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Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, FIRST SESSION

SENATE—*Monday, July 12, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. ELLENDER).

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

O God, our Father, we thank Thee for bringing us to this new day with its fresh opportunities and new privileges of service. Grant us wisdom to use this day for Thy glory and the enhancement of the life of others. Spare us from wasting time on the wrong things. Cover our sins with Thy forgiveness and our mistakes with divine correction. Grant us grace, O Lord, this day to waste none of its hours; to soil none of its moments; to neglect none of its opportunities; to fail in none of its duties. Bring us to the evening time undefeated, at peace with ourselves, with our fellow men, and with Thee. This we pray for Thy name's sake. Amen.

THE JOURNAL

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

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on July 9, 1971, the President had approved and signed the act (S. 2133) to extend the Federal Water Pollution Control Act, as amended, for 3 months.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 581. An act to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes; and

S. 991. An act to authorize the Secretary of the Interior to continue a program of research, development, and demonstration of processes for the conversion of saline and other chemically contaminated water for beneficial use and for the treatment of saline and other chemically contaminated waste water to maintain or improve the quality of natural waters, and for other purposes.

The message also announced that the House had passed a bill (H.R. 19) to provide for a coordinated national boating safety program, in which it requested the concurrence of the Senate.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rule VIII, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR RECOGNITION OF SENATOR MOSS ON WEDNESDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Wednesday next, July 14, 1971, after the conclusion of the prayer and the time allotted to the joint leadership, the distinguished Senator from Utah (Mr. Moss) be recognized for not to exceed 15 minutes to speak on the Nation's economy.

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

WHAT IS MONTANA?

Mr. MANSFIELD. Mr. President, on June 27, 1971, the Montana Standard of Butte, Mont., issued a Standard commemorative edition which contained an editorial written by George McVey, who had retired from the Montana Standard in 1962, at which time he was the editorial director of the newspaper. That column is known as "What is Montana?"

It was first printed as an editorial by Mr. McVey in the Standard on January 26, 1956, but it is of such enduring interest and portrays Montana as it really is, that I believe the Senate should have the benefit of reading this editorial.

I, therefore, ask unanimous consent to have excerpts of this editorial printed in the RECORD, because it really is the story of Montana. I also ask unanimous consent to have the accompanying news story entitled "Editorial Goes a Long Way" printed in the RECORD.

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

WHAT IS MONTANA?

(EDITOR'S NOTE.—This editorial by George McVey first appeared in The Montana Standard Jan. 26, 1956).

We have been asked to define Montana. What is it? We are asked. What does it mean? Where did it come from? Who owns it? Where is it going? Who runs it?

Those are tough questions, when you attempt to answer them.

You might say: Montana is one of the biggest wheat piles in the world. It's one of the biggest copper piles. It's one of the biggest lumber piles. It's a million sacks of sugar.

It's potentially the biggest hydro-electric power house in the world. It's a silver dollar. It's one state west of the divide and one state east of the divide. There's enough waste material left over to make a third state.

Montana is Robbers' Roost. It's the Vigilantes hanging Henry Plummer. It's a million Christmas trees. It's Custer's last stand.

Montana is Lewis and Clark and Sacajewea. It's the world's largest giant spring from which flows the mighty Missouri and the turbulent Columbia.

Montana is Fort Peck dam, the largest earth-fill dam in the world. It's a cattle ranch with the front gate 30 miles from the front porch. It's a rodeo. It's a dude ranch. It's old Faithful. It's Gunsight Park. It's Going-to-the-Sun Highway.

Montana is Charlie Russell. It's the Richest Hill on Earth. It's Last Chance Gulch. It's a 50,000 mile trout stream.

Montana is Marcus Daly looking into the earth and seeing billions of dollars worth of copper.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Montana is Big Hole Basin with 10,000 haystacks.

Montana is a jewel-like mountain lake.

Montana is a miner, a cowboy, a lumberjack, a farmer, a dude rancher, an Indian, a cattle baron, a vigilante, a road agent, a fur trapper, a banker, an oil driller, an engineer, an artist, a writer, a soldier, a millionaire.

Montana is a pine tree.

Montana is a fat steer.

Montana is a gold mine, a silver mine, a copper mine, a zinc mine, a manganese mine, a lead mine. Montana is a ghost town. It's a Grasshopper Glacer. It's Yellowstone Park. It's Glacier Park.

Montana is a church spire. It's a volcano. It's a geyser. It's Hell cooled off.

It's a school. It's a boy with a dog and a fishing rod.

It's a cherry tree, an apple tree, a potato, a mustard seed, an alfalfa patch, a lovely flower.

Montana is all these things and millions more.

It's a home of some 600,000 people.

Some two millions of visitors come annually to drink in its beauty, enjoy its built-in air conditioning system, mingle with its friendly people.

When you try to add up the total of what Montana is, the column is simply too long. It can't be added.

When you attempt to define Montana you have to say it's everything and then some. Who owns it? It belongs to the ages. Who runs it? It has 600,000 operators, and there's room for 600,000 more. And it's the greatest state in the Union, if anyone asks. Any more questions?

EDITORIAL GOES A LONG WAY

One little old editorial in the Montana Standard has gone a long, long way. And it's still going.

Entitled "What is Montana?" it appeared in the Jan. 26, 1956, issue of the newspaper.

It was reprinted in such papers as the Kansas City Star, Dallas Morning News, Great Falls Tribune and over a hundred other newspapers and publications. The editorial has enjoyed a circulation of over a million. It won the then governor of Montana, J. Hugo Arnoson, the title of "Honorary Texan." It gained tremendous notoriety for the State of Montana.

The editorial is still being reprinted.

So don't write off the editorial page.

The editorial piece was the work of George McVey who, during more than 30 years as a member of the Standard's editorial staff, served the paper in a number of capacities. He retired in 1962 as editorial director of the paper.

Since retiring McVey and Mrs. McVey, the former Marie Lynch, have toured Europe and spent some time in the southern part of the country for health reasons. They still call Butte their home..

A framed copy of the editorial graces the offices of Lee Enterprises, Inc., in Davenport, Iowa. The Montana Standard is owned by Lee Enterprises. Philip D. Adler, retired president of Lee, commented on the editorial as follows:

"When I first read this tribute to Montana in a state travel folder, I thought I was reading something out of Sandburg. It deserves all the distribution we can give it."

When James J. Flaherty of Great Falls, wrote to Ted Dealey, president of the Dallas News, suggesting that his reprinting of the editorial was a very gracious act, Dealey replied that "we didn't think we were doing you any particular favor when we ran this editorial. We published it because it was a swell piece of writing and extremely interesting."

Reuben Maury, chief editorial writer of the New York Daily News, a Pulitzer prize winner and a Butte native, wrote, "I think Mr. McVey's editorial is a masterpiece."

Julian L. Hayes, public relations manager of the Anaconda Co., wrote of the Montana Centennial banquet in New York City, saying, "when Chet Huntley read it to 800 persons who attended the party, you could feel a warm glow come over the crowd. It was a glow like the first two drinks of bourbon, but without the after effect . . ."

DINNER MUST WAIT WHEN THERE IS NEWS

In the years of Butte newspapering, there has never been any trouble recruiting help when the news gets hot.

George McVey, retired editorial writer, recently recalled his first Christmas dinner as a married man.

Marie, the bride, invited all the single newsmen and those away from home to have dinner with the McVeys.

About half way through dinner, the phone rang and the reporters took off. There was a double murder.

Among those present, McVey recalls, were Bill Gammon of United Press; George Adams, now in Anaconda; Vern Haugland, now in Washington, D.C., with Associated Press, and a couple of others.

"We all came back at 3 the next morning and resumed our Christmas dinner where we left off. Marie hasn't gotten over it to this day, even after being married to a newspaperman for 36 years," McVey wrote from Phoenix, where the couple now winters.

In bestowing the rank of Honorary Texan on Gov. Aronson, Jay B. Flangman of Forth Worth, chairman of the nominating committee, said the editorial was "the best article on a state that I have ever read and tops in its way of expression."

School children of Montana read the editorial in one of their history books, the product of Ralph C. Henry of Helena. It was also reprinted in Montana magazine, the publication of the Historical Society of Montana. It was reprinted in a long list of official publications of the State of Montana.

Jack Hallowell, then state advertising director, wrote, "the editorial should open the eyes of dozens of Montanans who still are unconvinced we have anything to show visitors."

And so on and so on—one little old editorial went a long, long way.

THE LATEST NORTH VIETNAM PEACE PROPOSALS

Mr. SCOTT. Mr. President, the recent offer from Hanoi was a seven-point proposal. Two of the points frequently commented upon in the public press and on television are mentioned as though they were the only points in the program. Those two points relate to the phased withdrawal of forces and the phased release of prisoners of war. They have some positive features about them and have, of course, attracted a great deal of attention.

Some people, however, have rushed to say, "Let us embrace the entire seven-point proposal. Let us grab at it."

Mr. President, those people will be held to full accountability by public opinion because among the seven points is one in which Hanoi demands that the United States pay reparations for all the damage done in Vietnam, North and South, and pay it to Hanoi.

There is a further point, that the United States demolish, dismantle, disband all of its installations and remove all of its equipment. Therefore, if only one carbine were left in South Vietnam, Hanoi could claim that we have violated our undertakings.

Then there is, further, the demand for a coalition government, the terms of which appear to imply the setting aside of the elections of August and October.

Those who want to see the United States pay reparations to the north are saying so when they say that we should accept Hanoi's seven-point proposal.

How much wiser it would be to say, "Let us examine every aspect of this proposal. Let us see whether it is separable. Let us see how much is arrogance and how much is worth trading or negotiating.

"Let us look at all the aspects of this proposal. Let us see what might be done; but I think it is the sheerest idiocy—and no better world will suffice—the sheerest idiocy for some people to rush to the public with a statement that we should, without criticism, without modification, not merely propose a total surrender but make a statement officially by the United States that we are a guilty nation, and are prepared to pay endless amounts of money in reparations to the extent, perhaps, of billions of dollars, to an enemy simply because that enemy demands it."

There must be a limit somewhere, where commonsense replies to that kind of idiocy.

Seven points, yes—two points of which are certainly worthy of considered and careful examination, and others may be subject to negotiation. But to say that whatever the enemy offers we will take, is idiocy.

Mr. MANSFIELD. Mr. President, will the Republican leader yield?

Mr. SCOTT. I am happy to yield.

Mr. MANSFIELD. May I say to the distinguished minority leader that, like him, I believe there is a certain amount of flexibility, a certain amount of give and take, a certain amount of substance in these proposals. Certainly we all want to do what we can to bring about the withdrawal of U.S. troops by a reasonable and an expeditious date, and to bring about the release of our prisoners of war and also the identification, insofar as it is possible, of the MIA's—the Americans missing in action.

I intend to have something further to say on this matter and I am delighted that the distinguished minority leader brought the subject up at this time. When the distinguished Senator from Virginia (Mr. BYRD) completes his remarks, I shall seek recognition to continue this discussion.

Mr. SCOTT. I thank the distinguished majority leader. I know of his tremendous concern and compassion in this whole matter, and commend him for it.

Mr. President, I call to the attention of my colleagues an article by Kenneth Crawford which appeared in yesterday's Washington Post. As I have already pointed out, most of the articles which have been written on Madam Binh's seven-point proposal have dealt only with the first, that is, the offer by the

North Vietnamese to return U.S. prisoners of war on a phased basis with the withdrawal of U.S. military personnel.

Mr. Crawford discusses the other six points of North Vietnam's seven-point proposal, and I ask unanimous consent that his article, entitled "The Steep Asking Price at Paris for U.S. 'Surrender'" be printed in the RECORD.

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

THE STEEP ASKING PRICE AT PARIS FOR U.S. "SURRENDER"

What Madam Nguyen Binh handed the United States delegation in Paris was not a demand for unconditional surrender. It was a demand for surrender on condition that the U.S. pay for the privilege of surrendering. The Vietcong asking price was on its face unconscionable. Unless marked down, President Nixon could not possibly pay it. No American President could.

Ambassador David Bruce made this quite clear at last week's formal session but failed to lure the Communists into more private talks to find how much, if any, markdown could be negotiated. The Communists like the propaganda odds.

They proposed: (1) That all American military personnel and equipment be removed from Vietnam by next Jan. 1, and meanwhile that hostilities be suspended and Vietnamization discontinued; (2) that the Thieu regime in Saigon be dumped in favor of an interim coalition, including, of course, the Vietcong, to conduct elections; (3) that the U.S. bear "full responsibility" for war damage in North and South Vietnam, thus accepting as an obligation the payment of reparations. The only concession the V.C. made was an undertaking to free U.S. prisoners of war.

To accept these conditions would be to turn South Vietnam over to the Communists lock, stock and barrel, with Camranh Bay and other such installations thrown in for good measure. It would be to proclaim that thousands of Americans have fought and died for nothing and that millions of dollars have been flushed into the Mekong. Many Americans contend that this is what has happened but even they may not want it proclaimed. Given a chance to think it over, most Americans would find this hard, if not impossible, to swallow.

Sen. George McGovern and others who have rushed to the microphones to urge that the administration grab at the Communist offer may have occasion to regret their impetuousness.

So far public opinion has not had much chance to take form. The proposal was thrown on the table in Paris just as the long Fourth of July weekend was starting, when news of any kind commands minimum attention. Moreover the news media, especially radio and television, have taken slight notice of six of Madam Binh's seven points—those which dangle the price tag. And the Nixon administration has, perhaps wisely, withheld analytical guidance pending "clarification" of the terms.

Madam Binh's point one—the offer to release U.S. prisoners of war gradually as U.S. military personnel and arms are withdrawn—has diverted attention from the conditions in points two through seven. And even these six points are couched in cleverly misleading language. Elections are to be fair. Democracy is to prevail. The Vietnamese will settle their own differences amicably. There will be no reprisals. Vietnam, happily reunified in due course, will be a neutral nation, on good terms with all the world, including the U.S.

This is the kind of language the Communists have used to make this kind of promise to every nation they have overrun and subjugated since the Second World War. Go back to the Soviet plan for "freeing" Poland, one of the earliest victims, in 1945, and the same combinations of plausible words will be found. What they meant then is what they mean now—that the country promised autonomy is to have satellite status, that what is called democracy will be dictatorship and that what is called freedom will be tyranny.

It has been apparent for a long time that the North Vietnamese and their Vietcong brethren meant to use the American prisoners of war as hostages, exacting as high a price as possible for their release. Mr. Nixon has played into their hands, up to a point by emphasizing the prisoner issue for his own purposes. Even so, the price, now that it has been stated, is staggering. Concern for the prisoners, who have never received the treatment normal under the Geneva conventions, whose camps have never been subject to inspection by the International Red Cross, is highly emotional. The Communists have exploited it for all it is worth.

Not only did Madam Binh wrap her conditions in it but Le Duc Tho, the highest ranking North Vietnamese in Paris, tied a bow on it by stating in an interview that point one in her proposal was separable from the other points. The U.S. could, he said, accept the prisoner-for-withdrawal deal and leave the political settlement for later. This changed nothing, though it was represented as an important concession. The North Vietnamese would naturally be happy to settle their score with the South once the South had been reduced to impotence by the withdrawal not only of U.S. personnel but of the guns U.S. forces would not be permitted to leave behind.

In spite of all this, the Nixon administration is handling Madam Binh's offer as a break in the Paris stalemate meriting exploration. Le Duc Tho has been at pains to say that the Communist position is "flexible." There are even some indications that Mr. Nixon, working through secret channels, encouraged the Communists to make their offer. At a meeting with Republican congressional leaders on June 15, he said a development that would make the Hatfield-McGovern end-the-war legislation moot was imminent in Paris.

At the same meeting Henry Kissinger, the President's foreign-affairs adviser, urged the legislators not to throw away any bargaining advantage that might be wrung from the administration's refusal to set a time certain for withdrawal on its own initiative. After all, he argued, the Communists have lost 700,000 to 800,000 men in the war, the equivalent of a loss of 10 million by the U.S., given the population differential, and were themselves warweary.

Perhaps Leslie H. Gelb, coordinator of the team that produced the Pentagon Papers, is right when he says that the war in Vietnam is a civil conflict that can't be compromised and must be won by one side or the other. The Communists are obviously assuming that they have won and are demanding the victor's spoils even though South Vietnam remains unconquered.

Mr. Nixon's alternative, if he fails to persuade the Communists to grant terms reasonably acceptable to the U.S. and to South Vietnam, is to proceed with Vietnamization, gradually withdraw American forces and then continue to supply the South Vietnamese with enough arms to give them a chance of holding their own while trying to negotiate a settlement with the North. Unless the Communists modify their terms more drastically than they seem disposed to do, this is what he most likely will do.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Virginia (Mr. BYRD) is now recognized for 15 minutes.

THE FINANCIAL SITUATION OF THE UNITED STATES

Mr. BYRD of Virginia. Mr. President, I regard the Government's financial situation as very serious. The administration has now admitted that the Federal funds deficit for the new fiscal year which began on July 1 will be the largest for any year since World War II.

The earlier estimate for the fiscal 1972 deficit in Federal funds was $23 billion. It is now admitted that the deficit will be at least $7 billion greater than that.

So it follows that the Federal funds deficit this year is going to be—at the very least—$30 billion. In my opinion it will be higher than that, but even the administration concedes that the $30 billion figure will be reached.

The admission of the higher deficit for 1972 came in testimony by Mr. Paul McCracken, chairman of the President's Council of Economic Advisers, before the Joint Economic Committee of the Congress last Thursday, July 8.

Mr. McCracken's statement followed by only a few days an admission by the Secretary of the Treasury that the deficit for the year just ended—fiscal 1971—will be "substantially higher" than had been projected only a few months earlier. He did not specify how much higher "substantially higher" will turn out to be.

But the earlier projection for the Federal funds deficit for fiscal year 1971 was $25 billion.

Thus, adding the figures for 1971 and 1972, we find that for these 2 years the total Federal funds deficit will be substantially higher than $55 billion.

Yes, Mr. President; a deficit in 2 years of $55 billion. This is a matter for grave concern, and to the Senator from Virginia it is a matter of great discouragement.

In the mail this morning I received an editorial from the Omaha, Nebr., Morning World-Herald, a strong supporter of the administration of President Nixon.

This editorial refers to statements made 3 years ago when Mr. Nixon was a candidate for the Republican nomination for President. At that time Mr. Nixon submitted to the resolutions committee of his party's national convention a statement entitled "The Threat to the American Economy."

This statement asked why prices were rising faster than they had in a generation, why the American dollar was viewed with growing suspicion abroad, why the American taxpayer was bearing the heaviest load ever, and why the purchasing power of the American worker had not risen in 2 years.

Then Mr. Nixon answered the questions he has posed:

Because for five years this administration has refused to keep federal spending within federal means. . . . The total deficit run up in the budgets of the Johnson years will amount to more than $55 billion. This massive deficit has wracked and dislocated the economy; this massive deficit has plunged the Free World monetary system into a profound crisis of credibility.

Mr. President, those were the words of Mr. Nixon in 1968.

It is significant, I think, that the figure of $55 billion occurred in the remarks of Mr. Nixon 3 years ago and that the figure of $55 billion was used by the Senator from Virginia a few moments ago. The $55 billion figure that Mr. Nixon referred to 3 years ago was the accumulated 5-year deficit of the administration of President Johnson, which Mr. Nixon thought—and I think justly so—was the primary cause for the inflation which we experienced.

We come now to today's figure of $55 billion that I mentioned in my earlier remarks. That $55 billion total is for 2 years—fiscal 1971 and fiscal 1972—not for an accumulated 5-year deficit, but for a 2-year deficit in the administration of President Nixon. I think this is alarming and discouraging.

This 2-year figure of $55 billion sets a record for any 2-year period since World War II.

The deficit for each of these 2 years will exceed the huge deficit of $25 billion incurred by the Johnson administration in fiscal 1968. And the fact is that at the time the Nixon administration abandoned financial restraint and embarked on the so-called "expansionary" policy now being pursued, the inflationary effects of that 1968 Johnson deficit were still being felt in the economy of the United States.

Of course the figures in the headlines are not as large as the figures I am citing here today.

That is because in fiscal year 1969, the Johnson administration adopted the "unified budget" concept, which lumps together trust fund surpluses with Federal fund deficits. The effect, of course—and I submit, the intent as well—is to hide the magnitude of the real Federal fund deficits.

But trust money is earmarked money. It is not available to defray the regular operating expenses of the Government. It has no business being combined with general revenues and expenditures.

Furthermore, if we are to make valid historical comparisons—if we are to compare the current year's budgetary figures, for example, with those for the years before 1969—we must stick to the Federal funds concept. Otherwise, we are comparing apples and oranges.

And the undeniable fact is that using consistent accounting methods, we are now running the largest deficits since World War II.

Mr. President, the financial policy now being pursued by the Government is disastrous.

Not long ago, there was severe pressure on the dollar in the European money markets.

Right now, we are hearing less about this situation. But we may be sure that the pressures on the dollar have not come to an end.

I do not say that there will be an immediate run on the dollar, or that there are grounds for a panic.

But I do say this: One does not need to be an expert in internal finance to know that the dollar has been growing weaker.

There is no chance that the Government will devalue the dollar. There is no need to devalue the dollar. The dollar is devaluating itself, because of these huge accumulated deficits that the Federal Government is running.

As a result, every housewife finds that her grocery check buys less groceries. Every American housewife knows that it takes more and more dollars to buy the same amount of goods at the grocery store.

And the chief reason why the dollar is being weakened, and why the wage-earners and their families—and the housewives—in this country are confronted with steadily declining purchasing power, is the deficit financing policies of the Federal Government.

We are not going to lick inflation in this country—and we are not going to strengthen the dollar—until we set our fiscal house in order.

Until that time comes, the citizens of this country—and particularly those in the lower- and middle-economic brackets and those on fixed incomes—are going to continue to feel the cruel squeeze of inflation.

The Government owes it to the people of this country to return to a policy of financial sanity and stability.

In conclusion, Mr. President, I point out that as this huge national debt increases, and it is now at $400 billion, the annual interest on that debt in the current budget under consideration is $21.2 billion.

That is $21.2 billion just to pay the interest. That figure has doubled from $10.7 billion in 1964 to $21.2 billion for fiscal year 1972.

I am deeply concerned in regard to the Nation's financial situation and if the heavy spending and the deficit program continue, the purchasing power of the dollar of every housewife is going down and the purchasing power of the check of every wage earner is going down. The housewives and wageearners, those in the middle-economic group, those on fixed incomes, are being hurt the most. The very wealthy will take care of themselves; they have the means to take care of themselves. The people on fixed incomes, those in the middle-economic bracket and those in the lower-economic bracket, are feeling the brunt of this inflation and getting less and less for the dollars they spend.

I say that only by Congress and the President acting together, and only by Congress and the President working together with the determination to reduce these swollen expenditures of Government will inflation be brought under control.

Mr. PERCY. Mr. President, does the distinguished Senator from Virginia have any remaining time, so that I may ask a question?

Mr. BYRD of Virginia. I wish to ask the Presiding Officer if I have any time remaining.

The PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. BYRD of Virginia. I yield to the distinguished Senator from Illinois.

Mr. PERCY. Does the distinguished Senator from Virginia feel that, with the West German Government paying less than 4 percent for its own defense and Japan paying less than 1 percent, the nuclear umbrella we hold over these countries would be cause for them to put into their defense budgets more of the cost of the common defense?

Mr. BYRD of Virginia. I agree with the Senator. I was somewhat concerned when I read this morning and yesterday that our Secretary of Defense is in Japan and stated he is going to see that this country gives Japan more armaments, and so forth. I think it is time for Germany and Japan, as the Senator from Illinois indicated, to do more in their own behalf.

I ask unanimous consent to have the full text of the editorial, from which I have quoted, printed in the RECORD.

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

UNCHECK PROFLIGACY

Less than three years ago Richard Nixon, then an aspirant for the Republican nomination for President, submitted to the resolutions committee of his party's national convention a statement entitled "The Threat to the American Economy."

It asked why prices were rising faster than they had in a generation, why the American dollar was viewed with growing suspicion abroad, why the American taxpayer was bearing the heaviest load ever and why the purchasing power of the American worker hadn't risen in two years.

"Because," Nixon answered, "for five years this administration has refused to keep federal spending within federal means. . . . The total deficit run up in the budgets of the Johnson years will amount to more than $55 billion. This massive defict has wracked and dislocated th eeconomy; this massive deficit has plunged the Free World monetary system into a profound crisis of credibility."

These words, and others like them, may haunt Richard Nixon.

* * * * *

For the truth is that his administration is doing worse than Johnson did in keeping federal spending within federal means.

The deficits have exceeded estimates and are soaring. The Wall Street Journal reckons that the cumulative red ink of the first three Nixon years may reach $60 billion, and all signs indicate that the figure will go higher in the future.

Since early this year the administration has advocated an easy money policy and the Federal Reserve Board has gone far in that direction.

The administration's earlier efforts to fight inflation have given way to avoiding recession at almost any cost. Conservatives such as Virginia's Sen. Harry Byrd are discouraged, as might be expected.

But so is Sen. William Proxmire, D-Wis., whose liberal views on most subjects do not cloud his view of fiscal dangers. While flailing at defense and space spending, Proxmire observes that "liberals have their pork barrels, too."

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now proceed to the transaction of routine morning business for not to exceed 30 minutes, with Senators to be recognized for not more than 3 minutes each.

