defense and that of the entire world. Hopefully, the major powers of the world will be operating some of these systems under a joint agreement to limit the use of arms that now threaten the future of the world.

Today we have dozens of satellites and other devices in space. In the years ahead, there will be hundreds and perhaps thousands of them.

The space shuttle system attempts to anticipate this expanded use of space for man's needs here on earth by providing a basic system of transportation to launch, retrieve, and service those satellites and perform scientific missions to support future operations.

A major justification for the space shuttle system—although not the only one—is that it will substantially reduce the cost of future space operations.

It is true that weather, navigation, and communications satellites are unmanned operations and do not require man in space for their successful operation.

But it is also true that a space shuttle system will:

First, substantially reduce the cost of maintaining these vehicles.

And, second, provide flexibility and versatility in space operations which simply are not available through unmanned missions and with present design of automatic systems and the extensive fail-safe requirements of unmanned satellites.

Cost reductions in the space program are available through the shuttle system because it employs reusable launch and orbiter vehicles, thus reducing the enormous and wasteful costs of one-time-only launch vehicles such as the Saturn used in the Apollo flights.

In addition, however, other cost savings can be effected through:

First, recovery, repair, and reuse of malfunctioning satellites by the shuttle orbiter.

Second, less expensive design and manufacture of satellites by eliminating the need for duplicated systems within the satellite in the event of failure, hardening to withstand launch stresses, miniaturization and other design factors.

Third, maintenance of satellites in orbit.

Full-scale studies of these economic factors have been undertaken for NASA by Mathematica, Inc., of Princeton, N.J., and a preliminary report by that organization indicates a very strong economic feasibility for the shuttle.

The interim report from Mathematica, dated, March 15, 1971, shows that on a projected 500 flights over a 13-year period the return on investment would be 10 percent.

On a projection of 700 flights in the same period the investment return would be 15 percent.

The Mathematica study concludes that the 10-percent rate of return on investment "is among the highest discount rates ever applied in the evaluation of public investments in this country."

The study found that the shuttle is economically justified at only 39 flights per year, far fewer than the actual number of flights planned by NASA and the Department of Defense which estimated an average of 56 flights per year during 1978 through 1993, the time frame when the shuttle will be operational.

It is important to stress the point that the shuttle system is designed to reduce space program costs in the next 20 years, not add to them.

If we are going to have 500 or 700 flights into space in the decades ahead as NASA and DOD estimate we will, then we must find the least expensive way of operating those flights and that is the purpose of the shuttle.

The overall development costs of the shuttle are estimated at about $9 billion over an 8-year period. Nonrecurring costs of the total system is estimated at $12.7 billion.

NASA explains that—

This includes all research and development costs for the shuttle, a tug which would transport payloads from a low-earth shuttle orbit to higher orbits, all facility costs, and adequate fleets of shuttles and tugs to handle future anticipated traffic of more than 700 flights in 13 years.

NASA's findings from the Mathematica study and its own surveys indicate that launch costs should be reduced from about $1000 to $100 per pound per payload. And costs of the payloads them-

selves should be halved because of less expensive design and manufacture.

All of these projections are based on use of the shuttle as a transportation system—not as a manned space platform or laboratory. It is true that part of the benefit of the shuttle is that it may be at least partially available as a manned space laboratory or space station, but the cost savings created by the shuttle are not based on this operation.

We have already heard here earlier this month discussion of a report by the Rand Corp., which appeared to challenge some of the assumptions and claims for the space shuttle program. I would like to respond briefly to some of those claims made for the Rand report.

First, as Secretary Robert C. Seamans of the Air Force pointed out in a letter to Senator ANDERSON on May 28 the report does not represent Air Force policy with respect to the shuttle.

Seamans said:

> To the contrary, this report and its conclusions are the work of the author's alone. In fact, the title page carries a disclaimer that the work does not represent the policy of even the Rand Corporation, much less the Air Force.

Seamans pointed out in addition that the work was based on 1969 data and does not, therefore, represent current economic considerations.

Mr. President, the Air Force fully supports the space shuttle concept as Mr. Seamans said in testimony on March 30 before the Senate Committee on Astronautical and Space Sciences and I quote him:

> A reusable space transportation system with proper capabilities and operational flexibility can offer an opportunity to provide an economical way to transport payloads into and out of space . . . Development of space shuttle which employs fully reusable stages rather than expendable ones appears to be the surest way to achieve a sizable cost reduction . . . The Air Force supports the proposed NASA FY 1972 space shuttle effort.

The Air Force supports the shuttle, the Department of Defense supports it, and so do the President's Space Task Group and the chairman of the Space Science Board of the National Academy of Science, Dr. Charles H. Townes, professor of physics of the University of California who said last October:

> A successful space shuttle, including further lowering of costs and the possibility of assembly and adjustment of equipment in space, should produce a marked change in the style with which science and space applications are carried out . . . I believe its study and development should be pursued with vigor.

The key point about the Rand report and other discussions about the shuttle really are the long-range policy decisions about our effort in space.

The shuttle assumes that this Nation will continue to develop its space program and especially those projects that have a strong relationship to improving our life down here on earth.

It also assumes that there will be strong defense and military considerations in the space program.

And those are the reasons why Mr. Henry Rowen, president of the Rand Corp., in a letter to Senator ANDERSON points out that the report very clearly said:

> Viewed over the long term, the shuttle has definite merit, but its immediate economic justification depends on the pace that is finally adopted for the national space program.

Without accepting the economic findings of the report, based as they were on inadequate and outdated data, I did not, as others did, find the Rand report an indictment of the shuttle. It certainly raises basic questions about our space effort, and I think we should debate those questions before committing this Nation to a multibillion-dollar effort in space.

But the questions are fundamental ones, and the answers to them cannot be found solely in cost discussions.

It is fair to ask, I believe, that if the space program will continue to draw international attention and interest as it already is doing, who will lead this effort?

Today only two nations have any substantial commitment and capability to operate in space: Russia and the United States.

Our record of international cooperation in space has established this Nation as the acknowledged leader in the field and the country to whom scientists and countries all over the world turn for help, information, and cooperative projects.

In the last 12 years NASA has entered into some 250 agreements for international space projects. We have orbited foreign satellites and flown foreign scientific missions in or own satellites. We have participated in more than 600 cooperative scientific rocket soundings and cooperated with 50 foreign scientists in analysis of lunar surface samples.

As interest in satellites for communications, weather, navigation, earth resources, agriculture, astronomy, and oceanography continues to expand, the nations of the world will look to American shuttle system and American space capability to perform space functions which they are not capable of. These missions shoud not only enhance our international peace efforts but they should help us offset costs of our own space program. Many of these programs are purely commercial and will return many dollars for each invested.

A second fundamental consideration, aside from economic justifications, for the shuttle is its use in national security.

For security reasons, we have not publicly discussed the U.S. military mission in space but every Senator here knows that it is considerable and costly. The space shuttle will enhance our military operations in space, reduce their costs, and, more importantly, help us seek world peace by using space missions to monitor arms limitation agreements.

We are not breaking security in pointing out that national security missions in space involve photographic reconnaissance, electronic monitoring, radar and infrared mapping, communications, nuclear detection, navigation, and weather.

The space shuttle, with its capability of putting expert technicians, engineers, and analysts into space at short notice, affords an additional dimension to our national security which simply could never be possible with a complete reliance on automated, electronic devices.

It is not possible to anticipate every future civilian mission in space and whether those missions will or will not require highly trained astronauts and scientists.

Neither is it possible to anticipate missions for national security which might require manned flights in highly flexible and versatile space vehicles.

The space shuttle program, in addition to reducing long-range costs, gives us the flexibility to meet possible future needs for men in space, needs that we cannot foresee today but which almost surely will arise as we expand our scientific and technological horizons.

Mr. President, I do not presume to say that we have all of the answers to every question about the space shuttle on this day in June 1971.

But I am satisfied that the space shuttle is soundly conceived, technologically feasible and necessary to future space programs.

Like the Apollo program or any other exploration of the scientific unknown there are elements of risk, both in lives and money. But this element of risk did not deter us in our Gemini and Apollo missions. It certainly should not be a bar to development of the space shuttle.

If the debate here today really is centered on the question of whether we should be in space at all, then let us debate that point.

But if we accept the almost unanimous view of scientists and leaders of the last four national administrations from President Eisenhower to President Nixon that our role in space it vital to the future of this Nation and the world, then I say that the space shuttle program must be considered as a prudent and logical extension of that view.

I want to stress that my interest in space, and the interest of the human race in space, and what the shuttle can contribute to space, relates the work done on space right down to its applications on earth, where human beings live and walk, in terms of improving the environment, in terms of providing new means of communication, to bring people together rather than apart, and in many other ways which can contribute to peace and prosperity.

Mr. CANNON. Mr. President, I yield 5 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I rise in opposition to the amendment which would eliminate the space shuttle from the NASA authorization bill.

The fundamental point in this issue is that in order to continue our space program, we need a less expensive launch system. Our present system throws away the boosters after one use. Also, a minor defect in an orbiting satellite, under the present system, can cause a complete loss of mission. We need a system under which such satellites can be retrieved or repaired.

The shuttle will carry men, space craft, and equipment into orbit, and return to earth for reuse. It is a space transporter, not just another satellite, and it is essential as a means of utilizing all that we have learned, and will learn in the future, of space technology. To abolish the space shuttle is to discard this all-important opportunity.

Those who would economize by eliminating the space shuttle program are attempting to terminate the one program that has the greatest potential for saving vast sums in our space efforts of the future. The amounts of money that can be saved in the next 20 years cannot be concisely estimated, but they are in billions of dollars. Boosters will no longer be one shot, expendable mechanisms. Malfunctioning missions in which there are tremendous investments will not only be adjusted into proper operation, but retrieved for reuse. Cheaper satellites will be used, because they can be adjusted in space, and because the necessity for backup equipment, in the event of malfunction, is much reduced.

The space shuttle has a long leadtime for its development. We should not waste any time in getting on with this essential element of our space efforts.

Mr. President, I have been on the Aeronautical and Space Sciences Committee since soon after its origin, and I remember the tremendous relief to me when the idea and concept of a space shuttle came into being as a means of relief against the enormous expenditures for other missiles and boosters, and at the same time having something that is an actual potential in utilizing our present space achievements and making an investment out of the money we have already spent and projecting itself into the future so as to carry on, at a much reduced cost, further explorations that we are certain to find necessary in the years ahead.

I think that very well represents the thinking of every member of our committee and the House Members with whom we have dealt over the years.

I hope very much that the Senate will keep this relatively modest program alive with necessary funds, not for an over-rapid development, not even for a rapid development, but for a certain development and in time a reasonable use. I trust the amendment will be defeated. I strongly urge that the amendment deleting the space shuttle be rejected. I thank the Senator very much for yielding me time.

Mr. CANNON. Mr. President, I reserve the balance of my time.

Mr. MONDALE. Mr. President, if the Congress is looking for a way to waste $25 or $30 billion, I can think of no better way of doing it than to construct a space shuttle and a space station. We have heard much from the proponents of this effort about the cost effectiveness of the space shuttle. If there is any rationalization that can be developed in support of this program, it is that it will cost less to deliver payload into near-earth orbit by a space shuttle than by expendable space boosters; but unfortunately for their case, all of the evidence makes this argument an absurd one.

From everything we can determine, this space shuttle is not cost effective, or anywhere near cost effective, but indeed will be one of the most wasteful, useless projects ever developed by any Federal agency; or, for that matter, by anyone else.

The Rand Corp. conducted a study for the Air Force of the proposed shuttle and concluded that the shuttle "is not easy to justify" and "that criteria other than costs should be used."

And when the Rand Corp. made that determination, the estimated cost of the space shuttle was $9 billion.

Now, 2 years later, it is $12 million, and no one knows where it will end.

Advocates cite the Mathematica Corp. report; but that study, closely analyzed, proves the same point as the Rand report. Indeed, by their own figures, if the cost of the shuttle rises $1 to $2 billion between now and the time of its completion, it would not be cost effective. But a further look at the Mathematica study shows that the shuttle is even less supportable from the cost standpoint.

This morning, Dr. James Van Allen, one of our great space scientists, testified before the Senate Appropriations Committee in opposition to this $12 billion space extravaganza. He said this of the Mathematica study:

> During 1969, there were 19 launches by the U.S. Air Force, details of which are classified and not available to me. The major manned flights Apollos 9, 10, 11, and 12 represent a total launched payload weight of about 370,000 lbs. In the space science and applications field, including all areas of international cooperation, there were 18 launches with an aggregate payload weight of 11,400 pounds. These 18 launches included, among other payloads, three international communications satellites, two meteorological satellites, and two missions to Mars.
>
> In contrast—

I underscore this to show the absurdity of this project—

> the Mathematica study assumes a typical mission scheduled in the 1978–1990 period of about one shuttle flight per week with the delivery into orbit of a payload of 50,000 lbs. on each flight, that is, *about 2,600,000 pounds of payload into orbit per year.*

This compares with 11,400 pounds in 1969 in unmanned payloads, and it compares with 370,000 pounds for four Apollo flights.

This led Dr. O'Leary to conclude that in order to reach that kind of a payload every week, one can imagine having a requirement of nearly empty shuttle flights; either that or having elephants as experimental animals in space, going back to the vacuum tube from the transistor, using lead for casings, and, last but not least, "having weekly manned extravaganzas with multiple linkups and global surveillances. Twenty tons per week is a lot of stuff."

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

Mr. MONDALE. I am glad to yield to the Senator from Florida.

Mr. CHILES. If you want to make an example in comparison of weights, if you want it back 10 years previously, you would find if you tried to get 40 pounds into orbit, you would consider it very good. So we have certainly exceeded by more than 10 times or 100 times the weight barrier when we first entered into the space business and were trying to get boosters and adapters to get us out into space.

Is not one of the prime reasons for the shuttle the fact that it will be able to get the weight into space? That has been the problem previously. At a much cheaper price, because we can fly in and out, and will be able to take the shuttle up and down. Now we have to worry about the cost of getting any weight into space, and so necessarily we have to worry about the amount of weight we can project into space.

Mr. MONDALE. Dr. Van Allen said on that point that within the clearly foreseeable future, both science and applications can be well served by a relatively small number of satellites in the 500- to 10,000-pound range. The replacement of obsolete and disabled elements in such worldwide operational systems will require the delivery into orbit of only about 50,000 pounds per year.

Compare that with the estimate by Mathematica that we will be producing a space program with the unbelievable annual space payload of 2,600,000 pounds each year. Let me say also that the Mathematica study assumes we will discontinue our expendable booster program. But the military as well as NASA will insist upon a backup system of expendable space boosters. So, in addition to the basic ridiculousness of the cost arguments put forth by NASA—as proved by their own studies—there is the fact that NASA's study assumes payload capacity which simply will not be achieved—at least there is no evidence of any such massive increase in space activity; and it also presumes the discontinuance of the expendable space boosters, which certainly the military will not agree to—and in all likelihood, neither will NASA.

So we come up against a proposed space program which will cost something like $13 billion, under present estimates—the estimates have risen $4 to $5 billion in the last 2 years; a program which the Air Force's own study said is a waste of money; a program which the National Academy of Sciences says cannot be justified on the basis of space science or space applications; a program which Dr. Van Allen, Dr. Gold, Dr. O'Leary, and many other scientists have said will have no cost advantages; a program which will devour a mammoth proportion of the space budget and further starve space science and applications projects; and a program which will lead to—by the end of this decade—a spending level of $6 to $7 billion a year, double the present spending levels.

I ask the Senate, how are we going to sell that to the American people? Has anyone in the Senate ever been approached by a constituent saying he needed a space shuttle or a space station? Do they think that $20 or $25 billion for space shuttle and space station is as important as the problems that we face here on earth, such as the problems of environmental pollution, the decaying city, health care, and health research,

and the other problems which face us here in our own society?

If we have come to the point where money is no object, why not spend $20 or $25 billion on such an exotic space adventure; but, if, as I believe, we are in a tight budget situation, we have compelling needs here at home, and this is a waste of money, then I say let us put the money where it is desperately needed.

Some say that this authorization is only $137,000,000 this year. Well, that is one way of looking at it. But that is $27,000,000 more than the Federal Government spends this year for the 5 million handicapped children of this country. That is three times the budget for the OEO emergency food program. That is $9 million more than the Federal Government will spend this year on highway safety, and it is $12 million more than the administration has budgeted for the Federal air pollution programs.

If this space shuttle costs only as much NASA says it will cost, $13 billion—that is four times more than the combined cost of the Federal Government's outlays to fight crimes, to fight pollution, and to fight cancer. Does anyone believe there is a constituent in the United States who thinks a space program is four times more important than our efforts in these areas?

If priorities mean anything at all, if there is any rational sense of allocation of this Nation's resources, then certainly we cannot continue to waste money on this program—which lacks the support of the scientific community and which lacks the support of any rational cost study.

Mr. President, this morning, as I said earlier, we heard from several top space scientists. The leadoff witness was Dr. Van Allen of the University of Iowa, famed for the discovery of the Van Allen radiation belt. This is what he says of the proposed space shuttle:

Advocacy for the space shuttle program rests primarily on the intuitive belief that anything that is technologically conceivable should be done and that, somehow, the outcome will justify the effort. This belief is held with religious fervor within the aeronautics industry and kindred elements of the government. I well understand the foundations for such a belief. Yet at some level of cost and resources in a tax-supported technological effort, responsible public policy requires the demonstration of specific human benefits on a scale commensurate with the effort. Corresponding criteria in the private sector are agreed by all concerned parties to be fundamental to survival in the market place.

The recent action of the United States Senate in discontinuing public support for development of the supersonic transport is a case in point. I consider that the space shuttle program is "cut from the same cloth" and should be subjected to corresponding cost-benefit considerations.

Advocates of the space shuttle do, perhaps, join me in enthusiasm for the general objectives that I have discussed above. But, at least ostensibly, they rest their case on representations that the shuttle technique offers important savings in cost for the accomplishment of these objectives. In order to better understand these claims, I have referred to three documentary sources of recent dates:

(a) Testimony of Dale D. Myers, Associate Administrator for Manned Space Flight of NASA before the Committee on Aeronautical and Space Sciences of the U.S. Senate.

(b) Rand Report RM-6244-1-PR of October 1970, "The Space Shuttle as an Element in the National Space Program" by R. D. Shaver, D. J. Dreyfuss, W. D. Gasch, and G. S. Levenson (sponsored by U.S. Air Force).

(c) Mathematica, Inc. Report of 15 March 1971, "Benefit-Cost Analysis of New Space Transportation Systems"—Interim Report, Vols. I and II by O. Morgenstern, K. P. Heiss et al. (sponsored by OMSF-NASA).

Further, to gain some perspective with respect to the various cases, or scenarios, that are visualized in these studies, I consulted a summary of U.S. launchings during the calendar year 1969, a good year in space.

And then he sets forth the items to which I earlier referred. He continued:

This assumption is so vastly beyond any reasonable projection of the requirements of both utilitarian and scientific uses of space that one is forced to conclude that

(a) A large increase in military applications is contemplated and/or

(b) A major program of manned space stations or other vaguely envisioned but huge applications programs are hidden under the basic traffic assumption.

If the principal reason is (a), then I seriously question the propriety of budgeting the space shuttle program under the civilian space agency rather than under the Department of Defense. If the principal reason is (b), I consider the program to be far beyond the realm of well considered or even conscious public policy.

The economic validity of the entire shuttle concept is critically dependent on the anticipated volume of traffic, i.e., pounds of payload into orbit per year, being more advantageous with increasing traffic and less advantageous with decreasing traffic.

At the volume of traffic that I estimate, the shuttle development represents a truly profligate commitment of national resources.

I repeat that—

A truly profligate commitment of natural resources.

He said further:

Furthermore, it tends to be an all-or-nothing program with almost none of the downward flexibility to respond economically to "hard times", as does the existing family of boosters. Also the shuttle program requires that a high level of expenditure be sustained over a period of at least eight years before any significant usage can begin and a further decade of a similar level of operational expenditures to amortize the development costs so that it is economically competitive with existing boosters. Such an expectation is rank bravado.

Moreover, the Mathematica report makes it clear that, even if the United States accepts the above commitment, it is only the presumed capability of the shuttle for recovering expensive spacecraft from orbit that gives it any hope of economic advantage. This capability is totally inapplicable to planetary and interplanetary missions, which I expect to dominate the future space science program.

I will repeat that. Dr. Van Allen says that the space scientific effort will be dominated in the future with deep space probes with respect to which the shuttle is totally irrelevant. Yet, he believes that some of the arguments in favor of the shuttle assume payloads being boosted into deep space by the shuttle. Dr. Van Allen also points out:

The shuttle is also inapplicable to most scientific and experimental applications satellites in earth orbit which usually complete their missions and become grossly obsolete after a few years. In fact the recovery idea seems to be significant only for large space stations or for the special case of a large, general purpose astronomical telescope.

Another way of summarizing the above arguments is as follows:

The advocates of the space shuttle visualize growth of the annual, national space budget to some $7 billion in the mid 1970's, whereas I estimate that the proper objectives of the national space program (excluding military applications) can be met in a vigorous and effective way by unmanned techniques at the annual level of $2 to $3 billion.

In other words, it is Dr. Van Allen's estimate that for $2 billion, possibly $3 billion, we can have a vigorous and an effective space program—as opposed to the $7 billion which will be necessary if we undertake the shuttle and if we undertake the station. He gives several points in support of that argument and conclusion. Then he concludes:

Let me conclude by remarking that I do not contest the eventual feasibility of a space shuttle system, given sufficient resources. My position is essentially that an effort of this magnitude is far beyond the context of any existing national policy on the scope and magnitude of our activities in space during the next two decades. Moreover, I fully expect that concentration on such a development during the 1970's would seriously detract from and diminish the realization of the many meritorious and clearly defined objectives that our national space program has within its capability at a reasonable and justifiable cost, i.e., a cost that will enjoy widespread and durable public support.

I come to these conclusions with both regret and distress since I have the highest professional and personal respect for those who advocate the shuttle and who would carry out its development.

Mr. President, I ask unanimous consent to have printed in the RECORD the full statement by Dr. James A. Van Allen of the University of Iowa, the statement of Dr. Thomas Gold of Cornell University Center for Radiophysics and Space Research, and testimony by Prof. Brian O'Leary of Cornell University.

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

STATEMENT BY DR. JAMES A. VAN ALLEN

Mr. Chairman and Members of the Committee, by way of personal introduction, I wish to note that I have worked continuously and intensively in the field now known as space exploration for over 25 years, having begun in the winter of 1945–46. During the past 15 years I have testified on behalf of the U.S. space program on 10 different occasions before committees of the U.S. Senate and House of Representatives. I contributed to development of plans for the creation of the National Aeronautics and Space Administration and in 1958 so testified before the Congressional Joint Select Committee (chaired by then Senator Lyndon Johnson) which drew the Space Act of 1958. Since then, my colleagues, students, and I at the University of Iowa have continued a vigorous program of space research and I have served on the Space Science Board of the National Academy of Sciences for 12 years, on the Lunar and Planetary Mission Board and several other lesser committees of NASA, and on President Nixon's pre-inaugural Space Task Group.

During the current month of June, I have made three trips to California to help formulate detailed plans for the scientific ex-

ploration of the outer planets of the solar system and have been otherwise engaged in final calibration of flight instruments that I am building for the Pioneer F/G missions to the planet Jupiter in 1972 and 1973.

I mention these matters only to make it clear that there is no one who has a deeper interest in the continuing success of NASA than I do. It is within this spirit that I testify today.

ON THE FUTURE OF SPACE EXPLORATION

In the early stages of space exploration, vicarious human adventure and the recovery of national prestige following the Soviet success with Sputnik I were driving forces in our national effort. But at the present date we should, in my judgment, shift our emphasis forthrightly and explicitly to the efficient pursuit of two and only two objectives:

(a) Utilitarian uses of space technology, both civil and military, and

(b) Scientific exploration.

A well designed program of *space applications* is one that is closely matched to human needs and desires and is therefore essentially self-justifying, i.e., it "pays its own way". By the same token, the scope and character of such a program must be evolutionary, flexible, and economic. The program must be continuously scaled to customer response in the same way that the capacity of a telephone system must be scaled to customer requirements. It must not be rigidly based on vaguely conceived or arbitrary expectations.

In the area of space applications, I am thinking primarily of efficient radio communication with all of its immense potential for advancing the educational and cultural levels of many millions of persons throughout the world as well as for routine purposes, *and* of reconnaissance of the earth and its atmosphere, in the broadest sense. Within the clearly foreseeable future, both of these applications can be well served by a relatively small number (say 50) of long-lived, unmanned satellites in the 500 lb. to 10,000 lb. range. The replacement of obsolete and disabled elements of such world-wide operational systems will require the delivery into orbit of only about 50,000 lbs. per year.

Scientific exploration, the second objective, is of a different and less tangible nature. It feeds man's deep-seated intellectual interest in the origin of the physical universe and in its detailed workings at the present time. This interest is increasingly widespread as the general educational level of our citizenry is raised. As a teacher and lecturer in the physics and astronomy of the solar system, I am ever more impressed by the broad popular interest in purely scientific matters. The close-in study of the huge outer planets by space techniques is a case in point. I believe that the support of science for its own sake is a proper function of the federal government, without apology or obfuscation. It is one of the fields of endeavor that enables man to have a higher purpose in life than bare survival as an animal.

Having made clear my general point of view, I am among the first to admit the difficulty of making a priori judgment on the proper level of effort of federally supported pure science. Rather than attempt to do that, I again appeal to experience and note that the composite scientific research budgets of the National Science Foundation and the Atomic Energy Commission total between one-half and one billion dollars per year, depending on one's interpretation. On this ground, on the basis of specific familiarity with the NASA program in science and on diverse general impressions and discussions, I suggest that durable public support of space science at the level of about one-half a billion dollars per year can be reasonably anticipated. Current planning indicates that this effort will be increasingly toward direct, in situ investigations of the planets and toward other matters of an astronomical nature.

THE PROPOSED SPACE SHUTTLE PROGRAM

Advocacy for the space shuttle program rests primarily on the intuitive belief that anything that is technologically conceivable shold be done and that, somehow, the outcome will justify the effort. This belief is held with religious fervor within the aeronautics industry and kindred elements of the government. I well understand the foundations for such a belief. Yet at some level of cost and resources in a tax-supported technological effort, responsible public policy requires the demonstration of specific human benefits on a scale commensurate with the effort. Corresponding criteria in the private sector are agreed by all concerned parties to be fundamental to survival in the market place.

The recent action of the United States Senate in discontinuing public support for development of the supersonic transport is a case in point. I consider that the space shuttle program is "cut from the same cloth" and should be subjected to corresponding cost-benefit considerations.

Advocates of the space shuttle do, perhaps, join me in enthusiasm for the general objectives that I have discussed above. But, at least ostensibly, they rest their case on representations that the shuttle technique offers important savings in cost for the accomplishment of these objectives. In order to better understand these claims, I have referred to three documentary sources of recent date:

(a) Testimony of Dale D. Myers, Associate Administrator for Manned Space Flight of NASA before the Committee on Aeronautical and Space Sciences of the U.S. Senate.

(b) Rand Report RM-6244-1-PR of October 1970, "The Space Shuttle as an Element in the National Space Program" by R. D. Shaver, D. J. Dreyfuss, W. D. Gasch, and G. S. Levenson (sponsored by U.S. Air Force).

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Further, to gain some perspective with respect to the various cases, or scenarios, that are visualized in these studies, I consulted a summary of U.S. launchings during the calendar year 1969, a good year in space.

During 1969, there were 19 launches by the U.S. Air Force, details of which are classified and not available to me. The major manned flights Apollos 9, 10, 11, and 12 represent a total launched payload weight of about 370,000 lbs. In the space science and applications field, including all areas of international cooperation, there were 18 launches with an aggregate payload weight of 11,400 pounds. These 18 launches included, among other payloads, three international communications satellites, two meteorological satellites, and two missions to Mars.