THE SEVEN-POINT PROPOSAL OF THE NLF

Mr. MANSFIELD. Mr. President, over the past 10 days I have had a chance to study in detail the proposals made by Madame Binh, the chairman of the delegation of the National Liberation Front, which evidently have the full support of Xuan Thuy, the chairman of the North Vietnamese delegation. These proposals have been made with the obvious approval and, perhaps, at the instigation of Le Duc Tho, a member of the ruling committee in Hanoi who has returned to Paris after a 14-month absence.

Mr. President, I ask unanimous consent that the seven-point proposal as outlined in brief in the UPI dispatch dated July 1, 1971, be printed in the RECORD.

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

The proposal, ordered to be printed in the RECORD, is as follows:

1. A cease-fire between Communist and American forces as soon as the two sides reach agreement on the withdrawal of non-South Vietnamese troops.

2. A cease-fire between the Communist and South Vietnamese forces as soon as the Vietnamese belligerents in the South agree on the creation of a provisional tripartite government in Saigon whose main task would be organizing general elections.

3. The problem of Vietnamese armed forces, clearly meaning the presence in the South of large North Vietnamese forces, will be settled by the Vietnamese themselves.

4. The Viet Cong said that following reestablishment of peace, the country's reunification would be negotiated by the two zones without outside interference, with both South and North refusing to join any military alliances with outsiders, or allowing them to set up foreign bases.

5. A pacified South Vietnam, before its reunification with North Vietnam, would set up relations with all countries including the United States.

6. The U.S. would be held liable to pay an indemnification "for the losses and the destructions it has caused to the Vietnamese people in the two zones."

7. According to the document "the parties will find agreement on the forms of respect and international guarantee of the accords that will be concluded."

Mr. MANSFIELD. Mr. President, it appears to me that the seven-point statement, for the first time, contains elements of a breakthrough in the impasse which had marked, previously, the 118 meetings in Paris. The statement calls for a cease-fire and a mutual agreement based on the phased withdrawal of American troops—which, in any event, has been the aim of this Government for the last two and a half years—and, concurrently, the release of U.S. POW's which is also the basic aim of the administration.

As for the problem of the Vietnamese armed forces, it is proposed that settlement be by the Vietnamese themselves. It is also proposed that Vietnamese alone work out the problem of reunification. The statement notes that after a U.S. withdrawal, South Vietnam would be prepared to establish relations with all countries including the United States, an indication that some form of independence is envisioned at least into the indeterminate future. That point seems to be reinforced in point No. 7 which states—

Parties will find agreement on the forms of respect and international guarantee of the accords that will be concluded.

Proposal No. 2 in the seven-point statement is indeterminate as to meaning. It refers to the question of an interim tripartite government, and the organizing of general elections. Presumably, negotiations could serve to clarify the implications of this point.

Proposal No. 6 relative to U.S. liability to pay an indemnity for the losses and the destruction it has caused to the Vietnamese people in the two zones clearly, is open to question.

This is the matter which the distinguished minority leader earlier this morning addressed himself to primarily. If the Binh statement were transposed—this particular language—into a postwar effort at joint rehabilitation and reconstruction, however, it might well be subject to negotiation.

In any event, my overall reaction to Madam Binh's statement is that it constitutes, for the first time, a substantial proposal. The talks at Paris—there have been no negotiations as yet—have been moved off dead center. Indeed, we may be seeing, at last, a real possibility in the outworn phrase "light at the end of the tunnel."

I can appreciate the reserved reaction on the part of the White House, but I am glad that the door is being held open. In the same way Ambassador Bruce's request that he be given time to consider the seven-point proposal is also understandable, along with his initial "yes, but" response.

Nevertheless, I hope that this "straw in the wind" will not slip away as, I am confident the administration has no intention of permitting. It seems to me that the President's probes for peace over the past several months have created this stirring, this movement, in the first place and, hopefully, out of this latest proposal will come the ways and means to bring the war to a conclusion. The final decisions remain with the President, but all of us—the Congress and the people—are, I am sure, ready and willing to sustain the efforts which he makes to achieve a negotiated peace.

Insofar as South Vietnam is concerned, any commitments which we may have had to the government in Saigon have long since been discharged. We have given to the present government and to every predecessor government after the unfortunate and tragic death of President Ngo Dinh Diem whatever support could be given for the past 17 years. As for the election which is scheduled to take place in October for the presidency, that will be the business of the Vietnamese, not ours. If the outcome is based upon a free and open contest, the results can only be respected. Whatever the outcome, our principal concern, at this point, it seems to me, must center on the American POW's and the MIA's—the missing in action. It has been proposed that we consider the situation of these Americans in juxtaposition to a phased withdrawal of U.S. forces and that these two matters be treated apart from the other considerations in the seven-point proposal. Why not? The U.S. withdrawal has already been in process for the past 2½ years. Why not speed up the withdrawal to full completion if it means, reciprocally, as indicated in the seven-point proposal that Hanoi will be willing to match it with a rapid release of all POW's.

Our primary obligation in this situation is to our own country and to our own people. That has been, is, and will continue to be the basic consideration which has underlain my own position as a Senator from Montana. In this case, the obligation has to do with the fate of the American POW's and the MIA's, as the administration has made clear many times.

There may well be in these proposals of the National Liberation Front some "light at the end of the tunnel" for these men. The proposals may also contain light for a final peace settlement. As I see it, the time to find out is now.

And, in conclusion, may I call to the attention of the Senate the latest casualty list under date of June 26, 1971:

Wounded, 300,510 Americans.

Combat dead, 45,321 Americans.

Noncombat dead, 9,622 Americans.

The total casualties in this second most costly of all the wars in which we have been engaged amount to 355,453 Americans as of June 26, 1971. Casualties, costs, drugs sum up the price we have paid. It is too much.

VIETNAM NEGOTIATIONS

Mr. PERCY. Mr. President, I should like to commend the majority leader on his very excellent statement and also for the customary moderation and tone that he has taken and for the confidence that he has expressed that the administration is not going to miss this opportunity, if it is an opportunity—and I trust that it is—for us to move ahead now to some negotiated settlement.

I do feel that the offer that has been made certainly will be given the most serious consideration and that we will want to make a counter offer. They do not expect their offer to be accepted as given, but certainly it opens the door to a counter offer. The President has always said that the proposals the administration has made were negotiable, that they were a basis for discussion. I hope that the peace proposals he set forth on October 7, 1970, which the Senate unanimously supported, will now be followed up by the very careful attention that these negotiations demand.

NATO TROOP COSTS

Mr. President, I should like to call the attention of the Senate to an article that appeared this morning in the Wall Street Journal entitled, "Germany Is Seen Ready To Pay $1.9 Billion to United States to Offset Cost of Troops There." I say to the Wall Street Journal that I read the headline with great hope, but as I read the article I believe the headline writer has overstated the contents of the article itself. I did not read anywhere in the article that West Germany stood

ready to pay $1.9 billion to the United States to offset the cost of the troops stationed in Germany.

The article did indicate that West Germany would make direct cash payments to the American Government out of its regular budget totaling $218 million over the next 2 years and that an additional $98 million would be earmarked as German payment for renovation of American barracks and American airfields in West Germany. That is sensible. We obviously have no intention of bringing the airfields or the barracks back to the United States.

But that adds up to only $316 million. The total figures of the Department of Defense for our balance-of-payments deficit are $2.4 billion over the next 2 years. That would mean a net deficit of $2.084 billion. The article points out that West Germany is willing to discuss more loans. But even if they are interest-free loans, this is unsatisfactory. Even if the interest charge is 2.5 or 3 percent, these are still obligations that must be paid back. They are not budgetary items. They are obligations of the U.S. Government to pay Germany back for the privilege of sharing the common defense effort.

I trust that the administration will reject this offer and make a more realistic counterproposal that will take more fully into account factors well known to both sides.

Mr. AIKEN. Mr. President, I am sure the country as a whole will be pleased by the remarks just made by the Senator from Montana, the majority leader of the Senate, and I hope very earnestly that all members of the legislative branch and the executive branch of the Government will give equal heed.

I can well understand the reluctance of the President to take any unusual or precipitate action at this time which might be interpreted as an effort to influence the South Vietnamese election which is slated for October. However, I feel that the steady withdrawal of our troops even at the present rate will not interfere in any way with the election of that country, and by the time that election takes place there will be a little under 200,000 of our troops left, indicating a withdrawal of almost 350,000 in the last 2 or 3 years, which should be to the credit of the President.

I have noted, however, that in his last public press conferences, the President has placed emphasis upon a statement which he contemplates making on November 15. I hope that when he makes that statement he will indicate very cleary to the people of this country and the rest of the world that we intend to bring our affairs of war in Southeast Asia to a conclusion by the 1st of next July.

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

Mr. AIKEN. I yield.

Mr. MANSFIELD. I think one of the interesting points in the seven-point proposal of Madam Binh is No. 1, and I read it:

A cease-fire between Communist and American forces as soon as the two sides reach agreement on the withdrawal of—

And note this—

non-South Vietnamese troops.

As I interpret point one, it means withdrawal of all troops, including the North Vietnamese, if and when a cease-fire is arrived at and an agreement reached.

Mr. AIKEN. I understand that is true. I also believe I read in one of the press reports this morning that North Vietnam has indicated that it does not intend, after the war is over, to undertake to influence the South Vietnamese. Now, I do not know whether that is correct or not. I hope it is. But it seems to me that if both North Vietnam and the United States complete withdrawal and adhere to any resolution not to interfere with the right of that country to govern itself, then we will have lived up to the agreement ourselves, and if the South Vietnamese see fit to have trouble among themselves, that is their business and not ours, or that of any other country, either.

The PRESIDING OFFICER. Is there further morning business?

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATORS GAMBRELL, ALLOTT, BROCK, BUCKLEY, DOLE, AND ROTH ON WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday, immediately following the remarks of the distinguished Senator from Utah (Mr. Moss), the distinguished junior Senator from Georgia (Mr. GAMBRELL) be recognized for not to exceed 15 minutes, and that he be followed by the following Senators in the order stated, each to be recognized for not to exceed 15 minutes: Messrs. ALLOTT, BROCK, BUCKLEY, DOLE and ROTH.

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

THE VANISHING PACIFICATION FUNDS

Mr. BYRD of Virginia. Mr. President, the Senator from Illinois (Mr. PERCY) has called for an investigation pursuant to the General Accounting Office report that it is unable to account for $1.7 billion in Vietnam pacification funds. The Senator from Illinois points out that the GAO, which is congressional watchdog, has said it can account for only $339.2 million of a $2.1 billion appropriation for the pacification program in Vietnam for the fiscal years 1968 through 1970.

Mr. President, I join with the Senator from Illinois in seeking an investigation of what happened to all of that money. It is rather fantastic, I think, that the taxpayers of this country would send to Vietnam for a program of that type $2.1 billion, and yet the proper auditing agency finds itself unable to account for $1.7 billion of that sum. I think that is highly significant. I think it is important, before more tax money is doled out all over the world, that we make sure that the money can be appropriately accounted for.

Mr. President, there is only one place the Government can get funds to send around the world or to use for its own domestic purposes, for that matter, and that is from the pockets of the wage earners of our Nation. If the wage earners of our Nation are going to be called upon to send $2.1 billion to Southeast Asia for a pacification program, then the Government has an obligation to see that that $2.1 billion is spent properly and for the purpose for which it was appropriated and sent to that area.

Yet we are told by the General Accounting Office, a reliable agency of the Government, that it is unable to locate or to find out what happened to $1.7 billion of that $2.1 billion—in other words, virtually the entire sum. Virtually the entire sum is unaccounted for. I agree with the Senator from Illinois that there should be a full investigation of this matter, to track down what happened to that $1.7 billion.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

FEDERAL BOAT SAFETY ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 19.

The PRESIDING OFFICER laid before the Senate the message from the House of Representatives on H.R. 19, an act to provide for a coordinated national boating safety program, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 19.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. I move that all after the enacting clause of H.R. 19 be stricken, and that the language of S. 696 as reported by the Committee on Commerce with amendments be substituted in lieu thereof.

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

The motion 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 the third time.

The bill (H.R. 19) was passed.

Mr. MANSFIELD. I ask unanimous consent that Calendar No. 240, S. 696, be indefinitely postponed.

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

COMMITTEE MEETING DURING SENATE SESSION

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. That permission has already been granted as to all committees.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT UNTIL 10 A.M. WEDNESDAY, JULY 14, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stands in adjournment until 10 o'clock on Wednesday morning next.

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

Mr. MANSFIELD. I make this request with the proviso that we finish action on the International Wheat Agreement and the McGee resolution today. If that is done, it is to be hoped that the appropriate committees will meet tomorrow, so that later this week the Senate will be in a position to consider three, possibly four, appropriation bills. The calendar is pretty clean.

The appropriations subcommittees are working diligently. Mark-ups will begin today or tomorrow, and we anticipate that there will be votes on Wednesday, Thursday, and Friday of this week, as the distinguished deputy majority leader announced in the whip notice he sent out over the weekend.

We hope to get some unanimous consent agreements on the AEC authorization bill and the two health bills which should be ready for consideration by Wednesday, and hopefully those agreements will be arrived at later today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED AMENDMENT TO BUDGET REQUEST FOR DEPARTMENT OF TRANSPORTATION, 1972 (S. Doc. No. 92–30)

A communication from the President of the United States submitting proposed amended appropriations for the Department of Transportation for the fiscal year 1972 to decrease budget authority $176,500,000 (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

REPORT OF DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report of Department of Defense Procurement from Small and Other Business Firms, for the period July 1970–April 1971 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

LIST OF REPORTS OF GENERAL ACCOUNTING OFFICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports of the General Accounting Office, for the month of June, 1971 (with accompanying papers); to the Committee on Government Operations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Assessment of the Teacher Corps Program at the University of Southern California and Participating Schools in Los Angeles and Riverside Counties, Office of Education, Department of Health, Education, and Welfare, dated July 9, 1971 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COOK, from the Committee on Commerce, with amendments:

S. 664. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time be used from Memorial Day to Labor Day, together with minority views (Rept. No. 92–250).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 934. A bill to amend title VII of the Public Health Service Act to expand and improve our Nation's resources for the training of physicians, dentists, optometrists, pharmacists, podiatrists, veterinarians, and professional public health personnel, and for other purposes (Rept. No. 92–251).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 1747. A bill to amend title VIII of the Public Health Service Act to extend, expand, and improve the various programs thereunder relating to nurse training, and for other purposes (Rept. No. 92–252).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs:

Richard Stockwell Bodman, of California, to be an Assistant Secretary of the Interior.

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. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2236. A bill to provide for the reconveyance to the original Indian grantors, their heirs or devisees, lands donated or conveyed for a nominal consideration to Indian tribes when surplus to tribal needs;

S. 2237. A bill to establish within the Department of the Interior the Indian Business Development Program to stimulate Indian entrepreneurship and employment and for other purposes;

S. 2238. A bill to amend acts entitled "An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes," and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes," and for other purposes; and

S. 2239. A bill to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota. Referred to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON:

S. 2240. A bill to amend the Voting Rights Act of 1965 to provide for the registration of students at the institutions of higher education where they are in attendance. Referred to the Committee on the Judiciary.

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

S. 2241. A bill to provide for the establishment of the San Francisco Bay National Wildlife Refuge. Referred to the Committee on Commerce.

By Mr. SPARKMAN:

S. 2242. A bill to shorten the period of creditable service required in order for a Federal employee to be entitled to life insurance coverage after retirement. Referred to the Committee on Post Office and Civil Service.

By Mr. SPARKMAN (for himself and Mr. ALLEN):

S. 2243. A bill to authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs. Referred to the Committee on Commerce.

By Mr. ALLEN:

S. 2244. A bill to amend title II of the Social Security Act to provide that a beneficiary who dies shall (if otherwise qualified) be entitled to a prorated benefit for the month of his death. Referred to the Committee on Finance.

By Mr. PEARSON:

S. 2245. A bill to authorize the issuance of a special series of savings bonds, the interest on which would be protected against increases in the cost of living, for purchase by individuals who have attained age 65. Referred to the Committee on Finance.

By Mr. STEVENSON (for himself and Mr. JAVITS):

S. 2246. A bill to permit the Federal Reserve Board to guarantee loans to necessitous

firms which are affected with the public interest. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. ERVIN:

S. 2247. A bill to further insure due process in the administrative discharge procedure followed by the Armed Forces. Referred to the Committee on Armed Services.

By Mr. ANDERSON (by request):

S. 2248. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; and

S. 2249. A bill to amend the Act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico. Referred to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (for himself, Mr. FANNIN, Mr. GOLDWATER, and Mr. MONTOYA):

S. 2250. A bill to authorize grants for the Navajo Community College, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CASE:

S. 2251. A bill to provide that the President notify Congress of his intention to exercise certain special authorities under the Foreign Assistance Act of 1961;

S. 2252. A bill limiting the total amount of excess defense articles that all Government agencies may make available to foreign countries;

S. 2253. A bill to require specific congressional authorization before funds may be made available to finance military operations outside the borders of the country of the government or persons receiving such funds; and

S. 2254. A bill to limit all Government agencies with respect to the use of funds for certain activities conducted outside the United States. Referred to the Committee on Foreign Relations.

By Mr. BROCK:

S. 2255. A bill to amend the Internal Revenue Code of 1954 to provide for reasonable additions to bad debt reserves for qualifying real property loans by banks comparable to such additions by cetrain other financial institutions. Referred to the Committee on Finance.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 2256. A bill to amend section 4263 of the Internal Revenue Code of 1954 (relating to taxes on transportation by air) to exempt from such taxes the transportation of smoke jumpers. Referred to the Committee on Finance.

By Mr. TAFT:

S. 2257. A bill for the relief of Doctor Alexander Adamovitch. Referred to the Committee on the Judiciary.

By Mr. GRIFFIN:

S. 2258. A bill to permit coordination and cooperation in accelerated research and development of devices and equipment to meet government standards for motor vehicle exhaust emissions and abatement of air pollution. Referred to the Committee on the Judiciary.

By Mr. PROUTY:

S. 2259. A bill to amend the Fair Labor Standards Act of 1938, as amended, to raise the minimum wage to $2 an hour, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. FULBRIGHT (by request):

S. 2260. A bill to amend further the Peace Corps Act (75 Stat. 612), as amended. Referred to the Committee on Foreign Relations.

By Mr. WILLIAMS:

S. 2261. A bill to establish a program of assistance to State and metropolitan development agencies in order to promote the provision of low- and moderate-income housing and related facilities, sound neighborhood growth and development, and the development of new job opportunities. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MCCLELLAN (by request):

S. 2262. A bill to permit a home mortgage loan by a federally insured bank to a bank examiner. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 2263. A bill for the relief of Charles Phillip Anthony Mills. Referred to the Committee on the Judiciary.

S. 2264. A bill to amend section 601 of the Federal Aviation Act of 1958 to require the installation of collision avoidance and pilot warning indicator systems on certain aircraft, and for other purposes. Referred to the Committee on Commerce.

By Mr. FULBRIGHT:

S.J. Res. 127. A joint resolution to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property. Referred to the Committee on Foreign Relations.

By Mr. TOWER:

S.J. Res. 128. A joint resolution to amend title 38, United States Code, authorizing the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration, and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health service institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel. Referred to the Committee on Veterans' Affairs.

By Mr. FANNIN (for himself, Mr. BELLMON, Mr. COOK, Mr. CURTIS, Mr. ERVIN, Mr. GOLDWATER, Mr. JORDAN of Idaho, and Mr. TOWER):

S.J. Res. 129. A joint resolution proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits. Referred to the Committee on the Judiciary.

By Mr. BYRD of Virginia (for himself and Mr. SPONG):

S.J. Res. 130. A joint resolution granting the consent of Congress to certain boundary agreements between the States of Maryland and Virginia. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2236. A bill to provide for the reconveyance to the original Indian grantors, their heirs or devisees, lands donated or conveyed for a nominal consideration to Indian tribes when surplus to tribal needs. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Committee on Interior and Insular Affairs, and myself, I send to the desk for appropriate reference a bill to provide for the reconveyance to the original Indian grantors, their heirs or devisees, lands donated or conveyed for a nominal consideration to Indian tribes when surplus to tribal needs.

This measure was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication from the Assistant Secretary of the Interior accompanying this draft proposal be printed in the RECORD at this point in my remarks.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 25, 1971.

Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft bill, "To provide for the reconveyance to the original Indian grantors, their heirs or devisees, lands donated or conveyed for a nominal consideration to Indian tribes when surplus to tribal needs."

We recommend that the proposed bill be referred to the appropriate committee for consideration, and we recommend that the bill be enacted.

This bill authorizes the tribal governing body, with the approval of the Secretary to reconvey by appropriate deed to the original Indian grantors or to their heirs or devisees any land that was donated to a tribe when it subsequently becomes surplus to tribal needs. The Secretary would determine whether the reconveyance of land should be in trust, restricted fee, or in fee simple, which would depend upon the circumstances of each proposed reconveyance.

At the present time there are four small parcels of land that are no longer needed or used by the tribes to whom the tracts were conveyed by the Indian owners in 1936. The consideration in each instance was $1. The Sac and Fox Tribes received two tracts, and the Citizen Band of Potawatomi Indians and the Absentee-Shawnee Tribes each received one tract.

All mineral rights were reserved to the respective grantors. The purpose of these conveyances was to provide land on which community houses could be built. The need for these particular lands was brought about by the allotment of $12,000 to the Shawnee Indian Agency for the purpose of establishing an Indian rehabilitation project. The project provided for the construction of several community houses to be used for social and recreational gatherings, canning and sewing groups, health clinics, educational meetings, demonstrations, crafts workshop, etc. This project was approved subject to the condition, however, that the community houses be constructed only on tribal or Government-owned land. Since there was no tribal or Government-owned land available in the localities where it was desired to erect community houses, the owners donated these small tracts of land to their respective tribes in order that the project could be carried out.

The Sac and Fox community houses have been moved from their old sites to a new location where they can be more conveniently used by the tribal members. The Southern Potawatomi community house has been sold. The Citizen Band of Potawatomi Indians no longer uses the site on which its community house was located. The site donated to the Absentee-Shawnee Tribe was also used for a community building. It is no longer needed for this purpose. In each instance the tribal governing body by resolution has requested the Secretary of the Interior to cause the necessary legislation to be enacted by Congress to reconvey these parcels.

There are other tracts within the Shawnee Agency jurisdiction which were donated by members to local tribes for community buildings sites. It is possible that these sites may be considered for return to the grantors

or their successors at a future date. Although we have not made a study of the number of instances where Indian land has been conveyed by the Indian owners to tribes for a nominal consideration, this bill would permit the Secretary to return such lands when requested to do so by the tribe.

As there is presently no authority for reconveyances of tribal lands, we believe that legislation should be enacted to permit the reconveyance of lands to the original owners or thier successors when the tribes request such action. This legislative proposal would not, however, precluded other disposition of such property by a tribe.

We suggest that the Secretary be given authority to determine whether title would be held in trust, restricted fee, or fee simple status. Factors to be considered would be the status of other land owned by the allottee or his heirs or devisees, how the mineral interests are held, and the status of lands surrounding the property to be conveyed.

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

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

S. 2236

A bill to provide for the reconveyance to the original Indian grantors, their heirs or devisees, lands donated or conveyed for a nominal consideration to Indian tribes when surplus to tribal needs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where land has been donated or conveyed for a nominal consideration by individual Indians to an Indian tribe and the land becomes excess to tribal needs, the tribal governing body may, by appropriate deed approved by the Secretary of the Interior, either convey fee simple title to the original Indian grantors, their heirs or devisees, with or without restriction against alienation, or convey title to the United States in trust for the original Indian grantors, their heirs or devisees.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2237. A bill to establish within the Department of the Interior the Indian Business Development Program to stimulate Indian entrepreneurship and employment and for other purposes. Refered to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Committee on Interior and Insular Affairs (Mr. ALLOTT) and myself, I am introducing legislation today proposed by the administration "to establish within the Department of the Interior the Indian Business Development Program to stimulate Indian entrepreneurship and employment, and for other purposes."

The proposed measure provides for legislative approval of the Indian Business Development Program that was established by the Bureau of Indian Affairs during the 1971 fiscal year. Through an initial appropriation of $3.4 million, the Bureau has provided a variety of financial grants for Indian small businesses.

Perhaps the most significant feature of the proposal is its potential for stimulating and encouraging the development of Indian-owned small business enterprises on or near economically depressed reservation communities. Through the program provided for in the bill it will be possible to provide grants to Indian tribal members and Indian tribes in need of cash that they can obtain nowhere else to open or expand business enterprises. In addition, it will permit the Government to respond in an expeditious manner to an Indian's initiative to improve his business standing either through expansion of current business or by the financing of a new business.

Mr. President, the adverse economic conditions on Indian reservations and communities call for new and innovative approaches if Indian people are to achieve a degree of economic independence. The proposed bill, in my view, is a step in the right direction for the achievement of this objective.

I ask unanimous consent that the executive communication accompanying the draft proposal be printed at this point in my remarks.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., April 28, 1971.

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

DEAR MR. PRESIDENT: Enclosed is a proposed bill "To establish within the Department of the Interior the Indian Business Development Program to stimulate Indian entrepreneurship and employment, and for other purposes."

We recommend that the proposed bill be referred to the appropriate committee for consideration and that it be enacted.

This proposed bill provides for legislative sanctioning of the Indian Business Development Program that was created by the Bureau of Indian Affairs to give significant encouragement to Indian-owned small business enterprises on or near reservation communities. The purpose of the Program is to provide financial grants for Indian small businesses.

The proposed bill has six sections, the first section is the Citation Section which cites the proposed bill as the "Indian Business Development Program Act".

Section 2 establishes, within the Department of the Interior, the Indian Business Development Program and sets out its purpose.

Section 3 contains definitions pertinent to the Act.

Section 4 limits any grant to a maximum of $50,000 and sets out conditions upon which the grant may be made.

Section 5 authorizes appropriations for the Program over a period of six years and sets a total amount of $75 million.

Section 6 authorizes appropriations for the purposes of this Act.

This legislation would give legislative authority to a program that has been carried on within the Bureau of Indian Affairs since August of this past year. The Indian Business Development Program was created by the Bureau of Indian Affairs and is administered by the Bureau. It was created with a $3.4 million appropriation for fiscal year 1971. The funds were appropriated for fiscal 1971 as tribal development funds and have been used for such development through the Indian Business Development Program.

The Program was designed to, and will provide grants to Indian tribal members and Indian tribes in need of cash that they can obtain nowhere else to open or expand business enterprises. Its most important feature will be its expeditious response to an Indian's initiative to improve his business standing either through expansion of a current business or by the financing of a new business.

The grants have and will continue to provide cash for Indians having insufficient equity to qualify them for small business loans from either public or private sources. The grants have been and will continue to be used to supplement business grants-in-aid from Government agencies or foundations, and to supplement business loans to arrive at the 100 percent financing need for a business venture. Most Indians have found it difficult to take advantage of the 90 percent loan guarantee programs of the Small Business Administration because most private lenders have required a 100 percent guarantee for Indian loans. The Indian Business Development Program grants have been and will be used to make up the difference for this and similar types of financing.

Grants have not been made from this Program jointly or in connection with loans from the Indian revolving funds but require a grant recipient to provide proof to the Bureau of Indian Affairs that he has obtained at least 60 percent of the cost of his business venture from outside sources. We have been able to use the resources of these outside financial institutions to make investigations of the soundness of the business ventures thereby reducing our administrative costs and allowing us to devote the entire Program to the making of grants.

In establishing the Indian Business Development Program, the Bureau of Indian Affairs outlined the basic criteria for grants under the Program and it is our intention to follow this criteria. The criteria are:

1. Ownership of the business by an Indian individual or group of Indians;

2. Location of the business on or near a reservation or Alaska Native village; and

3. Profit-making or self-sustaining business or having the potential of being profit-making or self-sustaining within the total cost of expanding or establishing such business.

In addition to the criteria set out above, the employment of Indians, one of the most underemployed groups in our country, was one of the principal purposes of the Program. We are also interested in developing profitable businesses, the profits from which would be used by Indians in funding expansion of Indian business and the development of still more Indian jobs.

In operating the grant program under the existing Program, 82% of the money has been allocated on an agency-by-agency basis with population being the principal criteria. The remaining 18% has been retained by the Commissioner of Indian Affairs for discretionary use in making grants.

In the five months that this Program has been in operation, indications of the potential of this type of Program in creating jobs and business opportunities for the Indian people has been clearly shown. Thus far, these grants offer the possibility of assisting in the formation of over 250 new Indian-owned businesses, as well as probable expansion of 150 existing businesses. It is estimated that over $16.2 million will have been generated in funds from other financial sources as a result of the grants made under this Program. The attached table which provides a tentative run-down of our experience after the second quarter of operation, indicates the potential success of this Program. Examples of the potential displayed in the attached chart, which also shows the Indian enthusiasm for the Program, is the approximately 777 applications filed requesting grants in the amount of $10,850,000, which is more than triple the amount of money allocated for this Program.

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

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

INDIAN BUSINESS DEVELOPMENT PROGRAM STATUS, DEC. 31, 1970

Item	Aberdeen	Albuquerque	Anadarko	Billings	Juneau	Minneapolis	Muskogee	Navajo	Phoenix	Portland	Sacramento	Central office (Choctaw, Cherokee, Miccrosukee and Seminole)	Total central and field offices	Commissioner's reserve allocation	Grand total
Initial allocation (thousands)	$426.2	$236.8	$202.8	$283.1	$250.0	$137.9	$131.9	$250.0	$442.3	$225.3	$86.1	$127.6	$2,800.0	$600.0	$3,400.0
Number of all applications received	140	43	35	67	89	31	37	40	77	76	69	18	722	55	77
Amount of IBDP requested (thousands)	$1,476.7	$874.4	$193.8	$724.0	$1,606.2	$475.9	$344.4	$913.7	$724.4	$915.6	$1,050.4	$137.6	$9,427.1	$1,423.1	$10,850.0
Number of applications approved	70	23	15	35	31	20	27	15	49	38	8	13	344	25	369
Amount IBDP obligated (thousands)	$415.1	$239.0	$190.2	$276.3	$247.3	$137.9	$97.4	$325.0	$428.1	$218.4	$61.0	$122.6	$2,718.3	$681.7	$3,400.0
Amount of IBDP expended	236.0	172.0	19.0	74.0	213.0	130.0	31.0	149.0	232.0	132.0	23.0	93.0	1,504.0	27.0	1,531.0
Other funding obtained	1,515.7	633.4	225.3	1,013.7	922.8	736.4	244.3	1,289.0	1,480.0	439.1	67.6	734.7	9,402.0	6,832.6	16,234.6
Impacts:															
Number of new businesses to be established	52	15	11	32	11	11	22	9	41	27	5	9	245	19	264
Number of businesses expanded	18	8	4	3	20	9	5	6	8	11	3	4	99	6	105
Estimated Indian employment created (MY)	600	190	93	208	170	130	220	210	305	173	34	96	2,429	951	3,380
Estimated Indian payroll generated (thousands)	$2,583.0	$477.0	$276.1	$849.1	$622.0	$395.0	$715.3	$886.4	$1,324.0	$797.3	$81.5	$718.3	$9,725.0	$1,570.0	$11,295.0
Backlog of approvable applications	29	18	1	19	20	4	4	11	11	12	6	.....	135	30	165
Amount of IBDP required (thousands)	$532.8	$494.5	$13.1	$292.7	$314.6	$198.0	$197.3	$139.9	$101.3	$249.5	$93.2	.....	$2,626.9	$8,090	$3,435.9
Estimated potential Indian jobs	366	173	25	117	147	42	46	66	69	66	13	.....	1,130	460	1,590
Estimated potential Indian payroll (thousands)	$1,723.7	$694.2	$83.2	$516.3	$475.3	$133.8	$153.1	$293.0	$329.5	$223.0	$62.3	.....	$4,787.4	$1,530.9	$6,218.0

Note: Total amount of IBDP moneys obligated, $3,400,000; estimated amount of additional capital generated, $15,200,000; estimated IBDP moneys obligated per man year, $1,000; estimated additional capital generated per man year, $4,800; IBDP moneys obligated per approved application, $9,200; IBDP moneys generated per approved application, $43,900; total request for IBDP (based on all applications received), $10,800,000.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2238. A bill to amend acts entitled "An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes," and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes," and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Committee on Interior and Insular Affairs and myself, I send to the desk for appropriate reference a bill to amend acts entitled "An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes," and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes" and for other purposes.

The legislation was submitted and recommended by the Department of the Interior and I ask unanimous consent that the executive communication accompanying the draft proposal be printed in the RECORD at this point in my remarks.

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

DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 26, 1971.

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

DEAR MR. PRESIDENT: Enclosed is a proposal "To amend Acts entitled 'An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes', and 'To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes' and for other purposes."

We recommend that the proposal be referred to the appropriate committee and that it be enacted.

Section 1 of the proposal amends the Act of April 16, 1934 (48 Stat. 596), as amended by the Act of June 4, 1936 (49 Stat. 1458), known as the Johnson-O'Malley Act by inserting in the Act the phrase "or with any Indian tribe, band, group, or community recognized by the Secretary,". It also strikes the word "Territory" wherever it appears in the first section of the Act because of the fact that it is no longer applicable to the Act.

Section 2 of the proposal amends the Act of August 5, 1954 (Public Law 568, 68 Stat. 674), by adding two new sections to the Act and renumbering the other sections so that they conform to the Act with the new sections. The first new section added is a new section 4 that authorizes the Secretary of Health, Education, and Welfare to contract with "any Indian tribe, band, group, or community" to carry out his health responsibility to the Indians. The second new section added by the proposal is a new section 9 that gives the Secretary of Health, Education, and Welfare the authority to detail Public Health Service personnel for the purpose of assisting an Indian tribe, band, group, or community in carrying out Indian health functions.

Section 3 of the proposal amends Paragraph (2) of section 6(a) of the Military Selective Service Act of 1967 by adding words that will allow the commissioned officers of the Public Health Service who are serving under a service agreement with the Public Health Service that credits their Public Health Service service against their military obligation under the provisions of the Selective Service Act to continue to have such credit apply against their military obligation under the provisions of the Selective Service Act while on detail to work with Indian tribes, bands, groups, or communities.

In the President's Indian message of July 8, 1970, he discusses the need to make certain that Johnson-O'Malley funds, which were designed to help Indian students, should come under the influence of the Indians as to the way that the money is spent. He therefore proposed that the Congress amend the Johnson-O'Malley Act to authorize this Department to channel funds appropriated under the Johnson-O'Malley Act directly to Indian tribes and communities. The amendment proposed in section 1 of our proposal will carry out this Presidential request. This amendment will give the Secretary of the Interior authority to contract directly with not only State and local institutions but with Indian tribes, bands, groups, or communities who run their own educational institutions. The Secretary will then be able to contract directly with these Indian tribes, bands, groups, or communities to carry out his responsibility in Indian education, agricultural assistance, and social welfare to the Indians. This will be in connection with the direction the Department has been given by the President to make every effort to ensure

that Johnson-O'Malley funds which are presently directed to public school districts are actually spent to improve education of Indian children in those districts.

The amendments made by section 2 of the proposal will give the Secretary of Health, Education, and Welfare the same authority to deal with Indian tribes, bands, groups, or communities in carrying out the health functions that were transferred to the Secretary of Health, Education, and Welfare by Public Law 568 of the 83d Congress that the amendment made by section 1 of the proposal gives to the Secretary of the Interior in the areas of education, agricultural assistance, and social welfare.

Basically the amendments give the Secretary of Health, Education, and Welfare the authority to make contracts with Indian tribes, bands, groups, or communities to carry out the Indian health function that has been placed in the Secretary of Health, Education, and Welfare. In connection with this contracting authority, the Secretary is given the authority to detail personnel of the Public Health Service to work with Indian tribes, bands, groups, or communities in relation with the contracts made by them to carry out the health function.

Section 3 of the proposal is a provision that is needed as a companion to the new section 9 added to Public Law 568, 83d Congress by section 2 of this proposal. The language in section 3 continues the draft-deferred status of those commissioned officers of the Public Health Service who are detailed by the Secretary of Health, Education, and Welfare to work with Indian tribes, bands, groups, or communities in connection with transfers made by the Secretary to carry out the Indian health function. Without this amendment to the Selective Service Act, the commissioned officers of the service who are detailed to work with Indian tribes, bands, groups, or communities would lose their draft-deferred status, making the detailing of the junior officers to this work virtually impossible.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

W. T. PECORA,
Acting Secretary of the Interior.

S. 2238

A bill to amend Acts entitled "An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes", and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes" 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 Act of April 16, 1934 (48 Stat. 596), as amended by the Act of June 4, 1936 (49 Stat. 1458), be amended to read as follows:

"That the Secretary of the Interior be, and hereby is, authorized, in his discretion, to enter into a contract or contracts with any State or political subdivision thereof, or with any State university, college, or school, or with any appropriate State of private corporation, agency, or institution, or with any Indian tribe, band, group, or community, recognized by the Secretary, for education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians, through the agencies of the State, tribe, band, group, or community, or of the corporations and organizations hereinbefore named, and to expend under such contract or contracts, moneys appropriated by Congress for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State."

SEC. 2. The Act of August 5, 1954 (68 Stat. 674), as amended by the Act of July 31, 1959 (73 Stat. 267) is amended:

(a) by redesignating sections 4, 5, 6, and 7 as sections 5, 6, 7, and 8, respectively.

(b) by adding after section 3 of the following:

"SEC. 4. That the Secretary of Health, Education, and Welfare is authorized to contract with any Indian tribe, band, group, or community to carry out all functions, authorities, and responsibilities conferred upon him by this Act, in accordance with the Act of June 4, 1936 (49 Stat. 1458)."

(c) by adding a new section 9 at the end of the Act of August 5, 1954 (68 Stat. 674), as amended, as follows:

"SEC. 9. In accordance with section 214(d) of the Public Health Service Act, 42 U.S.C. 215(d), upon the request of any Indian tribe, band, group, or community, personnel of the service may be detailed by the Secretary for the purpose of assisting such Indian tribe, band, group, or community, in work related to the functions of the service."

SEC. 3. Paragraph (2) of section 6(a) of the Military Selective Service Act of 1967 (50 U.S.C. App. 456(a) (2)) is amended by inserting the words "or who are assigned to functions of the service in assisting Indian communities pursuant to the Act of August 5, 1954 (68 Stat. 674), as amended by the Act of July 31, 1959 (73 Stat. 267)," after the words "Environmental Science Services Administration."

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2239. A bill to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Committee on Interior and Insular Affairs (Mr. ALLOTT) and myself, I send to the desk for appropriate reference a bill to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota.

This legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the draft proposal be printed in the RECORD at this point in my remarks.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 10, 1971.

Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill "To declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

This bill provides that two tracts of government-owner land and certain town lots will be held in trust by the United States for the Minnesota Chippewa Tribe. It also provides that the government-owned tracts are subject to the right of the United States to use the tracts and improvements as fire tower sites for so long as there is need. Section 2 of the bill provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claim against the United States Government determined by the Commission.

The lands to be held in trust for the Minnesota Chippewa Tribe are comprised of one 79.15-acre tract located on the Grand Portage Reservation, a 5-acre parcel located on the Nett Lake Reservation, and 11 lots reserved for government purposes and one block reserved for school purposes in the White Earth Townsite, Minnesota.

Title to the 79.15-acre tract was acquired by the United States for use as a fire tower site under a declaration of taking filed in 1938, at a cost of $395.75 which was paid from appropriated funds. This tract is still used as a fire tower site. However, we have determind that 2.5 acres are adequate for this purpose and the remaining land is surplus to our needs. The bill provides that the United States shall have the right to use the 2.5-acre parcel and improvements thereon as a fire tower site for so long as the need remains.

Improvements on this property at the present time consist of a cabin valued at $900 and a fire tower valued at $1,600. The present fair market value of the land is approximately $1,200. The land is in a completely forested area and is one of the few remaining alienated tracts within the exterior boundaries of the reservation. The tract blocks in with solid Indian ownership and its acquisition by others would adversely affect the economy of the Indians. The area is included in the overall development program plan of the reservation and would be an asset to the tribe in the development of tourism and the recreation potential of the area.

The tract of 5 acres, more or less, located on the Nett Lake Reservation was purchased by the government for a fire tower site and is still used for this purpose and as a site for a radio repeater tower for the United States Border Patrol under a revocable permit. It has been included in this legislative proposal to eliminate piecemeal legislation, such as would otherwise result when the parcel is no longer needed by the Federal Government. The bill provides that this 5-acre site and improvements shall be subject to the right of the United States to use the same for so long as the need shall remain.

The original purchase price was $25 which was paid from Indian Agency Buildings funds. Improvements consist of a cabin valued at $990 and a fire tower valued at $1,600. The land has a nominal value of $50. This 5 acres, which is in a completely forested area bounded on the west and south by Minnesota Chippewa tribal land, blocks in nicely with tribal land. It is the only remaining government-owned land on the Nett Lake Reservation. At the termination of its present use it would have only a nuisance value to adjacent landowners and could adversely affect tribal land management if declared excess and disposed of to other than the Chippewa Tribe.

Certain scattered, unimproved lots within the White Earth townsite are also included in this bill. The White Earth townsite was established on the White Earth Reservation pursuant to the Act of March 1, 1907 (34 Stat. 1032). Reserves were made for government and school purposes, and the reserved lots were dedicated to public uses by the Department on August 3, 1908. After the reserves were made most of the town lots were sold. The few remaining unsold lots in the townsite were temporarily withdrawn from disposal of any kind pursuant to Department Order of November 2, 1934. In 1966 the Department determined that the unsold town lots could be restored to tribal ownership under authority of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 463), but the reserved lots that had been dedicated to public use before the townsite was put up for sale could not be restored except by express congressional authorization. The unsold town lots have since been restored to the tribe.

The present value of the reserved unimproved town lots is estimated at less than $100. As they are all excess to our needs and

are located in the vicinity of Indian land and Indian housing, they can be effectively utilized by the tribe.

So far as is known the lands included in this proposed bill are without value for minerals, either metalliferous or nonmetalliferous.

The proposal contains the usual langauge requiring the Indian Claims Commission to consider whether the value of the land should be set off against any claims judgment against the United States awarded by the Commission.

The Minnesota Chippewa Tribe by formal resolution requested the enactment of legislation giving the tribe the beneficial interest in these lands.

The Office of Management and Budget has advised there is no objection to the presentation of this proposed legislation from the standpoint of the administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

S. 2239

A bill to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to the following described lands are hereby declared to be held by the United States in trust for the Minnesota Chippewa Tribe, subject to all valid existing rights:

(1) Southeast quarter southwest quarter and lot 2, Section 8, Township 63 north, Range 5 east, fourth principal meridian, Minnesota, comprising 79.15 acres, subject to the right of the United States to use as a fire tower site for so long as the need shall remain a 2.5-acre parcel and improvements thereon, described as the northeast quarter southeast quarter of lot 2, Section 8, Township 63 north, Range 5 east, fourth principal meridian, Minnesota.

(2) All that portion of lot 5, Section 1, Township 64 north, Range 22 west, fourth principal meridian, Minnesota, described as commencing at a point on the line between Sections 1 and 2 located 1,402 feet south of the north section corner common to said sections, thence south along said line a distance of 660 feet, thence east a distance of 330 feet, thence north a distance of 660 feet (compass variation 6 degrees east of north), thence west a distance of 330 feet to the point of beginning, comprising 5 acres, more or less, subject to the right of the United States to use said tract and improvements for so long as the need shall remain.

(3) Lots 1 through 9 of Block 1, lot 1 of Block 15, lot 3 of Block 16, and all of Block 17 of the White Earth Townsite as shown on the townsite plat of survey approved by the Assistant Secretary of the Interior on August 3, 1908, such townsite being located in Section 23, Township 142 north, Range 41 west, fifth principal meridian, Minnesota.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of Section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this act should or should not be set off against any claim against the United States determined by the Commission.

By Mr. CRANSTON:

S. 2240. A bill to amend the Voting Rights Act of 1965 to provide for the registration of students at the institutions of higher education where they are in attendance. Referred to the Committee on the Judiciary.

Mr. CRANSTON. Mr. President, this week, the 26th amendment to the Constitution, granting 18- to 20-year-olds the right to vote was formally ratified into law. I see this as a great event for young Americans all over the Nation. In place of the frustrations of the past, young Americans now have a powerful opportunity to make a positive contribution toward improving our society.

The 26th amendment is an important first step in providing 18- to 20-year-olds the right to vote. Registration and residency requirements, however, create an additional barrier which could keep a large percentage of the newly enfranchised voters from casting their votes.

At present, according to the 1970 census, 3,626,000 18-, 19-, and 20-year-olds—36.2 percent of that total age group—attend colleges and universities. Of that number, the Office of Education estimates that 1,352,000 are attending schools within their own States but on campuses at least 50 miles away from their homes. Another 417,000 are attending schools 11 to 50 miles away from home. And 319,000 are going to campuses outside their home States.

Students who do not live within commuting distance of their homes, and students who attend out-of-State schools, must in most cases vote by absentee ballot. According to the Council on Voting Rights, no State will permit an out-of-State student who merely lives on campus during the academic year to vote as a resident. The bulk of 18-, 19-, and 20-year-old out-of-State students would therefore be disqualified from casting a vote where they attend school. According to the Council, most States also require in-State students who live on campus to register and vote at their parents' address—not at their campus address. On February 17, 1971, the attorney general of California ruled in an opinion that students must register at their family's address. Because of the inconvenience this would cause students, a suit has been filed in California Supreme Court to permit students to register at their campus address.

Some States will allow students to register where they establish residency by a combination of factors such as living in the State throughout the year, paying taxes, or leasing property. Even in these cases, the courts, might, however, hold that an individual under 21 cannot determine his official residence without the consent of his parents. The attorneys general of Texas and California have in fact so ruled. Unless legislation is enacted permitting these students to register on campus, they will be at a disadvantage to their 21-year and older fellows.

To vote by absentee ballot, a student generally must send a letter requesting a ballot from 2 to 3 weeks in advance of an election, take the ballot to a notary from 1 to 2 weeks before the election, and then send the ballot to the election officials at that time. This is a much more onerous procedure than merely walking or driving to the polls on election day and casting a vote. The absentee procedures therefore effectively discriminate against many student voters.

We should design our voting procedures to encourage, not discourage, the initial exercise of the franchise. Voting should be made as easy as possible for these young citizens.

Registration procedures also discriminate against newly enfranchised student voters; 249,000 college students will turn 18 this year and become eligible to vote for the first time. An additional 3.3 million 18, 19, and 20 year olds will be eligible to vote for the first time during the next 2 years. Most elections will occur during the 9-month academic year while students are away at school. These elections will provide the first major incentive for most of these students to register.

Most States allow registration only by qualified registrars residing within the State. For the 8.8 percent of students attending college out of State, there are therefore no registrars in the area where they attend school. Most States also require in-State residents to register in the county where they intend to vote, which could, in a State like California, be many hundreds of miles away. While most States have absentee registration procedures, these procedures, like absentee voting, are more onerous than ordinary registration methods.

I believe that the present registration and absentee voting requirements for out-of-State and out-of-county students either deny or abridge the voting rights recently granted by the 26th amendment. I am therefore introducing a bill which will direct States to register students qualified to vote under the 26th amendment who are attending a college or university in their State to vote for President, Vice President, Senator, or Representative to Congress. Students shall be permitted to register and vote at the campus where they are in attendance. The bill provides that any student may register to vote within 30 days of an election. This will allow a new class of students or students who have recently transferred to a college to vote in a November election.

The 1970 voting rights amendments established a clear precedent for such Federal voter standards where individuals were duly qualified residents but had not, according to State law, resided long enough to establish voting residency. This bill makes students duly qualified residents at their college campuses regardless of where their parents live.

While the bulk of students that will be benefited by this bill are in-State students attending school away from their homes, the bill will also help out-of-State students who reside in the State during election campaigns for Federal officers.

There are currently suits in 11 States which have been brought by students to permit them to vote at their college address instead of their parents' address. This bill will more directly accomplish the goals already being sought by students who have filed these suits.

Present election laws put an unfair burden on young people who are seeking an education, and who also want to participate in the political system—not wanting to sacrifice that right while securing their education.

This morning an editorial appeared in the Los Angeles Times endorsing a bill

introduced in the California legislature which will do on the State level what my bill will do on the national level.

I ask unanimous consent that this editorial be printed in the RECORD.

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

VOTING DIFFICULTY

The 18-year-old vote is the law of the land, but unfortunately California law discriminates against the younger voters. It has been held that, while a person 21 or over may register to vote wherever he pleases, unmarried persons between the ages of 18 and 21 are minors and may register to vote only at their legal residence or domicile—normally their parents' home.

That entails, for a minor living away from home to work or attend college, a complicated process of absentee registration and absentee voting. And that is bound to keep some of the more than 1 million 18-to-21-year-olds in California away from the polls.

Assemblyman Ken Meade (D-Oakland) has introduced legislation to permit minors living apart from their parents to vote where they live. The Meade bill should be passed by the Legislature and signed into law by Gov. Reagan.

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

S. 2241. A bill to provide for the establishment of the San Francisco Bay National Wildlife Refuge. Referred to the Committee on Commerce.

SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to establish a San Francisco Bay National Wildlife Refuge. During the 91st Congress, I authored a similar bill, S. 2291. I am pleased that my colleague the distinguished junior Senator from California (Mr. TUNNEY) has given his support and cosponsorship to this legislation. This is the first time that a South Bay wildlife refuge bill has been sponsored by both California Senators.

A similar bill—House Resolution 111—has been introduced in the House by Congressman DON EDWARDS, whose district generally surrounds the proposed refuge. A bipartisan group of House Members from the bay area joined as consponsors of House Resolution 111, including Mr. BURTON, Mr. DELLUMS, Mr. GUBSER, Mr. LEGGETT, Mr. MCCLOSKEY, Mr. Moss and Mr. WALDIE. I am particularly pleased that by introducing this bill I can support the hard work and leadership Congressman EDWARDS has given to the broadly based effort to make a refuge of the South Bay.

The proposal has wide support. On July 8, 1970, the California State Legislature adopted assembly joint resolution No. 4, which memorialized the Congress "to establish a national wildlife refuge for the south portion of San Francisco Bay." Other governmental agencies which have endorsed the proposed refuge include:

Bay Conservation and Development Commission.

County of Alameda Board of Supervisors.

County of Santa Clara Board of Supervisors.

County of San Mateo Board of Supervisors.

East Bay Regional Park District (Alameda and Contra Costa Counties).

Alameda Creek, Coyote Hills Aquatic Park Joint Agency.

Santa Clara County Planning Policy Committee.

County of Alameda Planning Commission.

County of Santa Clara Planning Commission.