In contrast, the Mathematica study assumes a typical mission schedule in the 1978–1990 period of about one shuttle flight per week with the delivery into orbit of a payload of 50,000 lbs. on each flight, that, is *about 2,600,000 pounds of payload into orbit per year.*

This assumption is so vastly beyond any reasonable projection of the requirements of both utilitarian and scientific uses of space that one is forced to conclude that

(a) A large increase in military applications is contemplated and/or

(b) A major program of manned space stations or other vaguely envisioned but huge applications programs are hidden under the basic traffic assumption.

If the principal reason is (a), then I seriously question the propriety of budgeting the space shuttle program under the civilian space agency rather than under the Department of Defense. If the principal reason is (b), I consider the program to be far beyond the realm of well considered or even conscious public policy.

The economic validity of the entire shuttle concept is critically dependent on the anticipated volume of traffic, i.e., pounds of payload into orbit per year, being more advantageous with increasing traffic and less advantageous with decreasing traffic.

At the volume of traffic that I estimate, the shuttle development represents a truly profligate commitment of national resources. Furthermore, it tends to be an all-or-nothing program with almost none of the downward flexibility to respond economically to "hard times", as does the existing family of boosters. Also the shuttle program requires that a high level of expenditure be sustained over a period of at least eight years before any significant usage can begin and a further decade of a similar level of operational expenditures to amortize the development costs so that it is economically competitive with existing boosters. Such an expectation is rank bravado.

Moreover, the Mathematica report makes it clear that, even if the United States accepts the above commitment, it is only the presumed capability of the shuttle for recovering expensive spacecraft from orbit that gives it any hope of economic advantage. This capability is totally inapplicable to planetary and interplanetary missions, which I expect to dominate the future space science program. It is also inapplicable to most scientific and experimental applications satellites in earth orbit which usually complete their missions and become grossly obsolete after a few years. In fact the recovery idea seems to be significant only for large space stations or for the special case of a large, general purpose astronomical telescope.

Another way of summarizing the above arguments is as follows:

The advocates of the space shuttle visualize growth of the annual, national space budget to some $7 billion in the mid 1970's, whereas I estimate that the proper objectives of the national space program (excluding military applications) can be met in a vigorous and effective way by unmanned techniques at the annual level of $2 to $3 billion. In general support of this comparison, I call attention to the following facts:

(a) The President's budgetary request for NASA for the fiscal year 1972 totals $3.27 billion of new obligational authority.

(b) Of the total, about 50% is devoted to science and applications in all of their ramifications, a thoroughly vigorous program.

(c) The other 50% is devoted to manned flight. Yet during FY 1972, only two manned flight missions are contemplated—Apollos 15 and 16. Even these two flights depend primarily on existing facilities and previously paid-for flight hardware. The flights have little utilitarian significance and relatively restricted scientific objectives as viewed in the larger context of space science with all of its richness and diversity.

CONCLUSIONS

Let me conclude by remarking that I do not contest the eventual feasibility of a space shuttle system, given sufficient resources. My position is essentially that an effort of this magnitude is far beyond the context of any existing national policy on the scope and magnitude of our activities in space during the next two decades. Moreover, I fully expect that concentration on such a development during the 1970's would seriously detract from and diminish the realization of the many meritorious and clearly defined objectives that our national space program has within its capability at a reasonable and justificable cost, i.e., a cost that will enjoy widespread and durable public support.

I come to these conclusions with both regret and distress since I have the highest professional and personal respect for those who advocate the shuttle and who would

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carry out its development. If the national climate with respect to space exploration improves dramatically during the next decade, I would be honored to join them in a greatly expanded effort.

STATEMENT BY DR. THOMAS GOLD

Mr. Chairman, I would like to present to you the reasons why, in my view, the development of the space shuttle should not now take any precedence over other technical endeavors. Let me stress in the first place that I speak from a conviction that space research and development work is essential for the future well-being of the nation. We must not sink behind others in this essential area or we shall risk a severe loss of economic advantage, military power, prestige abroad, and national self-esteem at home. I would certainly like to see this country pursue a vigorous space program, despite all the other important calls on its resources, for not to do so would in the future weaken those resources themselves by a much larger margin.

The question is what the best program would be—and the points to be considered in this optimization should be the long range effects on the development of technology, and through that, on the economy; the probability of major scientific discoveries, leading in turn perhaps to economic benefits, and certainly to national self-esteem. We do not want to see a world develop where some deep new insights into the nature of our Universe can be gathered only by reading the Soviet press. I am not talking here of some details of interest to scientists only, but I am talking of discoveries that have as general an impact as those of Copernicus for the understanding of our solar system, or of Darwin for the understanding of biological evolution.

If I thought that great discoveries would come from the use of large, manned space stations, then I would favor those and that in turn would make a case for the construction of the shuttle. Or, if in the field of important applications of space technology a large manned station was important, it would also make a case for the shuttle. But in fact neither is the case. I have over the last five years attended many meetings concerned with advising on the space program, and I have there heard many presentations by those who favor a large manned space station program. I have also had many discussions of this topic with senior NASA personnel. I feel certain that all positive arguments that have been developed have been brought to my attention.

Nevertheless, let me tell you the case has been a very weak one. At a time when we were not even willing to use up already constructed Apollo hardware for manned flight to the moon, which is scientifically rewarding, we were pressured into the acceptance of a program for the construction of new hardware for manned earth orbital exercises. No significant science and no significant applications could be advanced for this. In the science field it is of course true that some valuable observations can be made, but equally it is true for every one of those that they could be made by instrumented flight at much lower cost. In the applications field the case was equally weak. Photography and all forms of remote sensing of the earth from orbit have been developed for unmanned vehicles to such a level of perfection that it is hard to see how the presence of a man would help. In many cases his presence is in fact a hinderance by introducing a disturbance level and by introducing the severe operational constraints on the mission.

The one area where undeniably manned space flight is required is the area of qualifying men for space flight. If it is important to know whether men can endure long duration flights and overcome the medical problems introduced chiefly by the absence of gravity, then of course more earth orbital flights would have to be done. Even then one might well argue for earth orbital test flights on a scale much smaller than the large space station which would make the shuttle economical. The commitment now to the shuttle would clearly assume that the medical problems can be solved. That is not a safe assumption on which to base such a large expenditure.

But even if the medical problems could be solved, we still do not know why we want a larger number of men for a longer time in earth orbit. Some people mention manned missions to other planets as an ultimate goal and consider the large space station as the first step in that direction. Perhaps we shall succeed one day in flying manned missions to Mars, but this day is still a long way off and anything we do with our present day technology is hardly of relevance.

If one day new and much more powerful means of propulsion are discovered, then the situation might change. The development of the shuttle now will necessarily take place on lines of technology of today, and freeze hose for twenty years. Such a long-range program will take funds away from other development work and will indeed make a major technology breakthrough less likely. I can not think that it is wise to predict now by what means we will want to fly into space in twenty years' time when many areas of science and technology will have made advances that are totally unpredictable. The solution of the biomedical problem of long duration space flight is not an urgent one and could await a time that a technical possibility and a purpose emerge.

In discussing the development of unmanned, instrumented space flight I submit that the following points be borne in mind. A great deal has been achieved by such means in science, such as the various U.S. and U.S.S.R. missions to the planets Venus and Mars, the pre-Apollo lunar investigations, and now the very important line of development in the U.S.S.R. of a lunar roving vehicle and of automated sample return. These techniques will no doubt one day be used to discover the nature of the planet Mars long before there can be any question of manned exploration of any planet. Instruments are being prepared to explore the outer planets, as well as the innermost, Mercury. All of this can confidently be expected to lead to a new level of understanding of the universe and our particular part in it.

It is often said that no instrument could do what a man could do in its place, since he could observe and think and react in a huge variety of circumstances, many of which could not have been predicted by the designers of the automated instrument. The fallacy there lies in the thought that the instrument would not be able to draw on the full range of human intellect. One is discussing chiefly not robot instruments that work according to a prearranged plan, but remotely controlled instruments, where the personnel on the ground can observe, through remote television eyes, all that a man there can see, and actuate through remotely controlled devices all the many things that a man could actuate. The thinking is done on the ground, but the eyes and the hands are mechanical—but very good ones—in the remote location.

In a location like the surface of the moon, there could be arguments either way. The astronauts would perhaps be able to do some things which it would be difficult to entrust to a remotely controlled machine. On the other hand, a remotely controlled machine with its much longer stay time and much greater range and freedom from operational constraints, can do many other things that the astronauts cannot do. If, however, we are considering confinement to a space vehicle, the discussion is much simpler. There the range of activities of the astronauts in relation to the control of the flight, or any of the instruments that it carries, is very much more limited. Remotely controlled devices can quite readily cope with that limited range. As technology advances, man will develop a closer and closer relationship with remote control machinery, and it will become progressively less important to transport his frail body to a distant place.

In the field of applications everything that has been done so far has been by instrumented flight. Meteorological satellites and communication systems using satellites will no doubt remain for some time the major applications. Neither of those stand to gain much from manned presence. I do not deny that the possibility that the shuttle would give of recovering an expensive instrument from orbit would be useful, so that perhaps errors could be corrected or that it could be reburished to be launched again. Nevertheless, even taking this into full consideration, the shuttle does not appear to be economical except when there is the demand for a large amount of manned flight. Furthermore, most instruments for applications will be wanted in synchronous orbits, and the recovery and return to earth from such a high orbit is a task for which the shuttle is not particularly attractive.

Among the great developments that one can foresee in this area would be the direct radio and television communication from high satellites to the individual listener or viewer on the ground. Very many channels of television could be distributed which will then perhaps make it possible to include programs mainly for their educational or cultural value. Programs could be disseminated over the entire globe, and the cultural and political impacts of this will be immense. This is an area where the United States cannot allow itself to fall behind. It is an area that would warrant the expenditure of substantial sums of money, and I have always regretted that it is not one of the major objectives of NASA.

In the past the pattern has grown up that manned flight and development work related to it uses up around 80 percent of the NASA budget, with only 20 percent for the instrumented flights. I submit that this ratio is quite inappropriate for the future. It was appropriate when we had, as a national commitment and a showpiece to the world, the pledge to land a man on the moon by the end of the decade. I was not opposed to this, and in retrospect I do not think that the policy was a bad one. There is not, however, any comparable commitment to be made now using manned flight, and this should result in a complete re-evaluation of the priorities. A much smaller NASA budget would still allow for a great expansion in the scientifically and economically important areas, if any attempt at large scale, earth orbital, manned missions were given up for the present.

There have been many failures of expensive unmanned systems in recent times. Some have argued that this should be used as a case in favor of doing the tasks by manned missions instead. That argument is quite fallacious. The lower level of reliability of some unmanned payloads reflects above all that much lower general level of expenditure in that field. Even if a higher level of reliability were enforced, the costs for a given task would still be very far below those of doing it by manned missions. The other reason for failures has to do with the fact that one attempts to do a variety of very complex tasks in some of the unmanned missions which one would not be ready to attempt for a long time in manned missions. The launches to the planets are in that category.

It has been the NASA view that the manned flight program is essential for attracting the major funds of the organization, for impressing Congress and the country, and that without such demonstrations

the country would lose all interest in NASA. It is this belief, which I think is a mistaken one, which is behind the present pressure for another heavy round of manned flight exercises. I believe that the Congress and the country at large can understand the true values of the various possible types of space programs.

Moreover, I believe that the country will become very disenchanted with expensive manned missions if they do not accomplish much. The time for demonstrations of this nature is past, and whether the next spaceship is a few feet longer or carries more astronauts than the one before will make very little difference to the popular appeal or to the prestige generated. We must not be behind the Soviet Union in areas of promise, but we should do our best to avoid being drawn by them into areas of unproductive, large expense. I actually have the fear that the lack of purpose of these missions will become a public issue, and as a very exposed item of expenditure, it may become a rallying point for opposition to NASA and perhaps even for opposition to a wide range of science and technology. I fear then that such a program may damage even those areas of NASA activity that are most valuable.

In estimating the economics of the shuttle, as was attempted by the Rand Corporation and by Mathematica, Inc., one has to remember that one is forced to extrapolate not only the needs for orbital payloads but a whole range of uncertain technical development. It is very much a policy of putting all one's eggs in one basket, and a very insecure basket at that. It seems to me quite certain that there is a major omission in the economic surveys; namely, that there will continue to be a need to launch into earth orbit by means of expendable boosters, and that therefore a parallel program will be kept going. The shuttle is an extremely vulnerable thing.

Even without considering warfare or sabotage, one would have to be concerned that technical faults or accidents could completely interrupt the entire space program, military and civilian, for long periods of time. A disaster like the Apollo fire, or a fault as on the Apollo 13 flight, would cause the shuttle system to be grounded until the causes are analyzed and cured, and the country could not accept such interruptions in its space program.

From the point of view of military security, many space launches are required, and those cannot be made dependent on the vulnerable shuttle system. For this purpose one has to discuss sabotage or warlike interference as a possibility, and it will then be absolutely essential for the military security that all the tasks proposed to be done for the military by the shuttle could immediately be taken over by an expendable booster system. This will necessitate the development and improvement of boosters and a launch schedule sufficient to assure at all times a readiness of equipment and an adequately high state of training of the crews. All this seems to have been overlooked in the discussion of the economics and must detract heavily from the already very dubious economic advantage that has been claimed.

So long as NASA has a large organization to keep up, its leaders are driven to propose massive, long range programs. If those are not desired, then it will be necessary either to redirect the mission of NASA to include other desirable activities or to take some major components out of NASA and assign a new activity to them. To retain a large and very competent engineering organization and give it insufficient work would constitute a great national loss. There are many major engineering tasks for which parts of the NASA organization would be suitable, and for which there is a clear national need. There is no clear national need for the shuttle. The urge for improvements in space technology must come from the science and applications that require to be done. To commence a very heavy program of engineering in the hope that a purpose for it will emerge is not sound politics. It is more important to be adaptable to new needs as new discoveries are made and new applications become possible, and a long range program like the shuttle would make us less adaptable, since it would greatly decrease the freedom of action of NASA.

In my view the shuttle program would become as large an enterprise as Apollo, and would become the center of NASA activities for very many years. At the time the decision for the Apollo program was made by President Kennedy, it was a conscious decision and the country was ready for it. The shuttle program is not of that kind. The need for it will not be understood by a public who cares little about programs that could perhaps save money by 1990. The scientists will be very divided about the wisdom of the program. There is no clear great purpose to be seen. The commitment for it is introduced by way of a mounting series of expenditures, and we must fear that we will be drawn into the final commitment merely because of the magnitude of the investment made which one is unwilling to give up.

STATEMENT OF PROF. BRIAN O'LEARY

Mr. Chairman and Members of the Committee, the $100 million dollars you have been asked to appropriate this year for NASA's space shuttle is merely the tip of the iceberg of what might become one of the nations costliest boondoggles of all time.

When a new technological development costing tens of billions of dollars is first introduced to the American people, it is clear that questions must be raised about such a system's role in a wide range of competing national priorities before any commitments can be made. After taking a careful look at NASA's proposal, I find myself strongly opposed to the development of the shuttle. In particular, I cannot see the relevance of the space shuttle, and therefore of an expanded space program, to the pressing problems facing our nation this decade. These are my thoughts as an American citizen.

But as a space scientist, I am also concerned about the role of the space shuttle in terms of NASA's internal priorities. Although NASA claims the system to be inexpensive, the research and development of the shuttle are estimated to cost $12 billion with many billions more to be spent on shuttle and payload procurement. As I shall point out later, such funds would not only dominate NASA's budget of the 1970's, but would also inflate it to a peak annual funding of at least $6 billion and would very likely exceed this amount, a range greater than the amount NASA spent during the peak year of Apollo.

Once again, NASA seems to be preoccupied with the philosophy of developing a transportation system rather than the business of exploring space. From a scientific point of view, it is obviously more advantageous to have a mission tailored to one's goals in space exploration rather than to have one's goals coming as an afterthought to an operational program. The unmanned science and applications satellites and planetary probes are good examples of missions tailored to science. In Apollo, unfortunately, the tendency has run in the other direction, and I am afraid that the space shuttle portends the same.

Perhaps most significantly from the taxpayers point of view, it is a plain fact that nearly all tasks in space sciences and applications can be done as effectively with existing unmanned spacecraft at less than ten percent the cost of existing manned spacecraft. I believe that fraction would become even smaller when existing unmanned spacecraft were to be compared to the shuttle, whether for manned use or unmanned use.

Why, then, does NASA claim that the space shuttle represents a "low cost space transportation system" and an "essential element in implementing a balanced space program"? Their argument rests on the premise that, because of its reusability, the recurring cost per pound of payload for the shuttle would be considerably less than for expendable boosters. This allows more payloads and bigger payloads, both manned and unmanned, to be hoisted into Earth orbit at a lower cost rate than with existing launch vehicles. For example, satellites can be more refurbished and perhaps even brought back to Earth for repair or for data return.

But let us look at the details. NASA plans to launch one shuttle per week, each one containing approximately 40,000 pounds of payload. To carry less payload on any mission would accordingly reduce the economy of the shuttle in any tradeoff analysis with existing systems. To have fewer shuttle launches would also reduce the shuttle economy. The shuttle would therefore place into Earth orbit more than two million pounds of payload per year, a rate which is five to ten times our present rate. The total tonnage of all payloads put into space to date by both the United States and the Soviet Union would be reached in about two or three years of shuttle operation. Is it desirable to put 20 tons of material per week into space? How much will the added payload cost?

Note that we have the additional constraint of scheduling, that is, one needs to satisfy the rigid weight and volume requirements of the shuttle and to lump diverse payloads together into an orbit of given inclination. On the other hand, expendable boosters represent a broad spectrum of payload-launching capabilities which can be tailored to the needs of a given experiment. In the case of the shuttle an experiment would compete with several others aboard the spacecraft and therefore must be tailored to the needs of the aggregate and of the shuttle launch schedule.

Moreover the short seven-day orbital lifetime maximum of a shuttle, because it is manned, strongly points to the existence of a permanent space station. In spite of the fact that studies have claimed that the shuttle concept is viable on its own merit, I cannot believe it can be decoupled from a space station. How many billion dollars would such a station cost to develop? Will Saturn 5's be needed to launch the larger modules comprising the space station because of the limited payload volume of the shuttles? The relation between the space shuttle and station further constrains the economics of the shuttle and is absent in NASA's discussions this year, in contrast to discussion last year.

Finally one wonders how the development of a lunar base could also fit in with the inflationary NASA budget attributable to research and development of the space shuttle and station. Each of these items by itself is expensive; cumulatively, the cost is staggering, probably exceeding $100 billion as I shall point out later. I think it is completely unrealistic for NASA to expect such funds in these times. In fact, if the shuttle were to be funded, NASA may not be able to afford anything else—no space stations, no lunar missions and no planetary missions.

In spite of these basic economic problems confronting the shuttle, let us assume that it is indeed worthwhile to launch more than two million pounds of payload into earth orbit each year and that a greatly expanded NASA budget during the 1970's is acceptable. Which system is more economical, the shuttle or the expendable booster? Or, stated somewhat differently, how many years will it take before the total cost of sending these enormous payloads with existing boosters exceed that of sending them with space shut-

tles? Although various studies conflict there appears to be a general consensus that at least one decade of operation is required before the shuttle becomes less expensive even under the most optimistic assumptions about the shuttle's economy. The short-run higher cost of the shuttle is attributable to the $12 billion required for research and development during the peak funding years in the 1970's.

Nevertheless, let us examine some recent studies of the space shuttle. During the past year, NASA has awarded three companies a total of $1.9 million to study the economic feasibility of developing a reuseable space shuttle system. Aerospace Corporation received $900,000; Mathematica Incorporated received $600,000; and Lockheed was awarded $400,000. As the recently released Mathematica and Aerospace reports indicate, it appears that NASA has gotten just the answer they wanted to hear: by 1990, the space shuttle is less expensive than existing expendable boosters as a transportation system for both manned and unmanned payloads.

Although this conclusion conflicts with that of another report prepared under Air Force contract by the Rand Corporation, stating that shuttle development is "not easy to justify," I shall try to point out that, with only one exception, the quantitative data in the various analyses do agree and that regardless of what assumptions one wishes to make, the space shuttle commits us to an expanded space program over the next two decades with large funding peaks in the late 1970's. Moreover, spending a lion's share on shuttle-related activities does not appear to be the kind of space program which is desirable, as it satisfies primarily the means rather than the ends of space exploration.

The inflated spending for a space shuttle is inevitable because at least $12 billion is required for research, development, testing and evaluation before it can operate. This most recent estimate is an upward revision of $2 billion from the earlier estimate adopted by Mathematica and somewhat modifies their conclusions about the economy of the shuttle.

In order to get the shuttle operating by 1978, at least $3.5 billion must be spent during the peak year 1977 in the development and procurement of shuttles and shuttle facilities. This money is in addition to a minimum of $1.5 billion of administrative costs required to sustain NASA that year and $1.0 billion or more for programs not related to the shuttle. This implies a *rock bottom* NASA budget of $6.0 billion in 1977. A more realistic budget is undoubtedly higher. Can we afford to double or triple the NASA budget in the next five years? The American people, and not NASA, should be asked that question.

It is also difficult to escape the fact that the investment in the shuttle would vastly expand the space budget over the next two decades. In their baseline cases, Mathematica and Aerospace project $44 billion to be spent on the shuttle and its payloads to be launched between 1978 and 1990. Mathematica and Aerospace claim that some $11 to $14 billion in payload costs can be "saved" over the next two decades by using the space shuttle rather than using expendable boosters. On the other hand, the Rand study projects only a $2 billion "savings." If the Rand payload estimate proves to be more reliable than the Mathematica estimate, then the total amount to be spent on shuttles and shuttle payloads to be launched between 1978–1990 in this baseline case would be about $55 billion. And this does not even include about $2 billion per year for NASA administrative costs, space station costs, lunar exploration costs, planetary missions and the costs of payloads too big to fit into a shuttle. What we have, then, is more than $100 billion to be spent in space in the next two decades.

There is considerable evidence that the Rand study is much more realistic than the other studies in assessing payload savings attributable to shuttle use. First there are those payloads whose design and cost remain essentially fixed regardless of the existence of the shuttle: planetary probes, lunar missions, large space station components and other equipment which is too bulky to fit into a shuttle. But even the cost of payloads conducive to shuttle use cannot be reduced by much, since the major cost of most scientific payloads is in its electronics. As a space scientist I am well aware that the cost of electronics designed for a given task cannot be appreciably reduced by making them bigger or sloppier; the days of the vacuum tube are over. And as far as other components are concerned, it would still be nearly as expensive to design and prepare the apparatus. A space experiment, regardless of how it is launched, must still be space qualified and I cannot conceive of a piece of scientific apparatus whose cost per unit weight would go down appreciably just because it goes up on a shuttle.

In fact, for this very reason, many missions have not been weight-limited; rather, they have been cost-limited. For example, in the Mariner 6 and 7 missions to Mars, only 900 of 1500 allowable pounds were used for payload. No money remained to instrument the rest of the spacecraft. There are numerous other examples of cost rather than weight limiting space science and applications payloads. Why send 20 tons of material into earth orbit each week if 20 pounds can do the job? One can easily imagine a requirement of nearly empty shuttle flights because of cost constraints.

Nevertheless, the Mathematica study states that it is even possible to run the shuttle between 1978 and 1990 at the same funding level for both military and civilian space programs during the next twenty years as that during the last eight years. In this case, which they call Scenario 23, the shuttle cost would about equal shuttle savings. However, the ever increasing estimate of shuttle research and development costs, which have risen by about $2 billion just since the writing of their report, plus the probable overestimate of shuttle payload savings of several billion dollars, would easily obliterate the apparent equality of Scenario 23. Moreover, certainly the early funding of the space program at this level would almost solely be on the shuttle and would virtually squeeze dry other activities in space such as lunar and planetary exploration and even manned space flight which ironically is the reason for which NASA proposed the shuttle in the first place. NASA cannot seem to make up its mind as to what it wants the shuttle for. It comes as no surprise that the studies they have contracted have gone to a considerable extent to provide them the answers they wanted to hear.

What concerns me most is, do we want to commit ourselves to a rather narrowly-confined space program which emphasizes the development and operation of a transportation system for the next two decades at funding levels which will be unavoidably higher than our present spending? Is this where we want our priorities? Is this really where the people want to spend tens of billions of their tax dollars? I think not. As the Mathematica report itself concludes,

"Finally, we state with emphasis: any investment can be justified by its goals. This applies to business as well as government, hence also NASA. A new, reusable Space Transportation System should only be introduced if it can be shown, conclusively, what it is to be used for and that the intended uses are meaningful to those who have to appropriate the funds, and to those from whom the funds are raised, as well as the various government agencies that undertake space activities."

The economy argument alone convinces me that proceeding with NASA's space shuttle, as presently configured, is nonsense, *even if one wished to place two million pounds of payload into Earth orbit per year.* It is not a low cost transportation system; it is a very expensive transportation system. I believe that these facts will become more apparent in further revelations, particularly when or if the funding is drastically stepped up, as it must for the shuttle to become a reality. Evidently NASA has not carefully perceived the political and economic climate in which they are operating. They have been grasping for every economic straw, however flimsy, to justify the shuttle while losing sight of the reason for which we went into space in the first place—to explore its exotic environment and enrich human knowledge, not to spend tens of billions of dollars on expensive transportation systems with little left over once the capability is achieved.

Moreover, I believe NASA has not been honest is assessing their motivation for proposing the space shuttle.

In my opinion, the primary reason is not economics; rather it is a commitment to a new technology which would serve as a "make work" project for NASA and its contractors in a crippled aerospace industry. It is not difficult to imagine, however, that once the shuttle becomes operational at the end of the decade and the funds have already reached their peak, aerospace may once again search for a new space technology in order to maintain its accustomed pace. Ironically, such a move would probably supersede and invalidate the economy of a steady shuttle plan encompassing two or more decades. Alternatively, in the absence of developing yet another multi-billion dollar space technology around 1980, vast unemployment of the kind we are suffering now would seem inevitable. In regard to the immediate problem, if you appropriate $100 million to the space shuttle this year and then cut it off next year, then the unemployment problem is only postponed but not alleviated. This highly controversial, highly doubtful program seems to be prematurely creating jobs which may suddenly get cut off at any time; obviously the later this happens the worse the effect.

Would this not be a good time to "make work" for the aerospace industry in solving the multitude of domestic problems through engineering? For the tens of billions of dollars needed to shuttle a privileged few into space, one could shuttle millions of people around our cities. Both shuttle systems cost the same, both shuttle systems would require the valuable skill of the engineer, but only one shuttle system would seem to appreciably raise the value of human life.

I do not feel NASA should fold or dissolve. I believe it can continue its valuable work in space science and applications in a predominately unmanned mode without the shuttle. In that regard, I am disappointed that the funding for the Grand Tour Outer Planets missions, whose ultimate cost is but a tiny fraction of shuttle costs, has been drastically cut this year to a mere survival level whereas the shuttle juggernaut continues to gather momentum.

In conclusion, I do think there is a desperate need for establishing centers for assessment of new technologies, like the space shuttle, free from the controls and vested interests of the Government agencies and industries involved. It is currently very difficult to debate the technical details of such programs from an adversary point of view. For example, nobody received two million dollars, not even two thousand dollars from NASA to give them an answer they didn't want to hear. Nor could they have. There is an insidious self-generating, self-propagating machine-like momentum about certain enormous defense and space expenditures that require much, much more scrutiny before they are allowed to take their toll on human lives and resources. The space shuttle is one such example.

Mr. MONDALE. Mr. President, I understand that the Senator from New York desires time.

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

Mr. MONDALE. I am glad to yield.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Minnesota has 7 minutes remaining.

Mr. JAVITS. I ask the Senator for 3 minutes.

Mr. MONDALE. I yield 3 minutes to the distingunshed Senator from New York.

Mr. JAVITS. Mr. President, I join my colleagues Senators CASE, MONDALE, and PROXMIRE in a bipartisan effort to eliminate the authorization for funds in H.R. 7109 to continue the space shuttle and space station. This amounts to a total of $137.6 million for the 1972 fiscal year but is only the start of an ambitious new space program which is estimated to cost approximately $13 billion by a recent study conducted for NASA by Mathematica, Inc.