County of San Mateo Park and Recreation Commission.

City of Albany City Council.

City of Hayward Planning Commission and City Council.

Alameda County Parks Advisory Committee.

City of Fremont Recreation Commission and City Council.

City of Milpitas City Council.

City of San Jose Goals Committee.

City of San Jose Parks and Recreation Commission and City Council.

City of Palo Alto City Council.

City of Monlo Park City Council.

City of San Mateo City Council.

City of Union City Council.

City of Santa Clara City Council.

City of Redwood City City Council.

The Department of the Interior also has strongly endorsed the concept of establishing a South Bay refuge. Last year, the Department published an artistically designed multicolor, 30-page brochure, replete with first-rate photographs of scenery and wildlife, entitled "San Francisco Bay National Wildlife Refuge." The brochure is an excellent exposition of the arguments for establishing the refuge.

Finally, there is strong community support in the bay area and throughout California. The legislation was originally developed by a citizen group, the San Francisco Baylands Planning Conservation and National Wildlife Refuge Committee, centered in Santa Clara County.

Mr. President, I know this area well, having been born and raised within sight of South San Francisco Bay. As an environmental resource San Francisco Bay is invaluable, affecting all aspects of northern California's population center, from the weather to people's disposition. Yet, the open area of the bay is steadily shrinking. The Interior Department reports that,

Since the first explorers and settlers came, haphazard filling of its shores has shrunk the Bay from 680 to 400 square miles. If this continues, it could become an ugly sewage ditch.

The proposed area consists of shallow open water, salt marshes, tidal mudflats, and a limited amount of shoreland above the high tide mark. The tidelands are interspersed with sloughs from fresh water creeks. Much of the area consists of salt ponds, which are diked areas built to permit solar evaporation in the process of salt extraction.

A number of birds and animals threatened with extinction reside in the sloughs and marshes. The red-bellied harvest mouse, which is considered endangered, is a unique little animal who has developed the survival ability to drink salt water. The endangered California least tern and the rare California clapper rail are found here. The harbor seal, once driven out of San Francisco Bay, has restablished a colony of about 400 in Mowry Slough within the proposed refuge.

Moreover, the South Bay is a major stop on the Pacific Flyway, providing food and shelter for an estimated 70 percent of the water and shore birds which migrate down the Pacific Coast. A Santa Clara County Planning Department report estimates that 1 million waterfowl, mostly ducks, winter in San Francisco Bay.

The recreation and environmental education potential of the refuge is tremendous. The Department of Interior estimates that the refuge would be within 1 hour's driving time of 4 million bay area residents. In addition, the refuge would be a major addition to the Golden State's catalog of environmental wonders for the millions of Americans from throughout our Nation who annually visit California.

But equally important with the potential the refuge has as a unique and outstanding urban wildlife area is the potential for environmental disaster if we fail to take necessary steps to preserve the South Bay in its present state. The alternative to a refuge is to continue bay fill, to continue commercial and industrial development on the bay shore, to continue building residential subdivisions on filled lands in what is basically a flood plain, to continue to cram more and more people into a bay area which will grow less and less habitable because of their demands, to continue to erode by the surfet of our wants and indulgences that environment upon which our very survival depends.

This legislation will create not just a wildlife refuge, it will preserve the South Bay as a human refuge, where the values of open space and open water, of the beauty and mysteries of nature, will give sustenance and strength to those who seek relief from the antagonisms, the crowding, the pollution, the crime, and the ugliness of our urban life.

Mr. President, I ask unanimous consent that the San Francisco Bay Wildlife Refuge bill be reprinted at this place in the RECORD.

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

S. 2241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to establish a national wildlife refuge to be known as the San Francisco Bay National Wildlife Refuge within the area of approximately twenty-one thousand six hundred and sixty-two acres of land located in Redwood City and Menlo Park Areas of San Mateo County; Fremont, Alameda County; and the Alviso area of San Jose, Santa Clara County, California (plus an additional one-thousand-acre buffer area on the easterly side of Steamboat and Artesian Slough) which area is more particularly described in the Department of the Interior report, dated 1970, entitled "San Francisco Bay National Wildlife Refuge".

SEC. 2. (a) For the purposes of acquiring lands, waters, or interests therein which are required for the establishment of the national wildlife refuge provided for under the first section of this Act, there are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary.

(b) For the purposes of carrying out the planning required for such national wildlife refuge, there are authorized to be appropriated, out of any money in the Treasury not

otherwise appropriated, $20,000 for the fiscal year ending June 30, 1972; $30,000 for the fiscal year ending June 30, 1973; and $50,000 for the fiscal year ending June 30, 1974.

(c) For the purposes of providing development funding for such national wildlife refuge, there are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal years ending June 30, 1975, and June 30, 1976, such sums as may be necessary, but in no event to exceed $2,500,000 in any one fiscal year.

By Mr. ALLEN:

S. 2244. A bill to amend title II of the Social Security Act to provide that a beneficiary who dies shall (if otherwise qualified) be entitled to a prorated benefit for the month of his death. Referred to the Committee on Finance.

Mr. ALLEN. Mr. President, I introduce for appropriate reference, a bill to amend the Social Security Act in a minor but very important particular.

In brief, the bill amends section 202 of the act. Under provisions of this section as written, an individual's entitlement to benefits terminate with the month preceding the month in which the death of the beneficiary occurs.

The proposed amendment provides that a qualified beneficiary who dies shall be entitled to a prorated benefit for the month in which death occurs. The amount of the prorated benefit shall be determined by an equitable formula provided in section B of the proposed amendment.

Mr. President, it strikes me as somewhat ironic that at the moment when dependents of a decedent are most in need of income derived from a social security beneficiary, entitlement is terminated by law as of the end of the month preceding the month in which death of the beneficiary occurs.

It seems to me that the present arrangement is one which originally may have been shaped by considerations of administrative convenience. As such, it may be symptomatic of an all too prevalent flaw in the administration of governmental programs. It seems to me that considerations of administrative convenience serve to blind social technicians to the human condition and to human needs. In cases where administrative and human considerations conflict-administrative considerations seem to prevail. The proposed amendment will correct that flaw in this instance.

Mr. President, the amendment is neither drastic nor costly. It is recommended by a compassionate concern for the welfare of an untold number of individuals who are dependent on the income of persons receiving social security benefits.

Mr. President, I feel sure that this amendment will receive early consideration and I am confident that it will be favorably reported and passed by the Senate.

By Mr. PEARSON:

S. 2245. A bill to authorize the issuance of a special series of savings bonds, the interest on which would be protected against increases in the cost of living, for purchase by individuals who have attained age 65. Referred to the Committee on Finance.

SENIOR CITIZENS SAVINGS BOND PROGRAM

Mr. PEARSON. Mr. President, I introduce today legislation to create a senior citizens savings bond program, intended to provide aging Americans an inflation-resistent income.

Too many of our aging citizens are isolated from an involved and healthy life because of inadequate income. But all measurements, income is the No. 1 concern of the people over the age of 65. In Kansas, for example, figures obtained from a 1970 survey of 5,000 aging persons in southeast Kansas indicated the following:

Average income per month, $72.12; 46.9 percent of these people live on less than $75 per month; 41.6 percent are on welfare; 58.4 percent not on welfare; 61.1 percent live alone; 43.5 percent live on an income between $75 and $100 per month; and 9.6 percent live on more than $100.

These figures, though they may not reflect the average statewide or nationwide, do clearly indicate that we must find ways to increase the monthly income of our older citizens. And among the many needed measures is the idea that I propose today. Senior savings bonds would guarantee our senior citizens that the rising tide of prices, taxes, and medical expenses will not erode what income they do receive and what savings they have been able to accumulate.

This program would allow persons over 65 to purchase up to $15,000 (if married) or $20,000 (if not married) in senior savings bonds. The interest rate on these bonds would be adjusted yearly for the change in the Consumer Price Index for the previous year. In the case of a declining index, the interest rate would never go below the stated interest of the bond.

Mr. President, a great many Americans 65 and over have tried to prepare for their needs through savings. But without some means of resisting the inflationary increases in costs, taxes, and medical expenses, those hard-earned savings are quickly eroded. The Senate should know that 36 percent of our total aging population are below recognized poverty levels. Thirty percent of all people over 65, moreover, have less than $1,000 in assets. With such small savings, investment in the stock market or other income producing investments are just not practical. We must establish, therefore, a system to guarantee that savings of aging Americans will be protected and will provide a steady and increasing source of income.

Mr. President, only those persons over 65 would be allowed to purchase and hold these bonds. They would mature 3 years after the date on which they are issued, and be redeemable before maturity upon such terms and conditions as the Secretary of Treasury may prescribe. These bonds shall bear interest at the highest rate afforded Treasury bonds, plus the increment dictated by the rise in the Consumer Price Index.

Mr. President, I am convinced of the merits of this program. It would allow aging Americans to live without the many fears and problems caused by eroding income. It would provide a steady source of increasing and needed income. It would enable senior citizens to better obtain the dignity and security they deserve.

I ask unanimous consent that this bill be printed in the RECORD at the conclusion of my remarks.

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

S. 2245

A bill to authorize the issuance of a special series of savings bonds, the interest on which would be protected against increases in the cost of living, for purchase by individuals who have attained age 65

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Second Liberty Bond Act is amended by inserting after section 22A the following new section:

"SEC. 22B (a) In addition to the United States savings bonds authorized to be issued under section 22 of this Act, and the United States retirement and savings bonds authorized to be issued under section 22A of this Act, the Secretary of the Treasury, with the approval of the President, is authorized to issue from time to time, through the Postal Service or otherwise, United States senior savings bonds, the proceeds of which shall be available to meet any public expenditures authorized by law and to retire any outstanding obligations of the United States bearing interest or issued on a discount basis. The various issues and series of United States senior savings bonds shall be in such forms, shall be offered in such amounts, subject to the limitations imposed by section 21 of this Act, and shall be issued in such manner and subject to such terms and conditions consistent with subsections (b) and (c) of this section, including any restrictions on their transfer, as the Secretary of the Treasury may from time to time prescribe.

"(b) (1) Senior savings bonds may be held by only individuals who have attained the age of 65 years. Such bonds shall be issued only on an interest-bearing basis, shall mature in three years from the date as of which issued, shall be redeemable before maturity upon such terms and conditions as the Secretary of the Treasury may prescribe, and shall be issued in such denominations as the Secretary of the Treasury may from time to time prescribe.

"(2) Senior savings bonds shall bear interest at the highest rate of interest or investment yield afforded on bonds issued under sections 22 and 22A of this Act on the date as of which issued. If, at the close of any twelve-month period after the date as of which any such bond is issued, the consumer price index (as published by the Bureau of Labor Statistics) is above the consumer price index on such date, the interest rate for the following twelve-month period shall be the stated interest rate plus the same percentage of such rate as the percentage by which the consumer price index at the close of the period exceeds the consumer price index on the date as of which issued. Interest shall be paid on such bonds at such times, but not less often than semiannually, as the Secretary of the Treasury shall prescribe.

"(3) The aggregate amount of senior savings bonds which may be held by an individual at any time shall not exceed $20,000, in the case of an unmarried individual, or $15,000, in the case of a married individual. For purposes of the preceding sentence, bonds held jointly by a husband and wife shall be treated as held one-half by each.

"(4) The Secretary of the Treasury, with the approval of the President, is authorized to provide by regulations that owners of senior savings bonds may, at their option, retain the bonds after maturity and con-

tinue to earn interest upon them at rates which are consistent with the provisions of paragraph (2).

"(5) Senior savings bonds shall not bear the circulation privilege.

"(c) The provisions of subsection (c), (e), (g), (h), and (i) of section 22 shall, to the extent not inconsistent with the provisions of this section, apply with respect to senior savings bonds issued under this section."

By Mr. ERVIN:

S. 2247. A bill to further insure due process in the administrative discharge procedure followed by the Armed Forces. Referred to the Committee on Armed Services.

MILITARY ADMINISTRATIVE DISCHARGE PROCEDURES ACT OF 1971

Mr. ERVIN. Mr. President, over the past several years there has been much public criticism of military justice. A good deal of this criticism has been unjustified and uninformed. Congress, in passing the Military Justice Act of 1968, corrected many of the defects which have been attributed to the court-martial system. For example, legal counsel is now provided, with minor exceptions, for all persons tried by court-martial. The military judge has been given additional independence from command influence. As a further protection from command influence, the accused may waive trial by the full court and be tried by the military judge alone. Under no circumstance can an accused be tried by summary court-martial over his objection. There is now a provision for release from confinement pending appeal. These new provisions, plus others, have rendered moot many of the harshest criticisms of the court-martial system

The one area in the administration of justice in the armed services where this criticism is justified is the administrative discharge system. Discharges for unfitness or misconduct have remained untouched by legislation and there is a pressing need for reform. To fill that need, today I am introducing a proposed code of procedure for the consideration and issuance of administrative discharges based upon fault or culpable misconduct.

This proposal represents the culmination of over a decade of study and investigation by the Subcommittee on Constitutional Rights. In the 90th Congress, I introduced an omnibus bill, S. 2009, containing proposals for a comprehensive reform in the administration of justice in the Armed Forces. Many of the reforms contained in that bill were subsequently enacted into law in the Military Justice Act of 1968. However, the proposals contained in title I of S. 2009 concerning administrative discharges have not been enacted, and the bill I introduce today is similar to that title.

Over the years the Subcommittee on Constitutional Rights has received literally thousands of complaints concerning the procedures by which persons are eliminated from the services with undesirable or general discharges. These discharges are deleterious to the individuals who receive them. The undesirable discharge is just as harmful as a bad conduct discharge which can only be awarded by a court-martial after a trial characterized by the procedural and due process safeguards provided for those tribunals by Congress.

The fact that any discharge other than fully honorable is harmful to the individual throughout his lifetime is illustrated by the results of a survey conducted by the Constitutional Rights Subcommittee several years ago. Upon questioning several large employers in the Washington metropolitan area, it was discovered that when an applicant for employment revealed he had any type of discharge other than "honorable" he was automatically removed from consideration. This was because there were always other applicants with honorable discharges and it was not worth the time and effort needed to "go behind the discharge" to discover the circumstances of its issuance. The evidence provided by this survey has been confirmed in countless individual examples which have been brought to our attention over the years. It is clear that before the services issue discharges which have such a devastating and permanent impact on a citizen they should be required to comply with fundamental due process and fair play concepts in determining the justification for such action.

Under present practice, the armed services are governed by service regulations only and not by any laws passed by Congress. As a result of the numerous complaints we have received over the 10-year study and investigation by the Subcommittee on Constitutional Rights, it is clear legislative reform is vitally needed.

For example, under the procedures now followed for the issuance of administrative discharges for fault or misconduct:

The respondent has no right to confront the witnesses against him.

He has no right to compel the attendance of witnesses or to compel the production of evidence.

There is no requirement that any competent evidence be in the record to support the findings.

In short, the proceedings are almost completely lacking in what we in Anglo-American jurisprudence think of as fundamental due process.

As far back as 1960 in its annual report to Congress, the U.S. Court of Military Appeals stated that the "unusual increase in the use of the administrative discharge since the code became a fixture has led to the suspicion that the services were resorting to that means of circumventing the requirements of the code."

From the evidence the Constitutional Rights Subcommittee has gathered over the years, it is apparent that this suspicion was true then and that it is still true today. For this reason, the bill I am introducing today contains a provision prohibiting, with minor exceptions, a member of the armed services from being administratively discharged for misconduct, unfitness, or security by reason of conduct which constitutes an offense punishable under the Uniform Code of Military Justice. However, a member may be administratively discharged if he has been convicted by civil authorities for a crime involving sexual perversion or narcotics, the penalty for which, under the Uniform Code, includes 1 year imprisonment or more, or if he has been convicted of a crime for which a punitive discharge may be awarded by a court-martial. He also may be administratively discharged for any unauthorized absence for 1 year or more or for fraudulent enlistment.

From the complaints we receive and the investigations we have made, it is apparent that it is common practice for administrative discharge boards to admit as evidence material obtained by an illegal search and seizure, or to admit illegally obtained confessions or admissions. Also, it frequently happens that even those witnesses against the respondent who are members of the military are not allowed to attend the hearings. Their ex parte statements are admitted into evidence against the respondent, thus denying him perhaps the most fundamental protection of due process, that of confrontation. As can be seen from these facts, it is important that the armed services be prevented from using administrative discharge proceedings, at which there are almost no safeguards, to avoid those protections which Congress has provided for courts-martial.

The bill I am introducing today is a code of procedure to regulate the issuance of administrative discharges due to misconduct or unfitness. It requires no great sacrifices for the military. It merely provides that elementary due process and fairplay be practiced by the armed services.

The bill provides that no member of the armed services may be discharged under conditions other than honorable except for reasons of misconduct, unfitness or security, and that discharges for these reasons must be pursuant to the procedures set forth in the bill. An administrative discharge board is defined as a factfinding body consisting of three or more officers whose duty it is to conduct a fair and impartial hearing, receive evidence, find facts based upon a preponderance of the evidence, and recommend on the basis of the evidence and the facts found, whether a member should be retained or discharged and the type of discharge.

The bill permits the appointment of a legally qualified adviser to the board when the case presents legal or other questions of such complexity as to make the presence of a legal adviser advisable or when the board or the respondent so requests. The bill directs the appointing authority to comply with the request unless there are compelling reasons for refusing. A statement of the reasons must be included in the record if the request is not granted. Although this requirement is not contained in current regulations, it parallels the provision in article 19 of the Uniform Code of Military Justice when no military judge is detailed to a special court-martial. I believe that this is a necessary requirement because in order to assure that the rights of the respondent are protected it is required that the administrative board have competent legal guidance.

Another important provision of the bill prohibits improper command interference with the independence and impartiality of administrative discharge boards, courts of inquiry, and military commissions. Among other protections, it prohibits any reprimand of a board

because of the findings or recommendations arrived at in a case. Coercion or improper influencing of boards with a view to affecting the impartiality of the proceedings is also prohibited.

This provision parallels article 37 of the Uniform Code of Military Justice in attempting to eliminate unlawful command influence. During the long study by the Subcommittee on Constitutional Rights of the administration of justice in the armed services, it became apparent that the problem of command influence was even greater in the administrative discharge area than in court-martial proceedings. Thus it is clear that if we are to have a fair and impartial resolution of respondent's case it is necessary to provide the same legal safeguards for administrative discharge cases as we have for courts-martial.

A very important provision requires that the parents of respondents less than 21 years old must be notified of the initiation of discharge action. Such notice is also required when the respondent is over 21 but is considered unable to appreciate the nature of the action being taken. The subcommittee has discovered that large numbers of young people against whom administrative discharge proceedings are begun fail, because of immaturity, to appreciate the serious adverse lifetime effect a less than honorable discharge will have. For this reason, I believe that this notice requirement is necessary and wise.

Perhaps one of the most important provisions requires the appointment of legally qualified counsel for the respondent. He may have military counsel of his own choice if reasonably available and may also retain civilian counsel at his own expense. This parallels the absolute requirement in the Uniform Code of Military Justice for appointment of defense counsel in special court-martial cases where a bad conduct discharge may be awarded.

An undesirable discharge is at least as damaging to a person's future life as a bad conduct discharge. It is, therefore, clear that in order to provide for fair play and due process the respondent must be granted the right to counsel. Furthermore, this requirement will not place an undue hardship on the manpower resources of the services because in practice they now do provide counsel for respondents in virtually all cases. They are not, however, required to do so by law. It is important that Congress make itself clear on this point.

The bill prohibits the consideration by the board of acts which occurred more than 3 years prior to the order appointing the board or prior to the current enlistment or tour of duty of the respondent, whichever is longer. This in effect establishes a minimum 3-year statute of limitation. Of course, the limitation would be longer if the current enlistment were longer. The Uniform Code of Military Justice establishes a 2-year limitation for minor offenses and a 3-year limitation for more serious noncapital crimes. I believe that if it is reasonable and wise to preclude the services from using an act constituting larceny which occurred more than 3 years ago for the purpose of court-martial, then it is reasonable and wise to set the same time limit on the use of such acts for administrative discharge purposes. Furthermore, acts which occurred in the distant past have little relevance to a man's present fitness for service.

A further provision prohibits introduction of evidence of acts or omissions which were the subject of a previous court-martial or civil trial which resulted in acquittal or for which the rule against double jeopardy prevents a second trial. This is almost the practice followed by the services at present. I say "almost" because if the defendant is released because of a "legal technicality not going to the merits," the services maintain their right to use those same acts as a basis for administrative discharge proceedings. For many years, the subcommittee has been unable to obtain a clear definition of "legal technicality."

From the cases we have seen "legal technicalities" include lack of speedy trial, trial terminated due to lack of availability of witnesses, insufficient evidence of the corpus delecti to corroborate a confession, trial barred by the statute of limitations, and illegally obtained evidence. This is the same as saying the fourth, fifth and sixth amendments are "legal technicalities." It is necessary, therefore, at least to preclude the services from using acts for which the rule against double jeopardy prevents a second trial.

Another provision prohibits ex parte evidence and introduction of investigative reports unless a copy has been furnished to the respondent in advance and the investigating officer is available for examination as a witness. Matter deleted from the report for security may not be shown to the board. The respondent is granted rights to obtain witnesses, and evidence and subpena power equal to those in court-martial cases is authorized. The taking of depositions is permitted. The respondent has the right to submit any sworn or unsworn statement in his own defense and to testify under oath if he chooses. Cross-examination of all witnesses and examination of all documents and other evidence submitted is permitted respondent and counsel.

All these provisions go to the heart of due process. In any proceeding designed to determine truth when a question of fact is in issue, it is essential that cross-examination and confrontation of witnesses be guaranteed. The fact is that in a large percentage of administrative discharge cases where alleged misconduct is the basis for the action, the only evidence of the misconduct to come before the board consists of ex parte statements of witnesses who do not appear before the board. Even though the respondent denies the allegation, he never has the opportunity to confront his accuser, and the board never has the opportunity to see and hear the witness. The probability of arriving at the truth in these circumstances is, indeed, small. Nevertheless, the respondent may be given an undesirable discharge with its lifetime effects after a proceeding which lacks even the rudiments of due process. These provisions governing the conduct of the board hearing represent the minimum guarantee which we must provide if the American people are going to retain their respect for the quality of justice dispensed by our armed services.

Another section of the bill provides that when a board recommends the retention of the respondent, the case is closed and no subsequent board may again consider the charges if the evidence presented is substantially the same as that presented earlier. This is the practice now in the Army and Air Force and I can think of no good reason why it should not apply to all the services.

Review of discharge action is provided to determine that all proceedings were fair and were conducted consistent with the provisions of the chapter. No decision upon review may be less favorable than the action ordered by the discharge authority. This provision conforms with present practice. However, my bill also allows review by the Court of Military Appeals on issues of law specified in the grant of review or raised by the Armed Forces. This is a new concept, but I believe an important one. At present, no judicial body exists which can decide questions of law arising in administrative discharge proceedings before the discharge is carried out. It does little good for a court to rule that the law was improperly applied in discharging a serviceman if he already has been forced out of the service and cannot be reinstated. It is important for the fair and just functioning of the system that there be such a body and rather than create a new court the logical place to put that function is in the Court of Military Appeals.

I believe that it has been demonstrated by the decade-long study and investigation, including two sets of hearings in 1962 and 1966, plus service answers to a detailed questionnaire this year, and in the past, that reform in this area of the administration of justice in the armed services is vital. The House Armed Services Committee is holding hearings on a bill introduced by Congressman BENNETT designed to accomplish some reforms in this area. The American Bar Association in 1968 recognized the problem and recommended legislative reform. If we are to preserve the rights and liberties of our servicemen who are fighting to preserve our own, Congress must act now.

For the guidance of the Senate, I ask unanimous consent that the bill and a sectional analysis be printed at this point in the RECORD.

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

S. 2247

A bill to further insure due process in the administrative discharge procedure followed by the Armed Forces

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "Military Administrative Discharge Procedure Act of 1971".

SEC. 2. Title 10, United States Code, is amended by adding after chapter 47 thereof a new chapter as follows:

"Chapter 48.—ADMINISTRATIVE DISCHARGE BOARDS

"Sec.
"941. Definitions.
"942. Persons subject to this chapter.
"943. Restrictions on discharges under other than honorable conditions; restrictions on administrative discharges for misconduct, unfitness, or security.
"944. Jurisdiction of administrative discharge boards; functions; composition.
"945. Who may appoint administrative discharge boards; who may serve on such boards.
"946. Detail of legal adviser to board.
"947. Detail of counsel to represent respondent.
"948. Detail or employment of recorders; duties.
"949. Detail or employment of reporters.
"950. Secretary of Defense to prescribe rules.
"951. Unauthorized attempt to influence board actions.
"952. Notice to respondent.
"953. Notice to parents of respondent.
"954. Notice to counsel of respondent.
"955. Waiver of rights by respondent; resignation for the good of the service.
"956. Sessions of the board.
"957. Challenges.
"958. Oaths.
"959. Prohibition on use of certain evidence.
"960. Opportunity to obtain witnesses and other evidence.
"961. Voting and rulings.
"962. Record of the board proceedings.
"963. Action of the discharge authority.
"964. Type and character of administrative discharges; grounds for awarding.
"965. Discharge for the convenience of the Government.
"966. Review of administrative discharge actions.

"§ 941. Definitions

"In this chapter:

"(1) 'Member' means an enlisted member, a warrant officer, or a commissioned officer of the armed forces.