I do not believe such large expenditures for this program are desirable at this time when budgetary pressures are so great and when many social programs are being caught in the squeeze of lagging appropriations and a sputtering economy.

This is especially true in view of the serious doubts raised about the space shuttle in the scientific community.

Dr. James Van Allen, the prominent space scientist; Dr. Tom Gold of Cornell University in my own State and a noted space science adviser, and Brian O'Leary, a scientist astronaut from our space program all have expressed serious doubts as to the advisability of proceeding with the space shuttle program at this time. Dr. Van Allen and Dr. Gold have both stated that the shuttle cannot be justified economically, given its present design and its present expected use.

A study of the space shuttle made by the Rand Corp. under an Air Force grant, which was completed in October 1970 also concludes that it is difficult to justify the space shuttle on economic grounds. While the more recent Mathematica study supports the space shuttle, it also estimates the cost at just $1 billion under the break-even point of approximately $14 billion. Given the cost overruns in many of our space programs, it seems highly doubtful whether the Shuttle would come in at the expected cost and there is great likelihood that it would not prove to be a provident venture.

We are already embarked on a large Skylab program for which the committee has authorized approximately $535 million. This program has as its objective utilizing and applying space for man's benefit and knowledge, at the same time demonstrating our capability to live and work in space for long periods of time. This is an ambitious program comparable, but larger in scope than the recent Soviet effort, and I believe that it should be carried on further before launching into the new space shuttle development. Many of the findings from the Skylab program will be useful in the development of the space shuttle.

We are also being asked to approve an authorization of approximately $612 million for two more Apollo flights in 1972. This amount of money is quite large and difficult to justify on the basis of scientific knowledge to be gained. However, it is argued that the existing equipment has already been constructed and great expenditures have been made in preparation for the final two Apollo flights in 1972 and that it would be wasteful to discontinue the flights at this point, and I reluctantly will not oppose this item.

I cite the examples of Skylab and Apollo as two space programs which are ongoing and which require expenditures of over $1 billion. One seems valuable, the other less so, but these large expenditures call into question any efforts to embark on yet another program costing at least $14 billion which appears to be of really questionable validity; that is, the space shuttle.

Last weekend as a member of a Senate subcommittee I toured parts of Harlem and south Bronx, looking into the general conditions of the neighborhoods and particularly the narcotics addiction problem. What I saw appalled me and also appalled those who were with me, Senators HUGHES and SCHWEIKER. A 16-year-old, who looked about 12 years old, could buy heroin, and did, right on the street corner. Dark hideaways were used as "shooting galleries" where heroin addicts gave themselves injections. Housing and general sanitary conditions were unbelievably bad. After viewing this situation, I find it difficult to justify a program such as the space shuttle, when many of our domestic programs are being cut back and even dismantled through nonappropriation.

Congressional authorizations for programs to aid governmental units like New York City have consistently outpaced appropriations and spending. In 1970 appropriations for Federal aid were only 65 percent of the authorizations, leaving a gap of $8.5 billion.

Of the $4.7 billion authorized for elementary and secondary education by Congress for fiscal year 1972, only $1.9 billion is being requested in the Federal budget.

Education for the handicapped authorizations total $436 million, but appropriations requests stand at only $110 million.

There are communities in New York State which have been waiting 10 years and more for urban renewal funds, with no sign of realization as yet.

No money at all has been appropriated for alcoholism treatment and rehabilitation programs for which Congress has authorized $100 million.

Of the $225 million authorized for each of the housing programs under sections 235 and 236, only $175 million has been requested for each program.

The much publicized impounding of funds which have already been appropriated by Congress is another example of misplaced priorities. Included in these impounded funds are $200 million out of $575 million appropriated for model cities, $200 million out of $350 million appropriated for water and sewer facilities grants and $200 million out of $1.2 billion appropriated for urban renewal.

In view of the spending realities, Congress must do all that is possible to eliminate wasteful programs which are not of general benefit to great numbers of people in the country. I believe that the space shuttle is one of these programs. If the Federal Government is going to deliver the needed services to its people which must be delivered, a hard look needs to be taken at even the most glamorous programs such as the space program. I have taken such a look and I urge the Senate to support our amendment to delete the authorization for the space shuttle and space station.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, I ask unanimous consent that the Senator from Texas may have 5 minutes, without the time being charged against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. Mr. President, I rise today in support of the committee's request for funding the National Aeronautical and Space Administration during fiscal 1972. The request for $3.27 billion during this fiscal year is just and in fact represents the smallest budget request that NASA has had since 1962. This is an austerity budget that takes into consideration the fiscal straits under which we are working. We simply cannot afford to authorize any less for NASA's activities. To do so would constitute an abandonment of our space program at a time when it is beginning to pay its greatest dividends.

One of the most important items in the current request is the $137 million to continue the space shuttle program. This innovation promises to be one of the truly great advances in our continuing conquest of outer space. The space shuttle is the second generation spacecraft that will facilitate our ability to use the environment of space for a great variety of projects at a reasonable cost. The space shuttle, when fully developed and operational, will be capable of being reused up to 100 times and will be able to launch a wide variety of destinations. It can accomplish anything from multiday manned scientific space expeditions to ferrying equipment for building a semipermanent space station where long range experimentation and observation can take place. Within the confines of its range, which is approximately 600 nautical miles from earth, the possible uses of a space shuttle are nearly limitless. When fully developed, this will truly be one of the great achievements of our entire space program.

I find it difficult to understand why anyone would oppose this austere funding request for NASA funding in general and for the space shuttle in particular. John F. Kennedy said in the early 1960's that we will explore outer space because it is there and because it is our destiny to do so. These thoughts are no less true today when our manned space flights are departing from the space port named for our late President. But there are other reasons to continue to explore the

regions of space and to sustain our present effort. The contributions that NASA and its affiliates have made to mankind cannot be cataloged simply in the records that we have compiled from our voyages and experiments in space. As a direct result of NASA's activity, there have been numerous strides made in manufacturing techniques that save millions of dollars, in the development of synthetic materials which will help improve the quality of life for many, and most importantly in the medical knowledge of the world.

Among other medical advances, there is the integrated circuiting device that allows increased monitoring of a wide variety of medical problems that need immediate medical attention, usually within minutes or even seconds if the patient is to survive. Previously, it was impossible to observe the change in a patient in so short a time. Now, thanks to developments by NASA in this area, doctors can tell the instant something has gone wrong with an extremely ill patient and can take steps at once to correct the problem, often with other electronic instruments that our space program has also developed.

There are numerous other advances that have accrued to the public as a result of NASA activities which have likewise saved countless lives and which have made life easier and more pleasant for others. The benefits of continuing our space program are many, and there is the great probability of even greater technological breakthrough in the future as we build our storehouse of knowledge.

It is with full confidence in our space program and our men who run it that I will oppose the Mondale amendment to this bill. I have observed the Manned Spacecraft Center in Houston firsthand on several occasions, and am constantly impressed with the dedication of the high-caliber people who work there. I particularly remember the difficult days of Apollo 13 and how admirably the entire organization functioned. To vote now against the space shuttle program, which will be developed with the help of the Center in Houston, would be a breach of faith with these people. I strongly oppose any attempt to cut the funds from this most important program and strongly recommend to my colleagues here in the Senate that they do likewise.

Mr. CANNON. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated June 25, 1971, from Kinsey A. Anderson, Director of the Space Sciences Laboratory of the University of California at Berkeley, Calif., in support of the space shuttle program.

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

UNIVERSITY OF CALIFORNIA, BERKELEY,
June 25, 1971.

Hon. CLINTON P. ANDERSON,
Chairman, Aeronautical and Space Sciences Committee, Senate Office Building, Washington, D.C.

DEAR SENATOR ANDERSON: I am writing to you to urge that the United States develop an effective space transportation system along the lines advocated by the National Aeronautics and Space Agency. My positive opinion on this matter is based on my own professional experience in space science. For 20 years I have worked in space exploration as a profession. More recently, I have become director of the Space Sciences Laboratory at the University of California, Berkeley. In this capacity I have had contact with most, if not all, of the manifold branches of space exploration, both applied and basic.

My experience leads me to believe that most of these disciplines would benefit from manned observatories in space. Without them much space research and applications will surely become inefficient, unduly expensive, or even impossible. In the future, our national needs and goals will require complete observatories and workshops in space. These will have to be staffed with our best scientists, engineers and technologists. These orbiting workshops will be large, complex, and massive.

In addition to this new component of our space program, the exploration of space far beyond the Earth will continue to be a great challenge. The Moon will continue to give us remarkable insights into the events that have occurred since the formation of the Solar System over 4 billion years ago. The planets, especially the mysterious outer planets (Jupiter, Saturn, Neptune, Uranus, and Pluto), will draw our curiosity far from the confines of the Earth. The level of spacecraft launches that the United States and cooperating nations may wish to carry out may well be economically beyond reach if present expendable vehicles are used.

All of these important goals point to a much more economical and flexible means of space transportation. It is my opinion that a space shuttle system along the lines proposed by the Space Agency will fulfill this need for several decades in the future.

One of the most dramatic effects of space stations and their supporting shuttle systems would be on the scientific fields of astronomy and astrophysics. Traditional astronomical observatories have developed subject to severe constraints imposed by the overlying atmosphere of the Earth. We now know that the traditional methods must be supplemented by space observations if we are to obtain an understanding of our Universe. At present, these observations must be carried out with great inconvenience on balloons, satellites, and rockets.

I visualize that the astronomy laboratory of the future will orbit in space and it will include all important astronomical instruments side-by-side. Thus, a large space telescope, perhaps 2 meters in diameter, will measure the visible, infra-red, and ultraviolet radiations from distant objects while alongside radio telescopes and x-ray telescopes observe the same object at the same time. The results from these instruments would be available on board the space station for study by the finest scientists in the world. I can imagine that the most revolutionary discoveries about our universe will be made in this way in the next century.

After supplying such an Observatory of the Universe, the shuttle vehicle might then visit and service other observatories, perhaps unmanned stations used for radio and television communication and for Earth observation at the geostationary orbit. Further from the Earth and on the Moon might be other observatories made economically feasible by the refurbishing capability of the space transportation system. There are many aspects of the space shuttle which I have not commented on but I am sure others more familiar than I will have pointed these out.

I would next like to convey to you some of the views of scientists at the University of California other than myself. In 1970, after NASA had publicly announced the outlines of a Space Station and Space Transportation System, I asked many engineers and scientists on the Berkeley campus of the University of California how they might make use of such a space platform in their research work. There was a strong and diverse response from both applied and basic research areas. The numerous responses that I have received range from general statements of interest to quite detailed proposals.

I can summarize these interests as follows: About 35 scientists and engineers at this University are now engaged in programs which rather clearly can make use of a manned space station. They represent 20 groups in basic and applied sciences, including biology and biomedicine, earth resources (chemistry, geography, forestry), astronomy (x-ray, infra-red, ultra-violet), plasma physics, magnetospheric physics, cosmic ray physics, and engineering studies (materials science, closed ecological systems, transportation, hydrology, etc.).

There were several somewhat surprising aspects to my survey. The astronomers were very enthusiastic about the possibility of a manned observatory. There was much more interest in this than there has been in the past in the unmanned scientific spacecraft. The response from applied science and engineering researchers was very strong. Finally, there is a general acceptance of the space laboratory concept here among scientists. In fact, no one said that he would rely solely on unmanned spacecraft.

At Berkeley we have trained many students in various fields of space sciences, both basic and applied. Several of these students have expressed an interest in becoming part of a future space station scientific group. The interest and enthusiasm of these young people combined with the educational opportunities of our University, as well as at many other universities, guarantee that the new space programs can be provided with superbly equipped human resources.

I look forward to a vital space transportation/space station under full civilian control and planned in such a way that other important objectives of the nation, especially in the social and environmental areas, are met.

Yours sincerely,

KINSEY A. ANDERSON,
Director.

Mr. CANNON. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Director W. F. Libby, a Nobel laureate, of the UCLA, Institute of Geophysics and Planetary Physics, Los Angeles, Calif., supporting the space shuttle program.

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

UNIVERSITY OF CALIFORNIA,
LOS ANGELES,
June 21, 1971.

Senator CLINTON ANDERSON,
Senate Office Building,
Washington, D.C.

DEAR CLINT: I write about the Space Shuttle and the urgency of keeping it going. It is vitally essential to the Space Program; its cancellation would be tantamount to cancellation of the Space Program.

I know I need not lecture you, who have fought so hard for so many years on other technological frontiers, on the importance of keeping these frontiers open for growth. In times of frontier cutback we fall immediately into recessions and depressions, and I feel cancellation of the Space Shuttle would most certainly cement the present recession into something like the depression of 1930.

Our future depends in large degree on technology and its application to the practical needs of society. Why is the Shuttle important in this context? The answer is that manned stations, which are essential for our future development, are too expensive without it.

Some scientists argue that man in space is not essential for space science, and I am the

last to disparage the competence of my scientific opponents in this debate, but I think our success in the Apollo Missions vis-a-vis the Russian unmanned lunar program has clearly answered this question. Who leads in the manned space station effort now? The Russians! A deeply significant question revolves: Are *we* able to recognize our new frontiers? You will well remember how you and I worked day and night to support Admiral Rickover in his building of the Atomic Navy. This is a similar situation. There is no real Space Program without the Shuttle.

How can scientists speak so differently? Well, Clint, there are those who have been through the fire of allocating funds in the support of science. I still remember the cardinal rule we used in the Atomic Energy program—keep the applied projects going as the way to derive benefits from basic science. The benefits are not immediate and are realizable only through projects designed to produce applications. The full benefits to be reaped from the Space Program need the Shuttle for their realization.

The orbiting laboratory with commodious facilities for manufacture and production as well as for scientific research is one of mankind's great new frontiers. In my chemical laboratories at UCLA we have been preparing for years to use the Skylab for chemical manufacture of ultrapure silicon and germanium free of the contaminants derived from air. Such ultrapure materials could be invaluable to the solid state electronics industry. We think it is probable that large diamonds could be grown in the space vacuum by evaporating carbon onto a diamond seed. A thin monolayer of oxide appears to have blocked any practical attempt to do this on earth. We have designed a solar furnace which will deliver 40 megawatts on an area of one square foot or less and which weighs less than one ton. This would furnish the heat for the distillations and evaporations.

We are convinced that the Skylab has enormous potential for important practical uses for mankind. However it is helpless without the Shuttle. For any important practical uses, many trips to and from the orbiter must be made carrying personnel as well as supplies and raw material and finished products. These journeys would be too expensive as now performed and can only be reduced in cost by the Space Shuttle. In fact the Space Shuttle stands athwart the whole manned space effort. Without it we have no program, and valuable as the unmanned scientific achievements will continue to be there is no doubt in my mind that the future practical benefits to mankind of the Manned Space Program are enormous, and I do not believe that this great nation should forgo them.

The Manned Space Program represents an enormous training achievement in the Astronauts. This is likely to be dissipated rapidly unless post Apollo flights are scheduled. Just this week we have learned that one more of our most highly trained Astronauts is leaving—Walter Cunningham—to become a real estate executive! The costs of the training of these brave and dedicated people are totally lost when they leave. Their discouragement is due of course to the lack of assured post Apollo support. The Space Shuttle if approved would change the entire situation and give our Astronaut Corps a new sense of purpose. This would protect our capabilities for developments in the manned space area.

Is it too much to suppose that the Shuttle may be the forerunner of a new system of passenger transport? Several of the country's leading aerospace engineers believe not. The SST in flying in the atmosphere consumes large amounts of fuel with possibly serious contamination effects, whereas a re-entering Space Shuttle could travel to the farthest distance on earth in 50 minutes or so with most of the fuel consumed in the lower atmosphere which is regularly cleansed by rain. Thus many of us believe that the Space Shuttle offers hope for a new and fundamentally superior means of rapid air transport.

Finally, our country's technological corps is essentially underemployed at this moment. This is a very dangerous situation since the most capable scientists and engineers can compete in other areas (such as real estate) and will leave the professions stripping the country of its technological capabilities. We are in no position to suffer such grievous harm with the ever present threat of technological breakthroughs in both China and the Soviet Union. We must always remember that the defense of the nation rests primarily on a technological base. At least as important as any of the armed services is our technology. We do not mind supporting standing armies. Why not support our scientists and engineers in the interests of the common defense?

Yours most sincerely,

W. F. LIBBY,
Director.

Mr. CANNON. Mr. President, I also ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Utah (Mr. MOSS) on the subject of NASA appropriations—H.R. 7109.

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

NASA APPROPRIATIONS—H.R. 7109

Mr. President, I rise in opposition to the amendment by the Senator from Minnesota (Mr. Mondale) which would delete $137.6 million from the bill before us (HR 7109) for the development of the space shuttle, $20 million for shuttle facilities, and $17.6 million for detailed studies and design of the space station.

The Nation's principal space objective of the past decade was to demonstrate leadership in exploration by accomplishing a manned lunar landing and return. Our capability to bring together great national resources in undertaking and carrying out this difficult technical task resulted in great technological advances as well as a lifting of the national spirit. The Nation's space objective, in the forthcoming decade, now must be directed toward a beneficial utilization of space with greater application to science, communication, business, medicine and education. If we are to realize the full promise of space, however, the enormous costs of space flight must be reduced substantially.

Pressing national priorities demand an assessment of our space objectives in light of the best and most efficient use of our resources. The result of the high priority of domestic concerns and $100 billion spent on a futile war in South East Asia is our fiscally constrained space budget. In the past, I voted for substantial cuts in space authorizations on the basis of a cost-resource analysis. It is precisely that budget and resource consciousness, however, which compels my support of a versatile and reusable space transportation system. In my view, the key to economic space operation in the future is a reusable space shuttle which can reduce launch and payload costs and increase immeasurably the space programs' per dollar output.

The space shuttle will bring new capability to military and civilian space programs by replacing all present expendable launch vehicles and carrying spacecraft into orbit for the U.S. Weather Bureau, the communications industry, the NASA space program, and the Department of Defense. The shuttle is designed to bring economics to *transportation, payload,* and *spacecraft* costs. As a result of the programmed reusability of the space vehicle up to 100 times and the fact it will return on land, transportation costs of orbit will be one-tenth of today's costs. The versatility of the system allows *manned* or *unmanned* spacecraft to be placed in orbit; repaired, modified, or updated in orbit; or brought back. Because of large weight and volume capacities of the shuttle, major reductions in payload costs can also be achieved. Moreover, scientists, technologists, and specialists of different skills and disciplines can become passengers in space without qualifying as astronauts.

Our accomplishments in space represent a measure of the state of our technology and bear a direct relationship to the strength and growth of our economy, our standing among other nations, and our capacity to deal more effectively with national problems. The reduction in the cost of space operations made possible by use of the space shuttle will permit greater utilization of space than is now economically possible and will allow a substantial increase in the scope and range of benefits desired from space operations.

Mr. President, I shall vote against the amendment for these reasons.

Mr. TUNNEY. Mr. President, the Senate now has the opportunity to support a balanced space program for the 1970's which will bring real and practical returns to the people of this country. As perhaps few other agencies could, the NASA program and budget requests clearly demonstrate the changing temper of the Nation for a redefinition of spending priorities. It may be instructive to glance briefly at this trend.

The space program was inaugurated some 12 years ago amid the frenzy provoked by the launching of sputnik by the Soviet Union. In the fear that our heretofore unquestioned technological superiority was imperiled, the United States committed itself to a comprehensive program of space exploration and manned space flights. The result was a dramatic display of what American technology can accomplish; from Explorer to Apollo the effort was enormous and the results spectacular. It was a great achievement. When the Eagle landed in 1969, a national commitment was discharged—years ahead of schedule—and the thousands of dedicated people who participated in that effort deserve the warmest congratulations.

But even before the national objective of landing men on the moon was achieved, there were clear signs that the public was turning its attention elsewhere. Pressing problems here at home reached such critical proportions that they could no longer be ignored or subordinated. Domestic needs compelled the realinement of the budget policies which formerly supported the space and other programs at such a high level. Today, the man on the street is demanding that problems here at home have first call on the tax dollar, and justifiably so.

Happily, the appropriations bill before us now represents a concerted effort to bring our space program more in line with the day-to-day needs of our citizens. Administrators and elected officials in preparing this budget, are taking a hard look at the space program and are trying to assess its practical value in terms of all our national priorities. What they are finding may be surprising, and is certainly worthy of note, for it emerges that the earth-related benefits produced are immeasurably great.

The bill before us, H.R. 7109, aside from providing funds for major continu-

ing programs, such as Apollo, appropriates money for the following major program areas:

I. MANNED SPACE FLIGHT PROGRAMS

Surely, the most controversial of these are the proposed space shuttle and Skylab programs. Although these and all other aspects of the NASA budget should be subjected to the closest scrutiny, there are several worthwhile aspects of these programs which have been overlooked and underestimated in recent weeks.

The space shuttle is, first of all, a bridge between the present and our hopes for manned space flight in coming years. It assures that the development of the technology we will need for those flights, when their time comes, will continue at an orderly and sensible pace, rather than in spasmodic spurts authorized in response to developments in other countries. Indeed, the advancement in technology which it promises to bring to the aircraft industry alone is persuasive evidence of its merit.

However, as the distinguished chairman of the committee (Mr. ANDERSON) has stated, the principal justification for the space shuttle is the new capability it can bring to both our civilian and military space programs for versatile and efficient future operations in space. It is in the pursuit of this most desirable flexibility that the space shuttle holds forth its greatest appeal. The fact that it can be used to launch navigation, communication, weather and oceanographic satellites, as well as exploratory vehicles, is testimony to this versatility.

The Skylab program is the forerunner of tomorrow's space station; its most widely publicized purpose will be to test man's physiological responses in space and to study his adaptiveness to such conditions of life. Equally as important as this medical research will be the Skylab studies of the earth's environment and resources and a multitude of scientific experiments in energy process and astronomy. The importance of such an experimental station to our long-range goal of fully operable space stations can hardly be doubted. Again, in order to retain the flexible capability for advanced, manned space travel, certain groundwork must begin now.

And while it certainly cannot be a controlling factor in our deliberations, I need hardly remind Senators of the enormous boon to sagging employment rates that would be promised by the space shuttle and Skylab programs. Available statistics suggest that these two programs will generate nearly 100,000 new jobs in the aerospace industry, not counting technicians and maintenance personnel who will be employed at the launch and retrieval sites for years thereafter. In this most crucial way, the shuttle and Skylab programs will help to save and develop a most valuable national resource—the highly skilled, multidisciplined technical force that is now being rapidly dissipated as a result of other cutbacks in the aircraft and aerospace industry.

It is because of the advantages which the shuttle and Skylab promise to bring us that I find that I cannot support the Mondale-Proxmire amendment. The appropriations authorized by H.R. 7109 will, I believe, prove to be money soundly invested in the future; the shuttle and Skylab, on their merits, deserve our strong support today as a congressional endorsement of the long-range goal of expanded manned space flight in the 1970's.

II. UNMANNED SPACE-FLIGHT PROGRAMS

I alluded earlier to the changing trend of public sentiment as regards budget priorities: the average citizen is rightfully interested in improving our existence on earth, and has demanded programs dedicated to that end. Conveniently, however, several techniques for guiding the improvement of life on earth are inherent in our new-found capabilities in space and the applications that a space ability makes possible. The NASA program of unmanned space vehicles is of particular interest in this respect.

At a time when environmental protection is a chief concern of all Americans, the unmanned space vehicle capable of pinpointing pollution problems and sources is of extreme importance. A properly instrumented satellite can now monitor the formation of smog clouds and, with infrared film, trace the sources of wastes dumped into our streams, lakes, and oceans. This kind of data, available only from the specially equipped EROS—earth resources survey—satellites, is invaluable if environmental pollution is to be dealt with firmly.

Another satellite program showing the immediate earth relevance of our space program is one conducted jointly by the Department of Agriculture and NASA, designed to give advance warning of the onset of insects and disease in forests, orchards, and agricultural crops. It is reported that, had this program been in full operation last year, it could have given a clear warning of the oncoming corn blight in the Midwest, thereby making earlier corrective action possible. This satellite is already scheduled to check for diseased or infested trees in the citrus orchards of California, further evidence of its immediate practical value.

Engineers and geologists are likewise looking to our space program for help in their day-to-day operations here on earth. We stand to gain considerable hydrological information from the satellites which will vastly increase our ability to anticipate and control floods. Engineers are anxiously awaiting readings from satellites which will enable us to locate fault lines to aid in the design and construction of dams in unstable geological areas. For Californians especially, these practical applications are of crucial importance.

Weather forecasting based upon satellite readings is nothing new; but with the photographs and readings expected from our newest and projected orbiting unmanned vehicles, it should be possible for meteorologists to make accurate predictions more than 2 weeks in advance.

The list of benefits to be received from these various aspects of the space program goes on and on; I certainly cannot take the time or space to catalog them here and hope to do justice to the overall NASA program. However, the few examples I have cited exemplify what I think to be a most encouraging trend in America's space program: there is now, more than ever before, a concerted effort to put our technology to human uses. The needs of man here on earth are being reflected in our space program as never before, and the appropriation bill before us today reflects a continued and expanded effort in the direction of a balanced set of goals. This kind of reorientation of programs according to different national needs is a refreshing sign of government's ability to respond to changing times. For its efforts in this direction, NASA deserves both our congratulations and support. Although I certainly concur in the committee report, I also wish to put on record my strong support for the Outer Planets Mission. I hope that the "grand tour" is permitted to proceed as planned, for it would be a shame to abandon the singular opportunity before us to begin explorations of our solar system. When the conferees on this bill meet to consider the full appropriation authorized by the House, I hope that this important aspect of NASA's unmanned program will be given a full and sympathetic consideration.

III. RESEARCH IN AERONAUTICS TECHNOLOGY

Less controversial than the other plans, but no less important, are the appropriations earmarked for research and development of the vertical takeoff and landing—VTOL—and short takeoff and landing—STOL—aircraft and other advanced research in aeronautics technology. These programs, designed to answer the military aircraft and civilian transportation needs of the next decade, will guarantee that this country remains the world leader in the field of aviation engineering. Of vital importance is development of the STOL, as evidenced by the recently released joint study by NASA and the Department of Transportation. Other important projects included in this category are expansion of space satellite tracking systems essential to a growing space program. If this Nation is to retain its ability to meet modern air transportation requirements and its ground-level space ability, these and other similar research and development projects must be conducted now.

It is with this eye to future development in all these respects that I strongly urge approval of the appropriations authorized in this bill.

I ask unanimous consent to have printed in the RECORD an excellent article which appeared in the April 3, 1971, issue of the Saturday Review. In that article, Science Editor John Lear does a most competent analysis of the uses of our unmanned space vehicles in environmental and resource monitoring programs of the type I have been describing. Entitled, "Infrared Exploration—New Light on the Environment," the article goes into considerable detail demonstrating the benefits here on earth of our space program, and I commend it to the attention of my colleagues.

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

INFRARED EXPLORATION—NEW LIGHT ON THE ENVIRONMENT

It is long past time for a return to the original purpose of our exploration of the interplanetary space in which Earth floats. We began with a desire to understand obscure relationships between our planet and its star—the sun—and to use those discoveries to better man's condition. In short, we set out to learn our own true place in our grand environment, what destiny that position would reasonably allow us, and how within it we might best realize our individual dreams.

The enterprise was purely scientific, peaceful in intent, open to all the peoples on the globe through agreements deliberately arrived at through the International Council of Scientific Unions. Even an apolitical name was assigned to the undertaking: International Geophysical Year—1957–58.

Only after the Union of Soviet Socialist Republics frightened America-is-superior-in-everything believers half out of their wits by hanging the first man-made moon in the sky did hurt pride in this country turn the extra-terrestrial search for knowledge into a military-oriented race to dominate the moon.

Now that Americans have landed on the moon and found how little the moon means to defense of our earthly territory and how seldom the multimillion-dollar technology that made the moon landings possible can be adapted to solution of human problems here at home, now that thousands of engineers whose pay was inflated by the demand for man-carrying rockets are out of work due to collapse of exaggerated claims for the importance of man's presence in space exploration vehicles, attention is returning to the original proposition that what we need most from the spaceships is not reassurances of human bravery in confronting the unknown but information to help us live in harmony with our immediate environment.

It took ten years for the National Aeronautics and Space Administration's stuntman philosophy to accept a fact clearly demonstrated in principle by the Tiros weather-observing satellites of Earth: that relatively cheap robots could contribute to the lessening of human misery by looking at the planet as a whole. It took a public battle between former U.S. Interior Secretary Stewart Udall and former NASA boss James Webb to persuade NASA to agree to a realistic test of distant satellite capabilities in studying urban growth patterns, analyzing the efficiency of transportation networks, calculating food crop yields, detecting disease and insect infestations of farm lands and of trees in city streets and parks, monitoring forest fires, measuring snow impounded by the mountains, predicting floods and volcanic eruptions and perhaps even earthquakes, and tracing air and water pollutants to their sources. It took a Congressional investigation headed by Congressman Joseph Karth of Minnesota to move the promised test toward reality. Yet today, as General Electric builds the first automatic satellite instrumented specifically to serve an Earth Resources Observation System (EROS), NASA officials are trying hard to create the impression that the value of whatever good eventually comes from EROS must fairly be deducted from the fantastically extravagant bill for the man-on-the-moon expeditions.

If meaningful priorities are ever to be assigned to the accelerating movement toward improvement in the quality of man's total environment, it is imperative to keep the balance of cost and benefit straight in the public mind. Although performance remains to be measured against promise, and there is some danger in expecting too much too soon, the potential rewards of continuous sensing of earthly conditions by distant robot observers is immeasurably great. Only in the most remote Alice-in-Wonderland sense can NASA's emphasis on manned spectaculars be said to have illuminated the rich prospects for what rocket designer Wernher von Braun is now belatedly calling the "bread and butter" aspect of exploration beyond Earth's atmosphere.

The suggestion that Earth satellites might be competent observers of the environment first arose before NASA came into existence. Physicist S. Fred Singer, the man who predicted the presence of the Earth radiation belts later discovered by James Van Allen of Iowa, described to the scientific community in 1953 an invention that he dubbed MOUSE (for minimal orbital unmanned satellite of Earth). Singer said that if the MOUSE were properly arrayed with photoelectric cells and put into the sky, it could radio back to Earth a global image of sunlight reflected from the tops of the clouds and from ice and snow on the planet's surface. In the following year, the late Harry Wexler, chief scientist of the U.S. Weather Bureau, proposed a more sophisticated MOUSE that would return to Earth a TV motion picture of the cloud tops meaningful enough to improve the quality of weather forecasting.

Six years after that, the earliest research model of the Tiros weather satellite that Wexler had imagined was actually orbiting and sending back unexpectedly sharp photographs of Earth's cloud cover. Where breaks appeared in the clouds, geographical features of the planet could be seen in the pictures. This remarkable robot performance came to University of California (Los Angeles) Geology Professor John Crowell's notice just before one of his favorite students, Paul Merifield, arrived for a serious talk. Merifield had completed the requirements for a master's degree and was preparing to move on to the Colorado School of Mines to seek a Ph.D. He needed a timely, pertinent subject for the doctoral thesis. Had Crowell any provocative ideas? Crowell popped one: "Why don't you try to tell us whether satellite pictures like these could be used for geological purposes?"

Merifield accepted Crowell's question as a thesis theme. During the next two years he dug for the answer. In 1962, he sought advice from Paul Lowman, Jr., another young geologist he met in Colorado. Lowman worked for NASA in jobs involving precise photography. Did he have any picture sources Merifield did not know of? Lowman did not, but he thought of a possible way to create some. John Glenn, Jr., had carried a small hand camera with him when he made the first American orbits of the Earth in a Mercury capsule that February. Glenn had passed the photos around afterward. Some of them were recognizable when matched against standard maps. In May, Scott Carpenter was due for a three-orbit trip like Glenn's. Lowman wrote a personal note to Carpenter. Would the astronaut be willing to try some snapshots of craters in the southwestern United States? Carpenter tried, but his pictures were out of focus. Lowman next wrote to Wally Schirra in advance of Schirra's six-orbit Mercury mission in October. Schirra's pictures turned out to be overexposed. L. Gordon Cooper rode twenty-two times around the planet in May 1963. He returned twenty-nine photos to Lowman, half of them useful, one of Tibet's great plateau so stunningly clear that Lowman drew from it the first map ever derived from observations taken beyond Earth's atmosphere.

Lowman continued to compile his space photo album throughout the voyages of the two-man Gemini spaceships and the three-man Apollos, adjusting the picture-collecting rate to whatever time the astronauts could spare for the aiming of their hand-held cameras—until the voyages of Apollo 6 (on which finely calibrated photos were taken automatically) and Apollo 9, when the astronauts snapped the lenses of three fixed cameras simultaneously when instructed from the Earth to do so.

NASA published an official note on Lowman's work in 1964. That same year it sent a request to the U.S. Geological Survey for studies (to be jointly funded by NASA and USGS's parent agency, the Department of the Interior) of the practical potential of then evolving instruments capable of sensing environmental conditions on both the Earth and the moon.

The request traveled through the then Secretary Udall to William Pecora, USGS director, and on to the desk of William A. Fischer, a USGS veteran who had used his scientific skills in interpreting photos for the U.S. Navy in World War II. Since his return from the Navy in 1946, Fischer had been in charge of a USGS program for sensing the state of the terrestrial environment from airplanes. An especially effective tool in those explorations had been infrared (also called "false image") film developed by Kodak to expose camouflage during the war.

The photograph reproduced on the cover of this issue of *SR* is an instructive example of how infrared film reveals hidden realities in the terrain. The photo shows part of the shoreline of Amchitka Island, one of the Aleutians. The Atomic Energy Commission wanted to test a nuclear bomb underground at Amchitka and needed to be sure the explosion would not trigger an earthquake in the geologically unstable neighborhood. Geotronics, an aerial photograph outfit based in California, took the cover picture of the bomb site before the explosion. The controlling element in the photo is the broad fringe of bright red. That fringe is the offshore shelf of the island. It is red because the shelf is covered with vigorously growing seaweed. The presence of any life is betrayed on infrared film by the particular radiation reflected from chlorophyll. If the seaweed were dead, the chlorophyll would be gone and the shelf would appear as gray or brown, the color of the barren island itself. When another photograph of Amchitka, taken after the bomb test, included the same red fringe, as bright as before, its boundaries unchanged, the AEC knew the bomb had not disturbed the geological structure of the island.

Robert H. Morris, in the Denver office of USGS, interpreted the Amchitka photos for AEC. Fellows of his on USGS's staff throughout the country shared his familiarity with the infrared photography technique. It was hardly surprising that Fischer, at the center of such activity in Washington, would fail to enthuse over details of NASA's scheme, which called only for observations from airplanes. Fischer's own group in USGS already had used infrared aerial photos to map the oil fields on Alaska's North Slope and to find rich diggings for uranium prospectors in the American West. They had also flown heat sensors that traced fresh water seeping into the salt water of the Pacific Ocean from the Hawaiian Islands and detected warning signs of eruption of Hawaiian volcanoes before the volcanoes exploded. Further plane flights, with multispectral scanners and microwave radiation detectors, would certainly be welcome to USGS, but Fischer knew that it would take twenty years for aircraft to assemble as much data as could be acquired by a single robot satellite in the seventeen days the robot would take to completely survey the Earth from pole to pole; furthermore, by the end of the twenty years of plane observation, the data acquired through most of the observing period would be out of date.

Fischer raised his voice in favor of an unmanned satellite. USGS Director Pecora expressed his agreement, and Secretary Udall joined in. The paucity of subsequent events raised Udall's personal temperature, and in 1966 he sent NASA a set of specifications for a satellite capable of observing the Earth from

a distance of 500 miles. He proposed that this robot should travel a polar orbit in order to cover the whole globe, passing over any given geographical point at 9:30 in the morning of every eighteenth day.

NASA objected that the technology required for such a satellite was just coming over the horizon and had not yet arrived. Udall appealed to the National Academy of Sciences, which appointed a special study panel. The panel reported that NASA was wrong, that the needed technology was available, that it could be provided cheaply and quickly, and that it should be supplied in order to loft the satellite in time to make its findings synchronous with those of the 1970 census.

NASA blocked the conjunction with census data gathering by insisting that its instruments should fly only in airplanes and in manned spaceships. Udall appealed to the Science and Astronautics Committee of the House of Representatives. The committee referred the question to Congressman Karth's subcommittee, which, after an inquiry, supported Udall and the National Academy of Sciences panel. The full House committee offered to shift items in the NASA budget to allow the building and launching of an unmanned satellite assigned to environmental observation. NASA declined the offer, declaring that the White House Budget Bureau would not approve the expenditure. The Budget Bureau confirmed its disapproval, but attributed it to NASA's vagueness in telling what the satellite could do.

That was as much public exposure as NASA could afford. When the 1970 budget came up, it included specific provision for a study of an unmanned environment-observing satellite. The 1971 budget carried an appropriation for the actual building of the robot. Events then took a somewhat ironic turn. Merifield, his Ph.D. thesis successfully completed, had returned to California and become a geological consultant to some of the aerospace giants there. Among his clients was TRW Systems. It entered a bid on the satellite that Merifield's thesis had foreshadowed. But it lost the contract to G–E.

If the present production schedule holds, the satellite will be launched in March 1972. It will broadcast TV pictures to Earth for a year. The nature of the pictures will depend on the number and variety of experiments accepted by NASA from scientists in and out of the government. Proposals must be in NASA's hands by the middle of this month of April. At the end of its effective life, the satellite will be replaced by a succession of three progressively more sophisticated robots. At least one of them will record its pictures on film that will be parachuted back to Earth periodically in capsules designed to be caught by aircraft patrolling the lower atmosphere. Some of the photography will be done in black and white, some in color, some by passive microwave reflection, some by active radar emission. Multi-spectrum scanners will sample different wave lengths of light in quick succession and allow computers to interpret the resulting patterns. But the infrared will remain the main light path to environmental exploration for the very simple reason that infrared indicates life, directly through reflection from chlorophyll and indirectly through temperature differences arising from the presence of Earth's life-cradling substance—water. At first, the cost of the exploration will be shared by NASA and Interior. Gradually, however, Interior will shoulder the whole burden of designing and building the satellites; ultimately, NASA's only responsibility will be to rocket the robots into orbit.

Interior's assumption of responsibility for the project does not imply an intent to make that department the exclusive beneficiary of resource information obtained outside the atmosphere. EROS is managed from within Interior by USGS's William Fischer, but he meets once a month with NASA's Earth observation program chief, John DeNoyer (a former assistant director of USGS), and representatives of the Agriculture Department, the Army Corps of Engineers, and the Surgeon General's office in the Public Health Service.

What possible interest could the Surgeon General have in data relayed from an Earth resource observation satellite 500 miles out in space?

Malaria is still a vicious scourge in many places. Malarial outbreaks tend to occur in the vicinity of newly cleared land, and new clearings show up conspicuously in pictures taken at high altitudes.

The Agriculture Department's involvement in resource satellite development is more widespread. Sick citrus trees in California and Florida have long been spotted earliest from the air. Peach and pecan pest have been detected in the same way, as have leaf diseases of some vegetables. It is believed that if an environment-observing satellite had been orbiting at the time the corn blight struck the Midwest a few months ago, the infestation might have been stopped short of its present disastrous proportions. The people of Denver are now cooperating with the Army in an attempt to save their city's 150,000 stately elm trees from destruction by beetles. The method again is aerial photography in infrared light. A dead elm loses its normal color in the infrared; the beetles lay their eggs only in dead trees; if the dead trees can be removed early enough, the spread of the beetles can be slowed or stopped.

The Army Engineers are interested in exercising control over the behavior of the nation's watercourses. Water shows up black on infrared film. Sufficiently distant photography can record the ramifications of a flood at crest with ease; potential disaster can be minimized or prevented altogether. There are also smaller benefits for the engineers—such as the unsuspected Earth fault line that appeared in one high-altitude infrared photo. The line intersected a dam that impounded a reservoir. The dam had been leaking for some time, but no one could tell where before the photo revealed the secret.

Because of the precision with which geological structures, bodies of water, and vegetation can be mapped at the infrared end of the electromagnetic spectrum, infrared photos and sensors are certain to become a fundamental policy-making tool for the Interior Department. A single application of the sensors alone has already paid the cost of many future years of distant environment exploration. The result of that one employment is a new official appreciation of the extent of geothermal steam basins underlying the states west of the Mississippi River [see "Clean Power from Inside the Earth," *SR*, Dec. 5, 1970]. Another sizable economy in public affairs is expected to result from infrared studies of irrigated lands and grazing ranges, both under Interior supervision. Better estimates of the worth of mining reserve leases, tougher enforcement of strip mine restoration regulations, stronger protection for the national parks through more stable placement of parking lots for visitors' automobiles, more accurate estimates of the proper size for a given year's kill of antelope or the right length for a particular duck hunting season—all these are actual examples of the gains Interior expects from infrared exploration.

The full potential of distant sensing of the environment reaches far beyond the confines of any government department's authority. Ultimately, if not immediately, the White House Council on Environmental Quality and the Environmental Protection Agency will have to take cognizance of the importance of the infrared spectrum in policing air and water pollution. A properly instrumented satellite of Earth can monitor the formation of smog clouds and (because the usual blackness of the water on infrared images gives way to a lighter hue when sediments are present) trace the sources of wastes dumped into streams and lakes and even into the sea. Particular chemical pollutants cannot yet be distinguished, except for one type of pulp and paper mill effluent, which luminesces.

Just as weather forecasting is now slowly being perfected by analysis of what is happening beneath the clouds at the moment when the weather satellites report particular patterns in the cloud tops, so hundreds of "ground truth" seekers will have to match real conditions on Earth's surface against the advice sent down by the environment observers overhead. "Ground truth" is a photo-interpreter's phrase, invented on the assumption that every kind of rock, every variant of soil, every family of tree and vegetable and moss and shrub, has an individual signature exclusively its own. Wheat signs differently from barley, barley differently from corn, corn differently from rice. Recognition of a signature will vary with the time of day, the season, the amount of shadow, the angle of observation. But once the identity is determined, the signature can be picked surely out of a multitude of other signatures, recorded, stored, and run through computers—all automatically. A bank for preservation of such automatically prepared documents is to be constructed as part of the Earth Resources Obeservation System. Citizens of Sioux Falls, South Dakota, have chipped in to a $200,000 kitty to purchase a site for the institution and so assure their neighborhood a master key to the future. The real estate will be deeded as a gift to the Interior Department, which will spend $4.8-million on the bank building and supporting facilities. Eventually, 50,000 images will be added to the bank vaults every year. Where these documents concern other countries, copies will go to their governments on request, under agreements to be negotiated preliminary to the United Nations symposium on the environment scheduled for Stockholm in 1972. About three dozen nations have expressed interest in signing up.

To guarantee the validity of the bank vault contents, William Fischer and his staff are now arranging for massive deposits of "ground truth." Infrared photography missions are scheduled to be flown by EROS planes over designated areas of Arizona, Chesapeake Bay, California, the Pacific Northwest, the Great Plains, and the Everglades; identical flights will be made every eighteen days in simulation of the path fixed for the first environment-observing satellite, and the particular signatures appearing on those pictures will be checked against each other so that a repeatedly verified set of signatures will be ready for use when the satellite begins to return its observations.

South Dakota State University is poised for whatever consequences ensue. It already houses on its campus a Remote Sensing Institute, directed by Dr. Victor Myers, a pioneer in application of infrared photo technology to rural problems. The Willow Run Laboratories of the University of Michigan have been engaged in infrared research for a quarter of a century and periodically play host to national and international symposia on the subject. Other schools actively concerned with distant sensing of the environment are the Colorado School of Mines, Cornell, Kansas, Penn State, and Stanford. A sizable industrial complex has sprung up in response to their intellectual seeding.

NASA is still trying to annex remote environment sensing to its man-in-space extravaganza. Earth resources surveys have been announced for the project Skylab. The special appeal of this vehicle will be that men will be on hand to repair the cameras and the sensors and to ferry film back to

Earth. But the Skylab crews will have many simultaneous jobs to do, and it seems exceedingly doubtful that they will be able to match the impact of repetitive imaging from the EROS satellite at a distance that will enable man to see the forest in spite of the trees and to picture the immensity of his own dependence on the life around him. (John Lear, Science Editor.)

Mr. CANNON. Mr. President, I yield 1 minute to the Senator from Illinois (Mr. PERCY).

Mr. PERCY. Mr. President, I thank my distinguished colleague for yielding me this time and should like to comment that as a past trustee of Caltech, I had the opportunity to study the Jet Propulsion Laboratory work under Dr. William Pickering, which includes a number of vital unmanned space programs. I served for 2 years as a member of the Senate Space and Aeronautical Sciences Committee and have served this year as a member of the Appropriations Subcommittee dealing with NASA.

It is with this background and deep interest that I speak in support of the space shuttle program although I have opposed other programs in the past and have worked diligently to prudently reduce the NASA budget in past years.

However, I feel that the space shuttle program is an outstanding one which will help to bring about greater international cooperation, shared cost and great potential for advancing man's knowledge of the universe.

Mr. President, 3 months ago, I commented on NASA's continuing efforts to broaden cooperative space programs with the western world and to develop further a base for cooperation with the Soviet Union. Shortly thereafter, on March 26, the January 1971 agreement between NASA and the Soviet Academy of Sciences was affirmed and went into effect.

Under that agreement, NASA representatives have consummated the first exchange of lunar surface materials with scientists of the Soviet Union. This occurred on June 10. By this exchange, each side gained access to materials characteristic of lunar sites beyond those which it had been able to visit and, at no additional cost, each greatly expanded its perspective on the moon's composition and dynamics. I welcome this concrete illustration of progress in space cooperation.

Under the January agreement, NASA and the Soviet Academy of Sciences have established a number of joint working groups to develop further cooperation in several areas. Preliminary discussions are being held during current—June 28–July 2—meetings of the International Committee on Space Research—COSPAR—in Seattle. These discussions, in the fields of the moon and the planets and meteorological investigations, anticipate formal meetings of the joint working groups in Moscow in August. Other joint working groups, in space medicine and in space investigations of the natural environment, have had preliminary contacts already and will be meeting formally in August and October. Their recommendations can expand cooperation in meaningful basic and applied space research still further, through coordinated projects and carefully structured, highly detailed exchanges of scientific information.

Under the earlier agreement on compatible rendezvous and docking, negotiated last October, joint working groups met recently in Houston. Some 20 Soviet scientists and technicians attended and made appreciable progress with their NASA counterparts toward defining a single set of technical requirements for compatible systems and operations to permit docking of United States and Soviet spacecraft in outer space—whether for missions of common interest or for emergency assistance. Again I welcome these developments and strongly urge that the good work which has begun, be continued.

In the efforts to broaden cooperation with the Western World, progress has also been made. European sources have funded studies of the post-Apollo space transportation system so they may gain the knowledge which is prerequisite to mature consideration and possible commitment to important participation with us. Some $6 million has been devoted to this very preliminary work already. European sources have funded half a dozen German, United Kingdom, and French aerospace firms to assist NASA's prime contractors in the studies of the space shuttle which are currently in progress. European interests are also carrying on very useful studies of a space tug, coordinating effectively with NASA. We cannot now say what will develop from these studies and exchanges, but because of the possibilities for substantial contributions to our program at European cost, every effort to achieve such contributions should be encouraged and freely explored.

All of these developments demonstrate not only the benefits which can result from closer international cooperation but also to a compelling interest in a reusable space transportation system and its potential for future activities in space, not only for the United States but for other countries as well. Certainly, there are and will be problems in working out the terms and conditions for significant participation by other nations, but the clear advantages compel me to urge that maximum efforts be extended to bring these possibilities to fruition.

Mr. President, I should like to also share with my colleagues the benefit of information that I have gained from Dr. Pickering relating to what is known as the grand tour to the outer planets, which gives some concept of the remarkable opportunity we have ahead of us.

Hardly more than a decade ago, the very idea of flying men to the Moon and returning them safely to earth still seemed a long way from realization in this century. It was, in fact, the stuff of science fiction and I must admit that I did not have the vision to foresee all that we have accomplished.

Today, we have already successfully landed three teams of astronauts on the Moon who emplaced scientific instruments for continued study and returned to earth with rock and terrain samples of inestimable scientific value.

We have also flown unmanned, automated spacecraft to both of our neighbor planets—two to Venus and three to Mars. These missions gave us the first close-up data on the composition, temperature, and pressure of Venus' atmosphere, established the surface as extremely hot, and observed the solar wind, dust particles, and magnetic fields in interplanetary space.

In 1965 and 1969, our spacecraft secured the only photographs yet made from the near-vicinity of Mars. For the first time, the planet was revealed as heavily cratered in some areas, mysteriously featureless in others, and chaotically jumbled in still other regions. The instrumented data verified that the planet has an extremely thin atmosphere composed mostly of carbon dioxide and does not protect the surface from lethal solar radiation. The south polar region was seen to be capped with what is apparently frozen carbon dioxide and there was no indication of either a wave of darkening or a definable set of Martian canals.

The scientific yield and the high human adventure made our first decade in space a memorable time in our history. During these highly prolific years, it was necessary to work even beyond the known peripheries of science and technology. Scientists sensed an era of dramatic abundance in the acquisition of new knowledge and responded to the challenge. Engineers and technologists performed unheard-of feats in designing and building equipment and space systems that had only been imagined in the pages of Jules Verne and H. G. Wells. And—as so often happens in periods of deep national crisis and new technical expansion—the key ingredient necessary to implement a widely proliferating technology was available: the modern, high-speed electronic computer.

It followed quite naturally that the U.S. space effort during those turbulent years was essentially confined to our own scientific and industrial communities. With a sizable fraction of our national resources committed to space in what became a contest for international prestige with the Soviet Union, other nations did not actively participate in our space programs, except for launch and facility assistance given to such countries as Italy, France, Canada, and the United Kingdom.

The National Aeronautics and Space Act of 1958 provided that—

> Activities in space should be devoted to peaceful purposes for the benefit of all mankind.

To this end, we have generously shared the planetary data and lunar samples we have obtained, with many Nations, including the Soviet Union. NASA's flight schedule through 1974 includes several missions in which we will cooperate with Italy, Canada, West Germany, the United Kingdom, and the Netherlands. Now, we note one of the most promising developments for international scientific cooperation and one that should go a long way toward implementing the spirit and the meaning of the Space Act: the proposed grand tour to the outer planets, now before the Senate.

These intriguing flights to the little-

known outer planets of our solar system are scheduled for launch in 1976, 1977, and 1979, taking advantage of an unusual orbital alinement. For the first time in a multiplanet array, these missions will use the technique known as gravity assist, in which a spacecraft flies near a major outer planet, records data on its characteristics and properties, and is then propelled on to other planets by the large gravitational field. This flight pattern makes it possible, under certain celestial conditions, to visit all the other planets in a much shorter time than would otherwise be required. Jupiter, Saturn, Uranus, Neptune, and Pluto have not been so fortuitously alined since about 1797 and, after 1980, they will not again be until the middle of the 22d century.

Because of the enormous potential for scientific return from these so-called grand tour missions, NASA has established a board of participating scientists who will work directly with the space agency in designing and securing data from the experiments carried into deep solar space. Representatives include 91 U.S. scientists from 37 institutions in 18 States—truly a national effort. In addition, and for the first time, scientists from other nations will participate directly on this board, fulfilling the meaning of the Space Act in its broadest interpretation.

Seventeen distinguished scientists from 10 institutions in Canada, Denmark, England, France, Germany, and Sweden are currently listed. Thus, we will be able to avail ourselves of the technical capabilities of foreign scientists who are experts in their fields. And, we will demonstrate on an international scale that the U.S. space program is uniquely open and beneficial to the rest of mankind. These developments are gratifying during an era of global unrest, mutual distrust, and worldwide and traumatic change.

These grand tour flights are probably the best bargain our space money could buy during the remaining years of this century. Each mission will visit three planets and several moons. The 1976 and 1977 flights will each travel to Jupiter, then to Saturn, and end about 9 years later at Pluto, on the very rim of the solar system. Two flights launched in 1979 will each go to Jupiter, Uranus, and Neptune, requiring about the same transit time. We are not going to see an opportunity like this again for more than 175 years.

The potential scientific reward would be inestimable. Scientists have long theorized that the riddle of the solar system will never be unscrambled until we have had a closeup look with automated, instrumented spacecraft at Jupiter and its mates: all—except Pluto—low in density, high in rotation speed, and covered by heavy atmospheres containing hydrogen, helium, methane, and ammonia. We want to learn about the mysterious red spot below Jupiter's equator, the perplexing ability of Jupiter and Saturn to radiate more energy than they receive from the Sun, and the nature of the incomparably beautiful rings of Saturn. The strange worlds of Uranus and Neptune, far out in the cold depths of the solar system, could be probed at close range. Finally, the airless, forbidding Pluto could be investigated.

One of the most exciting prospects is that spacecraft from earth will probably penetrate the interstellar medium for the first time. All of our earlier interplanetary observations, to the present, have been dominated by energetic particles flowing out from the Sun's corona, and the ever-present magnetic fields. Now, we should be able to escape the region of primary solar influence and measure the galactic presence, probably starting about 1 billion miles out—somewhere beyond Jupiter.

We will be able to read cosmic rays in their pristine form, unadulterated by Earth's atmosphere or the ravages of the solar wind. We can take our first look, in full focus, at page one of the record of the Milky Way.

The grand tour missions could be scientifically rewarding in yet another way. There is good reason to believe that the conditions under which life could have originated on Earth, some 2 or 3 billion years ago, might be repeating now at Jupiter or Saturn. There is a similar combination of hydrogen, helium, ammonia, carbon compounds, and perhaps some form of water. The grand tour instruments could tell us a great deal about these processes.

We see, then, that the grand tour has tremendous scientific merit and that it would constitute a bold step forward in the field of international cooperation in science. Yet, there is hesitance in the Senate to fund the program so that it can make an adequate start in fiscal year 1972.

Of the $30 million requested by NASA, the committee has recommended a 66-percent cut, leaving but $10 million to initiate a program of such vast promise. If this reduced amount is approved NASA will lose the advantages of an orderly program, the 1976 flight would be telescoped into 1977 scheduling, contractual programing would be delayed, and pressure decisions would be substituted for deliberate logic in planning.

Is the difference of $20 million really that critical? Even if invested in other more mundane projects, would the return be comparable? Posterity might well judge against it.

The grand tour deserves full support.

Mr. President, I wish to comment on the Soviet Salyut mission. Today, June 29, 1971, the three cosmonauts in the Soviet Salyut space station completed 23 days in weightless orbital flight and thus equaled the record set by three other Soviet cosmonauts in June 1970.

From that time on, they have been setting another record every moment they remain in space. If they stay until July 4, the duration of 28 days of their flight will equal that planned for the first U.S. experimental space station, Skylab, 2 years from now.

The Soviet Union continues to prosecute exploration in space and the development of space systems with vigor and imagination. The current Soviet launch rate of spacecraft is more than twice that of the United States and its annual budget is greater than our and increasing.

During the decade of the 1960's, the relative position of the U.S. vis-a-vis the U.S.S.R. was characterized by significant leads achieved by the United States in some important areas, such as lunar exploration. Now the Soviets are moving rapidly in the critical area of earth orbital flight with the associated experiments and systems dedicated to practical applications on earth.

The principal goal in space flights like Salyut and Skylab is science and applications investigations and to learn in detail how effectively men can work and live in the weightless conditions prevailing in a space station. Upon analysis of the results of the current mission, Soviet space planners will be in possession of information that will not become available through U.S. flight experiments until 1973.

The U.S. News & World Report published an interesting article on June 21, 1971, on the Soviet Salyut mission. I am not necessarily willing to subscribe at this time to the speculations in that article that deep-seated purposes of the "Space House" are fundamentally military in nature. But it is certainly a view that we need to watch and continue to evaluate.