"(2) 'Administrative discharge board' is an administrative board appointed under regulations of the Secretary concerned for the purpose of making findings and recommendations with respect to whether or not a respondent should be retained in the armed forces or administratively discharged therefrom and to recommend the type of discharge to be furnished when discharge is recommended.

"(3) 'Board' means an administrative discharge board unless otherwise indicated.

"(4) 'Respondent' means a member of the armed forces against whom action has been initiated with a view to administratively discharging him from the armed forces pursuant to the provisions of this chapter.

"(5) 'Discharge authority' is the official authorized to order the administrative discharge of any respondent.

"(6) 'Appointing authority' is any official designated by regulations of the armed force concerned to appoint an administrative discharge board.

"(7) 'Administrative discharge' or 'administratively discharged' means discharge by administrative action as provided in this chapter or by other provisions of law, but does not include discharge or dismissal from military service pursuant to the sentence of a general or special court-martial.

"(8) 'Discharge' means complete severance of a member from the armed forces or his separation from active duty.

"(9) 'Legal adviser' means a commissioned officer qualified under section 827(b)(1) of this title (article 27(b)(1)) and certified by the Judge Advocate General of the armed force of which such officer is a member to be qualified for duty as a legal adviser to administrative discharge boards.

"(10) 'Honorable discharge' means discharge from an armed force with honor.

"(11) 'General discharge' means discharge from an armed force under honorable conditions.

"(12) 'Undesirable discharge' means discharge from an armed force under conditions other than honorable.

"§ 942. Persons subject to this chapter

"The provisions of this chapter are applicable to all members of the armed forces who are serving on active duty and to all members of the armed forces not serving on active duty who are serving in a reserve component.

"§ 943. Restrictions on discharge under other than honorable conditions; restrictions on administrative discharge for misconduct, unfitness, or security.

"(a) Unless otherwise authorized by law, no member may be discharged under other than honorable conditions except for misconduct, unfitness, or security except in accordance with the provisions of this chapter.

"(b) Except as provided in section 964(c) and (d) of this title or as otherwise authorized by law, no member may be administratively discharged for misconduct, unfitness, or security by reason of conduct which constitutes an offense punishable under chapter 47 of this title.

"§ 944. Jurisdiction of administrative discharge boards; functions; composition

"(a) An administrative discharge board is a factfinding body whose function it is to—

"(1) conduct a fair and impartial hearing of the alleged grounds for the proposed administrative discharge of a respondent;

"(2) receive and consider evidence on the question of whether a respondent should be administratively discharged;

"(3) make findings on the basis of the evidence presented to it;

"(4) determine, on the basis of the evidence, whether the respondent should be retained in the armed forces or administratively discharged therefrom;

"(5) recommend to the discharge authority that the respondent be retained in the armed forces or administratively discharged therefrom;

"(6) recommend the type of discharge to be issued if the board recommends that the respondent be discharged; and

"(7) specify the reasons for its recommendations. The findings of the board shall be supported by a preponderance of the evidence and its recommendations shall be consistent with the findings.

"(b) An administrative discharge board shall be composed of not less than three commissioned officers at least one of whom shall be serving in the grade of major, or the equivalent thereof, or higher. If the respondent is a commissioned officer, no voting member of the board shall be junior to him in rank or grade when it can be avoided. If the respondent is an enlisted member who holds an appointment as a Reserve commissioned or warrant officer, the membership of the board shall be composed of a majority of Reserve officers if reasonably available; and if a majority is not available, the voting membership of the board shall include at least one reserve component officer. Voting members of the board shall be senior to the respondent's Reserve grade. If the respondent is an enlisted woman, the board shall include a female officer as a voting member.

"§ 945. Who may appoint administrative discharge boards; who may serve on such boards

"(a) Administrative discharge boards may be appointed by the President of the United States, the Secretary of any armed force or by any commanding officer designated as an appointing authority by the Secretary concerned.

"(b) Any commissioned officer on active duty is eligible to serve on an administrative discharge board convened under authority of this chapter.

"(c) When appointing an administrative discharge board, the appointing authority shall detail as members thereof such members of the armed forces as, in his opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force is eligible to serve as a member of an administrative discharge board if he is a complainant against the respondent, is to give testimony before the board concerning the respondent, has information or knowledge concerning the respondent which may affect his judgment in the proceedings before the board, or served as a member or recorder of a board before which the respondent previously appeared as a respondent.

"§ 946. Detail of legal adviser to board

"The appointing authority may detail a legal adviser to any administrative discharge board appointed by him when he considers such action desirable because of the complexity of the legal issues involved or because of other factors. He shall detail a legal adviser to any such board upon the written request of the board or the respondent unless there are compelling reasons for refusing such request. Any person detailed as a legal adviser to an administrative discharge board shall be a commissioned officer qualified under section 827(b)(1) of this title (article 27(b)(1)) and certified to be qualified for such duty by the Judge Advocate General of the armed force of which he is a member. A person qualified as a military judge under chapter 47 of this title shall be qualified as a legal adviser under this chapter. In any case in which the appointing authority refuses to detail a legal adviser to a board hearing after having been requested by the board or the respondent to detail a legal adviser to such hearing, the appointing authority shall submit a statement in writing explaining the reasons for such refusal and such statement shall be included as a part of the record.

"§ 947. Detail of counsel to represent respondent

"The appointing authority shall detail counsel to represent any respondent ordered to appear before an administrative discharge board. Counsel detailed to represent a respondent shall be qualified under section 827(b)(1) of this title (article 27(b)(1)). A respondent may be represented by military counsel of his choice if reasonably available or by civilian counsel at the expense of the respondent.

"§ 948. Detail or employment of recorders; duties

"Under such regulations as the Secretary concerned may prescribe, the appointing authority shall detail or employ a person to serve as recorder to every administrative discharge board. The recorder shall not be a member of the board and shall have no vote. It shall be the duty of the recorder to present evidence to the board and to keep a record of all proceedings before the board, and to perform such other duties not inconsistent with the provisions of this chapter as the Secretary of Defense may prescribe by regulation.

"§ 949. Detail or employment of reporter

"Under such regulations as the Secretary of Defense may prescribe, the appointing authority shall detail or employ qualified reporters to record the proceedings of and testimony taken before administrative boards appointed by such appointing authority.

"§ 950. Secretary of Defense to prescribe rules

"(a) The Secretary of Defense shall prescribe by regulation the rules of procedure, including the kinds of evidence which may be presented, to be followed in cases before administrative discharge boards. All rules and regulations made under this section shall be uniform insofar as practicable, shall not be

contrary to or inconsistent with the provisions of this chapter, and shall be reported to the Congress. The procedural safeguards prescribed in this chapter shall be considered minimum requirements in the case of all board proceedings conducted under this chapter, and nothing herein shall be construed as prohibiting the Secretary of Defense from providing any procedural safeguard for the benefit of the respondents not required by this chapter.

"(b) Regulations promulgated by the Secretary of Defense regarding evidence shall require that no evidence shall be admitted before any administrative discharge board unless such evidence is relevant and material to the case under consideration. Such regulations shall require that the finding and recommendations of the board and the action of the discharge authority be based on the evidence presented to the board; that the burden of establishing the facts alleged as the basis for administratively discharging the respondent from the armed forces is on the armed force concerned; and that the provisions of section 831 of this title (article 31), relating to self-incrimination, shall be applicable with respect to the respondent in any such board proceeding.

"(c) The Secretary of Transportation shall prescribe the rules and regulations required under the first two subsections of this section for the Coast Guard when not operating as a service in the Navy.

"§ 951. Unauthorized attempt to influence board actions

"(a) No appointing authority, nor any other commanding officer, may censure, reprimand, or admonish any administrative discharge board, other board, court of inquiry, or commission, or any member, legal adviser, recorder, or counsel thereof, with respect to the findings and recommendations made by such board, court, or commission, or with respect to the exercise of its functions and duties in the conduct of any past, pending, or future proceedings before such board, court, or commission. The foregoing provisions of this subsection shall not apply with respect to general instructional or informational courses relating to board, court, or commission proceedings if such courses are designed solely for the purpose of instructing members of a command in the substantive or procedural aspects of proceedings before any such board, court, or commission.

"(b) No person subject to this chapter may attempt to coerce or, by any unauthorized means, influence the action of any administrative discharge board, other board, court of inquiry, or commission, or of any member of such board, court, or commission in reaching the findings or recommendations in any proceeding before such board, or the action of any appointing, approving, or reviewing authority with respect to his acts of approval or disapproval of the findings or recommendations made by any such board, court, or commission.

"(c) Any person subject to this chapter who is guilty of violating subsection (a) or (b) of this section shall be punished as a court-martial may direct.

"(d) In the preparation of an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of a member of the armed forces, or in determining whether a member of the armed forces should be retained on active duty, no person subject to this chapter may, in preparing any such report (1) consider or evaluate the performance of duty of any such member as a member of a board, court, or commission, or (2) give a less favorable rating or evaluation of any member of the armed forces because of the zeal with which such member, as counsel, represented any respondent before any such board, court, or commission.

"§ 952. Notice to respondent

"(a) An administrative discharge board may not begin consideration of the case of any respondent unless such respondent has been notified, as provided in this section, that action has been initiated to administratively discharge him from the armed forces. Such notice shall be given in writing not less than fifteen days prior to the date on which the board is to begin consideration of the case and shall inform the respondent of (1) the nature of the board hearing, (2) the allegations and evidence against him, including the names and addresses of all persons expected to present evidence before the board for the Government, (3) the applicable statutes and regulations, (4) his right to be represented by counsel, (5) his right to present evidence in his own behalf, to call witnesses, to cross-examine all witnesses called by the board, (6) his right to remain silent, and (7) actions which may be taken by the board.

"(b) If a respondent is in civil confinement, and such fact is known by the appointing authority, notice of proposed board hearing must be sent to the respondent by registered mail not less than thirty days prior to such proposed board hearing.

"(c) If a respondent is absent without official leave, notice of the proposed board hearing shall be mailed to him at his last known address and to his next of kin, if known.

"§ 953. Notice to parents of respondent

"In any case in which a member is ordered to appear as respondent before an administrative discharge board and such respondent is under twenty-one years of age, or is twenty-one years of age or older and is unable for any reason to understand and appreciate the nature, purpose, and possible consequences of the proposed board hearing, written notice of the proposed board hearing shall be sent by registered mail to the last known address of the parents of the respondent or to his next of kin if both parents are deceased.

"§ 954. Notice to counsel of respondent

"Whenever the appointing authority has been notified that the respondent is to be represented by counsel before an administrative discharge board, a copy of all notices and information relating to the proceeding before such board which are given to the respondent shall also be given to counsel.

"§ 955. Waiver of rights by respondent; resignation for the good of the service

"(a) A respondent may waive his right to a hearing before an administrative discharge board if he certifies in writing that he understands the consequences of such action and has consulted with counsel qualified under section 827(b)(1) of this title (article 27(b)(1)) and detailed to represent him. A waiver shall not be accepted if executed by a respondent within a period of twenty-four hours after receipt of notification of the proposed board hearing, or if the appointing authority determines that the waiver was improvidently made or that the respondent does not fully comprehend the consequences of his decision.

"(b) A respondent who is in civil confinement or who is absent without official leave and who fails to respond within a period of thirty days after the date on which notice has been mailed to him may be deemed to have executed a written waiver of his right to a board hearing under this chapter.

"(c) A respondent may be permitted to resign or accept a discharge for the good of the service in lieu of adminstrative discharge board action if he certifies in writing that he understands the consequences of his actions and has consulted with counsel qualified under section 827(b)(1) of this title (article 27(b)(1)) and detailed to represent him. The discharge authority may order a discharge under honorable conditions in the case of any respondent permitted to resign for the good of the service if he determines on the basis of the service record of the respondent and other evidence that such action is in the interest of justice. The discharge authority may not order an undesirable discharge in the case of any such respondent if the grounds alleged for administrative board action would not have supported an undesirable discharge.

"§ 956. Sessions of the board

"(a) When an administrative discharge board deliberates or votes, only the voting members of the board may be present. All other proceedings of the board shall be made a part of the record and, except as otherwise provided in subsection (b) of this section, shall be in the presence of the respondent, his counsel and the legal adviser, if one has been detailed.

"(b) In any case in which the respondent is unable to appear before the board because of civil confinement, the board may convene and hear the case of such respondent in absentia if the appointing authority so directs and the respondent is represented before the board by counsel qualified under section 827(b)(1) of this title (article 27(b)(1)) or by counsel of his choice.

"§ 957. Challenges

"Members of an administrative discharge board, the recorder, and the legal adviser, if one has been detailed, may be challenged by the respondent for cause. The board shall determine the relevancy and validity of challenges for cause when no legal adviser has been detailed to the board.

"§ 958. Oaths

"(a) Members of an administrative discharge board, the recorder, the legal adviser, if one has been detailed, military counsel, and the reporter shall take an oath prescribed by the Secretary of Defense to perform their duties faithfully. The Secretary of Defense may provide by regulation that once an oath to perform faithfully duties as legal adviser, military counsel, and recorder has been taken by an officer certified to be qualified or competent to perform any such duties, such an oath need not be taken each time such officer is detailed to perform such duties.

"(b) Each witness before any such board shall be examined under oath.

"§ 959. Prohibition on use of certain evidence

"(a) No act or omission on the part of any respondent shall be admitted in evidence against him before any administrative discharge board if such act or omission occurred more than three years prior to the date of the order directing such board to hear the case of the respondent, or prior to the current enlistment or current tour of active duty of the respondent plus any voluntary or involuntary extensions thereof, whichever period is longer; and no such act or omission shall be alleged or mentioned in any evidence presented to the board.

"(b) Notwithstanding the provisions of subsection (a) of this section, evidence relating to an act or omission of the respondent which occurred in the enlistment preceding the respondent's current enlistment or tour of active duty may be alleged and admitted in evidence against the respondent in showing that his current enlistment or tour of active duty was based upon a material misrepresentation or fraud which would have prevented or delayed his enlistment or tour of active duty and could not have been discovered by the exercise of due diligence on the part of the armed force concerned.

"(c) No act or omission on the part of any respondent shall be admitted in evidence against him before any administrative discharge board if such act or omission was wholly or in part the basis of any charge for which he was tried by a civil court or a court-martial and acquitted; or for which he

was not acquitted or convicted but for which he cannot again be tried by reason of former jeopardy.

"(a) No evidence shall be admitted at any hearing conducted by an administrative discharge board unless such evidence is relevant, material, and probative. No information adverse to the respondent shall be presented to the board over objection unless the respondent has had an opportunity, through counsel, to cross-examine by deposition or in person before the board the person giving such information. No investigative report shall be admitted into evidence at any such hearing unless a copy of the report has been made available to the respondent and his counsel a reasonable period of time in advance of the hearing, and an opportunity has been given to cross-examine the person who conducted the investigation on which such report is based and to rebut the material contained therein. Whenever any matter has been deleted on the grounds of security from an investigative report offered in evidence before a hearing conducted by an administrative discharge board, such matter shall not be shown to the board; and whenever matter deleted from any such report substantially lessens the evidential value of such report, the report shall not be admitted in evidence.

"§ 960. Opportunity to obtain witnesses and other evidence; depositions; right to present and examine evidence

"(a) An administrative discharge board and respondent shall have equal opportunity to obtain witnesses and other evidence in accordance with such regulations as the Secretary of Defense may presribe. Process issued in board cases to compel witnesses to appear and testify and to compel the production of other evidence shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue and run to any part of the United States, territories, commonwealths, and possessions.

"(b) (1) At any time after a respondent has been notified that he is to appear before an administrative discharge board, any party may take oral or written depositions unless the appointing authority forbids it for good cause.

"(2) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition.

"(3) The Secretary of Defense shall issue regulations governing the taking and use of depositions under this chapter. The regulations shall provide for the appointment where necessary of assistant counsel to represent a party in the taking of depositions.

"(c) The respondent shall have the right to submit to the board any sworn or unsworn statement, affidavit, certificate, or stipulation in his own behalf. He may, if he chooses, submit to examination by the board under oath. He and his counsel shall be given the opportunity to examine all witnesses called before the board and shall be permitted to examine all documents, papers, exhibits, and other evidence presented to the board.

"§ 961. Voting and rulings

"(a) The findings and recommendations of administrative discharge boards shall be by majority vote. Except as provided in subsection (b) rulings made by the board shall be by majority vote.

"(b) Whenever a legal adviser has been detailed to an administrative discharge board he shall rule on the admissibility of evidence and on all motions. He shall decide whether a member of the board shall be dismissed because of a challenge for cause. When no legal adviser has been detailed the members shall rule on challenges for cause, the challenged member not voting, and a tie vote disqualifies the member challenged.

"§ 962. Record of the board proceedings

"(a) A record of the proceedings before an administrative discharge board shall be kept. The record shall be authenticated in such manner as may be prescribed by the Secretary of Defense. A copy of the authenticated record shall be given the respondent.

"(b) An undesirable discharge may not be recommended unless a verbatim record is kept of all proceedings before the administrative discharge board by the reporter detailed to such board. A verbatim record shall be kept in any other case in which (1) the board determines that a verbatim record is necessary for a fair and impartial review of the board proceedings, (2) the discharge authority so orders, or (3) regulations of the Secretary of Defense require such action.

"§ 963. Action of discharge authority

"(a) In any case in which the administrative discharge board recommends that the respondent be discharged from the service, the appointing authority may—

"(1) approve the recommendations of the board if he determines that the findings and recommendations of the board are supported by a preponderance of the evidence in the record;

"(2) disapprove the recommendations of the board with respect to the type of discharge to be given the respondent and order a higher type discharge if he determines that such action is warranted by the evidence in the record or in the interests of justice;

"(3) approve the board's recommendation for discharge but change the basis therefor if the record indicates such action would be appropriate, but he may not designate unfitness or misconduct as the basis of the discharge if the board has recommended discharge for unsuitability;

"(4) disapprove the recommendations of the board and appoint a new board to consider the case of the respondent if he determines that a legal error was committed prejudicial to the rights of the respondent or that the interests of justice would be served by such action, but he may not approve any finding of recommendation made by the new board which is less favorable to the respondent than the findings and recommendations made by the previous board if the evidence before the second, or subsequent, board is substantially the same as the evidence that was before the previous board;

"(5) disapprove the recommendations of the board and order that the respondent be retained in the service; or

"(6) approve the board's recommendation for discharge but suspend the execution of the discharge for such period of probation as he deems appropriate.

"(b) In any case in which an administrative discharge board recommends that the respondent be retained in the service, the case is closed, and no new board may be appointed to consider the case of the respondent if the evidence, before the second, or subsequent, board is substantially the same as the evidence before the previous board.

"(c) In any case in which the findings and recommendations of an administrative board were based in whole or part on fraudulent information or evidence submitted by the respondent, the appointing authority may appoint a new board to consider the case of the respondent and the findings and recommendations of the subsequent board shall not be limited by the findings and recommendations of the previous board.

"(d) The Secretary of Defense shall provide by regulation the procedures for vacating the suspension of a discharge authorized under paragraph (6) of subsection (a) of this section.

"§ 964. Type and character of administrative discharges; grounds for awarding

"(a) The type and character of administrative discharges shall be based solely on a member's military record during the current enlistment or term of service plus extensions and shall be determined according to the following standards:

"(1) The issuance of an honorable discharge will be conditioned upon proper military behavior and proficient performance of duty with due consideration for the member's age, length of service, grade, and general aptitude.

"(2) The issuance of a general discharge is appropriate when a member's military record is not sufficiently meritorious to warrant an honorable discharge as prescribed by the regulations of the military department concerned.

"(3) An undesirable discharge may be issued for misconduct, unfitness, or security reasons based on the approval of the recommendations of an administrative discharge board, or waiver of the right to board action, or resignation or request for discharge for the good of the service as provided in subsection 955 of this chapter.

"(b) A member discharged from the service on the grounds of unsuitability shall receive an honorable or general discharge. The type of discharge issued such member shall be based on his military record taking into consideration his mental and physical capabilities. A discharge for unsuitability may be given for mental, physical, or psychological disabilities described in regulations issued by the Secretary of Defense, or drug addiction, habituation, or the unauthorized use or possession of narcotics, hypnotics, sedatives, tranquilizers, stimulants, hallucinogens, or other harmful or habit-forming drugs or chemicals.

"(c) A member discharged from the service on the grounds of misconduct shall receive an undesirable discharge unless the circumstances in his case warrant a more favorable type of discharge. A discharge for misconduct may be given a member convicted by civil authorities for a crime involving sexual perversion or narcotics, the penalty for which under chapter 47 of this title is one year imprisonment or more; or a crime for which a punitive discharge may be awarded by a court-martial under chapter 47 of this title. A discharge for misconduct may also be given if the member was adjudged a juvenile offender, wayward minor, or juvenile delinquent by civil authorities for a crime involving sexual perversion or narcotics, the penalty for which under chapter 47 of this title is one year imprisonment or more. A discharge for misconduct may also be given a member convicted by civil authorities for an offense not listed in chapter 47 of this title. The maximum penalties for which authorized by title 18, United States Code, or the District of Columbia Code, whichever is lesser, is one year imprisonment or more.

"(d) A discharge for misconduct may also be given for any unauthorized absence from jurisdiction of the armed forces of one year or more, or for the procurement of a fraudulent enlistment, induction, or extension of a period of active duty through any deliberate material misrepresentation, omission, or concealment which if known by the appropriate authorities at the time of the procurement would have resulted in rejection of the member for service.

"(e) A member discharged from the service on the grounds of unfitness shall receive an undesirable discharge unless the circumstances warrant a more favorable type of discharge. A discharge for unfitness may be given a member for one or more of the following:

"(1) Frequent involvement of a discreditable nature with civil or armed force authorities.

"(2) Sexual perversion.

"(3) An established pattern for shirking official duties and responsibilities.

"(4) An established pattern showing dis-

honorable failure to pay debts or to contribute adequate support to dependents, or failure to comply with orders, decrees, or judgment of a civil court concerning support of dependents.

"(f) A member discharged from the service on the grounds of security shall receive an undesirable discharge unless the circumstances warrant a more favorable type of discharge. A discharge for security reasons may be given a member when the retention of such member is not consistent with the interests of national security.

"(g) In any case in which an undesirable discharge is authorized under this chapter, a member may be awarded an honorable or general discharge, as appropriate, if during his current enlistment, period of obligated service, or any voluntary or involuntary extensions thereof, or period of prior service he has been awarded a personal decoration as defined by the armed force of which he is a member, or if otherwise warranted by the circumstances of his case.

"(h) No member may be discharged from the service for misconduct under subsection (c) of this section if an appeal of the conviction has been filed and such appeal is still pending. Notwithstanding the foregoing, in any case in which the discharge authority receives a written opinion from the Judge Advocate General of the armed force concerned stating that an appeal by any member is frivolous or without legal merit, the discharge authority may order the discharge of such member without waiting for final disposition of such appeal. If a member is discharged pursuant to the authority of the foregoing sentence and his conviction is reversed on appeal, or his case is returned for retrial and is not retired, or if any other action is taken on appeal which results in the member not having been legally convicted of a felony, he shall receive all pay, allowances, and other benefits, insofar as practicable, he would have received had he not been discharged. The Secretary concerned shall, in any case in which an undesirable discharge was issued, change such discharge to an honorable or general discharge, as warranted by the service record of the respondent; if a general discharge was issued the Secretary may change it to an honorable discharge if the service record of the respondent warrants such action.

"§ 965. Discharge for the convenience of the Government

"A member may be discharged from the armed forces for the convenience of the Government with an honorable or general discharge as warranted by his service record, for reasons other than those prescribed in this chapter, pursuant to regulations promulgated by the Secretary of Defense or as otherwise authorized by law.

"§ 966. Review of administrative discharge action

"(a) The Secretary of Defense shall provide by regulation for such review of administrative discharge board proceedings and of discharge authority actions as he determines necessary to determine that (1) the board proceedings were conducted in a fair and impartial manner, (2) the preponderance of the evidence in the record supports the findings of the board, (3) the recommendations of the board are supported by the findings, (4) the action of the discharge authority was legal and appropriate, and (5) all procedures and actions were consistent with the provisions of this chapter. In no case may the decision on review be less favorable than the action ordered by the discharge authority. The regulations shall provide that no discharge except an honorable discharge shall be issued until affirmed upon such review and, where so ordered in cases reviewed by it, the Court of Military Appeals.

"(b) The Court of Military Appeals shall prescribe by rule for the review under section 867(b)(4) of this title (article 67(b)), by the court of cases arising under this chapter, specifying the grounds upon which such a review may be obtained by the respondent or the armed force concerned and the time within which any such review must be requested. In no case may the decision by the Court of Military Appeals be less favorable than the action ordered by the discharge authority."

SEC. 3. (a) The table of chapters at the beginning of subtitle A (relating to general military law) of title 10, United States Code, is amended by inserting immediately below "47. Uniform Code of Military Justice.. 801" the following:

"48. Administrative Discharge Boards.. 941".

(b) The table of chapters at the beginning of part II of subtitle A of title 10, United States Code, is amended by inserting immediately below

"47. Uniform Code of Military Justice.. 801" the following:

"48. Administrative Discharge Boards.. 941".

SEC. 4. (a) Subsection (b) of section 867 (article 67) of title 10, United States Code, is amended by—

(1) striking out "all cases" at the beginning of clauses (1), (2), and (3), and inserting in lieu thereof "all court-martial cases";

(2) striking out "and" at the end of clause (2);

(3) striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word "and"; and

(4) adding after clause (3) a new clause as follows:

"(4) such cases arising under chapter 48 of this title as are authorized for review pursuant to section 966(b) of such chapter and with respect to which (A) respondents have petitioned the Court of Military Appeals for review and on good cause shown such court has granted a review, or (B) the armed force concerned has ordered sent to such court for review."

(b) Subsection (d) of such section is amended by (1) striking out the word "case" in the first, second, and third sentences and inserting in lieu thereof "court-martial case" and (2) inserting after the third sentence thereof the following new sentence: "In any case referred to in subsection (b)(4) of this section which is reviewed upon petition of a respondent, the court shall take action only with respect to issues of law, and in any such case ordered sent to the court for review by the armed force concerned, the court shall take action only with respect to the issues of law raised by the armed force."

(c) The first sentence of subsection (e) of such section is amended by striking out "sentence" and inserting in lieu thereof "sentence of a court-martial case".

(d) The first sentence of subsection (f) of such section is amended by striking out "case" and inserting in lieu thereof "court-martial case".

(e) Such section is further amended by redesignating subsection (g) as subsection "(h)" and adding after subsection (f) the following new subsection:

"(g) After it has acted on any case referred to in subsection (b)(4) of this section, the Court of Military Appeals may return the record to any reviewing officer or body designated under section 966(a) of this title to review cases arising under chapter 48 of this title for further consideration or action in accordance with the decision of the court, or may, in any case appealed by a respondent, return the record to such officer or body designated under such section 966(a) or directly to the appropriate discharge authority for further consideration or action in accordance with the decision of the court."

SEC. 5. (a) Subsection 870 (article 70) of title 10, United States Code, is amended by inserting "in a court-martial case" immediately after "shall represent the accused".

(b) Subsection (d) of such section is amended by inserting "in a court-martial case" immediately after "The accused has the right to be represented."

(c) Such section is further amended by adding at the end thereof the following new subsections:

"(f) Appellate counsel shall represent before the Court of Military Appeals a respondent whose case is before the court pursuant to the provisions of section 867(b)(4) of this title (article 67(b)(4))—

"(1) when he is requested to do so by the respondent;

"(2) when the armed force concerned is represented by counsel;

"(3) when the armed force concerned has sent the case to the Court of Military Appeals.

A respondent has the right to be represented before the Court of Military Appeals by civilian counsel if provided by him.

"(g) The armed force concerned may be represented by counsel before the Court of Military Appeals in any case reviewed by such court pursuant to section 867(b)(4) of this title (article 67(b)(4))."

SEC. 6. Section 801 (article 1) of title 10, United States Code, is amended by adding at the end thereof a new paragraph as follows:

"(13) 'Respondent' means a member of the armed forces against whom administrative discharge proceedings have been initiated under chapter 48 of this title."

"SEC. 7. (a) Subsection (a) of section 266 of title 10, United States Code, is amended by striking out "Each" and inserting in lieu thereof "Subject to the provisions of chapter 48 of this title, each".

(b) Subsection (b) of such section is amended by striking out "Each" and inserting in lieu thereof "Subject to the provisions of chapter 48 of this title, each".

SEC. 8. (a) Section 1161 of title 10, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(c) No commissioned officer may be discharged under the authority of sections 3814, 3818, 6392, 6393, 8814, 8817, or 8818 of this title or under section 321 of title 14, United States Code, for misconduct, unfitness, or security (as described in chapter 48 of this title) or discharged under conditions other than honorable except pursuant to the provisions of chapter 48 of this title."

(b) The catchline of section 1161 of such title is amended to read as follows:

"§ 1161. Commissioned officers: limitations on dismissal and discharge".

(c) The table of sections at the beginning of chapter 59 of such title is amended by striking out

"1161. Commissioned officers: limitations on dismissal."

and inserting in lieu thereof

"1161. Commissioned officers: limitations on dismissal and discharge."

SEC. 9. Section 1162(a) of title 10, United States Code, is amended to read as follows:

"(a) Subject to the provisions of chapter 48 and other provisions of this title, Reserve commissioned officers may be discharged at the pleasure of the President. Subject to the provisions of chapter 48 of this title, other Reserves may be discharged under regulations prescribed by the Secretary concerned."

SEC. 10. (a) The first sentence of subsection (a) of section 1163 of title 10, United States Code, is amended by striking out "An" and inserting in lieu thereof "Subject to the provisions of chapter 48 of this title, an".

(b) Paragraphs (1) and (2) of subsection

(c) of such section are amended to read as follows:

"(1) he is discharged under conditions other than honorable pursuant to an approved sentence of a court-martial or pursuant to the approved findings and recommendations of an administrative discharge board appointed under chapter 48 of this title; or

"(2) he consents to a discharge under conditions other than honorable with a waiver of proceedings of a court-martial or an administrative discharge board (as provided in chapter 48 of this title), as the case may be."

SEC. 11. Section 1165 of title 10, United States Code, is amended by adding at the end thereof a new sentence as follows: "No warrant officer may be discharged under the authority of this section or section 1166 of this title for misconduct, unfitness, or security (as described in chapter 48 of this title) or discharged under conditions other than honorable except pursuant to the provisions of chapter 48 of this title."

SEC. 12. Section 1166 of title 10, United States Code, is amended by adding at the end thereof a new sentence as follows: "The burden of justifying the separation for cause of any permanent Regular warrant officer shall be on the armed force of which he is a member."

SEC. 13. (a) Sections 3781, 3782, and 3783 of title 10, United States Code, are amended to read as follows:

"§ 3781. Selection boards: composition; duties

"The Secretary of the Army may at any time convene a board of officers to review the record of any commissioned officer on the active list of the Regular Army to determine whether he should, because the performance of his duty has fallen below standards prescribed by the Secretary, be removed from the active list.

"§ 3782. Boards of inquiry: composition; duties

"(a) Boards of inquiry, each composed of three or more officers, shall be convened at such places as the Secretary of the Army may prescribe, to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from the active list of the Regular Army whenever such action has been recommended by a board of officers pursuant to section 3781 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 3781 of this title to support a recommendation that the officer be removed from the active list, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from the active list.

"(c) If a board of inquiry determines that the officer should not be retained on the active list, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 3781 of this title.

"§ 3783. Boards of review: composition; duties

"(a) Boards of review, each composed of three or more officers, shall be convened by the Secretary of the Army, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Army under section 3782 of this title.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal from the active list, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer from the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 3781 of this title."

(b) Section 3785 of title 10, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from the active list;"; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of this title (relating to administrative discharge boards) shall be applicable to boards of inquiry convened under section 3782 of this section.

"(c) The burden of justifying the removal for cause of any officer from the active list of the Regular Army shall be on the Department of the Army."

SEC. 14. (a) Sections 3791, 3792, and 3793 of title 10, United States Code, are amended to read as follows:

"§ 3791. Selection boards: composition; duties

"The Secretary of the Army may at any time convene a board of general officers to review the record of any commissioned officer on the active list of the Regular Army to determine whether he should, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security, be removed from the active list.

"§ 3792. Boards of inquiry: composition; duties

"(a) Boards of inquiry, each composed of three or more general officers, shall be convened at such places as the Secretary of the Army may prescribe, to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from the active list of the Regular Army whenever such action has been recommended by a board of officers pursuant to section 3791 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 3791 of this title to support a recommendation that the officer be removed from the active list, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from the active list.

"(c) If a board of inquiry determines that the officer should not be retained on the active list, it should send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 3791 of this title.

"§ 3793. Boards of review: composition; duties.

"(a) Boards of review, each composed of three or more general officers, shall be convened by the Secretary of the Army, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Army under section 3792 of this title.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal from the active list, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer from the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 3791 of this title."

(b) Section 3795 of title 10, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from the active list;"; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of this title (relating to administrative discharge boards) shall be applicable to boards of inquiry convened under section 3792 of this section.

"(c) The burden of justifying the removal for cause of any officer from the active list of the Regular Army shall be on the Department of the Army."

SEC. 15. Clause (1) of section 3811(b) of title 10, United States Code, is amended to read as follows:

"(1) as provided in chapter 48 of this title;".

SEC. 16. Section 5864 of title 10, United States Code, is amended by adding at the end thereof the following: "However, no officer may be discharged under authority of this section unless the board proceedings conducted under section 5862 of this title were conducted in accordance with the procedural requirements prescribed in chapter 48 of this title."

SEC. 17. (a) The first sentence of section 6407 of title 10, United States Code, is amended by striking out "Each" and inserting in lieu thereof "(a) Each".

(b) Such section 6407 is further amended by adding at the end thereof a new subsection as follows:

"(b) No officer shall be removed from the active list of the Navy or Marine Corps for reasons of misconduct, unfitness, or security pursuant to the action of a selection board convened under chapter 543 of this title unless the proceedings were conducted in accordance with the procedural requirements prescribed in chapter 48 of this title."

(c) The catchline of such section 6407 is amended to read as follows:

"§ 6407. Communication with selection board; justifying removal from active list"

(d) The table of sections at the beginning of chapter 573 of title 10, United States Code, is amended by striking out—

"6407. Communication with selection board."

and inserting in lieu thereof

"6407. Communication with selection board; justifying removal from active list."

SEC. 18. (a) Sections 8781, 8782, and 8783 of title 10, United States Code, are amended to read as follows:

"§ 8781. Selection boards; composition; duties

"The Secretary of the Air Force may at any time convene a board of officers to review the record of any commissioned officer on the active list of the Regular Air Force Force to determine whether he should, because the performance of his duty has fallen below standards prescribed by the Secretary, be removed from the active list.

"§ 8782. Boards of inquiry: composition; duties

"(a) Boards of inquiry, each composed of three or more officers, shall be convened at such places as the Secretary of the Air Force may prescribe, to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from the active list of the Regular Air Force whenever such action has been recommended by a board of officers pursuant to section 8781 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 8781 of this title to support a recommendation that the officer be removed from the active list, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from the active list.

"(c) If a board of inquiry determines that the officer should not be retained on the active list, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination his case may again be considered under section 8781 of this title.

"§ 8783. Boards of review: composition; duties

"(a) Boards of review, each composed of three or more officers, shall be convened by the Secretary of the Air Force, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Air Force under section 8782 of this title.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal from the active list, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer from the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 8781 of this title."

(b) Section 8785 of title 10, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from the active list;"; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of this title (relating to administrative discharge boards) shall be applicable to boards of inquiry convened under section 8792 of this section.

"(c) The burden of justifying the removal for cause of any officer from the active list of the Regular Air Force shall be on the Department of the Air Force."

SEC. 19. (a) Sections 8791, 8792, and 8793 of title 10, United States Code are amended to read as follows:

"§ 8791. Selection boards: composition; duties

"The Secretary of the Air Force may at any time convene a board of general officers to review the record of any commissioned officer on the active list of the Regular Air Force to determine whether he should, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security, be removed from the active list.

"§ 8792. Boards of inquiry: composition; duties

"(a) Boards of inquiry, each composed of three or more general officers, shall be convened at such places as the Secretary of the Air Force may prescribe, to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from the active list of the Regular Air Force whenever such action has been recommended by a board of officers pursuant to section 8791 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 8791 of this title to support a recommendation that the officer be removed from the active list, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from the active list.

"(c) If a board of inquiry determines that the officer should not be retained on the active list, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 8791 of this title.

"§ 8793. Board of review: composition; duties

"(a) Boards of review, each composed of three or more general officers, shall be convened by the Secretary of the Air Force at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Air Force under section 8792 of this title.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal from the active list, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer from the active list, his case is closed. However, at any time after one year from the date of that determination, his case may again be considered under section 8791 of this title."

(b) Section 8795 of title 10, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from the active list;"; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of this title (relating to administrative discharge boards) shall be applicable to boards of inquiry convened under section 8792 of this section.

"(c) The burden of justifying the removal for cause of any officer from the active list of the Regular Air Force shall be on the Department of the Air Force."

SEC. 20. Clause (1) of section 8811(b) of title 10, United States Code, is amended to read as follows:

"(1) as provided in chapter 48 of this title;".

SEC. 21. (a) Sections 321, 322, and 323 of title 14, United States Code, are amended to read as follows:

"§ 321. Review of records of officers

"The Secretary may at any time convene a board of officers to review the record of any officer of the Regular Coast Guard to determine whether such officer should be removed from active duty—

"(1) because his performance of duty has fallen below the standards prescribed by the Secretary, or

"(2) because of moral dereliction, professional dereliction, or because his retention on active duty is not clearly consistent with the interests of national security.

"§ 322. Boards of inquiry

"(a) Boards of inquiry shall be convened at such places as the Secretary may prescribe to receive evidence and make findings and recommendations with respect to whether an officer shall be removed from active duty whenever such action has been recommended by a board of officers pursuant to section 321 of this title.

"(b) If the board of inquiry determines that there was sufficient evidence before the board of officers convened under section 321 of this title to support a recommendation that the officer be removed from active duty, the board of inquiry shall conduct a fair and impartial hearing to determine whether the officer should be removed from active duty.

"(c) If a board of inquiry determines that the officer should be removed from active duty, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer should be retained on active duty, his case is closed. However, at any time after one year from the date of the determination in a case arising under section 321, an officer may again be considered for removal from active duty.

"§ 323. Boards of review

"(a) Boards of review shall be convened at such times as the Secretary may prescribe to review the records of cases of officers recommended by boards of inquiry for removal from active duty.

"(b) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was sufficient to justify a recommendation of the officer's removal, it shall send its recommendations to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the evidence before the board of inquiry was insufficient to justify a recommendation of the removal of such officer, his case is closed. However, at any time after one year from the date of the determination in a case arising under section 321, an officer may again be considered for removal from active duty."

(b) Section 325 of title 14, United States Code, is amended—

(1) by striking out "Each" and inserting in lieu thereof "(a) Each";

(2) by striking out clause (1) and inserting in lieu thereof the following:

"(1) notified in writing, at least thirty

days before the hearing of his case by a board of inquiry, that a hearing will be held to determine whether he should be removed from active duty."; and

(3) by adding at the end thereof the following new subsections:

"(b) In addition to the rights and procedures prescribed in subsection (a) of this section, all rights and procedures prescribed in chapter 48 of title 10, United States Code (relating to administrative discharge boards), shall be applicable to boards of inquiry convened under section 322 of this title.

"(c) The burden of justifying the removal for cause of any officer from active duty in the Regular Coast Guard shall be on the Coast Guard."

SEC. 22. The amendments made by this Act shall become effective on the first day of the sixth calendar month following the month in which it is enacted.

SECTIONAL ANALYSIS

Section 1 provides that the Act may be cited as "The Military Administrative Discharge Procedure Act of 1971."

Section 2 adds a new chapter 48, title 10, United States Code, prescribing the minimum procedural due process applicable in administrative discharge boards considering discharges under conditions other than honorable. Chapter 48 consists of 25 sections as follows:

Section 941 contains the definitions applicable for chapter 48.

Section 942 makes chapter 48 applicable to all members of the armed forces whether in active status or serving in the reserve forces.

Section 943 provides that no member may be discharged under conditions other than honorable except for reasons of misconduct, unfitness, or security and that discharges for these reasons must be pursuant to the procedures set forth in the chapter.

Section 944 defines the administrative discharge board as a factfinding body consisting of three or more officers whose duty it is to conduct a fair and impartial hearing, receive evidence, find facts based upon a preponderance of the evidence, and recommend on the basis of the evidence and the facts found, whether a member should be retained or discharged from the armed forces. The board is also to recommend the type of discharge and to specify reasons for its recommendations.

Section 945 authorizes the President, the Secretary of each service and officers designated by them as appointing authorities to appoint boards. Members of the board are required to be officers of mature judgment and temperament. Officers who have participated in previous hearings at which the member was a respondent may not be members.

Section 946 permits the appointment of a legally qualified adviser to the board when the case presents legal or other questions of such complexity as to make the presence of a legal advisor advisable or when the board or the respondent so requests. The appointing authority is directed to comply with the request unless there are compelling reasons for refusing. A statement of the reasons must be included in the record if the request is not granted.

Section 947 requires the appointment of legally qualified counsel for the respondent. The member may have military counsel of his own choice if reasonably available and may also retain civilian counsel at his own expense.

Section 948 authorizes the appointment of a non-voting recorder to present evidence to the board and to keep a record of the proceedings.

Section 949 provides for the appointment of reporters to record the proceedings and testimony presented at the hearing.

Section 950 authorizes the Secretary of Defense to prescribe rules and regulations for implementing chapter 48. The Secretary of Transportation is similarly authorized to prescribe rules for the Coast Guard when it is not operating as a service in the Navy. The section states that the procedural safeguards established by chapter 48 are to be considered minimums and that the Secretary may grant additional procedural safeguards to respondents. The rules are to be as uniform as possible and are to be reported to the Congress.

Section 951 parallels section 837 of title 10 (article 37 of the Uniform Code of Military Justice) in prohibiting improper interference with the independence and impartiality of discharge boards, courts of inquiry and military commissions.

Subsection (a) prohibits any reprimand of a board because of the findings or recommendations arrived at in a case. General instructions relating to the duties and responsibilities of board members are permitted.

Subsection (b) prohibits coercion or improper influencing of boards with a view to affecting the impartiality of the proceedings.

Subsection (c) makes violation of this section punishable as a court-martial offense.

Subsection (d) prohibits the evaluation of a member's performance as a board member for purposes of promotion or assignment. Also, the zeal with which counsel represents a respondent may not be regarded as an adverse factor for promotion or assignment.

Section 952 requires that 15 days notice be given to a member against whom administrative discharge proceedings have been initiated. The notice must inform him of his rights to have legal counsel to present evidence and cross-examine adverse witnesses, and to remain silent if he chooses. The notice must also inform him of the nature of the action contemplated, the charges and evidence against him, the names of prospective government witnesses, the applicable regulations, and the possible consequences of the proceedings.

Section 953 requires that the parents of respondents less than 21 years old must be notified of the initiation of discharge action. Such notice is also to be sent when the respondent is over 21 but is considered unable to appreciate the nature of the action being taken.

Section 954 requires that counsel be sent copies of all notices and other information sent to the respondent.

Section 955(a) provides that a written waiver of the right to a board may be made only after consultation with counsel. The waiver is not valid if made within 24 hours of notice under section 952. The appointing authority may also reject a waiver if he determines that it was improvidently made.

Subsection (b) permits the appointing authority to deem a waiver of a board hearing to have been made if a respondent in civil confinement or absent without official leave fails to respond within 30 days of notice.

Subsection (c) permits a respondent to resign or be discharged for the good of the service if he so requests in writing after consultation with counsel. The discharge awarded may be honorable or under honorable conditions if such is warranted in the interests of justice. An undesirable discharge may not be awarded if the grounds alleged for board action would not have supported such a discharge.

Section 956 requires that all proceedings of the board be recorded and that, except when the board deliberates or votes, they occur in the presence of counsel, the respondent, and the legal advisor if one has been detailed. Only the voting members of the board may be present when the board deliberates or votes. The board may hear the case in absentia only when the respondent is represented by qualified counsel.

Section 957 provides for challenges to board members only for cause. Challenges are determined by the other members of the board when no legal advisor has been detailed.

Section 958 requires members of the board, counsel and reporter to take an oath to perform their duties faithfully. Witnesses are examined under oath.

Section 959 prohibits the admission into evidence of acts occurring more than three years prior to the order appointing the board or prior to the current enlistment or tour of duty of the respondent, whichever is longer. However, evidence of fraud or misrepresentation affecting the current enlistment is admissible if the service could not have discovered the misrepresentation or fraud.

Subsection (c) prohibits introduction of evidence of acts or omissions which were the subject of a previous court-martial or civil trial which resulted in acquittal or for which the rule against double jeopardy prevents a second trial.

Subsection (d) requires that any evidence admitted must be relevant, material, and probative. It prohibits any ex-parte evidence and introduction of investigative reports unless a copy has been furnished to the respondent in advance and the investigating officer is available for examination as a witness. Matter deleted from the report for security may not be shown to the board. The report may not be introduced if deletions have substantially reduced its evidential value.

Section 960(a) grants equal rights to the respondent to obtain witnesses and evidence under regulations prescribed by the Secretary of Defense. Subpoena power is authorized.

Subsection (b) permits the taking of depositions upon reasonable notice unless forbidden upon good cause. The Secretary of Defense is to issue regulations governing the taking of depositions.

Subsection (c) grants the respondent the right to submit any sworn or unsworn statement in his own defense and to submit to examination under oath if he chooses. Cross-examination of all witnesses and examination of all documents and other evidence submitted is permitted respondent and counsel.

Section 961 provides that all rulings, findings, and recommendations shall be by majority vote of the members of the board. When a legal advisor is detailed, he rules on the admissibility of evidence, on motions and on challenges for cause.

Section 962 requires that a record be kept of all proceedings and that a copy be presented to the respondent. The record must be verbatim in cases of undesirable discharges and in all other cases where ordered by the appointing authority, required by regulations, or where required for a fair and impartial review of the board proceedings.

Section 963(a) authorizes the appointing authority to approve the findings of the board if he determines that they are supported by a preponderance of the evidence in the record. He may disapprove the discharge recommended and issue a higher type of discharge or order a new hearing if he determines the existence of error prejudicial to the respondent, or in the interests of justice. He may not approve findings or recommendations of the new board less favorable to the respondent if the evidence presented is substantially the same as that presented in the earlier hearing. The authority may also retain the member or suspend the execution of a discharge. The basis for the discharge may be changed, but no discharge recommended on the grounds of unsuitability may be changed to the grounds of unfitness or misconduct.

Subsection (b) provides that when a board recommends the retention of the respondent, the case is closed, and no subsequent board may again consider the charges if the

evidence presented is substantially the same as that presented earlier.

Subsection (c) permits a subsequent board unlimited by previous findings or recommendations only if fraudulent evidence submitted by the respondent formed the basis in whole or in part for the findings of the first board.

Section 964(a) prescribes the standards for the types of discharges permitted.

Subsection (b) provides that a member discharged for unsuitability may receive an honorable or general discharge based upon his military record considered in the light of his mental and physical capabilities.

Subsection (c) authorizes an undesirable discharge on the grounds of misconduct after a civil conviction for a crime involving narcotics or sexual perversion, where State law authorizes imprisonment for one year or more; after conviction of a crime classified as a felony under title 18, United States Code, or the District of Columbia Code, or for which the Uniform Code of Military Justice authorizes the award of a punitive discharge; or after conviction of a crime of sexual perversion for which the respondent was adjudicated a juvenile offender.

Subsection (d) authorizes a discharge for misconduct for unauthorized absence of more than one year or for fraud or misrepresentation at the time of enlistment which if known at the time would have resulted in the rejection of the member by the service.

Subsection (e) authorizes an undesirable discharge on the grounds of unfitness based upon frequent involvement with authorities, sexual perversion, a pattern of shirking duties, or a pattern of dishonorable failure to pay debts.

Subsection (f) authorizes an undesirable discharge on the grounds of security.

Subsection (g) permits the issuance of a discharge other than undesirable in cases where the respondent has received a personal decoration by his service, or where otherwise warranted by the facts of the case.

Subsection (h) prohibits the execution of a discharge for misconduct for civil conviction if an appeal is still pending unless the Judge Advocate General of the service certifies that the appeal is frivolous or without merit. If a discharge is executed prior to the final disposition of the appeal and the appeal later results in the member not having been legally convicted of a felony, he must receive all pay and benefits he would have received if he was not so discharged. An undesirable discharge so issued shall be changed to a general or honorable discharge, and a general discharge may be changed to an honorable discharge if warranted by the individual's record.

Section 965 authorizes honorable or general discharges based upon grounds other than those prescribed in this chapter, as prescribed by law or provided in regulations issued by the Secretary of Defense.

Section 966 authorizes the Secretary of Defense to issue regulations providing for the review of discharge actions to determine that all proceedings were fair and impartial and that they were conducted consistent with the provisions of the chapter. No decision on review may be less favorable than the action ordered by the discharge authority. Review by the Court of Military Appeals may be obtained. No decision upon review by the Court may be less favorable than the action ordered by the discharge authority.

Section 3 conforms the table of chapters of subtitle A, title 10, United States Code to the changes made by the addition of chapter 48.

Section 4(a) amends section 867 of title 10 to provide for review by the Court of Military Appeals of cases in which petition for review is made under section 966(b).

Subsection (b) limits review of such cases to issues of law specified in the grant of review or raised by the armed force.

Subsection (c) specifies that cases reviewed by the Court of Military Appeals are to be returned to the reviewing authority specified by section 966(a) for further consideration or action in accordance with the decision of the court.

The other subsections of section 4 make technical changes in accordance with these provisions.

Section 5 provides for the amendment of section 867(b)(4) to authorize the representation by appellate military counsel of respondents whose cases are before the Court of Military Appeals.

Section 6 adds the definition of "respondent" to section 801.

Section 7 makes section 266 of title 10, relating to the composition of boards for appointment, promotion, demotion and involuntary release of Reserves, subject to the provisions of chapter 48.

Section 8 amends section 1161 of title 10, relating to dismissals of commissioned officers, to provide that no commissioned officer may be discharged for reasons of misconduct, unfitness, or security under conditions other than honorable, except pursuant to chapter 48.

Sections 9–11 amend sections 1161–1165 of title 10 to make discharges under those provisions subject to provisions of chapter 48.

Section 12 amends section 1166 of title 10 to require that in actions considering the separation of regular warrant officers the burden of justifying the separation is on the government.

Section 13 amends sections 3781, 3782, 3783 and 3785 of title 10 to require that in the proceedings of selection boards, boards of inquiry, and boards of review considering the removal of regular commissioned officers because of substandard performance of duty, the burden of justifying the removal is on the government. All rights and procedures set forth in chapter 48 govern these proceedings.