In any case, it remains clear that the Soviets are continuing resolutely with their program of space development. The challenge to the Free World in this new and still unknown environment remains great.

Mr. President, I ask unanimous consent that the article I referred to be printed in the RECORD.

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

SOVIET "SPACE HOUSE"—WHY?

One purpose of Russia's June space spectacular: to advance the Kremlin's military ambitions. U.S. won't match the feat for two more years.

Much of the mystery surrounding Russia's long-range strategy in space suddenly evaporated on June 7 with the manning of a "cosmodom"—space house—above earth.

According to Western experts, while the U.S. has concentrated on sending men to the moon a quarter million miles away, the Soviets have staked out a region close to earth for military domination. Unlike the U.S. man-in-space program, which is civilian-run, Russian space work is done by a branch of the Soviet armed forces.

The Russian effort moved briskly ahead when a three-man spacecraft, Soyuz 11, docked with a huge unmanned ship called "Salute" that had been orbiting the earth since April 19. The Soyuz craft was launched from a Soviet spaceport June 6.

SCIENTIFIC "LABORATORY"

Russian scientists hailed the two-ship unit as the first earth-orbiting "laboratory station"—containing six rooms filled with scienitfic instruments and living quarters.

The 25-ton space lab was operated by cosmonauts Viktor Patsayev, Vladislav Volkov and Georgi Dobrovolsky. Indications were that other manned spacecraft would join the station later.

The Russians say publicly that the mission is intended to determine the feasibility of manning space labs over long periods of time.

Western space experts noted that the Soviet ship is performing such tasks as studying geological and geographical objects on earth.

U.S. scientists assert such work is closely linked with military research. They believe

the station will be used to test the ability of cosmonauts and instruments to observe Western and Chinese missile emplacements and large-scale movements.

Some scientists also are convinced the laboratory will help to determine whether such stations can identify—and possibly destroy—U.S. spacecraft. These sources say the Russians may be anxious to find ways to neutralize U.S. spy satellites which photograph Soviet sites for intercontinental ballistic missiles.

Another possibility, American military officals report, is that the Russians may experiment with the use of orbiting missiles that could be directed on radio signal against the U.S.—which would be virtually defenseless against such weapons.

The U.S. is about two years behind the Russians in space-station development. The first such American craft, "Skylab," is to be launched in 1973.

Mr. CANNON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER (Mr. BROCK). The Senator from Nevada is recognized for 1 minute.

Mr. CANNON. Mr. President, we have heard much of the case presented by the Senator from Minnesota (Mr. MONDALE) based on two or three scientists at the most. I have submitted for the RECORD a number of letters and statements from prominent scientists throughout the country, including two Nobel laureates, who support the shuttle; and, I ask unanimous consent that a statement I have in rebuttal to the position of Dr. Van Allen and Dr. Gold be printed in the RECORD.

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

STATEMENT REBUTTING DRS. VAN ALLEN AND GOLD

Mr. President: The Senator from Minnesota, Mr. Mondale, bases much of his case against the shuttle on two letters he received. We first saw those letters in a news release early in June. Then, a few days ago, each member of the Senate got copies, and yesterday we heard about them again and they were put in the Record again. These letters were received from two scientists: Dr. James Van Allen of the University of Iowa, whose competence lies in the area of radiation fields; and Dr. Thomas Gold of Cornell University, an astronomer. It is interesting to note that both of these scientists are expressing concern about parts of the space program in which they have no special competence. So, I think it is fair to take a look at what is said in these letters and to comment on them.

In his letter, Dr. Van Allen says:

"Advocacy for the space shuttle rests primarily on the intuitive belief that anything that is technologically conceivable should be done and that, somehow, the outcome will justify the effort."

This statement is unfounded, gratuitous and incorrect. Of all the large R&D programs ever undertaken by the government, the shuttle is perhaps the least vulnerable to this charge. The shuttle is specifically designed to save money by sharply reducing the costs of operation, and not as technology

Dr. Van Allen also demands that, "at some level of cost and resources in a tax-supported technological effort, responsible public policy requires the demonstration of specific human benefits on a scale commensurate with the effort," except, of course, for his own area of interest which cannot meet this stringent criterion.

Well, the shuttle *can* meet this criterion and give as a bonus to Dr. Van Allen all the scientific payloads he can dream up, for practically little more than the cost of off-the-shelf equipment.

The fact is that the recent Mathematica study, which utilizes severely conservative assumptions, has clearly shown the space shuttle to be cost effective. But in all fairness to Dr. Van Allen, he is a physicist and has probably not had time to study the Mathematica report. I hope he will do so and let us have the benefit of his analysis. It will be interesting to see what Dr. Van Allen's views are on this economic analysis prepared by some of the world's best professional economists.

Dr. Van Allen states that the only two objectives we should have in space are "utilitarian . . . both civilian and military, and scientific exploration."

Let us examine those objectives. Space applications such as communications, navigation, weather and earth resources space programs can be self-justifying, he says. In this I agree with Dr. Van Allen. But even here, the space shuttle can add tremendously to our capability and/or the substantial reduction of costs for equal capability. Again, I would invite Dr. Van Allen, or some of his economist colleagues, to study and comment on this point.

And what about the military? Has Dr. Van Allen given any thought to the tremendous flexibility that the space shuttle would give to our military operations? I wonder if Dr. Van Allen has read the testimony before our Committee of Dr. Robert C. Seamans, Jr., Secretary of the Air Force? This is what Dr. Seamans said:

"Now let me address the Air Force views regarding development of the space transportation system. The DOD supports its development if the results of current NASA phase B studies and our own complementary studies show that such a system is feasible and can offer the desired performance and cost advantages over current systems. Preliminary indications from these studies are that such a system can be developed. If the final study results confirm this, and we think they will, the Air Force will provide a strong recommendation that shuttle development be authorized. When the operational system is achieved, we would expect to use it to orbit essentially all DOD payloads . . ."

And also:

"We are greatly encouraged that the preliminary study results have been so favorable and that it appears that both NASA and DOD requirements can be met with the present, single baseline configuration for the space shuttle."

Perhaps if Dr. Van Allen studies that testimony, or discusses this matter with Dr. Seamans, he will understand why Dr. Seamans is so anxious to have the space shuttle as the vehicle to launch virtually all military payloads in the late 1970's.

Now let us look at Dr. Van Allen's second objective for space: scientific exploration. I, too, am interested in the scientific exploration of space, whether Dr. Van Allen believes that or not. But I want to bring the costs of exploration down so that many scientists, not just the elite few such as Dr. Van Allen, will have the opportunity to conduct their experiments too. For, make no mistake about it, if we follow Dr. Van Allen's advise and abandon the shuttle, we will be condemning all young space scientists of the future to small payloads and historic repetitions of the early Van Allen experiments. For the sake of science, I do not want that to happen.

Dr. Van Allen states that our anticipated payloads in orbit have been grossly overestimated and that costs for developing a shuttle system have been substantially underestimated. Now, Dr. Van Allen is a world renowned scientist and I'm sure that he wouldn't make categorical statements like that that he couldn't support. But we have seen no supporting statements from Dr. Van Allen. Again, I invite Dr. Van Allen to submit to the committee, or to the Senate, or to the public, any creditable data that he may have to support his position. He would be performing a great service to his country if he would do so.

Dr. Van Allen estimates that the "proper" objectives of a space program can be met at an annual level of $2 billion. This, of course, implies that we are going to concede all future manned space flight to the Soviets, abandon any cooperative ventures with the Soviets or anybody else, and consciously relegate ourselves to a second or third rate position as far as space flight is concerned. Do we really want to do this? That's not what I want, and that's not what I think the American people want, and that's not what I think Dr. Van Allen wants either.

Turning to Dr. Thomas Gold's letter, I will not comment at great length except to say that Dr. Gold seems to believe that we can gain advanced technology without going through intermediate steps, and that the best way to advance booster technology is to ignore the advancements that are available to us now and wait 20 years until something better comes along. Almost any one can detect the flaw in that argument. You don't walk before you crawl and you don't run before you walk. Technology comes in a steady stream, each part building on what has come before. Perhaps Dr. Gold has become too concerned with the depth of the dust on the moon to be concerned with such simple truths.

Dr. Gold makes another curious point. He states that the shuttle will have to be used until 1990 before there is any possibility of amortizing it. Of course, it is exceedingly simple to "amortize" our current boosters. You simply write them off at once because they are dumped in the ocean and totally lost. At least with the shuttle—whether you are talking about 10 or 100 flights; whether you are talking about a period until 1985 or 1990 or 2000—you are amortizing over a finite number of uses which, by necessity, brings the unit cost per flight down whatever accounting system you use.

Dr. Gold makes another point that is difficult to understand when he talks about the continued military requirement for expendable military boosters. He seems blissfully unaware of the testimony of Dr. Seamans which I cited earlier; that is, the military will launch virtually all of its payloads with the shuttle, eliminating the need for expendable boosters.

Dr. Gold goes on to say that "Our present policy in space should be to concentrate on applications and on genuine scientific discovery". Right. I agree with Dr. Gold. But with this proviso. These goals should be accomplished on the best cost effective basis we can muster. And this basis, at the present time, turns out to be the shuttle.

And so, Mr. President, I conclude my remarks with this invitation and challenge to Drs. Van Allen and Gold, and all others who aspire to solving our problems by rational means. Look at the facts, study the data, and give us your views.

I believe that a cost effective shuttle is our stepping stone to the future, and I hope that the Senate will continue to support this vital program.

Mr. CANNON. Mr. President, I think the issue here is a simple one, the question of whether we want to save money in connection with our space exploration programs. Throughout the entire space program, we have heard talk about the importance of reducing the cost of the space missions, because once we launch the booster it is gone, and a tremendous investment has been dissipated for that one particular effort.

The whole objective over the course of time, for many years now, has been finding a method to reuse the boosters, and

that is the thing we are directing our efforts at now.

As I pointed out, the Mathematica report shows, based on a certain set of circumstances which are entirely reasonable, that we could save $14 billion by having a reusable system such as is proposed here.

I hope that my colleagues will reject the Mondale amendment.

NO MORE MONEY FOR THE SPACE SHUTTLE

Mr. PROXMIRE. Mr. President, I strongly urge the Senate to support amendment No. 233 to the NASA authorization bill. The amendment would delete further research and development money for the space shuttle, and for the space station.

This amendment is similar to the one Senators MONDALE, CASE, JAVITS, and this Senator offered last year. Our amendment last year failed by a narrow four-vote margin. There is ample reason for last year's near-majority to become the majority this year.

Mr. President, earlier this year I wrote to George M. Low, Acting Administrator for NASA, requesting a concise justification for the space shuttle program. My letter, dated April 7, 1971, asked NASA to specify the benefits the space shuttle would be expected to provide. I also asked for an estimate of the ways in which the program would provide tangible rewards for the American taxpayer.

Mr. Low's response to me, dated April 27, 1971, was most unenlightening—but quite revealing. Responding to my inqury about NASA's justification for the program, here is what he said:

> The basic premise leading to the conclusion that this nation should proceed with the development of a space shuttle system is that the United States should and will continue to have an active space program from now on.

Mr. President, this is nothing more than bootstrapping. NASA is saying that we should spend billions of dollars on a new space system, because we want to spend billions of dollars on the space program. Is this a welfare program for the aerospace industry? Has aerospace spending become such a sacred cow, have the vested interests become so firmly entrenched, that holding NASA to a $3 billion annual budget has become unthinkable? For that, after all, is all we are asking the Senate to do. If we do not embark on this multibillion-dollar boondoggle, space spending can level out over the next few years at $2 to $3 billion annually. If we do embark on this venture estimates are that we will be spending in the vicinity of $7 billion a year on NASA before the decade is out.

NASA's only other preferred justification for the shuttle is that it will "save money." But save money from what? The only way we can save money is by very significantly increasing the weight and number of payloads we shoot into earth orbit. According to a recent study done for NASA by Mathematica, Inc. on the cost effectiveness of the space shuttle, it would take 39 flights a year to justify an expenditure of $12.7 billion on the space shuttle.

Naturally, as costs of the shuttle rise, so do the number of annual flights needed to "break even." For example, if the shuttle ends up costing $22.4 billion, then, according to Mathematica, 70 flights a year would have to be made to make the shuttle cost effective.

Mr. President, 39 flights a year would represent a very substantial increase in our space activities. And 70 flights a year would be some three to four times as many flights a year as we are now making. What kind of activities could possibly justify such an increase? What would we accomplish with 39 annual flights—or 70—that we are not now doing? How would such a stepped-up space program improve our life here on earth?

Mr. President, these are legitimate questions. We have the right—in fact, we have the duty—to get answers to these questions before embarking on a multibillion dollar program of this magnitude. And such answers have not been forthcoming. Until they are, Congress should provide no funds whatsoever for development of the space shuttle.

Mr. HATFIELD. Mr. President, too little recognition has been given to the tangible benefits that have come to the American consumer from the space program. The long-range implications of the "space investment" for science, industry, theology, and for the human race itself will continue to be the subject of much postulation, as people try to foresee the inevitable impact on the future; but, in the midst of this speculation, there are facts of practical applications already in everyday life that should not be overlooked.

Already, NASA has documented almost 3,000 new ideas that it has passed on to industry and science through its technology utilization program. Most of these innovations have been available to American industry with royalty-free license. There have been at least 10 companies throughout the Nation which have begun solely as a result of spinoff from the NASA programs; dozens attribute major modifications of their production operations to space technology transfer.

The accelerated technological growth in the past 13 years of the space program will continue to shower benefits upon all facets of American life. Improvements that were necessary to achieve success in space will continue to burst upon the civilian sphere as new materials, modifications in existing products, and completely new industrial processes.

The general manager of Douglas Missile and Space Systems in 1968 forecast that the American housewife in 10 years would not be using a single mechanical device that had not been definitely improved by the mass of technology from the space program. In 1971, only 3 years after his statement, the average American homemaker is surrounded by a host of products and materials which are direct or indirect spinoffs from our Nation's efforts to sustain life in the void of space.

Too often these applications slip unnoticed into daily American life, because they are incorporated gradually into the mainstream of consumer products. How many homemakers think of the Titan missile when they use pots and pans lined with a stick-proof material called Teflon? Yet, the substance was originally designed for use in seals and gaskets early in the missile program.

Extremely lightweight, yet strong, ceramic glass cooking ware has become a mainstay in American kitchens in the past decade. This product brings the consumer great savings in replacement costs because of its durability and heat resistance. How many homemakers recall the early research to find a heat-resistant shield for missile nose cones when they use Corning Ware or similar products?

Outgrowths of the space program have had direct bearing on the design of modern appliances. An air bearing designed for handling the Saturn V rocket has been adapted to a refrigerator which can be moved with fingertip force. With the increased utilization of miniaturized electronic components, from spacecraft, TV sets, radios, and tape recorders, boast less bulk, longer life, and higher quality. General Electric's Versatronic oven, which employs the space program's heat pipe principle, can thaw, cook, and brown a frozen roast in an amazing 35 minutes—thus reducing the time necessary for food preparation, and releasing the homemaker for other valuable activities.

Several producers of home and industrial paints have incorporated space technology into their processes to develop a longer lasting, heat-resistant paint which has wide application in home and commercial construction. The coating was first developed at Goddard Space Flight Center to protect spacecraft exposed to ultraviolet radiation at a high temperature.

Spacecraft needs for longer lasting, more reliable and tinier batteries caused NASA to develop battery systems that have now found their way to the public in power units for compact hearing aids, power tools, and flashlights. Black & Decker Manufacturing Co. in Maryland has commercially marketed a battery-powered lawnmower based on battery power technology from the Apollo program. Commercial uses of the fuel cell, another space spinoff, are almost without limit.

Many practical applications of space technology which benefit the consumer are hidden in innovative industrial processes. A major textile firm in South Carolina has adapted to the control of its many high-speed looms a digital computerized system that Marshall Space Flight Center uses to check out Saturn rocket boosters before test-firing them. A 24-ounce, battery operated television camera no bigger than a king-size pack of cigarettes, which photographed the separation of Saturn V rocket stages in flight, sells in a commercial version for monitoring industrial processes. Builders of giant rockets at the Marshall Space Flight Center in Alabama invented an electromagnetic hammer which causes metal to flow like soft plastic and allows one to smooth and shape metal without weakening it. The new tool is now being used in shipbuilding, in the automobile industry, and in aircraft factories.

The list goes on and on, revealing a

wealth of tangible contributions of space technology.

A company which supplied packaged food for the Apollo flights has been engaged in aerospace nutrition research for both military and civilian projects. It now markets a low-calorie, high protein product which is a direct offshoot of aerospace technology.

A division of United States Bedding Co. has adapted fiber glass tube cushion fillers used in the spacecraft to mattresses in hotels and hospitals, cushions in buses, and fillers for chairs. The new material is easier to clean than existing fillers and is more easily sterilized.

Dramatic advances have been made in safety related materials: Fluorel, a plastic with good fire retardent properties is now used in housing construction for insulation purposes, in shipping cartons, and for insulation in the air transportation industry. Luminous devices developed by 3M Co. to assist in safe docking of spacecraft on the "dark side" of the moon now are being sold to airlines for use on aircraft exit signs. Automobile manufacturers have recognized a possible use of the material around keyholes, so motorists would not have to fumble at night to open car doors.

Many consumer products such as bedspreads, draperies, curtains, tablecloths, and pillows now contain a fiber which was used for its fire protection qualities in outer layers of the astronauts' space suits.

Technology which developed to cope with extreme temperature variations in space has been applied to the fabrics industry. An extremely lightweight, compact blanket that fits into a shirt pocket was developed from an aluminum-coated plastic material that was used to make echo balloon satellites. The blanket reflects a person's body heat back to him. One version weighs less than 2 ounces and sells for about $3.

From this brief cataloging of specific transfers of space technology to the products and processes of daily life, it is evident that the successful exploration of space has reaped bonus benefits—ingenius applications in unexpected fields. I conclude that developing technology in a specific area has a mushrooming effect as it infuses itself directly and indirectly into the fabric of our civilization.

There is every reason to believe that the total impact of space exploration will provide benefits that exceed all expectation, as Americans continue to make use of what they already know. The multiple returns from the space investment are already astounding. Our continuing commitment to the space program insures substantial improvements in the future of the entire Nation.

I ask unanimous consent to have printed in the RECORD a release of the National Aeronautics and Space Administration.

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

BENEFITS FROM SPACE

If all goes according to schedule, Apollo 15 will be launched to the Moon July 26. As in the past three successful lunar landing missions, this expedition is expected to yield valuable and unique scientific information—knowledge about our Moon, Sun, and Earth and how man functions in strange environments.

The National Aeronautics and Space Administration, which manages these missions, has a broad responsibility, which includes developing the tools and techniques for expanding our knowledge of phenomena in the atmosphere and space.

NASA's research work in aeronautics and astronautics has revolutionized such fields as weather forecasting and communications and promises even more far-ranging development in monitoring the Earth's resources.

Other fields, medical technology in particular, have benefited from space-related investigations.

AERONAUTICS

A joint study by the Department of Transportation and NASA gives top priority to the need for reducing aircraft noise and airport area congestion. NASA is currently working on quieter jet engines. The DOT-NASA study asks a reduction of at least ten decibels each ten years until aircraft noise is suppressed into community background noise.

NASA hopes to find a way to provide an effective air transportation system for travellers in smaller cities and less densely populated areas. A concept called the "dial-a-plan" system makes use of computerized routing and could work somewhat as a cross between an air charter taxi operation and a scheduled air shuttle.

The supercritical wing is a new airfoil shape that would allow aircraft of the future to travel farther on less fuel. Shaped almost the opposite from conventional wings, the supercritical wing has a relatively flat top and a rounded bottom to delay the rise in aerodynamic drag until the aircraft is flying at a higher speed.

Borrowing from Apollo technology, NASA will soon begin flight research to demonstrate that aircraft of the future can be flown by an electronic control system like that used in spacecraft.

General aviation manufacturers are usually small compared to other aerospace manufacturers and lack of the large engineering staffs needed to adapt new technology rapidly to their needs. Realizing this problem, NASA contracted for approximately 10,000 aeronautical documents to be organized, catalogued, and evaluated. Material pertinent to the design of light aircraft is presented in the form of abstracts.

EARTH RESOURCES

NASA research continues to contribute to the increasingly important field of remote sensing of Earth resources. One of the objectives of a recently expanded Airborne Research Program is to simulate over four ecological test sites (one in Arizona, two in California, and the Chesapeake Bay area) as closely as possible the data output of the Earth Resources Technology Satellite (ERTS) scheduled for launch in 1972.

The program will provide government agencies and university scientists who will analyze data with experience in using aircraft-obtained data similar to that which will be obtained by ERTS.

A cooperative smog research program involving space scientists and California air pollution experts has begun. Flights will trace the photochemical production of pollution and their dispersion in the atmosphere. Participation by NASA in smog research is the result of specialized instrumentation and research techniques at the Ames Research Center, Mountain View, Calif., originally developed to explore the evolution of planetary atmospheres and for investigations into the origins of life.

With the Department of Agriculture, NASA is conducting a corn blight watch. Goals of the project are to monitor development and spread of corn blight during the growing season across the corn belt region; evaluate remote sensing techniques in assessing levels of infection in the corn belt; evaluate remote sensing's capability to assess the status and probable impact on corn blight and other plant problems; and evaluate results for feasibility of application to similar situations occurring in the future.

In the Caribbean, the government of Jamaica has asked the U.S. to assist in surveying the island's natural resources. A specially instrumented aircraft will make flights over the island and its surrounding waters at various altitudes to gather the data.

In another international development, Canada and the U.S. have agreed to a joint program for the use of satellites and aircraft in surveys of the natural environment.

The program will investigate remote sensing to monitor air, water, land, forest, and crop conditions, and the mapping of ice movements and ocean currents in Canadian and American waters. Mapping of geologic, hydrologic, vegetation, and soil phenomena will also be carried out.

Means for detecting and determining the size of oil slicks with air-borne sensing devices, and later, it appears, by satellite, have been developed. The sensors can detect and distinguish between heavy and light crude oils and light diesel oil.

MEDICAL DEVELOPMENTS

Many dramatic developments in the medical field have had their origins in aerospace research.

A NASA scientist conducting basic research into the effects of space radiation on body cells has discovered intercellular linkages that may help in understanding the behavior of certain types of cancer. He was studying the effects of ionizing space radiations in interfering with normal cell division.

Doctors can watch a movie of the beating of a patient's diseased heart—identifying dead spots or scar tissue in the heart wall, aneurisms, and other malfunctions—with a computer method devised by a NASA-Stanford University team.

A small analog computer that can continuously monitor changes in a patient's blood pressure and cardiac output has been developed at NASA's Lewis Research Center, Cleveland.

Scientists from the Stanford University of Medicine and NASA have successfully used sonar to monitor a patient's heartbeat and blood circulation. The studies can be made by a trained person in the doctor's office or at bedside in a matter of minutes.

A brain sensor and radio transmitter system developed for space medical research with test pilots appears to allow major improvements in diagnosis and treatment of schizophrenic mental patients.

The computer used to enhance pictures radioed back from the Moon and Mars has been successfully used to analyze pictures of human chromosomes. Chromosomes in a human blood cell have been analyzed in three minutes, about one-tenth the time required previously.

A pressure suit made for test pilots saved the life of a young woman whose internal bleeding could not be stopped by established procedures.

OTHER FIELDS

Early warnings from satellites are credited with saving thousands of lives and crops. ESSA has estimated that 50,000 people would have perished when Hurricane Camille hit the Gulf Coast in August 1969, if they had not been evacuated.

Techniques developed in the space program to separate chemical fuels in NASA boosters are now being adapted to separate oil from our natural waters to reduce pollution.

Work done in developing high performance in rocket engines has been adapted for use in reducing industrial pollution.

An entire industry has grown out of research and development in communications satellites. Progress in this field has reduced the cost of a single telephone channel across the ocean from $16,000 to about $600.

The computer industry, stimulated and accelerated by space research requirements, has grown to an $8 billion a year industry employing 800,000 people.

Mr. MONDALE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. BROCK). The Senator from Minnesota has 4 minutes remaining.

Mr. MONDALE. Mr. President, if the issue is cost, the space shuttle should be defeated unanimously today. The Academy of Sciences has stated:

It is clear that space science and applications by themselves are insufficient to justify the cost of developing the shuttle.

An Air Force funded study by the prestigious Rand Corp. concludes that the shuttle could not be justified on grounds of cost. The only argument used to justify the shuttle on the basis of cost is the so-called Mathematica study which assumes that although in their peak year of 1969, NASA launched only 11,400 pounds in science and applications payloads and 370,000 pounds for four Apollo flights, that there will be 2,600,000 pounds of payload launched by the shuttle each year; based on that absurb estimate, Mathematica concludes that a shuttle becomes cost effective.

There is absolutely no basis for any such extravagant expectation. It conjures up the view expressed this morning by Dr. O'Leary that—

One can imagine having a requirement of nearly empty shuttle flights—either that or having elephants as experimental animals in space, going back to the vacuum tube from the transistor, using lead for casings and last but not least having weekly manned extravaganzas with multiple linkups and global surveillances. Twenty tons per week is a lot of stuff.

The shuttle and statement will require an enormous, wasteful, and useless investment—the likes of which I have not seen in the nearly 7 years since I came to the Senate. It is this investment which will put the valid and necessary part of the space program in jeopardy.

When the American public realizes that we are trying to authorize a space shuttle and space station program that will cost $20 to $25 billion, they will begin to lose faith in the entire program—that part of the space program which is so vital and which we need in the United States.

I am pro-space, but I am not pro-space waste. This is a wasteful project that will cost us $20 to $25 billion at least, before we complete development of the shuttle and the space station.

I am very hopeful that the amendment will be agreed to.

ORDER OF BUSINESS

Mr. CANNON. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER (Mr. BROCK). One minute remains to each side before the vote on the amendment offered by the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Maryland (Mr. MATHIAS) on House Joint Resolution 742.

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

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

CONTINUING APPROPRIATIONS, 1972

The Senate continued with the consideration of the joint resolution (H.J. Res. 742) making continuing appropriations for the fiscal year of 1972, and for other purposes.

The PRESIDING OFFICER (Mr. BROCK). Under the previous order, the Senate will now vote on the Proxmire-Mathias amendment to House Joint Resolution 742.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from New York (Mr. BUCKLEY). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Missouri (Mr. EAGLETON), and the Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

On this vote, the Senator from South Dakota (Mr. MCGOVERN) is paired with the Senator from Mississippi (Mr. EASTLAND).

If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Mississippi would vote "nay."

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), and the Senator from Missouri (Mr. EAGLETON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from New York (Mr. BUCKLEY) are absent on official business.

The Senator from Vermont (Mr. PROUTY) is necessarily absent.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Ohio (Mr. SAXBE) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

The pair of the Senator of New York (Mr. BUCKLEY) has been previously announced.

The yeas and nays were announced—yeas 24, nays 63, as follows:

[No. 128 Leg.]

YEAS—24

Bayh	Hatfield	Nelson
Byrd, W. Va.	Hughes	Proxmire
Church	Javits	Randolph
Cranston	Kennedy	Ribicoff
Fulbright	Mathias	Roth
Gravel	Mondale	Stevenson
Hart	Moss	Tunney
Hartke	Muskie	Williams

NAYS—63

Aiken	Dominick	Miller
Allen	Ellender	Montoya
Allott	Ervin	Packwood
Anderson	Fannin	Pastore
Baker	Fong	Pearson
Beall	Gambrell	Pell
Bennett	Goldwater	Percy
Bentsen	Griffin	Schweiker
Bible	Gurney	Scott
Boggs	Hansen	Smith
Brock	Hollings	Sparkman
Burdick	Hruska	Spong
Byrd, Va.	Inouye	Stennis
Cannon	Jackson	Stevens
Case	Jordan, N.C.	Symington
Chiles	Jordan, Idaho	Taft
Cook	Long	Talmadge
Cooper	Magnuson	Thurmond
Cotton	McClellan	Tower
Curtis	McGee	Weicker
Dole	McIntyre	Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Mansfield, for.