Sections 14–15 make similar changes with respect to such boards considering the removal of general officers.

Section 16–20 make similar changes in the sections of title 10 concerning analogous proceedings in the Navy, Marine Corps, and the Air Force.

Section 21 amends sections 321–323, and 325 of title 14, United States Code, to make similar changes in analogous proceedings in the Coast Guard.

Section 22 provides that the amendments made by the Act are to be effective on the first day of the sixth calendar month following the month in which it is enacted.

By Mr. CASE:

S. 2251. A bill to provide that the President notify Congress of his intention to exercise certain special authorities under the Foreign Assistance Act of 1961. Referred to the Committee on Foreign Relations.

NOTICE TO CONGRESS OF FOREIGN MILITARY OR ECONOMIC ASSISTANCE TRANSFERS

Mr. CASE. Mr. President, I am today introducing legislation which would require the President to give Congress advance notice of money transfers within the foreign military and economic assistance programs.

I have long been concerned by the so-called "flexibility" written into the Foreign Assistance Act. The President now has authority to shift large amounts of money programed for one country to another country, with the proviso that he notify Congress within 30 days.

Thus, the law as presently written allows the administration to make a significant commitment to a foreign country without including either the Congress or the public in the debate.

Under this authority, the administration shifted nearly $100 million to the Cambodia Government during 1970. The largest portion of this transfer was made before the 1970 elections, but Congress was not notified until the end of November.

I firmly believe that such a large commitment of U.S. Government funds to Cambodia should have been widely discussed in advance, for it involved a significant step toward our becoming entangled in that country.

Then in December 1970, the administration came to Congress for a large supplemental foreign aid appropriation, and we were asked to vote money for those other aid programs from which money had been borrowed in order to send the nearly $100 million to Cambodia.

Frankly, I was disturbed by the whole process, and that is why in December I introduced with Senator SYMINGTON an amendment requiring the President to give the Congress advance notice of aid increases in Cambodia. Happily, the Case-Symington amendment was accepted by the Congress and then signed into law by the President.

But in the case of Cambodia, almost all the horses had escaped by the time we got around to closing the barn door.

So in the future, I am proposing that the President give the Congress 30 days advance notice—or 10 days in case of an emergency—before he shifts scheduled levels of foreign military or economic assistance funds to any country.

If decisions are to be made that affect our country's foreign policy, let them be made with full congressional and public knowledge prior to the event—not 30 days after the fact.

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

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

S. 2251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 652 of the Foreign Assistance Act of 1961, as added by section 8 of the Special Foreign Assistance Act of 1971, is amended to read as follows:

"SEC. 652. Limitation Upon Exercise of Special Authorities.—The President shall not exercise any special authority granted to him under section 506(a), 610(a), or 614(a) of this Act unless the President, at least thirty days (or 10 days if he certifies, in addition, that the national interest requires it) prior to the date he intends to exercise any such authority, notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority.".

SEC. 2. The last sentence of section 506(a) of the Foreign Assistance Act of 1961 is repealed.

By Mr. CASE:

S. 2252. A bill limiting the total amount of excess defense articles that all Government agencies may make available to foreign countries;

S. 2253. A bill to require specific congressional authorization before funds may be made available to finance military operations outside the borders of the country of the government or person receiving such funds; and

S. 2254. A bill to limit all Government agencies with respect to the use of funds for certain activities conducted outside the United States. Referred to the Committee on Foreign Relations.

INCREASED CONGRESSIONAL CONTROL OVER CERTAIN CIA AND DEFENSE DEPARTMENT PROGRAMS

Mr. CASE. Mr. President, much has been said lately about the effort of Congress to reassert and redefine its authority in the field of foreign policy. For myself, I am scarcely at all interested in this as an exercise in congressional self-aggrandizement. I am very much interested in it as a means of forcing our Government to conduct foreign policy in the open so that the public may know what is going on and have the controlling voice in important decisions.

In a moment I shall mention briefly several measures I am introducing to allow Congress to exercise increased control over certain Central Intelligence Agency—CIA—and Defense Department programs.

My purpose is to place some outside control on what has been the free wheeling operation of the executive branch in carrying on foreign policy and even waging foreign wars.

To be perfectly honest, our system has gotten out of whack, and it is time to restore a better balance.

The Constitution does not give the President authority to declare a secret war, and I do not accept that there are any precedents in our history which would permit him now to do so.

Moreover, our recent history in Southeast Asia shows that wars approved by simply a handful of presidential advisers may well be not only unconstitutional but relatively unsuccessful, too.

Like most Americans, I was shocked by the cynical manipulation of our political processes revealed in the New York Times account of the McNamara study on the origins of the Vietnam war. I believe that our country should not go to war as part of a carefully plotted scenario which involves secret attacks on the other side—some apparently with the aim of provoking retaliation against us and our allies. This approach has no place in our open society.

I do not want to get into an extended post mortem on Vietnam, however. Our primary task should not be to engage in recriminations or assign blame, but to bring the war to an end. That is why, last year and earlier this week, I voted for the Hatfield-McGovern proposal to set a definite date for U.S. withdrawal from Vietnam.

The Vietnam war, as least during the last several years, has been waged essentially in the open. The same cannot be said for the war in neighboring Laos. A top American diplomat was quoted recently by the Washington Star as saying:

> What we are doing here in Laos is totally inconsistent with our kind of society. We are fighting a war by covert means and an open society cannot tolerate that.

I agree with this diplomat's appraisal, and consequently I have done everything I can to bring the facts on the war in Laos before the American public.

For example, I stated several weeks ago that there apparently was an agreement between the United States and Thai Governments for the financing and support through CIA of thousands of Thai troops in Laos. Only when the administration became aware of my speech did the Senate receive any kind of explanation of what was going on. And the explanation was incomplete and partially inaccurate despite its secret classification which prevented it from being made known to the public.

Even today, the Government tries to maintain a thick veil of secrecy over some of its programs in Laos. Every so often news trickles out in driblets as an energetic newspaperman digs out a story or a Government official leaks out a revelation.

But essentially, we are only told things after they have somehow gotten into the public realm, despite the $350 odd million in taxpayers' funds which are being spent annually in Laos, to say nothing of the estimated $2 billion annual cost of U.S. air activity over Laos.

Successive administrations have been able to carry on the secret war in Laos, as they did earlier in Vietnam, by use of that vast billion dollar treasure chest which Congress has appropriated, but never controlled, for discretionary intelligence and military programs. And the U.S. Government agency assigned to carrying out the administration's policies such as the running of the 30,000-man Secret Army—Armée Clandestine—and the funding of Thai troops has usually been the CIA.

I do not direct criticism against the CIA, for it has only been following orders issued by several Presidents. I simply question whether a secret intelligence organization should be assigned a war-making role abroad. Certainly this was not the intent of Congress when it originally voted to establish CIA.

So I come to my three proposals to limit the Executive's authority to wage a secret war. These are not all-inclusive, but they are an attempt to get at the questions of the circumvention of congressional intent and the hiring of mercenaries. The specific proposals are:

First. A bill to extend the limitations which now apply to the use by the Defense Department of its funds overseas to all U.S. Government agencies, including CIA. This would prevent the circumvention of congressional intent in the funding of activities such as the Thai troops in Laos through CIA rather than through more open Government agencies. It would also eliminate the possibility that the Cooper-Church prohibitions against the use of American troops or advisers in Cambodia could be skirted by using CIA personnel.

Second. A bill to prohibit the funding by any U.S. Government agency of military operations by any country outside its borders without specific congressional authorization. This would eliminate the confusing trail of Thais in Laos, Cambodians in Laos, and even Thais in Cambodia. It would not affect the present programs for U.S. payments to Koreans, Thais, and Filipinos in Vietnam, since Congress has specifically voted money for these troops. My bill would, however, require the administration to inform the Congress, on a confidential basis, if necessary, of the details of any agreements with foreign governments to finance their military operations abroad. I would hope this would prevent our Government from offering lavish inducements to foreign governments in return for the use of their troops. As you may remember, it was revealed last year that the U.S. Government in some cases had been secretly paying Koreans and Thais in Vietnam higher levels of combat pay than were being paid to American troops fighting in the same country.

Third. A bill to extend existing limitations on the use by the Defense Department of surplus military materiel to all Government agencies. I make this proposal because of reports I have received of the relatively unrestricted use of surplus materiel by CIA, I have no means of verifying these reports, but if they are untrue, my bill would not interfere with any existing Government programs.

The three proposals I have outlined would serve to plug some loopholes in the law. Of course, they would by no means close them all. The Executive can find ways to skirt almost any prohibition if it is so inclined. The solution to the problem lies, in the long run, not in a tighter drafting of the law but in the acceptance by the Executive of Congress and the public as partners in the conduct of the peoples' vital business.

Our country was founded on the principles of democracy, and the essence of a democracy is the participation of the people and their representatives in the decisions which affect their very national existence.

Mr. President, I ask unanimous consent that the text of my bills be printed in the RECORD.

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

S. 2252

A bill limiting the total amount of excess defense articles that all Government agencies may make available to foreign countries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first and second sentences of section 8 (a) of the Act entitled "An Act to amend the Foreign Military Sales Act, and for other purposes", approved January 12, 1971 (Pub. L. 91-672; 84 Stat. 2054), are amended to read as follows: "Subject to the provisions of subsection (b), the value of any excess defense article granted to a foreign country or international organization by any department, agency, or independent establishment of the United States Government shall be considered to be an expenditure made from funds appropriated under the Foreign Assistance Act of 1961 for military assistance. Unless such department, agency, or establishment certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article whose stock status is excess at the time ordered, a sum equal

to the value thereof shall (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is cancelled, and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article or (B) to the military assistance appropriation for the current fiscal year upon cancellation of the order."

S. 2253

A bill to require specific congressional authorization before funds may be made available to finance military operations outside the borders of the country of the government or person receiving such funds

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 2 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 511. Limitations on Availability of Funds for Military Operations.—(a) No funds authorized or appropriated under any provisions of law shall be made available by any means by any officer, employee, or agency of the United States Government for the purpose of financing any military operations outside the borders of the country of the government or person receiving such funds unless Congress specifically authorizes the making of funds available for such purpose and designates the area where military operations financed by such funds may be undertaken outside such borders.

"(b) Upon requesting Congress to make any such authorization, the President shall provide to Congress a copy of any agreement proposed to be entered into with any such government or person and the complete details of the proposed military operation. Upon such authorization by Congress the President shall provide a copy of any such agreement and thereafter of all plans and details of such operation."

S. 2254

A bill to limit all Government agencies with respect to the use of funds for certain activities conducted outside the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(a) of the Special Foreign Assistance Act of 1971 (84 Stat. 1943) is amended by adding at the end thereof the following new sentence: "None of the funds authorized or appropriated pursuant to this or any other Act may be used to provide military or paramilitary instruction or training assistance to or for Cambodian military or paramilitary forces in Cambodia through advisers paid directly or indirectly by any department, agency, or independent establishment of the United States Government or with funds of any such department, agency, or independent establishment."

SEC. 2. Section 401(a) of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is amended—

(1) by inserting in the second sentence of paragraph (1), after "to or for the use of the Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States"; and

(2) by inserting in the introductory matter preceding clause (A) of paragraph (2) of such section, after "Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States".

By Mr. GRIFFIN:

S. 2258. A bill to permit coordination and cooperation in accelerated research and development of devices and equipment to meet government standards for motor vehicle exhaust emissions and abatement of air pollution. Referred to the Committee on the Judiciary.

MOTOR VEHICLE AIR POLLUTION CONTROL ACCELERATION ACT

Mr. GRIFFIN. Mr. President, a few weeks ago the leading domestic and foreign automobile manufacturers reported to the Environmental Protection Agency on the progress they are making in the control of automotive emissions. What they had to say added up to a discouraging outlook for the prospects of complying with the Federal emissions standards set by Congress in the Clean Air Act Amendments of 1970.

There was a good deal of progress to report in reducing emissions below today's levels. Some companies were hopeful that they may be able to meet the 1975 standards on hydrocarbons and carbon monoxide. None of them, however, could say so with any certainty, and none of them could see more than the barest possibility of meeting the 1976 standard for oxides of nitrogen.

From this progress report we can draw only one realistic conclusion: The automobile manufacturers are gaining on the needed technology but losing their race against the clock. I remind my colleagues that the clock by which the automobile industry must work, owing to lead times, is set months and years ahead of ours. For efficient production—which means lower costs to consumers—1975 model designs must be locked up by approximately one short year from now.

Accordingly, it is increasingly evident that we are rushing headlong toward an unpalatable choice between, first, an extension of the deadline for meeting the Clean Air Act standards, or second, a crippling of automobile production with the attendant consequences to our economy and to our automobile-oriented transportation system.

Mr. President, today I am introducing a bill which would minimize the necessity for making that difficult choice by maximizing the automobile industry's chances of meeting the Clean Air Act standards on schedule.

As my colleagues know, the major American automobile manufacturers are now working in willful ignorance of each other's emissions research under a consent decree which prohibits them from exchanging technical information relating to emissions hardware. The consent decree stems from a 1969 Justice Department antitrust charge, stoutly denied by the companies, that their cooperative efforts constituted a conspiracy in restraint of trade.

The bill I am introducing would permit accelerated development of effective air pollution control devices through a limited exemption to the antitrust laws which would allow the auto manufacturers to disclose to one another the results of their efforts and thereby find quicker solutions to automotive pollution.

Mr. President, exemptions to the antitrust laws are and shoull be strictly construed and severely limited. The exemption I propose has been narrowly drawn with that principle in mind. Its sole and single purpose would be to enable the affected industries to expedite the development of more effective emission control methods. The exemption would not cover vehicle safety developments or any other competitive phase of the industry.

Moreover, the bill provides ample safeguards to assure that the exemption would be fully in keeping with the purpose of the antitrust laws:

Any cooperative arrangement would require prior approval by the Attorney General, and he would have complete oversight of actions taken pursuant to such an arrangement.

Information developed under such arrangements would have to be shared with any nonparticipating manufacturer who wanted it.

Predatory pricing or predatory practices would continue to be subject to antitrust prosecution.

And, finally, the exemption would terminate December 31, 1975.

I wish to point out that there is nothing new or even uncommon about exemptions to the antitrust laws. A former assistant Attorney General in charge of antitrust has estimated that nearly 20 percent of the national income originates in sectors exempt from antitrust laws.

Among the many examples which can be cited are section 9 of the Small Business Act, which permits joint research programs among small business concerns; section 708 of the Defense Production Act, as amended, which provides for voluntary agreements and programs designed to further the objectives of that act; section 2 of the act to assist in safeguarding the U.S. balance-of-payments position, which also provides for voluntary agreements and programs to further the aim of the bill; and the Newspaper Preservation Act, which provides antitrust exemption for joint newspaper operating arrangements where needed to sustain a financially sound publication.

Mr. President, a temporary and carefully qualified antitrust exemption such as that which I propose is necessary to promote two vital goals essential to the public interest:

First. Improving the quality of our air, and

Second. Preserving a healthy automobile industry.

One of the most forceful arguments for permitting the auto companies to cooperate on emissions work has come from Mr. Leonard Woodcock, president of the United Auto Workers. The UAW's commitment to environmental improvement cannot be questioned but, as Mr. Woodcock pointed out in a letter dated May 24, 1971, to the Attorney General, the UAW must also be deeply concerned about the jobs and economic well-being of nearly 1 million members of the union and their families.

In his letter, Mr. Woodcock strongly urged that the Justice Department permit all auto manufacturers to share their technology under direct and strict governmental supervision in a crash program to solve the problems of both vehicle emissions and vehicle safety.

Mr. Woodcock said:

The purpose underlying the antitrust laws is, of course, to promote competition. There should not be competition in such vital areas as human safety and pollution control. There should not be added profit for those who can best cut corners and save in these areas. Every car should be as safe and clean

as possible at the lowest possible cost. The labor of a human being is not an element of competition, neither should the health and safety of the public be one.

However, the Justice Department in a letter dated June 11, 1971, from Mr. Richard W. McLaren, Assistant Attorney General for the Antitrust Division rejected the UAW proposal and made it clear that American manufacturers will not be permitted to engage in joint antipollution action unless an antitrust exemption is provided by Congress.

The Department position was spelled out last spring by Mr. McLaren in an address to the antitrust section of the American Bar Association.

Mr. McLaren makes a fluent and persuasive argument for the forces of competition as an incentive to innovation. In matters of ordinary importance I do not take issue with his position.

We are not, however, confronted with a matter of ordinary importance, and the other side of the coin was presented later in the same American Bar Association program by a spokesman for the Environmental Protection Agency. Mr. Allen G. Kirk II, deputy counsel for the EPA, said in part:

I am not anxious to energize the antennae of Mr. McLaren's Division, but I do wonder whether all technological problems are best hammered out on the forge of unrestrained competition. No one would seriously have suggested that the contract for the Apollo Program should have gone to the first company to put a man on the moon.

Fortunately, very few of our environmental problems approach the scope of complexity of the space program. But the question I raise obviously, is whether there are environmental problems confronting some industry groups, such as the automotive people, that can be solved more quickly more efficiently and more in the public interest by a joint undertaking.

The fact is that without an exemption such as that which I propose, American Motors and smaller companies like Checker Motors of Kalamazoo, Mich., will find themselves at a distinct competitive disadvantage. Since the bill which I introduce today requires information to be shared with all manufacturers upon request, it is precisely those smaller companies which will benefit most from the pooling of information.

Mr. President, it is not merely a surmise that proper cooperative action can speed up the development of emission controls. There is at least one highly convincing example.

I refer to an inter-industry emission control program, started in 1967 by Ford Motor Co. and Mobil Oil Corp. as a joint research effort. Ford and Mobil were soon thereafter joined by five other U.S. oil companies and four foreign automobile producers.

The IIEC's initial goals were to achieve 90 to 97 percent reductions among the various types of vehicle emissions—more than enough to meet any Government standards then existing or then thought likely to come into existence.

By developing a systems-oriented program consisting of 18 research projects, these 11 companies have in less than 4 years been able to meet their original objectives on a laboratory basis and experimental vehicles are now being road-tested for durability, operating economy, and vehicle performance. IIEC's contributions to the state of the art have been so impressive that two nonmember automobile companies—Volkswagen and Toyota—reportedly have paid more than $1 million apiece just to receive the technical reports coming out of the project.

Although the requirements of the Clean Air Act Amendments of 1970 came along very late, IIEC—now in its final year of existence—has adjusted its sights even higher than originally planned.

There can be no doubt that this international cooperative program advanced the art of emission controls much farther much faster than any of those companies could have accomplished alone. Meanwhile, each of the other automobile companies has been pushing its own emissions development to within sight of the 1975 standards. It is not too much to hope that the answers they are looking for lie within the total body of knowledge they have separately and competitively accumulated, and that if they can now be permitted to compare notes and work cooperatively, they can trim months or even years off the remainder of the job.

Mr. President, I remind the Senate that time is growing short for accomplishing the air quality improvements from reduced auto emission which were envisioned in last fall's Clean Air Act amendments.

Congress set an exacting deadline on the automobile industry. Congress now has a responsibility to give the manufacturers every reasonable assistance in meeting that deadline.

Mr. President, I send the bill to the desk and I ask that it be appropriately referred, and that the bill be printed in the RECORD as well as a letter dated July 8, 1971, which I addressed to Mr. Leonard Woodcock; a letter from Mr. Woodcock to the Attorney General dated May 24, 1971; and the reply from Assistant Attorney General Richard W. McLaren dated June 11, 1971.

In addition, Mr. President, I ask that an article concerning the plight of American Motors, which appeared in the July 12, 1971, issue of the Wall Street Journal, also be printed in the RECORD.

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

S. 2258

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 "Motor Vehicle Air Pollution Control Acceleration Act".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act to provide a limited exemption from liability under the antitrust laws to facilitate compliance by the motor vehicle industry with Federal and State standards relating to the control of motor vehicle exhaust emissions and the abatement of air pollution produced by motor vehicles by permitting manufacturers in that industry to cooperate in the development of motor vehicles which will meet such standards before 1976.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "antitrust law" means the Federal Trade Commission Act and each statute referred to in section 4 of such Act (15 U.S.C. 44) as "Antitrust Acts" and all amendments to such Act and such statutes and any other Act of Congress in pari materia, including but not limited to section 3 of the Act of June 19, 1936 (15 U.S.C. 13a);

(2) "motor vehicle manufacturer" means any person engaged in the manufacturing or assembling of new motor vehicles or new motor vehicle engines, or improving such vehicles or engines for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles or new motor vehicle engines, but shall not include any dealer with respect to new motor vehicles or new motor vehicle engines received by him in commerce;

(3) "motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway;

(4) "motor vehicle engine" means any engine used to power a motor vehicle;

(5) "devices" means air pollution emission control designs, instruments, equipment, methods, or parts thereof for motor vehicles or motor vehicle engines, including but not limited to engine modifications, air injection, catalysts, reactors, fuels, fuel dispensing pumps, and related equipment;

(6) "dealer" means any person who is engaged in the sale or the distribution of new motor vehicles or new motor vehicle engines primarily to persons who in good faith purchase such new motor vehicles or new engines for purposes other than resale; and

(7) "person" means any individual, and any partnership, corporation, association, or other legal entity existing under or authorized by the law of the United States, any State or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any foreign country.

ANTITRUST EXEMPTION

SEC. 4. (a) It shall not be unlawful under any antitrust law for any motor vehicle manufacturer to enter into any contract, combination, or other arrangement with any other person or persons including one or more motor vehicle manufacturers, after the date of enactment of this Act for the purpose of engaging in basic or applied research with respect to the development of, or developing means of manufacturing, motor vehicles, motor vehicle engines and devices which will meet or exceed standards promulgated under Federal or State law which relate to the control of motor vehicle exhaust emissions and the abatement of air pollution produced by motor vehicles, if such contract, combination, or other arrangement is approved by the Attorney General. Subject to the provisions of section 5, the Attorney General shall approve such contract, combination, or arrangement and actions taken pursuant thereto if he determines that it is designed to achieve the purposes for which this antitrust exemption is provided, and that such contract, combination, or arrangement and actions taken pursuant thereto do not constitute a violation of any provision of an antitrust law for which no exemption is provided by this Act. The Attorney General shall not approve any contract, combination, or other arrangement under this section if the terms of such contract, combination, or other arrangement extend beyond December 31, 1975.

(b) Nothing contained in this Act shall exempt from any antitrust law any predatory pricing, any predatory practice, or any other conduct in the otherwise exempt operations or two or more motor vehicle manufacturers under a contract, combination, or other arrangement approved under this section which would be unlawful under any such law if engaged in by a single motor vehicle manufacturer.

PROCEDURE

SEC. 5. (a) A motor vehicle manufacturer seeking to obtain the exemption provided by section 4 shall—

(1) before entering into a contract, combination, or other arrangement under such section, file a copy of such contract, or a

memorandum setting forth the particulars of the combination or other arrangement, with the Attorney General, together with such other related information as he may require; and

(2) obtain the approval of the Attorney General for such contract, combination, or other arrangement.

(b) The Attorney General shall promulgate regulations establishing procedures to be followed by motor vehicle manufacturers in entering into such contracts, combinations, or other arrangements. The procedures shall be designed to further the purposes of this Act and to assist motor vehicle manufacturers in entering into such contracts, combinations, or other arrangements without violating any provision of an antitrust law for which no exemption is provided by this Act.

(c) The Attorney General is authorized to review, from time to time, action taken under any contract, combination, or other arrangement approved by him under section 4 in order to insure that such action does not involve any activity which is in violation of any provision of an antitrust law for which no exemption is provided by this Act. In order to facilitate such review, any motor vehicle manufacturer which is a party to such contract, combination, or other arrangement shall furnish a copy of any document related thereto to the Attorney General upon his request, and provide such other information and assistance as he shall require in carrying out his authority under this subsection.

(d) The Attorney General may, after reasonable notice and an opportunity for a hearing, terminate his approval of any contract, combination, or other arrangement if he determines that the parties thereto are engaged in activities under such contract, combination, or other arrangement which are in violation of any provision of an antitrust law for which no exemption is provided by this Act, or have failed to comply with procedures established under subsection (b) of this section.

(e) In making determinations under this section, the Attorney General shall proceed in accordance with the provisions of subchapter II of chapter V of title 5, United States Code. Any party to a proceeding under this section aggrieved by a final determination of the Attorney General may, at any time within sixty days after the date thereof, file a petition with the United States Court of Appeals for the District of Columbia Circuit for judicial review of such order.

SHARING OF INFORMATION

SEC. 6. Any information developed under a contract, combination, or other arrangement approved by the Attorney General under section 4 shall be made available to any motor vehicle manufacturer not a party to such contract, combination, or arrangement upon request.

TERMINATION OF EXEMPTION

SEC. 7. The exemption from liability under the antitrust laws provided by section 4 of this Act shall not apply after December 31, 1975, to any activity after that date under any contract, combination, or other arrangement approved under such section.

U.S. SENATE,
Washington, D.C., July 8, 1971.

Mr. LEONARD WOODCOCK,
President, International Union, UAW, Detroit, Mich.

DEAR LEONARD: Enclosed is a draft bill and the text of a speech I plan to deliver Monday, July 12, on the Senate floor. As you will note, the bill would provide a limited antitrust exemption so that auto manufacturing companies could cooperate in research efforts to meet the demanding emission standards set by Congress in the Clean Air Amendments of 1970.