NOT VOTING—12

Bellmon	Eastland	Metcalf
Brooke	Harris	Mundt
Buckley	Humphrey	Prouty
Eagleton	McGovern	Saxbe

So Mr. PROXMIRE's amendment was rejected.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. YOUNG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be offered, the question is on the engrossment of the amendment and the third reading of the joint resolution.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will now proceed to vote on House Joint Resolution 742.

The joint resolution having been read the third time, the question is, Shall it pass? [Putting the question.]

So the joint resolution—House Joint Resolution 742—was passed.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1972

The Senate continued with the consideration of the bill (H.R. 7109) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The PRESIDING OFFICER (Mr. BROCK). Pursuant to the previous order the Senate will now proceed to vote on amendment No. 233 of the Senator from Minnesota (Mr. MONDALE).

Mr. CANNON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CANNON. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. CANNON. Mr. President, I request the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. TAFT (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from New York (Mr. BUCKLEY). If he were present and voting, he would vote "nay." Having previously voted "yea," I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS) and the Senator from South Dakota (Mr. MCGOVERN) would vote "yea."

I further announce that, if present and voting, the Senator from Mississippi (Mr. EASTLAND) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from New York (Mr. BUCKLEY) are absent on official business.

The Senator from Vermont (Mr. PROUTY) is necessarily absent.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Ohio (Mr. SAXBE) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

The pair of the Senator from New York (Mr. BUCKLEY) has been previously announced.

The result was announced—yeas 22, nays 64, as follows:

[No. 129 Leg.]

YEAS—22

Bayh	Javits	Pell
Burdick	Kennedy	Proxmire
Byrd, W. Va.	Mansfield	Randolph
Case	Miller	Ribicoff
Church	Mondale	Stevenson
Fulbright	Muskie	Williams
Hart	Nelson	
Hughes	Pastore	

NAYS—64

Aiken	Chiles	Goldwater
Allen	Cook	Griffin
Allott	Cooper	Gurney
Anderson	Cotton	Hansen
Baker	Cranston	Hartke
Beall	Curtis	Hatfield
Bennett	Dole	Hollings
Bentsen	Dominick	Hruska
Bible	Ellender	Inouye
Boggs	Ervin	Jackson
Brock	Fannin	Jordan, N.C.
Byrd, Va.	Fong	Jordan, Idaho
Cannon	Gambrell	Long
Magnuson	Percy	Symington
Mathias	Roth	Talmadge
McClellan	Schweiker	Thurmond
McGee	Scott	Tower
McIntyre	Smith	Tunney
Montoya	Sparkman	Weicker
Moss	Spong	Young
Packwood	Stennis	
Pearson	Stevens	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Taft, for.

NOT VOTING—13

Bellmon	Gravel	Mundt
Brooke	Harris	Prouty
Buckley	Humphrey	Saxbe
Eagleton	McGovern	
Eastland	Metcalf	

So Mr. MONDALE's amendment (No. 233) was rejected.

AMENDMENT NO. 223

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of amendment No. 223, by the Senator from New York. The time allotted will be equally divided between the Senator from New York and the Senator from Nevada.

The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill, add the following new section:

SEC. 9. (a) The Administrator of the National Aeronautics and Space Administration shall require that all materials or other products (1) purchased by the Government in carrying out the provisions of this Act, or (2) purchased in whole or in part, by the Government or otherwise, with funds appropriated pursuant to this Act, or (3) purchased by any person contracting with the Government for the performance of any function authorized by this Act, shall be, or be composed of, recycled materials in such per centum as is required by order of, or under regulations prescribed by, the Administrator of the Environmental Protection Agency for the purposes of this section and the Solid Waste Disposal Act. The Administrator of the National Aeronautics and Space Administration shall require that any contract, invitation for bids, or purchase order issued or executed for the procurement or production of such materials or products shall provide for such percentages of recycled materials as are required by the appropriate determination of the Administrator of the Environmental Protection Agency pursuant to subsection (b) or (c) of this section.

(b) Before expending or contracting for the expenditure of any funds authorized to be appropriated by this Act for the purchase or production of materials or products, the Administrator of the National Aeronautics and Space Administration shall (1) submit to the Administrator of the Environmental Protection Agency, an estimate of the nature and quantity of each such product or material to be purchased or produced, and (2) request that Administrator to issue an order determining the percentage of each such product or material which could feasibly and economically be required to consist of or be composed of recycled material.

(c) The Administrator of the Environmental Protection Agency may, in lieu of the proceedings provided in subsection (b) of this section, provide by regulation for a particular per centum of recycled material to be included in the procurement or production of a particular product or material.

(d) For the purpose of this section, the term "recycled material" means any material, including but not limited to paper, rubber, steel, or any other metal, or glass, which has previously been used in the production of goods for commerce, and such term includes both consumer scrap originating from objects previously sold to the consuming public, and production scrap originating from the production of goods sold or to be sold to the consuming public. However, such term does not include home scrap or residue generated in the production of the basic material used in the production of such goods.

Mr. JAVITS. I yield myself 5 minutes.

Mr. CANNON. Mr. President, will the Senator yield me a half minute?

Mr. JAVITS. I yield.

Mr. CANNON. Mr. President, I ask for the yeas and nays on final passage of the bill.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that the names of the Senator from Indiana (Mr. BAYH), the Senator from Illinois (Mr. PERCY), and the Senator from California (Mr. TUNNEY) be added as cosponsors of the amendment.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that at the end of the amendment there be inserted subsection (e), reading as follows:

The provisions of this paragraph shall become effective four months after enactment of this act.

The PRESIDING OFFICER. Will the Senator send the modification to the desk?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. BROCK). The Senator will state it.

Mr. JAVITS. Do I require unanimous consent for the modification?

The PRESIDING OFFICER. Yes.

Mr. JAVITS. I send the modification to the desk.

The PRESIDING OFFICER. The clerk will state the modification.

The assistant legislative clerk read as follows:

On page 3, after line 19, insert a new subsection (e):

(e) The provisions of this section shall become effective four months after enactment of this Act.

The PRESIDING OFFICER. Is there objection to the modification? The Chair hears none, and the amendment is so modified.

Mr. JAVITS. Mr. President, for the information of the Senate, I have agreed with the chairman of the committee, with the gracious consent of the manager of the bill, that this matter will be subjected to hearing; and as soon as I am through presenting what I would like to present to the Senate, I expect to withdraw the amendment.

Before I do that, let me inform the Senate that this is a critically important question of recycling raw materials for all governmental procurement purposes in the United States. It has a tremendous bearing on the ecology, because many of our materials are waste materials, and it has a tremendous bearing upon the economy of our country.

It is well known that we are altogether too profligate in this country, and we simply have to learn the hard way that everything we have is usable and should and must be used, and, if feasible, reused.

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Mr. President, it is in that interest that, together with 15 cosponsors—Senators BAYH, HATFIELD, HUMPHREY, KENNEDY, MATHIAS, MCGOVERN, MOSS, PEARSON, PERCY, PROXMIRE, RANDOLPH, TAFT, TOWER, TUNNEY, SCHWEIKER, and WEICKER—I have introduced a series of bills which cover all the major Federal procurement areas, and I intend to propose amendments, as we go along, to those where new authorizations come up, as with respect to NASA.

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

Mr. JAVITS. I yield.

Mr. CANNON. I am wondering whether the Senator is aware of the fact that we do have a Resources Recovery Act of 1970, which is Public Law 91-512. Under that act, studies are required by the Environmental Protection Agency to determine ways in which the Federal procurement process can be used appropriately to encourage the use of recycled material. EPA is in the process of conducting that study at the present time but has not completed this study.

Mr. JAVITS. I thank the Senator very much. We were well aware of that in our studies which led up to this bill. But our thought was, in view of the urgency of the problems I have named, to at least give the responsibility to EPA to establish definitively some proportion of recycled material, thereby leapfrogging the question of what they are going to report and when they are going to report, and to determine what, in particular procurement activities, can be recycled. So this is a definitive proposal. We are learning the hard way that studies, which are very desirable—and which I have had in many cases—should not be permitted to block, when we can find a feasible way to do it, essential and desirable reforms. I respectfully submit that this is an essential and desirable reform.

The main point is that the recycled materials which are called for in the various amendments I have introduced as bills deal with paper, rubber, steel, or any other metal, glass or material which has been used in the production of goods for commerce, including both consumer scrap originating from objects previously sold to the consuming public and production scrap originating from the production of goods sold to the consuming public, but excluding home scrap leftover in the production of the raw material itself.

The important point to be emphasized, and the thing I am trying very hard to zero us in on, is the economic essentiality as well as the ecological essentiality of embarking upon the recycling of materials in a major way, using Government procurement, which represents, in round figures, something in the area of 10 percent of our actual production and, when we add the States and cities, perhaps as much as 20 percent in this country, in order to inaugurate this really new aspect in American production life.

Mr. President, I talked with the chairman of the committee, the Senator from New Mexico (Mr. ANDERSON), who has advised me that the committee will give me a hearing on this matter, which I shall seek from other committees similarly situated, and I would greatly appreciate hearing from him in this respect.

Mr. ANDERSON. I assure the Senator that there will be hearings on this matter.

Mr. JAVITS. I thank the Senator very much.

I welcome the fact that Senator CANNON, who is very knowledgeable in this field and is very conscious of the need for and is quite sympathetic to recycling materials, probably will be the Senator who will be able to preside at that hearing.

Mr. CANNON. Mr. President, as manager of the NASA authorization bill for fiscal year 1972, I find myself in the very difficult position of arguing against the utilization of recycled material—a concept of which I and most others approve. However, I must oppose this amendment at this time. There have been no hearings on this matter; there is no experience to draw upon; NASA has not had an opportunity to analyze the effect of it upon its contracting procedures; there has been no administrative apparatus established by either NASA or the Environmental Protection Agency for processing the policy of the amendment; no information is available on the cost of putting the policy into effect, including the cost required to administer its provisions; and the result, in my opinion, would bring all contracting by NASA, which is carried out on a daily basis, to a screeching halt. I agree that the purpose of the amendment is a laudable one, but I believe that detailed hearings are necessary before implementing such legislation and it should be worked out so that the policy could be implemented on a Government-wide basis and not agency by agency.

Mr. President, the chairman of the committee has received a letter from NASA commenting on amendment No. 223, and I ask unanimous consent at this time that the letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CANNON. NASA recommends against the enactment of the proposed amendment at this time and also points out that the Environmental Protection Agency is now studying means by which the Federal procurement process can be used appropriately to encourage the use of recycled material. Inasmuch as these studies have not been completed, as well as for other reasons, EPA is recommending against the enactment of the proposed amendment at this time.

For the reasons I have outlined, I must oppose amendment No. 223 to H.R. 7109 and urge that it not be adopted.

Mr. President, the objective of this amendment certainly is very worthwhile. I support the objective of it, and I am sure that NASA does, as they point out in their letter. But there are some difficulties. We need to have the study made to which I referred a moment ago by EPA. They are in the process of conducting a study to see what materials can be recycled and used.

The distinguished chairman of our committee has assured the Senator from New York that we will hold hearings on the proposed amendment. I am sure that we all are anxious to find some method of recycling and reusing every possible scrap of material that can be recycled and reused. But, at the same time, in view of the fact that the study has not been concluded, regretfully, I would have to oppose the amendment.

EXHIBIT 1

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., June 25, 1971.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Aeronautical and Space Sciences, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for NASA's views on Amendment No. 223 to H.R. 7109, the FY 1972 NASA Authorization Bill.

Amendment No. 223, if enacted, would add a new Section 9 to H.R. 7109 which would require that all materials or other products purchased by NASA or a NASA contractor for NASA with funds appropriated pursuant to the NASA Authorization Act, 1972, shall be composed of recycled materials in such percentum as determined by the Administrator of the Environmental Protection Agency (EPA) and thereafter specified in the procurement contract.

Under the amendment, the Administrator of EPA may determine the percentum of recycled materials required by general regulation or by individual order at the request of the Administrator of NASA based upon an estimate by the NASA Administrator of the nature and quantity of each product or material to be purchased or produced.

Recycled material is defined as virtually any material which has previously been used in the production of goods for commerce other than "home scrap."

NASA supports the objectives of encouraging the maximum appropriate use of recycled material. We note, for example, that the President, in his February 8, 1971, message to the Congress, recognized the need to reverse the decline of the reprocessing of paper, which accounts for about half of all municipal solid waste.

We understand that studies required by the Resources Recovery Act of 1970, P.L. 91-512, are now being conducted by the EPA to determine ways in which the federal procurement process can be used appropriately to encourage the use of recycled materials. We understand further that these studies have not been completed and that for this and other reasons, EPA is recommending against enactment of the proposed amendment.

In its present form, the proposed amendment would appear to cause significant delays in the NASA procurement process and a substantial administrative burden.

As you know, NASA is primarily a research and development agency and our procurements involve highly complex research and development activities. R&D contracting makes up a very significant part of our operations, accounting for more than two dollars out of every three in our budget. In filling the highly complex scientific, technical and other needs of the aerospace program, many of our requirements are pushing the state-of-the-art and often are for one of a kind. Production, as normally understood, is infrequently encountered in NASA. Thus, NASA's procurement operation is unique in that it is almost entirely oriented toward support of research and development efforts.

Accordingly, many items purchased by NASA would be of such a nature that they are not likely to appear on any list of generally purchased products with respect to which the Administrator of EPA could make

blanket determinations by regulation under subsection (c) of the proposed amendment. Hence, a significant number of items could be purchased by NASA only after the Administrator of EPA had made individual determinations.

Assuming that the Administrator of NASA could present to the Administrator of EPA, as part of a request for a determination, meaningful estimates of the nature and quantity of each product or material to be purchased or produced—and as pointed out below this could be extremely difficult as a practical matter—the time consumed by NASA in making the estimates and preparing the request, and by EPA in arriving at a determination could easily amount to a delay of months in the procurement process. Because the amendment relates to *all* materials or products purchased, it appears that determinations would be required with respect to the myriad of components constituting the complex items purchased by NASA and its prime contractors and their subcontractors and vendors. If the provision were to be so interpreted, the time delays could be very considerable.

Moreover, in a research and development context, it may be extremely difficult to estimate the nature and quantity of each product of material *prior* to contract, as would be required by the amendment. Prior estimates are required because EPA's determination of the percentum of recycled material to be used is to be included in, and be a requirement of, the contract.

In view of the foregoing, and because NASA believes this is a matter which should be approached on a government-wide basis instead of piecemeal, NASA recommends against enactment of the proposed amendment.

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

Sincerely,

GEORGE M. LOW,
(For *James C. Fletcher, Administrator*).

Mr. JAVITS. Mr. President, I would hope the hearings would disclose the capability of acting definitively on legislation in this field, rather than awaiting the study; because I think we can have the best evidence which would come out of the study in respect of each of these major procurement areas, as we would in NASA. I am content that there will be hearings, and that the matter will be considered, because I believe it deserves high national priority.

Therefore, Mr. President, I ask unanimous consent to withdraw the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is withdrawn.

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

The PRESIDING OFFICER. If no amendment is to be offered, the question is on agreeing to the committee amendment.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

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

The bill was read the third time.

Mr. BENNETT. Mr. President, I have listened with considerable interest to the debate that has taken place during the past few days over the fiscal authorization for the National Aeronautics and Space Administration. There are two main points to this discussion which have been mentioned before, and I believe they are important enough to be brought before the Senate again.

The first is that the continuation of the space program is essential to this country's continued technological development. Second, the type of program being developed by NASA would provide for the greatest utilization of the funds we authorize.

In a recent editorial appearing in the Salt Lake Tribune, the point was dramatically made that many of the same men who were able to put Americans on the moon are now unable to find employment or have been forced to find employment in the type of positions that do not fully utilize the highly technical training and skills they have acquired. This is a direct result of the efforts of those men who are opposed to the continued development of the technologically oriented industries in this country. Regardless of the motives behind such an action, the result is the same. We are literally cutting off our technological right arm. Those who continually oppose these projects, those who say the projects of NASA are too far removed from the people, those who say that the funds could be put to better use in other areas, are ignoring the fact that this country has been able to achieve what it has only because it has been a leader in developing new and revolutionary technology. Policies of reducing technological programs will discourage the entry into scientific and technological fields of a new generation. Already the number of college students entering the sciences has decreased markedly. We face the distinct possibility that this country will soon be confronted by a situation of not having the necessary technical capability to meet world competition. We could easily become dependent on the advances and discoveries made by other countries, as seems to be the case with the SST.

Mr. President, let me also say that while I cannot agree with those who would cripple our space effort by reducing the funds to an unworkable level, I can agree with them that during a time when we are confronted by increasing demands for funds we should develop those programs that will provide the greatest possible utilization of available money. After reviewing the situation very carefully, I believe the space shuttle is just such a program. It is based on the concept that a reusable system will make it possible to reduce the payload launch costs from the current $1,000 per pound to $100 per pound. With the space shuttle system it will be possible to reduce the overall cost currently incurred by the present expendable system by nearly one-half. Adapting the shuttle concept would mean that the costs of space launches would be reduced from $13 billion to $5.5 billion, and it would further reduce the payload costs from $40 billion to $26 billion.

Overall, the space shuttle can be developed for approximately $12.8 billion, most of which can be reclaimed through the savings which will result from greater utilization of the existing satellites and the components of the space shuttle. No longer will it be necessary to write off as lost those unmanned satellites which fail to function correctly. Through the use of the space shuttle, it will be possible to retrieve them, repair, and then return them to useful service.

It should also be mentioned that the space shuttle will not be used exclusively for NASA, but rather will become a launching pad for all of this Nation's payloads—science, applications, navigation, communications, earth resources, manned, unmanned, civilian and military.

There are numerous other advantages to the program, but I believe the Senate has been given ample evidence that the continued development of the space shuttle system will result in a substantial savings for the country as it continues its space exploration. Perhaps it would be wise for us to take a look at some of the benefits which have resulted from the space program. No longer do we read in the United States of thousands and thousands being killed in natural disasters resulting from hurricanes or other killer storms. This is due in large part to the ability of the Weather Bureau to track the path of the storm and forewarn the residents of oncoming danger. Meteorological satellites have made this type of accurate weather forecasting possible. The type of coordinated weather predictions that can result from a series of these satellites can, and I am certain will, result in millions and millions of dollars and an untold number of lives saved.

Transatlantic communications have undergone the same type of development, making it possible for people the world over to communicate not only through increasingly effective channels but also with considerably reduced rates. The benefits that result from this type of communication are self-evident.

The list of spin-off developments goes on and on. It includes accurate studies of our environment and what can be done to improve it. It includes the development of computers, food production, and an increasingly detailed understanding of our bodies and what can be done to maintain our health and well-being.

So, Mr. President, after considering all the arguments on both sides of this important question, I believe it is in the best interests of this country to accept the challenge held out by space exploration.

My feelings can best be summed up in a short quotation from Arthur C. Clarke when he said:

> There was plenty to do in Europe when Columbus left it to embark on a voyage which most people considered foolish . . .

Mrs. SMITH. Mr. President, in 1969 I initiated an investigation of the use of consultants by the National Aeronautics and Space Administration. I did so because of allegations of disturbing abuses in this activity of NASA. At my request the Comptroller General of the United States through his General Accounting

Office made an investigation of this matter.

That investigation revealed serious flaws, failures and malpractices in the management of the consultant process by NASA and it led to the Senate Space Committee, at my request, cutting the authorization of funds for NASA consultants in half of the prior aggregate annual expenditure for NASA consultants.

There was the propensity to employ many consultants in general management areas wherein NASA has the employment, salary, and staffing flexibility to do the job with its people. There were cases in which consultant services were not justified, and had the appearance of being used as a device to accommodate the individual—a sort of intellectual subsidy—rather than provide real benefit to the agency. There was the administrative failure to maintain control over the actual performance of consultant services and the incurring of travel expense.

The GAO investigation found that: First, in its employment of consultants NASA had not complied with applicable Civil Service Commission and NASA regulations; second, the procedures for controlling the use of consultants were not fully adequate to preclude payments for unauthorized consultant services and travel expenses; third, instances of improper continuation of employment of consultants by NASA; fourth, an almost total lack of meaningful records as to what specific work was done by individual consultants; fifth, even the sparse time and attendance records were prepared after-the-fact and from the memory of the consultants rather than any knowledgeable regular NASA officials; and sixth, providing, in effect, an educational subsidy in the retention of a former full-time employee as a part-time per diem expert while attending graduate theological study with mutual understanding that he would return to a full-time position upon completion of his graduate theological studies.

In a letter of May 17, 1971, the new Administrator of NASA, Dr. Fletcher, reported on corrective measures being taken in the NASA consultant programs. As in the case of the NASA executive lunch room, Dr. Fletcher is moving to correct conditions that he inherited from his predecessors. I commend him on his actions and consequently I am not this year offering any restraining amendments to the NASA authorization bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that if present and voting, the Senator from North Carolina (Mr. ERVIN) and the Senator from Oklahoma (Mr. HARRIS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from New York (Mr. BUCKLEY) are absent on official business.

The Senator from Vermont (Mr. PROUTY) is necessarily absent.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The result was announced—yeas 82, nays 5, as follows:

[No. 130 Leg.]

YEAS—82

Aiken	Fong	Muskie
Allen	Gambrell	Packwood
Allott	Goldwater	Pastore
Anderson	Griffin	Pearson
Baker	Gurney	Percy
Bayh	Hansen	Proxmire
Beall	Hart	Randolph
Bennett	Hartke	Ribicoff
Bentsen	Hatfield	Roth
Bible	Hollings	Saxbe
Boggs	Hruska	Schweiker
Brock	Hughes	Scott
Burdick	Inouye	Smith
Byrd, Va.	Jackson	Sparkman
Byrd, W. Va.	Javits	Spong
Cannon	Jordan, N.C.	Stennis
Case	Jordan, Idaho	Stevens
Chiles	Kennedy	Stevenson
Church	Long	Symington
Cook	Magnuson	Talmadge
Cooper	Mathias	Thurmond
Cotton	McClellan	Tower
Cranston	McGee	Tunney
Curtis	McIntyre	Weicker
Dole	Miller	Williams
Dominick	Mondale	Young
Ellender	Montoya	
Fannin	Moss	

NAYS—5

Fulbright	Nelson	Taft
Mansfield	Pell	

NOT VOTING—13

Bellmon	Ervin	Metcalf
Brooke	Gravel	Mundt
Buckley	Harris	Prouty
Eagleton	Humphrey	
Eastland	McGovern	

So the bill (H.R. 7109) was passed.

Mr. CANNON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ANDERSON, Mr. SYMINGTON, Mr. CANNON, Mr. CURTIS, and Mrs. SMITH conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 118) to provide a temporary extension of the authority conferred by the Export Administration Act of 1969.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4724) to authorize appropriations for certain maritime programs of the Department of Commerce.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 351) providing for the adjournment of the Congress from July 1, 1971, until July 6, 1971, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill:

H.R. 4724. An act to authorize appropriations for certain maritime programs of the Department of Commerce, and for other purposes.

And the enrolled bill was subsequently signed by the President pro tempore.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 235, H.R. 9271.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 9271) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I rise for the purpose of asking the distinguished majority leader if he can give the Senate any advice on the schedule for the remainder of the day and week.

Mr. MANSFIELD. Yes, indeed. I am delighted that the distinguished acting minority leader has raised that question at this time. I have cleared this matter with him and other interested parties, and at this time I would like to make the following unanimous-consent request covering the pending bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a limitation of time of 30 minutes on the pending bill, and 20 minutes on each amendment, the time to be equally divided between the sponsor of the amendment and the manager of the bill.

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

Will the Senator specify as to who is to have control of the time on the pending business?

Mr. MANSFIELD. The manager of the

bill and the sponsors of amendments, to be equally divided, and on the 30 minutes we will let the manager of the bill and the acting minority leader, or whomever he may designate, decided who will do it.

PROGRAM FOR TOMORROW

Mr. MANSFIELD. After we complete action on the pending bill, the Treasury-Postal Service appropriation bill and have the rollcall vote, there will be no further business tonight. Tomorrow we will take up unobjected-to items on the calendar, various nominations, and if the educational conference report is ready, that will be considered tomorrow, as well.

ORDER FOR ADJOURNMENT UNTIL 11 A.M.

Mr. MANSFIELD. Mr. President, I ask for unanimous consent that when the Senate completes its business today it stand in adjournment until 11 a.m. tomorrow.

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

PROGRAM CONTINUED

Mr. MANSFIELD. Mr. President, tomorrow several Senators will have speeches prior to the beginning of the morning business. Then, under present plans, if all of these matters are out of the way—and on the education conference report we have to wait for the House to act—we will adjourn at the conclusion of business tomorrow until Tuesday, July 6.

PROPOSED CONSIDERATION OF PRESIDENTIAL VETO OF S. 575—APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1971

Mr. MANSFIELD. I wish to announce, after speaking with the chairman of the Committee on Public Works that this committee intends to meet on Thursday, July 8, 1971, to consider the Presidential veto of S. 575, at which time a decision will be made. If the decision is to override the veto it is my understanding action will not be taken until the week following.

Mr. GRIFFIN. If the decision is to override?

Mr. MANSFIELD. Yes; and if it is not, that is it.

SENATOR RANDOLPH BELIEVES PRESIDENTIAL VETO OF S. 575 IS UNFORTUNATE

Mr. RANDOLPH. Mr. President, the Presidential veto of S. 575 is, I believe, a serious error of judgment. I, of course, recognize the sincerity of purpose of the Chief Executive.

The President's veto is a blow to millions of Americans who are today suffering the hardships of unemployment. It demonstrates the continuing lack of understanding by the administration of the serious plight of the American economy in which prices and unemployment are steadily increasing.

This bill, carefully developed by the Senate and House of Representatives, was intended to help communities strengthen their economic bases and to mount a direct, immediate attack on the high unemployment that plagues our Nation.

It displayed the determination of the Congress to act affirmatively while the administration assures us that the situation is not as bad as it seems and relies on rhetoric as an answer to the economic sluggishness and deprivations created by unemployment.

The President's veto is based on the inclusion in S. 575 of provisions to reinstitute a public works acceleration program. Public works acceleration is not a new concept. It was adopted in 1962 and proved to be an effective tool in placing tens of thousands of people to work on worthwhile public investment projects. The impact of the 1962 act was broadened by the fact that 1.4 offsite jobs were created by every onsite job resulting from this program. It worked then and it can work again.

The United States is faced with serious economic problems. The unemployment rate has grown rapidly, from 3.5 percent in 1969 to 6.2 percent in May 1971. Among construction workers, those who would be most immediately helped by public works acceleration, the unemployment level stood at 11.2 percent last month. Early this year, one of every four common laborers was without work.

In the second quarter of this year, the gross national product increased by only half as much as expected and was one-third lower than the first-quarter growth.

With our economy operating at only three-fourths of capacity, there is plenty of slack to be taken up. We would not fuel the flames of inflation by a vigorous public works program.

Further attention is focused on the seriousness of our problems by the fact that more people are unemployed for increasingly longer periods. The number of people without jobs for 27 or more weeks grew to 580,000 in May, the highest level in 8 years.

All of this means severe hardships on our men, women, and children. The economic slowdown also is costly to governments as they try to stimulate the economy and aid the people affected by unemployment. The recession this year will cost the Federal Government $30 billion in lost revenues, and hard-pressed local governments will be deprived of $6 billion.

While I am distressed by the veto and the viewpoint it implies, it is gratifying to observe that President Nixon recognizes the validity and effectiveness of the Appalachian Regional Development Act and the Public Works and Economic Development Act, both of which are continued in S. 575.

Their important contributions to developing a sound economy on a long-term basis should, however, be buttressed by the immediate benefits of the public works acceleration program.

EDUCATION CONFERENCE REPORT

Mr. GRIFFIN. Mr. President, is it determined whether or not there will be a rollcall vote on the education conference report?

Mr. MANSFIELD. Would the Senator from New Hampshire, the ranking Republican member of the committee, answer?

Mr. COTTON. Mr. President, I know of only one item on which there may be a dispute and as to which the Senator from New York and the Senator from Illinois may possibly raise some questions.

I may say to the Senator from New York that a question has been raised as to the possibility of a rollcall during the consideration of the conference report.

Mr. JAVITS. Mr. President, I have no idea as to what it will contain, so I really cannot give an answer.

Mr. MANSFIELD. Furthermore, Mr. President, we are not at all sure it will be ready. We hope it will be, but the House has to act first.

That is about it.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on tomorrow all committees may meet during the session of the Senate.

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

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1972

The Senate resumed the consideration of the bill (H.R. 9271) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. Mr. President, I yield myself such time as I may require.

H.R. 9271, the Treasury, Postal Service, and general Government appropriation bill for fiscal year 1972, which is now before the Senate, recommends appropriations in the amounts of $4,740,702,690, which is $826,756,210 under the appropriations for fiscal year 1971, $68,513,310 under the budget estimates for fiscal year 1972, as amended, and $253,026,500 over the bill as it passed the House of Representatives in the amount of $4,487,676,190.

Not included in the above sums are those permanent authorizations which do not require annual appropriation action by the Congress, and these are listed in the tabulation commencing on page 31 of the committee report, which is before you. Members will note that the largest item is the $21,150,000,000 for interest on the public debt. This is an increase of $350 million over the fiscal year 1971 level.

Mr. President, I have a few matters to take up by way of technical corrections,

and I ask unanimous consent at this time that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for purposes of amendment as original text, provided that no point of order shall be waived by reason of agreement to this request.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, there are at least two amendments which should be discussed, one having to do with the post office at Mobile and the other having to do with the Federal office building in Oxford, Miss. As to the Mobile Post Office building, appearing on page 20, line 13, that item is stricken, and an item for a courthouse and Federal office building at Fayetteville, Ark., is added. The Senator from Alabama understands that that would constitute one amendment. Is that correct?

Mr. MONTOYA. That would constitute two amendments.

Mr. ALLEN. Then, as to the post office at Oxford, Miss., on lines 19 and 20 on page 20, that item is stricken, and the post office at Elkins, W. Va., appearing on page 21, lines 7 and 8 was added. That would constitute one amendment also?

Mr. MONTOYA. The amendment is already in the bill.

Mr. ALLEN. Yes, I understand. So there would have to be a separate vote on each amendment.

Mr. MONTOYA. The purpose for which I am asking unanimous consent is to have the bill as it is presently constituted with amendments to be considered as original text.

Mr. ALLEN. Yes, but the point is that if no agreement is made at that point, if unanimous consent is not given, then it will be necessary for the manager of the bill to seek to amend the original text, rather than put that burden on those who want to stand on the original text.

So as to those items, those two amendments, the junior Senator from Alabama would like to ask that they be considered separately if, in fact, they do constitute two separate amendments.

Mr. MONTOYA. Without any implication that they should be included as a result of this action?

Mr. ALLEN. Then it would take separate amendments to eliminate them from the bill, but before agreeing to the approval of the rest of the amendments en bloc, the junior Senator from Alabama would like to point out to the distinguished Senator from New Mexico that in eliminating the item in Mobile and the item in Oxford, Miss., the overall amount covered by the bill was placed at a lower figure than it would be if the conference committee in its wisdom saw fit to insert the items for Mobile and Oxford back into the bill.

Mr. MONTOYA. May I inform the Senator from Alabama that if this unanimous-consent request is agreed to, then I shall offer a technical amendment to increase the overall appropriations for construction, so that in the event the conference decided to reinstate the building construction money to which the Senator refers, we would have ample room in conference to do so.

Mr. ALLEN. That would make that overall figure——

Mr. MONTOYA. I intend to offer an amendment to increase the construction, public buildings projects figure to $200,440,000 from $188,853,000.

Mr. ALLEN. Very well. That would include both the two items added by the committee and the two items deleted by the committee, if they are added to the bill in conference?

Mr. MONTOYA. That is correct.

Mr. ALLEN. At this time I would like to withdraw objection to the approval of all amendments en bloc with the exception of these two items. I am not saying that I would insist on a separate vote, but I think there should be some colloquy with respect to those amendments; to approve all of the amendments en bloc except the two specifically referred to, one as to Mobile, which was eliminated, and the Arkansas building, which was added, and then the Oxford, Miss., building, which was deleted, and the West Virginia building, which was added.

Mr. MONTOYA. I have no choice in the matter.

The PRESIDING OFFICER. Does the Senator modify his request as suggested by the Senator from Alabama?

Mr. ALLEN. Mr. President, I agree that all amendments may be approved en bloc except the ones dealing with Mobile and Oxford, Miss.

Mr. MONTOYA. Mr. President, may I prevail upon my good friend from Alabama to consider the possibility of a colloquy which will serve the same purpose, and that we proceed to the adoption of the amendments, or their consideration en bloc, at this time?

I think it will facilitate the parliamentary situation here if the Senator will not object to my request.

Mr. ALLEN. That would require the junior Senator from Alabama to put in an amendment to restore the House language.

Mr. MONTOYA. Is it the intention of the Senator to resist the adoption of the committee amendments?

Mr. ALLEN. To use them as a vehicle to discuss the matter, as I stated.

Mr. MONTOYA. Mr. President, I withdraw my request for unanimous consent at this time, and I shall now proceed with my statement.

Mr. ALLEN. Very well.

Mr. MONTOYA. Before proceeding to an explanation of the bill, I would like to call to the attention of the Senate that the present bill carries eight new appropriation items not previously carried in this bill. As a result of a realignment of subcommittee functions early this year, various agencies and activities were transferred to the Subcommittee on Treasury, Postal Service, and General Government—principally from the Independent Offices Subcommittee as it was constituted last session. These new items are:

Civil Service Commission;

Commission on Government Procurement;

General Services Administration;

Civil Defense;

Emergency Health;

Office of Emergency Preparedness;

Office of Telecommunications Policy;

and finally a new activity, contained in House Document No. 92–133, the newly created Special Action Office for Drug Abuse Prevention, which was not considered by the House of Representatives. This Office has been created by Executive Order No. 11599 issued June 17, 1971.

The report is before each Member, and beginning on page 33 is a tabulation which gives a complete comparison for each item in the bill. I shall confine my remarks today to the significant changes which have been recommended by the committee, and I shall be happy to answer any questions any Member may have at any time.

Under title I of the bill, recommendations for the Treasury Department total $1,561,080,000. This is $37,590,000 above the House-passed bill, $222,421,000 over the fiscal year 1971 appropriation, but $33,339,000 under the budget estimates for fiscal year 1972. The largest increase under this title applies to the Internal Revenue Service, where the committee recommends $797,500,000 for compliance activities, an increase of $17,500,000 over the House, $7,500,000 of this increase, and 541 positions, are recommended to permit the Internal Revenue Service to launch a systematic drive in cooperation with other Federal, State, and local law enforcement agencies, against distributors and financiers involved in narcotics traffic, and is a part of the total effort of the Federal Government in the area of drug abuse prevention.

For the Bureau of Customs, the committee recommends an appropriation of $189,000,000, an increase of $15 million over the House allowance. House Document No. 92–133 requested an additional $18 million for the Bureau of Customs, to provide funds for 1,000 new positions, additional vehicles, aircraft, and vessels, and improved detection and other technical equipment to enable the Bureau to control more effectively the illegal importation of narcotics and other dangerous drugs. After full consideration, the committee recommends the appropriation of an additional $15 million for these purposes, a reduction of $3 million in the estimate. In applying this reduction, it was the intent of the committee that priority be given to filling the additional 1,000 positions requested in the revised budget estimate and, as stated in the report, if additional funds are required for equipment later in the year, a supplemental estimate will be considered.

In addition, the committee has restored $1.5 million deleted by the House for site acquisition for a new Denver Mint, and has added $3.2 million to cover the costs of merging the Bureau of Public Debt offices at Chicago and Parkersburg, W. Va., at Parkersburg. This consolidation will greatly facilitate service to bond holders and will result in ultimate savings in administration.

For the U.S. Postal Service—title II of the bill—the committee recommends an appropriation of $1,433,922,000 for payment to the Postal Service fund.

The President's January budget contained an estimate of $1,471,722,000 for payment to the Postal Service fund.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MONTOYA. Will the Senator from Delaware yield me 5 minutes of his time?

Mr. BOGGS. I am happy to yield.

Mr. MONTOYA. The amount recommended is the adjusted and revised sum from the President's original request. This is the result of a refinement in the estimate after submission of the President's budget which accounts for $20.2 million of the reduction; $14 million of the reduction results from congressional reduction of $140.9 million in the fiscal year 1971 supplemental; for example, 10 percent of the $140.9 million supplemental cut equals $14 million. In addition, a reduction of $3.6 million was made for controlled circulation publications to make this comparable to the President's recommendation.

Under title III—Executive Office of the President—a total appropriation of $140,907,000 is recommended. This is $3,912,000 over the prior year's appropriation, $3,500,000 over the House allowance, but $578,000 under the budget estimates.

Included under this title is the Special Action Office for Drug Abuse Prevention, for which the committee recommends the $3 million requested in House Document No. 92–133, referred to earlier. The Office will supervise and direct drug abuse programs now scattered among many Federal agencies and, hopefully, will effectuate a coordinated, unified attack on drug addiction and its degrading effects.

The committee also recommends an appropriation of $19,500,000 for the Office of Management and Budget, this is an increase of $500,000 over the House-passed bill, $4,600,000 over the fiscal year 1971 appropriation, but a decrease of $292,000 in the amount requested. In the committee's view, these funds are necessary to permit the employment of additional personnel required.

Under title IV—General Government—a total appropriation of $1,604,406,500 is recommended. This is $106,329,600 over the prior year's appropriation, $4,463,500 under the House allowance and $2,816,500 over the budget estimates.

Included under this title are most of the new items added to the bill which I mentioned in my opening remarks.

The most significant items are the Civil Service Commission for which a total of $620,830,000 is recommended. In regard to General Services Administration the committee recommends a total appropriation of $874,907,500. This amount is $3,752,500 over the 1972 estimate; $4,463,500 under the House; and $79,789,200 over 1971. For construction, the projects provided for in the amount recommended in the accompanying bill are listed by line item in the bill.

For sites and expenses, public buildings projects, the committee recommends $17,749,500 to cover the cost of acquiring sites and for inspection and maintenance of projects.

The committee concurred with the House in adding a new title to the bill. Title V was added to cover payment of claims settled and determined in accord with the Fisherman's Protective Act of 1967 for amounts paid to the Government of Ecuador and certified to the Secretary of the Treasury by the Secretary of State. The amount involved is $837,190, the amount allowed by the House.

Mr. President, under title VI—General Provisions, the House added to section 608 language which appears on page 37 of the bill before you. Subsection (b), added by the House and agreed to by the Senate Appropriations Committee, is with respect to communication between employees in the U.S. Postal Service and Members of Congress, and certain prescribed matters of adequately assuring this privilege. It reads as follows:

(b) No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

That briefly, Mr. President, is the sum and substance of the bill before the Senate.

Mr. BOGGS. Mr. President, first I would like to commend the subcommittee chairman, Senator MONTOYA, for his excellent leadership on this bill. He has been both patient and persistent in the development of the bill.

The proposal which has cleared the Appropriations Committee represents, I believe, is a realistic funding budget for the agencies involved for fiscal year 1972.

The total funds provided for are $4,740,720,690. This figure is $68,513,310 under the budget estimates for the bill.

There are two particular areas in the bill on which I would like to comment.

The first is the action taken on the President's campaign to control the use of drugs. This bill supports that vitally important program to the extent of $25,640,000.

It would appropriate a total of $15 million additional to the Bureau of Customs. This money will allow the Bureau to create 1,000 additional positions to help shut off the flow of dangerous drugs across our borders.

The bill also provides $7.5 million for the Internal Revenue Service for its part in the drug-control program. This money will allow creation of 541 positions to enable the Service to cooperate with Federal, State, and local law-enforcement agencies in cracking down on drug-related violations of the Internal Revenue Code.

There also is $3 million in this bill to aid the establishment of the Special Action Office for Drug Abuse Prevention in the White House, and another $140,000 to allow the Secretary of the Treasury to coordinate the drug-related programs under his direction.

Another section of this bill which is of interest to most of us is the section appropriating funds for the U.S. Postal Service. The bill calls for appropriations of $1,433,922,000.

Although the bill does not spell out the categories in which this money will be spent, the Congress is obligated to support the Postal Service in three areas.

First, the Postal Reorganization Act, passed by the 91st Congress, provided for appropriations each year of 10 percent of the former Post Office Department's fiscal year 1971 budget. This appropriation is intended to cover the costs of the public service aspects of the Postal Service.

Second, there is a figure of $56,322,000, which represents workmen's compensation payments incurred before the creation of the Postal Service. This budget takes that figure into account.

And finally, the Postal Reorganization Act calls upon the Congress to provide so-called "revenue foregone" funds to the Postal Service. This money is intended to allow higher postal rates to be phased in over a period of 5 years rather than be imposed on mailers in their entirety immediately.

The Postal Reorganization Act, as we all know, relieves the Congress of the obligation of postal ratemaking. This job was placed with an independent rate commission established by the act.

The administration has sought a total of $1,433,922,000 to cover all these costs. This figure, combined with postal revenues, should provide the Postal Service with an estimated $10.2 billion it needs to operate during fiscal year 1972. By way of comparison, the Congress in fiscal year 1971 provided subsidies of $2,593,728,000 to a total postal budget of $9.2 billion.

The other body saw fit to reduce this request to $1,217,522,000 without specifying where the cuts should be administered. Our committee, I believe, felt the passage of the Postal Reorganization Act carried with it a commitment for funding equal to the budget estimates and it, therefore, acted to restore the reduction.

The committee has not spelled out the division of these funds between "public service costs" and "revenue foregone" because it believes to do so would be to engage in a form of ratemaking. In other words, if the Congress spelled out how much money should be spent to aid the phasein of mail rates it would, in effect, be giving direction as to what these rates should be.

That was not the intent of the Reorganization Act, and I do not believe it should be our intent here today.

In summary, I believe this bill will allow the Postal Service the opportunity to function as was intended and, hopefully, to improve its operation.

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

Mr. BOGGS. I yield.

Mr. MONTOYA. Mr. President, I commend the distinguished Senator from Delaware, who attended all the hearings we had on this bill. He was very diligent in his questioning of the witnesses, and he contributed greatly to the deliberations and the consideration of the respective budget requests represented by this bill.

Mr. President, I should like to renew my unanimous-consent request at this point.

Mr. RANDOLPH. Mr. President, will the Senator permit me to make a 1-minute statement, if there is time?

Mr. BOGGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Delaware has 9 minutes remaining.

Mr. BOGGS. I yield 2 minutes to the Senator from West Virginia.

Mr. RANDOLPH. I will be glad to wait until the unanimous-consent request is acted upon.

The PRESIDING OFFICER. The Senator from New Mexico has asked unanimous consent that the committee amendments be agreed to en bloc.

Mr. MATHIAS. Mr. President, reserving the right to object, will it be in order to offer amendments to the bill at such time as the Chair may rule on the unanimous-consent request?

The PRESIDING OFFICER. Yes; amendments will be in order.

Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, at the end of line 8, strike out "$11,300,000" and insert in lieu thereof "$11,640,000";

On page 3, in line 9, strike out "two hundred and three" and insert in lieu thereof "three hundred and fifty-three";

In line 11, strike out "one hundred and ninety-three" and insert in lieu thereof "three hundred and forty-three";

In line 19, strike out "$174,000,000" and insert in lieu thereof "$189,000,000";

On page 4, after line 6, insert the following new language:

CONSTRUCTION OF MINT FACILITIES

For expenses necessary for construction of Mint facilities, as authorized by the Act of August 20, 1963, as amended (31 U.S.C. 291–249), $1,500,000, to remain available until expended.

In line 15, strike out "$75,990,000" and insert in lieu thereof "$79,240,000";

On page 5, in line 11, strike out "forty-nine" and insert in lieu thereof "ninety-nine";

In line 16, after "vehicles;" strike out "and";

In line 18, strike out "$780,000,000" and insert in lieu thereof "$797,500,000";

On page 6, in line 21, strike out "$1,-217,522,000" and insert in lieu thereof "$1,433,922,000";

On page 11, in line 2, strike out "$19,-000,000" and insert in lieu thereof "$19,-500,000";

On page 13, after line 5, insert the following new language:

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

SALARIES AND EXPENSES

For necessary expenses of the Special Action Office for Drug Abuse Prevention, including grants and contracts for drug abuse prevention and treatment programs, $3,000,-000 to remain available until expended: *Provided*, That this appropriation shall be available to reimburse the appropriation for "Special Projects", for expenditures made for the purposes of this appropriation: *Provided further*, That this appropriation shall be available only upon the enactment into law of authorizing legislation.

On page 20, in line 4, strike out "$195,-919,000" and insert in lieu thereof "$188,-853,000";

At the beginning of line 13, strike out "Federal office building, Mobile, Alabama, $8,339,000";

At the beginning of line 14, insert the following new language: "Courthouse and Federal office building, Fayetteville, Arkansas $2,067,000";

Beginning at line 21, strike out "Post office, courthouse, and Federal office building, Oxford, Mississippi, $3,248,-000";

On page 21, beginning at line 7, insert "Post office, courthouse, and Federal office building, Elkins, West Virginia, $2,-454,000";

At the end of line 18, strike out "project" and insert "projects";

In line 23, strike out "$15,050,000" and insert in lieu thereof "$17,749,500";

In line 24, after "expended", strike out the period and insert the following new language: ": *Provided*, The $4,209,000 appropriated under the heading 'Sites and Expenses, Public Buildings Projects', in the Second Supplemental Appropriation Act, 1971, Public Law 92–18, shall also remain available until expended."; and

On page 22, in line 15, strike out "$2,-780,000" and insert in lieu thereof "$2,-683,000".

Mr. MONTOYA. 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 as follows:

On page 20, line 4, strike out $188,853,000 and insert in lieu thereof: $200,440,000.

Mr. MONTOYA. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from New Mexico, the manager of the bill, for yielding time to me.

I appreciate his offering this amendment. It is a technical amendment, but it does make possible action by the conference committee in restoring the appropriation for the Mobile, Ala., post office and for the post office at Oxford, Miss., if, in the wisdom of the conference committee, it does decide that these two projects should be reinstated.

Mr. President, the Mobile post office was authorized by act of Congress almost 10 years ago, and we have been waiting patiently—have been standing in line patiently—seeking to get an actual appropriation for the construction of this post office building which is much needed in Alabama's port city.

At this point, I ask unanimous consent to have printed in the RECORD a statement by Representative JACK EDWARDS, the able and distinguished Representative from the Mobile district, with respect to the need of Mobile for the post office.

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

STATEMENT ON NEW FEDERAL BUILDING FOR MOBILE

(By Congressman JACK EDWARDS)

I have struggled with the problem of constructing a new federal building in Mobile for several years. The need for a new facility is clear, but the challenging issue has been where to locate it.

Some have argued that it should be located downtown on the old post office site. They maintain that this would give the sagging downtown economy a lift.

Others have argued that it should be located at the present site of the Corps of Engineers. They say many of the Corps employees reside in that area and they don't want to drive downtown and be confronted with the problem of having to find a place to park.

Still others have argued that we don't really need a new federal building at all. But I believe that all evidence points to the fact that we do need a new federal building. Mobile has some 17 federal agencies, located all over town, which are paying $195,000 rent every year. Obviously, this is inefficient, expensive, and difficult to maintain.

One of the prime considerations for building a new federal building has been the fact that the present Corps of Engineers facility, located between Government Street and Airport Boulevard, consists of World War II temporary barracks which are now obsolete.

The circumstances surrounding the unfortunate closing of Brookley Field must not happen to the Corps of Engineers. Brookley Field was closed because during the 1950's and 1960's, new and permanent buildings were not constructed to the same extent as at other Air Material Bases. When consolidation of the bases occurred, those with the most extensive permanent facilities were retained. I don't want to see the Corps of Engineers in Mobile displaced in this fashion. The Corps must have a permanent home.

Over the last five or six years, a number of federal buildings have been authorized throughout the nation, but very few have received the necessary funds for construction. This year, President Nixon proposed that about 45 of these buildings be constructed under an arrangement whereby the Government would take bids on the building and lease it from the successful bidder for 20 years. This proposal, while providing a way to acquire the buildings, is admittedly more expensive. The Mobile Federal Building was the only one to be considered on this list from Alabama. This lease proposal necessitated special Congressional approval and the required legislation is now pending in Congress. It may be some time before the Bill is approved.

Essentially, the proposal calls for the new Mobile Federal Building to be constructed at the downtown location at a cost of approximately $10 million. The plans specify a nine-story building with an attached multi-story parking garage with a 260-car capacity.

I have been extremely concerned about the price of constructing such a facility and, obviously, I have given careful consideration to the ultimate location. I have looked carefully at the proposed occupancy and it is really apparent that about 85 percent of the new building will be occupied by the Corps of Engineers. In other words, it is basically a Corps building.

The federal government owns three-quar-

ters of the block downtown which adjoins the present federal building. It also owns 10.67 acres at the present Corps site.

Recently, I requested the General Services Administration to send a team of experts to Mobile to restudy the pros and cons of both locations. The GSA team identified the south half of the Corps of Engineers' site, located at the northwest corner of Government Street and Westwood Street, as an excellent potential location for the building. Placement of the building on this portion of the 10.67 acre site would not require demolition of the principal temporary buildings now occupied by the Corps of Engineers until the new building is constructed and ready for occupancy.

Construction of the new building at the Corps of Engineers' site would eliminate the necessity for constructing a three-level parking facility as previously contemplated for the downtown site. The construction of ground level paved areas in lieu of the parking structure would be considerably cheaper. Preliminary studies indicate that the nine-story structure, which has been previously designed for the downtown site, can be readily adapted to the Corps of Engineers' site. However, further studies will be required to determine what engineering changes will be necessary in the foundation design and other features.

If the building is built on the Corps site with its beautiful trees and park-like atmosphere, I believe the employees will be much happier and the people of the Mobile area will be better served. This will also enable GSA to release the downtown site for other potential development.

It is my thought that the present federal building would become basically a Federal Courts Building and the new facility would become the Federal Office Building.

Considering all these factors, including a savings which may be in the order of $1 million, the well being and happiness of many fine federal employees, and the availability of a substantial portion of a downtown city block for development, I have recommended to GSA that the new federal building be located at the site presently occupied by the Corps of Engineers. Administrator Robert L. Kunzig of the General Service Administration has assured me that my recommendation will receive careful consideration and review at the highest levels.

I know there will be a mixed reaction to this decision. But, whatever the reaction, I am prepared to accept full responsibility for the recommendation. I believe it is the right decision.

Having reached the conclusion that the new Federal Building is very necessary, and in fact is long overdue, that substantial money can be saved by building on the Corps of Engineers property, that there may be a delay of at least another year if we wait on the lease approach to materialize, the House Appropriations Committee has today, at my request, included an item for $8,339,000 to fund the construction of the new federal building. Assuming the Bill passes the House and Senate and is signed by the President, construction could start in January, 1972.

Mr. ALLEN. Mr. President, as things now stand, the Fayetteville, Ark., building has been added and the Elkins, W. Va., building has been added, but the post office building in Mobile and the one in Oxford, Miss., have been deleted. But the conference committee will have the power and authority to return those two buildings to the bill.

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

Mr. ALLEN. I yield.

Mr. MONTOYA. In view of the interest expressed by the distinguished Senator from Alabama and the distinguished senior Senator from Alabama (Mr. SPARKMAN), and in view of the interest expressed by the distinguished Senators from Mississippi (Mr. STENNIS and Mr. EASTLAND), I can assure the Senator from Alabama that I will take a second look at this omission in conference, and I will give this matter the most thorough consideration.

Mr. ALLEN. I thank the distinguished Senator from New Mexico for that assurance. We have this assurance, and we have full confidence that other members of the conference committee, both from the Senate and from the House, will see the wisdom of adding the Mobile, Ala., post office and the post office in Oxford, Miss., back to the bill. I believe that would facilitate the passage of the bill when the conference committee report comes back for adoption.

Mr. MONTOYA. If the Senator will yield further, I should like to renew my unanimous-consent request, in view of the colloquy that has transpired.

Mr. ALLEN. I have no objection. I am confident that when the bill is passed, we are going to see the Mobile post office and the Oxford post office in the bill.

I thank the Senator.

Mr. GRIFFIN. Mr. President, has the unanimous-consent request been granted?

The PRESIDING OFFICER. It was agreed to earlier.

Mr. ALLEN. The amendment has not been agreed to, has it?

Mr. MONTOYA. No, the amendment has not been agreed to as yet.

Mr. President, I ask at this point that the Senate act upon the amendment, because I have another unanimous consent request to make.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. MONTOYA. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment was agreed to.

Mr. MONTOYA. Mr. President, I ask unanimous consent that typographical errors created in the printing of the reported bill be corrected, as follows:

On page 20, after line 18, insert:

"Post Office, courthouse and Federal office building, Aberdeen, Mississippi, $2,249,000;" and

On page 20, strike out lines 21 and 22.

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

Who yields time?

Mr. GRIFFIN. Mr. President, on behalf of the senior Senator from Michigan (Mr. HART) and myself, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

On page 20, between lines 18 and 19, insert the following:

"Patrick V. McNamara, Federal Office Building (substructure) Detroit, Michigan, $11,200,000;".

Mr. GRIFFIN. Mr. President, the senior Senator from Michigan and the junior Senator from Michigan are very disappointed that this bill does not include funds to begin the construction of a Federal building in Detroit which was authorized in April of 1963. This building, which has by resolution, been named as the Patrick V. McNamara Federal Office Building, should have been built years ago. In 1967 Congress appropriated money, and the Federal Government purchased 2.4 acres in the center of the city of Detroit as a site where this building is to be built.

Unfortunately, during the 4 years since the site was acquired, the property has been vacant, weeds have been growing up, and the city has collected no taxes on it. In the meantime, not only has the city of Detroit lost tax revenue but the estimated cost of constructing the building has been going up. When first authorized in 1963, the building could have been built for $27 million. Now the estimated cost is $48 million.

If there was justification in the past for not budgeting and appropriating necessary funds for this building, certainly that justification does not exist now. Unemployment in the city of Detroit is higher than 8 percent. The construction of this building would provide many jobs in addition to the 5,000 people who would be employed in the building once it is completed. Even more important, perhaps, is the psychological lift that would be given to the whole city.

I believe that at least $11,200,000 should be appropriated this year so that construction could go forward on the substructure.

I yield now to my senior colleague from Michigan, Mr. HART.

Mr. HART. I thank my colleague from Michigan, Mr. GRIFFIN, and join him in this amendment.

I hope that we underscore the really nonpartisanship of the proposal and suggest clearly the concern which is reflected in all segments of the Michigan community that we no longer should delay or tolerate an eyesore in the center of a city which, three summers ago, was scarred by the hand of man, and which many years before that was scarred by the omissions of the Federal Government. It sits there, raw land, sort of advertising that it is available to anyone who wants to make the point that the system does not work. Let us get something going on that. This is the message that is sent to us by the mayor, by the greater chamber of commerce there, and by the trade union leadership. It is a message which I hope very much we can respond to promptly.

As my colleague, Mr. GRIFFIN, has stated, the Federal Government authorized the building in 1963. The site was acquired a few years later and the plans were completed a few years later. Thus far, all we can show for it is a bunch of dirt, either muddy or dusty, and an expenditure of $15 million for plans that now sit on someone's shelf.

The longer we delay this, not only do we contribute to the social problems that I hope I have suggested are involved here, but also to the additional cost which each month that passes will be much higher when we finally get around to constructing the building.

The time to build is now, when unemployment is high. I hope very much that the prudence of moving forward at this time will be reflected in favorable action on the amendment, in which I am very happy to join my colleague Mr. GRIFFIN in sponsoring.

Mr. MONTOYA. Mr. President, I am sorry that the two Senators from Michigan have seen fit to offer this amendment to the bill at this time. However, I can fully appreciate the concern of the two Senators for failure on the part of the Government to proceed to the construction of the building which was previously authorized and for which there was a funding for site acquistion. The funding has been expended and obligated already.

The building has been authorized for 1,214,900 square feet. The net area would comprise 779,681 square feet.

The initial cost, or the graduated cost, because of the delay, I understand, amounts now to $48,224,000.

The more delay there is, the more cost will be involved. It has been testified in committee by the GSA that public construction is increasing at the rate of 10 percent per year. That figure is a very good figure across the board.

I regret very much that this matter was not presented to the subcommittee. I understand it is floating in a sea of uncertainty, GSA wondering whether it should go through the leaseback construction route or whether it should go the ownership route. It is in that state of flux right now.

But I hope that the Senator from Michigan will withdraw his amendment because at the first opportunity, whether it arises during consideration of the supplemental request submitted by GSA or during the course of regular hearings next time, I will ask the GSA to clear its position on this matter and to present feasibility testimony to us for our consideration, and we will give it due consideration in light of the interest of the distinguished Senators from Michigan.

Mr. GRIFFIN. Is it understood then, that if there is a supplemental appropriation bill later in this year which includes matters relating to the General Services Administration, that the Senator from New Mexico, who is the chairman of the subcommittee having jurisdiction, would hold a hearing on this particular project and give careful consideration to its merit, with the hope and the possibility that construction funds could be included in such a supplemental appropriation bill this year.

Mr. MONTOYA. I certainly would, and I want to say I have consulted with the minority ranking, member, the Senator from Delaware (Mr. BOGGS), with respect to this, and he agrees with my position as I have stated it.

Mr. GRIFFIN. I appreciate that assurance. It is unfortunate that funds for this project were not requested by the administration to be included in this appropriation bill. The administration did request approval of the project for construction under a lease-purchase arrangement. But I am believe that of the two routes available, the better route would be to secure an appropriation. The senior Senator from Michigan and I intend to press this matter with the Appropriations Committee. With the assurance given by the distinguished Senator from New Mexico, and the indicated support by the Senator from Delaware (Mr. BOGGS), I will respect the request of the distinguished subcommittee chairman; and accordingly at this time I withdraw the amendment.

Mr. MONTOYA. Mr. President, I thank the Senator very much. I might state that questions were submitted to me for submission to GSA. I did submit them and the answers appear on page 1309 of the hearings.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MATHIAS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. GRAVEL). The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Maryland (Mr. MATHIAS) proposes an amendment as follows:

On page 9, line 23, after the word "services" strike "$2,424,000" and insert the following: "$2,924,000, of which $500,000 shall be available, in accordance with Executive Order No. 10501, section 4, and related Presidential orders and procedures, to facilitate the declassification of National Security Council documents; provide for the cost of their publication and the publication of a periodic index of declassified National Security Council documents; and to encourage and facilitate the declassification of documents by those departments and agencies which are members of the National Security Council."

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, the President of the United States has announced through his press secretary, Ron Ziegler, that there will be a review of the classificatiton of Government documents on which the classification has become obsolete or concerning which changing circumstances would indicate that there is no longer any need for the kind of classification that the documents were originally accorded.

I refer specifically to Mr. Ron Ziegler's statements of June 22 and June 23 which referred to an earlier order by President Nixon on January 15 of this year.

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

Mr. MATHIAS. I yield.

Mr. MONTOYA. Mr. President, I have looked at the amendment and have consulted with my colleagues on the committee. I am willing at this point to accept the amendment.

Mr. MATHIAS. Mr. President, I appreciate very much the feeling of the distinguished Senators.

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

Mr. MONTOYA. 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 Maryland.

The amendment was agreed to.

Mr. RANDOLPH. Mr. President, will the distinguished ranking minority member of the subcommittee yield?

Mr. BOGGS. Mr. President, I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President. I followed with understandable interest the colloquy which preceded these brief remarks in which the able Senator from Alabama (Mr. ALLEN) and the chairman of the subcommittee discussed projects in the States of Mississippi and Alabama and in the State of West Virginia.

My distinguished colleague from West Virginia (Mr. BYRD) and I have supported and believed very much in the two projects for our own State. We actively worked to secure funds for the consolidation of the savings bonds operations of the Bureau of the Public Debt now being conducted separately in Chicago, Ill., and Parkersburg, W. Va. The consolidation in Parkersburg will result in a significant increase in operating efficiency and improve services to the public.

Additionally, Mr. President, it is our desire and the desire of the people of Elkins—that being my home city—to bring into being a new Federal building to provide necessary quarters for postal operations for the people in that community and area, for the operation of the Federal court, with the residence of the Federal judge being in Elkins, and for the housing of other agencies of the Federal Government.

The present post office and Federal courthouse building in Elkins was constructed in 1918 and has become completely inadequate for postal and court purposes. In order to relieve this situation, the General Services Administration recommended to the Congress the construction of a new Federal building.

The Committees on Public Works of the Senate and House of Representatives authorized the construction of this project in May of 1968 in accordance with the recommendations of the General Services Administration. In 1970, the Congress appropriated funds for site acquisition and design of the building. The design, including working drawings and specifications will be completed this fall. However, without appropriations for construction, no further work can progress.

The Postal Service now has indicated that it can no longer function in its present quarters and must proceed with construction of a separate postal facility if funds are not available to start construction of the authorized Federal building the first of next year. Additionally, if funds are not made available fiscal year 1972 for the construction of this project building—and construction is delayed—the Government runs the risk of losing most of the money which has already been invested.

So, although my colleague, Senator BYRD, and I strongly believe in the justification of these projects in West Virginia, we are also mindful of the need for projects in other sections of the country. We understand the concern of the Senators from Alabama and Mississippi for the programs in their States. I know that in conference every effort will be made to insure the inclusion of their facilities and I believe the results will be favorable.

Mr. President, I thank the very able chairman and the members of the Appropriations Committee. The chairman has understandably known of the in-

terest of many Senators in worthwhile projects, constructive efforts to strengthen, not on a provincial basis, the economy of the country, and the general welfare of our people. And I am personally very grateful to the chairman of the subcommittee for his cooperation.

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

Who yields time?

Mr. BYRD of West Virginia. Mr. President, how much time remains?

Mr. BOGGS. Mr. President, I yield 2 minutes to the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Senator from Delaware.

Mr. President, I want to express my appreciation to the Committee on Appropriations, of which I am a member, and also to the Subcommittee on Appropriations which has conducted hearings on this bill, the able chairman of which subcommittee is the distinguished Senator from New Mexico (Mr. MONTOYA).

Mr. President, the senior Senator from West Virginia (Mr. RANDOLPH), my distinguished colleague, has addressed his remarks to two of the items in the bill, the facilities at Elkins and Parkersburg. I merely want to speak briefly now with respect to the money for Parkersburg and to point out that the two field offices of the bureau presently located—speaking of the public debt facilities—in Chicago, Ill., and Parkersburg, W.Va., are concerned entirely with savings bonds operations, and their operations are complementary. A feasibility study has established that consolidating these two operations into one, and locating it at Parkersburg, would substantially increase operating efficiency, facilitate the recruitment of personnel, and generally improve service to the public. The Department of Treasury officials have informed me that they expect the savings resulting from the consolidation of these two offices to more than pay for the cost of the move within 5 years.

Mr. BYRD of West Virginia. Does the Senator have any other time he can yield?

Mr. BOGGS. I am going to yield to the Senator for 2 additional minutes.

The PRESIDING OFFICER. The Senator from Delaware has 3 minutes remaining. The Senator from West Virginia is recognized for 2 additional minutes.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, an example of the savings which will accrue to the Government by virtue of this move is reflected by comparing the cost of renting space to carry out the operations of these field offices. In the Chicago area, available space suitable for this type of operation is currently renting for $9 to $11 per square foot, while the same type of space in Parkersburg currently rents for $5.25 per square foot.

Mr. President, the Bureau of the Budget requested the funds to finance this move but they were not included in the House version of the Treasury-Postal Service appropriation bill.

Some time ago I contacted the distinguished chairman of the subcommittee, the Senator from New Mexico (Mr. MONTOYA) and submitted a letter supporting the inclusion of these funds. My colleague, Senator RANDOLPH, who is an ex-officio member of the committee by virtue of his being the ranking member of the Committee on Post Office and Civil Service, likewise expressed great interest in the inclusion of these funds, and he and I have worked together with the subcommittee and the full committee in bringing about this restoration of the moneys.

I wish to join him in saying I am pleased that the committee has seen fit to reinstate these funds.

I join my colleague in saying to the distinguished Senator from Alabama (Mr. ALLEN) that we certainly appreciate his interest in the facilities to which he addressed himself earlier. I discussed this matter with him this morning, and I understand the feeling and concern on the part of the senior Senator from Alabama (Mr. SPARKMAN) and the two Senators from Mississippi. Certainly my colleague and I want to assure them of our support for the inclusion of their facilities, and we know the distinguished chairman of the subcommittee, the Senator from New Mexico (Mr. MONTOYA), is going to use all of his talent with respect to persuasion and that in conference he will certainly have the support of his conferees. I am confident that in conference everything will be worked out to the good interest of the Senators from Alabama, the Senators from Mississippi, the Senators from Arkansas, and the Senators from West Virginia.

I thank the distinguished Senator from Delaware for yielding.

Mr. McGEE. Mr. President, the bill reported from the Committee on Appropriations appropriates $1,433,722,000 for the use of the Postal Service in fiscal year 1972. Like the House bill, there is no allocation of funds in this appropriation That is, there is no stipulation that any particular portion of the money will be used for any one of the various authorized expenditures by the Postal Service.

The Office of Management and Budget through its Deputy Director, testified before the Post Office and Civil Service Committee yesterday afternoon that, based on his testimony before the House Subcommittee on Treasury and Post Office Appropriations, because it was uncontested and because the House report was silent on the allocation of funds that the personal viewpoint of the OMB would prevail and the amount of money appropriated for revenue foregone for third-class bulk rate regular mail would not be expended.

Our Post Office Committee held a hearing to examine this particular point, and it was our unanimous opinion at the hearing yesterday that the OMB is wrong, that without language specifically allocating funds either in the bill or in the report, there is no justification for the Postal Service to deny the payment of revenue foregone toward the expenses to be borne by any class of mail. This is what we intended when we enacted the Postal Reorganization Act. We are not naive and we do recognize that some classes of mail pay a greater portion of their overall costs than others. The average American pays the most because he uses only first-class mail and he pays a premium for that service. Newspapers and magazines pay the least, because we value the dissemination of information and literature. Third-class mail, particularly advertising mail, ranks second to first-class mail, because it pays a fairly high rate when you consider the zip code and presorting requirements of postal regulations. Fourth-class books and records, which are primarily a business operation, rank next.

Our intent in enacting the Postal Reorganization Act was that all mailers regardless of their merits or their friends or their enemies would continue to receive a reasonable and fair subsidy for a reasonable period of time, not to exceed 5 years, for everybody to adjust to the full impact of paying the rate prescribed by the Postal Rate Commission as approved by the Governors of the Postal Service. That proceeding is underway. It is premature and inequitable for the Congress to appropriate any money for the revenue foregone on account of the enactment of section 3626 of title 39 last year. It is likewise premature for the OMB to take it upon itself to strike out a line item appropriation for funds necessary for the transition period of the Postal Service.

So, my argument here today is very specific. The only language in the legislative history of this appropriation bill which has any import whatsoever as far as the Congress is concerned, and by that I mean people who are elected to Congress by other people to run this Government are the words of the chairman of the House Subcommittee for Treasury Post Office Appropriations who yesterday said that in his judgment—and that extends for 8 years as chairman of that distinguished subcommittee—that all of the funds necessary for all of the requirements of the Postal Reorganization Act are in this appropriation. It was my understanding that the motion we voted upon in the Appropriations Committee yesterday afternoon, including a mandate that the language of the committee report would include words supporting Chairman STEED's remarks on the floor which I was aware of at the time we met yesterday. I do not see that language in this report and I question its absence. Perhaps it was an oversight. But I want to make it clear that the table in the report on this bill which designates that $481 million of this appropriation is for revenue foregone is diametrically opposed to the colloquy on the floor of the House of Representatives yesterday as to any particular designation of funds. The Postmaster General is at liberty to request a supplemental appropriation if he has a deficiency—that might be a good idea. The Postmaster General is also at liberty to request the Postal Rate Commission either to amend his present rate request or to request an increase pursuant to section 3627 of title 39.

Finally, I think I should advise my colleagues that I am unhappy about this

entire proceeding. Despite the very distinguished record and testimony of the Deputy Director of the OMB before our committee yesterday afternoon, I cannot fail to believe that the offices of the OMB saw an atttractive clay pigeon and chose to shoot it down for budgetary and political reasons. We enacted the Postal Reorganization Act partly to avoid this kind of subjective decisionmaking by officials of the Government who truly have no idea at all about how to run a post office. Within the next few days, I shall introduce legislation for the Post Office Committee to consider to resolve this problem on a permanent basis. It distresses me that the OMB, that valued and tireless arm of the White House, has been the first to punch the dike and permit nonpostal matters to reenter postal problems and decisionmaking just 9 months after the enactment of that historical law.

In sum, what I am saying, Mr. President, is that nearly a year ago the Congress enacted legislation creating a new independent postal system. It was designed to take politics and the Congress out of running the post office and particularly in the setting of rates. In making this possible, the Congress set up a graduated timetable for withdrawing public funds from the operations of the post office. This process provided 5 years for profitmaking groups and 10 years for nonprofit groups to adjust their businesses and budgeting activities to the planned new level of bearing their full costs.

For the OMB or the Congress to disrupt that carefully negotiated phaseout of Federal financing of the Postal Service breaks a working process which was negotiated in good faith by all sides.

If the new postal system is to be given a full chance to succeed, all parties to it must respect the terms which were voted into law by the Congress and signed by the President.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 9271) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time the question is, shall it 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. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana METCALF), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN) and the Senator from Oklahoma (Mr. HARRIS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), and the Senator from New York (Mr. BUCKLEY) are absent on official business.

The Senator from Vermont (Mr. PROUTY), and the Senators from Ohio (Mr. SAXBE and Mr. TAFT) 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 Texas (Mr. TOWER), is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 132 Leg.]

YEAS—85

Aiken	Fulbright	Moss
Allen	Gambrell	Muskie
Allott	Goldwater	Nelson
Anderson	Gravel	Packwood
Baker	Griffin	Pastore
Bayh	Gurney	Pearson
Beall	Hansen	Pell
Bennett	Hart	Percy
Bentsen	Hartke	Proxmire
Bible	Hatfield	Randolph
Boggs	Hollings	Ribicoff
Brock	Hruska	Roth
Burdick	Hughes	Schweiker
Byrd, Va.	Humphrey	Scott
Byrd, W. Va.	Jackson	Smith
Cannon	Javits	Sparkman
Case	Jordan, N.C.	Spong
Chiles	Jordan, Idaho	Stennis
Church	Kennedy	Stevens
Cook	Long	Stevenson
Cooper	Magnuson	Symington
Cotton	Mansfield	Talmadge
Cranston	Mathias	Thurmond
Curtis	McClellan	Tunney
Dole	McGee	Weicker
Dominick	McIntyre	Williams
Ellender	Miller	Young
Fannin	Mondale	
Fong	Montoya	

NAYS—0

NOT VOTING—15

Bellmon	Ervin	Mundt
Brooke	Harris	Prouty
Buckley	Inouye	Saxbe
Eagleton	McGovern	Taft
Eastland	Metcalf	Tower

So the bill (H.R. 9271) was passed.

Mr. MONTOYA. 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. MONTOYA. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. CRANSTON) appointed Mr. MONTOYA, Mr. ELLENDER, Mr. INOUYE, Mr. MCGEE, Mr. BOGGS, and Mr. ALLOTT conferees on the part of the Senate.

ORDER FOR RECOGNITION OF SENATORS TUNNEY AND HUMPHREY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks by the distinguished Senator from Illinois (Mr. PERCY), the Chair recognize the distinguished Senator from California (Mr. TUNNEY) for not to exceed 15 minutes.

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

Mr. BYRD of West Virginia. I ask unanimous consent that following the remarks of the distinguished Senator from California (Mr. TUNNEY) on tomorrow, the distinguished Senator from Minnesota (Mr. HUMPHREY) be recognized for not to exceed 15 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that tomorrow, following the recognition of Senators under the orders previously granted, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

AUTHORITY TO PRINT PRESIDENTIAL VETO MESSAGE AS A SENATE DOCUMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Presidential message on the veto of the Public Works Acceleration Act be printed as a Senate document.

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 last quorum call for the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ROTATING POSITIONS WITHIN THE MILITARY SERVICES

Mr. PERCY. Mr. President, I have set aside 15 minutes tomorrow morning, which I understand will be scheduled at approximately 11:15, in order that I can report to the Senate on a project we undertook to reduce the cost of rotating positions within the military services.

I think that too frequently we take action and then neglect to look back and oversee what has happened as a result of this action.

The distinguished chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS), and the Senator from Arizona (Mr. GOLDWATER) supported the amendment I offered on the floor last year to the defense appropriation bill.

In conference, the House changed it somewhat, and I think probably because the military forces felt that the cut of 25 percent that we were asking them to absorb in this particular account was too harsh and too abrupt and could not be achieved.

I have had many interesting discussions with the heads of personnel of each of the major services since then, as well as officers of the Defense Department. I am very happy to say that they have been extremely cooperative and helpful and that I will be prepared to report tomorrow on the actual results that have been achieved worldwide in coming up to the goal that we established.

I am happy to say ahead of time that I am fully gratified with the results that have been achieved to date, but I realize that continuing progress can be made. But I do this in an oversight responsibility which I feel I have as a member of the Government Operations Committee and a member of the Appropriations Committee.

I thank the distinguished chairman of the Armed Services Committee for the cooperation, support, and help he provided not only on the floor but also in conference.

Tomorrow morning, a little after 11 o'clock, I will be able to report on the actual results achieved.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, would the Chair now recognize the able junior Senator from Alaska?

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. GRAVEL. Mr. President, I yield to the junior Senator from West Virginia.

CONVENTION ON PSYCHOTROPIC SUBSTANCES—REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention on Psychotropic Substances—Executive G, 92d Congress, first session—transmitted to the Senate today by the President of the United States, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a copy of the Convention on Psychotropic Substances, signed at Vienna February 21, 1971. I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the Convention.

Nationally and internationally, we are faced today with a very serious problem posed by a new group of dangerous drugs—the psychotropic or "mind-bending" substances, such as LSD, mescaline, amphetamines, barbiturates and tranquilizers. It is the purpose of this Convention to limit to medical and scientific uses those substances that are liable to abuse but not covered by the existing treaties for the international control of narcotic drugs. The Convention will close an important gap which now exists in international drug regulations.

Nearly all of the psychotropic substances are manufactured rather than derived initially from plants, as are the narcotic drugs—such as heroin—that are involved in so much illicit traffic. As a major manufacturer of psychotropic substances, it is important that the United States cooperate with other countries in efforts to limit the use of those substances to medical and scientific purposes. I urgently recommend, therefore, that the Senate give early consideration to the Convention and that it give its advice and consent, with the reservation as proposed in the report of the Secretary of State in accordance with the provisions of the Convention.

RICHARD NIXON.

THE WHITE HOUSE, *June 29, 1971.*

ORDER OF BUSINESS

Mr. GRAVEL. Mr. President, I plan to be speaking for some length of time. At this point in time, I think it might be proper to notify all the staff members—and I might underscore "some length of time." So I would hope that all attachés and staff personnel who must make personal arrangements would make those personal arrangements.

I would, first, not apologize, but say that I regret that I must inconvenience so many people in a personal way, but I think that, within my rights and prerogatives as a Senator, this is permitted to me.

I know that my good friend the Senator from West Virginia has similarly spoken at great length on this floor, and I think he is very understanding of the undertaking I am about.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. BYRD of West Virginia. Mr. President, I only wish to state that the distinguished junior Senator from Alaska (Mr. GRAVEL) has informed the distinguished majority leader and me of his intention to speak at considerable length this evening. We appreciate his cooperation, his understanding, and his thoughtfulness in alerting us to the possibility—rather, probability—that this is going to happen; and we certainly recognize and appreciate his right to do so.

In view of this fact, I ask unanimous consent that my statement of the program, made a few minutes ago, appear at the close of the day, whenever that occurs, if possible, just prior to the motion for adjournment which the distinguished Senator from Alaska will make in his own good time.

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 a.m. Immediately following the recognition of the two leaders under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Messrs. HUGHES, PERCY, TUNNEY, and HUMPHREY.

At the conclusion of the orders recognizing Senators, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to exceed 30 minutes.

Mr. President, the distinguished majority leader has already indicated earlier today—and I repeat it now merely for the purpose of emphasis—that the Senate on tomorrow may consider the following conference reports on any one of which or all of which there could be rollcall votes:

The conference report on the Office of Education appropriation bill, H.R. 7016. It is my understanding that the other body will convene at 11 o'clock tomorrow morning and that the first order of business in that body will be the consideration of that conference report. So, it is very likely that the conference report will be messaged over to the Senate at a fairly early hour during the afternoon, and the Senate will then proceed to act thereon.

Other conference reports on which the Senate may act tomorrow are these: The conference report on the legislative appropriation bill, H.R. 8825, and the conference report on the Treasury and Postal Service appropriation bill, H.R. 9271, which was passed just this afternoon by the Senate.

Mr. President, Senators are on notice, I repeat, that conference reports may and undoubtedly will be called up tomorrow.

As the majority leader stated earlier, unobjected to items on the calendar will be taken up by unanimous consent, and other measures may be called up which do not appear on the calendar at the moment but which may be placed thereon overnight.

Hopefully, the Senate can finish its preholiday work tomorrow rather than Thursday, as was previously planned, thus giving Senators an extra day for the holiday. The majority leader stated this hopeful possibility yesterday.

I emphasize once again the possibility—and even the likelihood—of one or more rollcall votes on tomorrow, particularly with reference to conference reports.

CALL OF THE ROLL

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum, to permit staff members to make any personal arrangements they might want to make, and I give notice that I will reclaim the floor in about a minute or so.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

Mr. GRIFFIN. Mr. President, I object.

The PRESIDING OFFICER (Mr. CRANSTON). Objection is heard. The clerk will continue to call the roll.

The second assistant legislative clerk continued to call the roll and the following Senators answered to their names:

[No. 133 Leg.]

Byrd, W. Va.	Gravel	Mathias
Cranston	Griffin	Scott

The PRESIDING OFFICER. A quorum is not present.

Mr. GRAVEL. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

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

The motion is agreed to, and the Sergeant at Arms is instructed to carry out the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allen	Church	Hartke
Bayh	Ellender	Hughes
Byrd, Va.	Hansen	Jackson
Case	Hart	Magnuson
Mondale	Percy	Smith
Montoya	Pearson	Spong
Pastore	Proxmire	Williams
Pell	Randolph	Young

ADJOURNMENT UNTIL 11 A.M.

Mr. GRAVEL. Mr. President. I move that we adjourn.

The motion was agreed to; and (at 9 o'clock and 28 minutes p.m.) the Senate, in accordance with the previous order, adjourned until tomorrow, Wednesday, June 30, 1971, at 11 a.m.

NOMINATION

Executive nomination received by the Senate June 29 (legislative day of June 28), 1971:

DIPLOMATIC AND FOREIGN SERVICE

Fred L. Hadsel, of Ohio, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

EXTENSIONS OF REMARKS

LEAGUE FOR INDUSTRIAL DEMOCRACY TRIBUTE TO THE HONORABLE MARTHA GRIFFITHS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 1971

Mr. BINGHAM. Mr. Speaker, the idea of national health insurance has been around for a long time, and it has finally come to the forefront as one of the most important legislative issues of this Congress. MARTHA GRIFFITHS is one of the reasons it has become so important.

Mrs. GRIFFITHS was honored recently at the 66th Annual Conference of the League for Industrial Democracy for her role in making national health insurance a realizable goal, and her contribution to the national health security program—the most comprehensive and well thought out of all the health insurance proposals.

Lane Kirkland, secretary-treasurer of the AFL–CIO, presented the League for Industrial Democracy's 1971 Annual Award to MARTHA GRIFFITHS. His remarks make clear the advantages of the health security program over all others.

I would like to congratulate Mrs. GRIFFITHS, and include Mr. Kirkland's remarks in the RECORD:

REMARKS OF LANE KIRKLAND

It is said of some ideas that we can sense when their time has come. The idea that all Americans, regardless of age, race, sex or economic circumstances, are entitled to adequate health care—the time for this idea came a long while ago, when Harry Truman made it an issue. But certainly the time has come to translate that idea into reality.

Even before Harry Truman, there were groups like the League for Industrial Democracy that were advocating the then strange and revolutionary notion that the richest society in the world had an obligation to all of its citizens to see to it that no one should suffer poor health and early death because his pocketbook was empty.

But this notion, after all, was propounded by people given to utopian fantasies and idle and mischievous social scheming—or so their critics said. Today the fantasy is clearly realizable. It is a practical necessity. The time for national health security has come, and the time is now.

The time did not come by itself, however. It had to be pulled, prodded, pushed, and escorted all the way. We are here today to honor one of the people who did the moving. Due in large measure to her efforts, with the full support of the AFL–CIO, we finally have a real chance to reach our goal.

Indeed, those who oppose the National Security program argue that their own proposals would achieve the very objectives they once denounced as utopian. But it is a sign of our times, as this audience knows full well, that radical and utopian rhetoric is everywhere appropriated to dress up conservative programs—in the "whereas," if not in the "resolveds."

Nearly a year ago, the President of the United States declared a "massive crisis" in health care. Strong language and accurate, too. Medical costs have been rising twice as fast as other prices, doctors and other medical personnel are in short supply, private insurance companies have not provided adequate coverage, and many Americans have no coverage at all.

But what has been the President's response to this "massive crisis"?

He vetoed a hospital construction bill. He vetoed a measure to provide training for family doctors. He threatened to close down vitally needed public health service hospitals. And he has put before the Congress an utterly inadequate, piecemeal health insurance program.

What is wrong with the Administration's program, is exactly what is wrong with the present system of health care in the United States. It is, as they say, part of the problem and not of the solution.

We need a health program that covers all of the people. The Administration's proposal excludes large groups of workers from coverage.

We need a health program that controls medical costs while providing incentives for quality care. The Administration's proposal would rely on the private insurance companies which have gotten us into our present high-cost, low-quality mess.

We need a health program that expands our medical resources—personnel and facilities—and that reorganizes the delivery of health care. The Administration's proposal would do little to meet these goals, and hence would not curb the inflationary costs of health care.

The Administration's proposal is not the only spurious offering in the field. The American Medical Association has concocted something called "medi-credit", while the private insurance carriers call their proposals "Healthcare". As you might suppose, these are thinly disguised efforts to protect vested interests and insurance company profits.

The position of the AFL–CIO is clear and firm. In a statement issued by our Executive Council in February, we said, and I quote:

"What America needs as the heart of its medical care philosophy is a single primary goal—good health for all its peoples. The profit-making philosophy of the market place—to make money for those who provide and finance medical services—is not an acceptable philosophy for medical care".

For this reason, the AFL–CIO has pledged its unstinting efforts to the passage of the bipartisan National Health Security Program during this session of Congress. This is our number one legislative goal, and we shall not retreat from it.

As the battle shapes up, we know that we can expect to see some alleged "activists" sitting this one out—not in opposition but in boredom. While the issue has come into practical focus, it has not come into radical fashion, and that makes all the difference. To them the issue of national health security does not have that delicious aura of novelty. It belongs in the category of mundane materialistic matters that are lacking in glamour and in revolutionary "relevance".

Maybe, they have a point. After all, enactment of National Health Security will not end the war in Vietnam. (Indeed, it could lead to a lower draft rejection rate). It will not reduce our population growth. It will not end air and water pollution. It will not stop technology in its tracks, re-define the role of universities, or cure alienation.

All it would do is make real the principle that the poor and the deprived and the plain working people of this country have the same right to good health and to life itself as the affluent and the opulent.

We are here this afternoon to honor someone who has dedicated herself to that goal—Congresswoman Martha W. Griffiths.

It is especially fitting that the League for Industrial Democracy, which did much be-