Frankly, this bill was developed because of the logic of arguments set forth in your May 24 letter to the Attorney General, a copy of which you kindly sent me. Needless to say, I was disappointed by the response dated July 11 which you received from Mr. Richard W. McLaren, the Assistant Attorney General for the Antitrust Division.

Since Mr. McLaren's reply makes crystal clear that legislative action is necessary, I sincerely hope that you and the UAW will join me in active support of this legislation.

After you have had an opportunity to study the bill and my statement, I would welcome any comments or suggestions.

With best wishes and my kind personal regards, I am

Sincerely,

ROBERT P. GRIFFIN,
U.S. Senator.

INTERNATIONAL UNION, UAW,
Detroit, Mich., May 24, 1971.

Hon. JOHN N. MITCHELL,
The Attorney General, Department of Justice, Washington, D.C.

MY DEAR MR. ATTORNEY GENERAL: We write you now with respect to a matter of mutual concern and of concern to the entire nation. As President of the International Union which represents most of the automobile workers of America, I have particular interest in the future of that industry. Moreover, this Union which represents almost a million and a half workers and their families has a great and abiding interest in the society as a whole and the quality of life in it.

We are committed to achieving a clean and healthy environment in which our machines are as safe as possible, as fast as we can. The UAW believes that the American people are entitled to automotive and other products as healthful, safe and free from hazard as human ingenuity can make them. The safety of life and limb and the health of the environment are matters of the highest priority. We believe that not a moment nor an effort should be wasted in achieving these priorities.

The UAW has an additional concern—the jobs and economic well-being of its members. The destiny of those workers and their families in the automobile industry is inextricably tied to the future of the industry. Federal legislation has already imposed rigid and immediate deadlines for the dramatic curtailment or elimination of pollution caused by the internal combustion engine. Similar immediacy faces the industry with respect to other federal laws regulating the safety of automobiles. States and cities, on their own, might well impose restrictions, deadlines, and standards in advance of federal legislation. This legislation, born of a genuine concern for the health and safety of all people threatens the jobs upon which our members and their families depend and the economic health of some of the smaller manufacturers.

The time and cost pressures of this well-intentioned legislation fall hardest on those sectors of the industry least able to afford them, the smaller automotive manufacturers. This, in turn, directly threatens the elimination of UAW jobs. This, for us, is also a matter of highest priority.

We take it you would agree that because of the size and importance of the automobile industry, the well-being of the nation's economy is, in large measure, tied to this industry.

In light of these considerations, we believe that we should solve these serious and vexing problems by embarking, as soon as possible, on a crash program combining the vast resources of all manufacturers in the automobile industry so as to meet these problems with the finest available expertise, as well as technological and financial resources. This cooperative effort can be maintained within both the spirit and the letter of our anti-trust laws. There should be a concerted, cooperative, industry-wide attack with such collaboration narrowly confined to the sharing only of technology directly related to safety and pollution. Moreover, this cooperation should be conducted only under direct and strict governmental supervision. The Justice Department, the Department of Transportation, the Department of Commerce and others would be well suited for careful scrutiny of this cooperation. The government monitors could also serve the additional function of keeping the Congress and the public informed as to the progress being made in safety and pollution control.

We hope you will agree that government instigated and supervised cooperation among competitors or between industries does not violate the anti-trust laws. In addition to the great benefit of combining available technology, finances and plant facilities to force a swift solution to these common problems, we believe this approach could have other important advantages. The government supervision and the narrowly restricted parameters of collaboration would allay any fears of mutual effort spilling into unrelated areas. It would subject any proposed standards to the scrutiny of a wide cross section of interested parties. We believe that all producers, not just the major ones, should be invited to participate in the effort. Moreover, the views of interested consumers and public agencies should be solicited. This method might well avoid duplication of efforts and time waste in an area where time is of great importance. It would standardize safety and anti-pollution features throughout the industry and would facilitate the availability of the findings to all.

One of the stumbling blocks in the way of automobile manufacturers meeting deadlines on products not yet identified is how to get sufficient lead time to develop the unknown. A larger company can, of course, provide lead time better than a small one. We now need the benefit of pooling in this limited area of research and development. This would be of great benefit especially to the smaller manufacturers for, if all corporations involved were required to duplicate and compete in research and development in safety and pollution control, the smaller ones with less financial resources and consequently less technological ability would be less able to use their resources in areas of real business competition. Supervised cooperation, on the other hand, in the limited areas of safety and anti-pollution, would make new developments available to the smaller companies much sooner and with less damaging effect on their smaller budgets. The net effect would, in my opinion, be increased competition in areas such as price, style, and service—areas of real concern to consumers.

We seek, on our own behalf and for society, assurances from you that monitored cooperation can be managed in these limited areas without violating the present antitrust statutes or the terms of any court decree. If there is any doubt about such legality under the 1969 pollution decree, we urge you to seek clarification of the consent decree entered on October 29, 1969 in the case of *United States v. Automobile Mfrs. Assn., Inc., General Motors Corp., Ford Motor, Chrysler Corp., and American Motors Corp.*, so as to permit supervised collaboration. As we view the thrust of that decree it is to prevent *conspiring to delay and obstruct* the development of pollution control devices. It is our hope that temporary supervised cooperation *seeking a solution to pollution problems* would not be within the prohibition of that decree.

We are all well aware and vitally concerned about the complex and serious problems surrounding safety and ecological preservation. We are also mindful of and fully in support of the basic philosophy of foster-

ing maximum competition in America. We can, I believe, work toward a solution of the safety and ecological problems without compromising our anti-trust principles.

It is our belief that the goal of quickly and efficiently reaching needs of safety and a healthy environment need not be tantamount to the presentation of a carte blanche to the industry to violate the anti-trust laws. Governmental supervision can insure responsible and prompt action. Through the use of cooperation and government monitoring, we believe the problems can be efficiently attacked with results available for *all* manufacturers, not just the wealthy ones. This approach will eliminate fears of collaboration in unrelated areas and will result in a healthy industry, safer products and a clean environment.

The purpose underlying the anti-trust laws is, of course, to promote competition. There should *not* be competition in such vital areas as human safety and pollution control. There should not be an added profit for those who can best cut corners and save in these areas. Every car should be as safe and clean as possible at the lowest possible cost. The labor of a human being is not an element of competition, neither should the health and safety of the public be one.

There is no "healthy competition" in meeting 1975 anti-pollution standards—only the largest and most powerful are favored by such an attitude. The lesser manufacturers are disadvantaged and so is the public. This is not research and development in which traditional concepts can call the tune. We cannot analyze today's problems in yesterday's terms.

Please be kind enough to react to this letter at your earliest opportunity.

Yours very truly,

LEONARD WOODCOCK,
President.

DEPARTMENT OF JUSTICE,
Washington, D.C., June 11, 1971.

Mr. LEONARD WOODCOCK,
President, International Union, UAW,
Detroit, Mich.

DEAR MR. WOODCOCK: The Attorney General has forwarded your letter of May 24, 1971, to me for acknowledgment and reply.

We share your concern over the need of this nation to achieve a healthy environment as rapidly as possible. We also share the conviction that competition in the automotive industry should not be reduced or eliminated in our attempts to provide safer, cleaner products. And we share the belief that environmental and other problems can be eliminated without sacrificing basic national policies to encourage competition.

We cannot agree, however, with your statement that there should not be competition in such vital areas as human safety and pollution control. Competition has served us well as a spur to the enormous technological gains achieved in this and previous decades. It should not be abandoned as we strive to meet the critical challenges to the safety and health of American citizens.

These principles are particularly germane to past events in the automotive industry. The antitrust case against the Automobile Manufacturers Association and its members teaches that cooperation can lead to suppression rather than development of essential antipollution devices.

The existing provisions of the antitrust decree entered in that case should assure you and others that the survival of specific automobile firms is not at issue. The judgment is carefully tailored to permit cooperation among industry members sufficient to give society, as well as firms in the industry the benefit of technological breakthroughs while insuring that all firms move ahead rapidly and independently with the widest search for viable solutions.

For example, as you know, American Motors Corporation, with the approval of the Department of Justice, has since the decree availed itself of consultation with selected General Motors' engineering personnel concerning exhaust gas reaction and recirculation devices for American Motors engines. In addition, the decree permits purchase of specific products and license of specific patents among manufacturers, so that all competitors may ultimately enjoy the fruits of competitive research. We also call your attention to the fact that, pursuant to recent statutory amendments to the Clean Air Act, essential patents for antipollution devices can be required to be licensed to competitors on reasonable terms.

Needless to say, we all have a stake in the quality of the environment and the safety of the products we buy. I would hope upon reflection you will agree that competition—not collaboration—offers the greatest likelihood that these critical goals will be rapidly achieved.

Sincerely,

RICHARD W. MCLAREN,
Assistant Attorney General,
Antitrust Division.

TINY AMERICAN MOTORS STRUGGLES TO SURVIVE AS A SEPARATE CONCERN

(By Laurence G. O'Donnell)

DETROIT.—When small cars last caught the fancy of U.S. car buyers in the late 1950s, American Motors Corp. got to the market early and successfully pioneered the compacts. Now the small-car market is red-hot again. But American Motors, instead of being a victor in the latest small-car war, is a victim.

Far from prospering in the small-car boom, AMC is being buffeted between the giants of the U.S. auto industry and the foreign car makers who are flooding the U.S. with imports. The fact that American Motors is in trouble at such a time—when the small-car market has doubled within two years—is raising questions about whether there is room for the company to exist at all in its present form.

Indeed, some analysts are coming to the conclusion that American Motors' long-term future as an auto maker probably hinges on a big merger—perhaps with one of the Big Three's major foreign rivals. And the analysts may be right. Although American Motors executives emphasize that nothing is currently in the works, they view such speculation as reasonable. "There is no sense saying we'd never consider associating with somebody else," says Roy D. Chapin Jr., chairman.

A HANDSOME PAYOFF

American Motors, of course, has lived under clouds of speculation about its viability and future ever since Nash Motors merged with Hudson Motor Car in 1954. The merged enterprise stumbled along with 2% or less of the U.S. auto market for the first four years of its existence, posting deficits each year. In fact, the only time the rumors ever really went away was during the last small-car boom after American Motors gambled everything on its ability to make and sell cheap, economical small cars. The gamble paid off handsomely.

Tiny AMC plugged into the small car market a year before its Big Three rivals, set low but reasonably profitable prices on its Ramblers and roared off to its most profitable years, tripling its share of all cars sold to over 6%.

But the rumors started to swirl again in the early 1960s when the small car boom started to fade. A number of importers were driven out of the market through the enormous economic and marketing clout of GM, Ford and Chrysler, who then turned around and made their compacts bigger. American Motors was left with the tough choice of sticking with its successful compact cars and battling for sales in a shrinking market, or augmenting its line with new, bigger cars to compete against the Big Three.

AMC chose the multicar approach, bringing out sporty cars to compete against Ford's successful Mustang and intermediate-sized cars to battle Chevelles, Fairlanes and Belvederes. But the proliferation of models didn't succeed. AMC's original sporty car, the Marlin, flopped and was killed after only three years. Its intermediates—the Rebel, now called Matador and Ambassador—never caught fire. So AMC's share of all car sales shrank to under 3% again, plunging the auto maker into the red.

The current comeback in small cars, which first showed up with a resurgence of imported-car sales in the mid-1960s, spurred speculation that American Motors might finally be on the threshold of good times again. A young new management, headed by Mr. Chapin, took over AMC in early 1967, scrambled adroitly to get its financial house in order and busily designed new products and marketing strategies so AMC could again cash in on the growing demand for smaller cars.

Demand for small cars now is growing even faster than AMC expected. But its marketing strategies aren't panning out. Its immediate goal of selling 300,000 cars a year, which is more than one-third less than its best volumes during the last small-car boom, has "been damn elusive," Mr. Chapin concedes. Last year, its dealers sold 254,000 cars. AMC's market share so far this year is 2.5%, down from 2.9% last year. "We should be getting a bigger piece of the market, there is no doubt about that," Mr. Chapin adds. AMC ended up with a $56 million deficit last year, and it's barely in the black this year.

Many marketing men in Detroit believe that AMC is floundering in the midst of the current small car boom because it has elected to continue selling many sizes of cars rather than reverting to its successful one-car formula of the late 1950's. Even its own vice president of marketing, William McNealy Jr., says he thinks AMC is copying too closely the marketing strategies and product ideas of the Big Three, which he considers out of touch with today's functionally minded car buyers.

"AMC's big mistake was to toss aside the idea of one car, of selling to its strength," says an official at a rival company. "The cost of proliferation has killed them. The costs of manufacturing and developing cars are very high and spread over too few car sales at American Motors."

A STOUT DEFENSE

Mr. Chapin agrees that competing in several markets, rather than just one, "is difficult." He says proliferation of models and stress on styling have been overdone, so AMC will cut its 23-model lineup during the coming model year. Executives also hint there will be a major new pitch to "utilitarian" car buyers.

But Mr. Chapin stoutly defends AMC's basic multicar strategy as the only way a company its size can survive in today's fiercely competitive, high-cost auto industry. "We have an inherent structure as an automobile company where you have certain levels of fixed costs, and you have to get units to support it," he says.

After careful study, AMC's management concluded it couldn't get the minimum volume it needs to turn a profit unless it stayed in three basic markets—small cars, sporty cars and intermediates. The company decided competition wouldn't allow it to get enough volume in just one market.

So AMC decided on a big-and-little car strategy that it hoped would give it a piece of the small-car action while offsetting the profit crunch a swing to less-profitable small cars might cause. Step one was to bring out

a brand-new compact, called the Hornet, to replace the Rambler American. The Hornet, was designed with "derivative capability" so that other small cars such as the Gremlin could be built without major capital expenditure. (The Gremlin minicar, in fact, required only $6 million in tooling, a drop in the bucket by Detroit's standards.)

Step two was to promote AMC's bigger intermediate and sporty cars, utilizing the Matador, Javelin and Ambassador. These cars were already tooled, are more profitable than smaller cars to AMC and have existing owners who might be wooed back for replacements. "The basic game plan was to hit the bottom end of the market strong but to stay with the next-biggest segment of it (the intermediates) without any major capital expenditures," explains Mr. Chapin.

For the big-and-little plan to work, two things had to happen: AMC's total sales would have to grow, and production would have to be carefully balanced between the bigger, more profitable cars and the faster-selling, less profitable jobs so AMC could turn a profit even on minimum volumes.

But one problem after another has snagged this plan. Volumes so far this year are 5% behind a year ago and slightly under two years ago, even though sales of the industry as a whole are running 10.5% ahead of a year ago and 2.9% ahead of two years ago.

Maintaining a profitable mix has been a struggle, too. One reason AMC ended up in the red last year was that it sold proportionately more Hornets and Gremlins and fewer Javelins than projected. This year Matador and Ambassador volumes are running lower than expected, thus accounting for a smaller portion of AMC's total mix than projected.

Paradoxically, while the small cars are accounting for a bigger portion of AMC's mix than projected, they aren't selling as fast as small cars generally. AMC's share of all small-car sales, including imports, has fallen this year to less than 4% from 5% a year ago—while the industry share for small cars has increased to one out of three new-car sales from one in four a year ago.

LOST IN THE SHUFFLE

Some analysts think American Motors is simply getting lost in the shuffle as the marketing war at the bottom end of the market intensifies. The small-car counter-attack by Detroit so far hasn't hurt imports, which keep growing, but instead is turning into a Detroit-vs.-Detroit battle, with American Motors the loser, this theory goes.

AMC expected its small cars to attract attention and showroom traffic that would help build up its bigger car volumes. But that isn't happening. "We soon found out that Gremlin shoppers are interested only in Gremlins," says an AMC official. "They might look at a Javelin. But then they'd go back to the Gremlin and either buy it or leave."

Dealers aren't much help in pushing the bigger cars. Some have found they can make as much profit selling $1,999 Gremlins as $3,616 Ambassadors because there is less price discounting on the minicars. "The Gremlin has been a lifesaver," says Jim Kitts, sales manager of Coon Bros., a Redford, Mich., AMC dealer. "Last month we sold 121 cars, and 62 were Gremlins."

Some financial analysts believe AMC's current difficulties started with a strike in the fall of 1969 that lasted for five weeks and thus hurt the launching of the Hornet. The strike plunged AMC into the red and strained its working capital at a time when it was rushing to bring out the Gremlin. "The strike put them right out of the box," says Michael Ward, an auto analyst for Alliance One Institutional Services. "They didn't have the money after the strike to get the momentum."

Others think dropping the Rambler name was an error. Some dealers were left with Rambler signs even though the Rambler name was gone from the cars. The name "had a value," says one former AMC official. "It was recognizable. When GM was considering dropping the Chevrolet name, they decided instead to upgrade the product."

A BAD REPUTATION

Mr. McNealy, the marketing vice president, defends the decision, noting that the Rambler had a bad reputation with many car buyers. He believes that some of AMC's problems stem from its dealer force, which he describes as "weak." He says American Motors had a six-month lead over Ford and GM in getting to the minicar market with the Gremlin. But AMC "blew" its opportunity because it didn't get its own dealers to improve their facilities and increase their marketing efforts in exchange for their share of the new "hot" merchandise. He blames that, in part, on AMC's own unaggressive field organization, which he has been shaking up since taking over as marketing chief a year ago. Half of the 23 zone managers have been changed, and about 150 weak dealers have been encouraged to close their doors. However, critics of Mr. McNealy's shake-up claim it is hurting AMC's rapport with its dealers, which has been one of its strengths.

Dropping small station wagons when the Hornet was introduced also hurt. Some AMC officials privately felt the decision at the time was unwise. They were right. Leftover Rambler wagons sold out quickly. Some AMC officials wished they could have retrieved a big shipment of wagons that AMC had sent to Mexico. Strapped for cash, AMC wasn't able to fill its small-wagon gap for two years—until last fall when it brought out a version of the Hornet called the Sportabout. Now Sportabouts account for one-third of AMC's Hornet volume.

WORST IN THE GROUP

While the Gremlin design provided quick and inexpensive entry into the minicar market, the shortened version of the Hornet hasn't helped the AMC image among some car buyers. Consumer Reports, in its initial evaluation of the Gremlins was sharply critical. It called the Gremlin's ride "fair-to-poor" and its fuel economy "well below that of most foreign subcompacts." This spring, when Consumer Reports rated seven of the most popular small cars, it said Gremlin was "the worst car in this group in most respects."

Mr. Chapin insists that AMC's market position now is better than it appears. He counts as "underlying strengths" AMC's recent revamping of its marketing strategies, including stress on dolled-up and more-profitable versions of its small cars. Sweeping cost-cutting has lowered the break-even point from over 300,000 to an estimated 250,000 car sales a year. He says AMC could be "an extremely viable company" with a relatively small increase in its market share. "We don't have to get 10% of the industry, a million automobiles, to be extremely successful," he asserts.

Nevertheless, it is clear that AMC has lowered its sights from two years ago, when a sharp upturn in its fortunes seemed imminent.

Financial analysts are worried that AMC's failure to widen its market share now will hurt it in the future. Since volumes aren't growing, AMC is scrambling merely to turn a profit rather than scoring big earnings that would help to rebuild its financial structure. "They are in no immediate financial danger," says David Healy, an auto analyst at Burnham & Co., a securities firm. "It is just the long-term proposition that is a question."

DEPENDING ON GM

One sign of weakness is AMC's growing dependence on General Motors. To get emergency financing for some of its dealers, AMC has had to work out a special arrangement with General Motors Acceptance Corp. To augment its limited research budgets, AMC has quietly turned to GM for technical help to meet the government's new, more stringent standards on auto exhaust emissions. And to bolster its shrunken dealer network, AMC is even working on a plan to sign up Pontiac and Oldsmobile dealers to also handle AMC cars in key markets. (See accompanying story.)

Another concern among analysts is that AMC apparently is running out of emergency fund-raising options to bolster its working capital. In the past four years, AMC has sold off its two major nonautomotive subsidiaries, raised $35 million on Wall Street by selling debentures, successfully begged Congress for a special $10 million tax rebate and secured $45 million in extra working capital by taking over Kaiser Industries' Jeep operations. Mr. Chapin warns reporters against assuming there aren't "more rabbits" in the hat. The "same guys" are running AMC, he says. "Don't discount the ingenuity that is inherent in this very unstereotyped organization."

Such assurances, however, fail to persuade financial analysts that AMC can prosper without more outside financial help. "It will probably take a miracle to keep American Motors going," says Arvid Jouppi, an auto analyst for Wm. C. Roney & Co. in Detroit.

Mr. Chapin, candidly discussing the prospects, holds out two possibilities. One is more large acquisitions, like the Jeep take-over, which would deemphasize AMC's dependence on passenger car sales. He says "there might" be more such acquisitions in fields related to car making—companies in the $50 million range—although currently AMC is working on only "a couple of small acquisitions." Such acquisitions would presumably help AMC's profits, although so far Jeep's contribution has been marginal.

NO TANGIBLE OFFERS

Another possibility is a big merger. Mr. Chapin says there have been "evidences of interest" from other companies but "nothing tangible." He scoffs at recurring speculation that International Harvester might be a merger partner, saying the talk stems from the fact that the president of International Harvester "is my brother-in-law." He rates as "interesting" rumors that White Motors might be interested in American Motors now that Semon (Bunkie) Knudsen, former president of Ford, is chairman. But Mr. Chapin says he assumes that Mr. Knudsen has "got a few things to do" at financially troubled White before he could put White into the merger market. (Mr. Knudsen says White isn't talking to AMC or anybody else at present.)

Mr. Chapin explains the various rumors linking AMC to a foreign auto maker this way: "If you are going to be a world auto company, you're not going to be that unless you are something big in the U.S. car market, the biggest single auto market in the world. Obviously, the way to get established in this market in a big way is right here," meaning a deal with American Motors. He adds, however, that he doesn't know that any foreign company has such a plan. "And I am not going to spend a lot of time worrying about it."

Such a take-over could provide a foreign auto maker with a major distribution network in the U.S.; AMC has 2,200 dealers, 1,000 more than any importer. By investing in AMC, a foreign manufacturer would keep its profits in the U.S. and curb some of the mounting criticism of auto importers as aggravators of the balance-of-payments problem.

Mr. Chapin makes it clear that his main criterion in evaluating any merger or take-over by another company is the survival of AMC as a car maker. "I'm not interested in AMC becoming part of somebody else for the purposes of liquidating American Motors, because I believe there is a very real place for us," he says. He views Edgar Kaiser, chairman of Kaiser Industries, as an ally.

Kaiser Industries got a 22% interest in AMC in exchange for its Jeep operations, making it AMC's biggest shareholder by far. Its block could be the key to any merger plan. Mr. Chapin says Mr. Kaiser "has a basic interest and concern in the automobile business, and he wants to see American Motors become a really successful company."

A BENIGN STOCKHOLDER

Kaiser so far has been a benign stockholder. It has only two seats on AMC's 15-man board and no representatives in the top management. It waived interest and principal payments on a $9.5 million note from AMC earlier this year to help AMC get a temporary bank loan. Officials of Kaiser Industries stress that the company has no interest in taking over AMC. And while Kaiser is friendly and sympathetic, they say the company's primary objective is protecting its investment in AMC.

Some analysts think AMC also has important allies in its Big Three competitors and the federal government.

The Big Three's stake in AMC survival is said to stem from fears that failure of American Motors would trigger a long-contemplated antitrust attack on the auto industry.

Before American Motors made any moves toward closing down, analysts believe it would first ask for, and probably receive, extensive additional technical and financial help from one or more of its domestic competitors. There might even be a move by Ford or Chrysler to take it over.

Such a merger isn't as preposterous as it might seem. When American Motors was in deep trouble four years ago, Donald Turner, then head of the Justice Department's antitrust division, disclosed that under the government's failing-company antitrust doctrines, a merger between American Motors and another auto company would have to be "entertained" if all other rescue efforts failed. While such a merger would contribute to further concentration in the auto industry, it could save jobs and AMC's 2,200 dealers.

The government's stake in the survival of American Motors is broad, indeed. With sales of over $1 billion last year, American Motors was the 110th biggest manufacturer. Its 22,000 workers are concentrated in three states—Wisconsin, Indiana and Ohio. It has operations around the globe. And there are three million American Motors cars on the road.

BUICKS, HORNETS IN THE SAME SHOWROOM? GM SHARES DEALERS TO HELP AMC OUT

DETROIT.—American Motors Corp. has quietly signed up some major Buick, Pontiac and Oldsmobile dealers to sell AMC cars in addition to their General Motors cars, Roy D. Chapin Jr., chairman, disclosed in an interview.

The signings took place last year but weren't announced at the time. They are part of a new American Motors effort to strengthen its dealer network. The moves are also part of GM's continuing efforts to help the beleaguered small fry of the auto industry. Not only do the additional dealers give AMC outlets in important locations, but they also solve the problem of inventory financing since the GM dealer can get funds from General Motors Acceptance Corp. AMC doesn't have a captive finance company.

AMC signed up about a dozen of the GM dealers under "a specific understanding that at a certain point in volume, they become separate," Mr. Chapin said. AMC has held up the program since then because it discovered certain dealer-supply problems that it now is trying to work out, according to William McNealy Jr., vice president—marketing.

These big GM dealers are in addition to some 450 smaller GM dealers that also handle AMC cars. The new GM dealers are in strategic locations and have large service facilities. They were signed up as part of a plan to add about 50 big dealers, who have the flexibility to handle AMC's special models such as its Javelin AMX sports car and its dressed-up Hornet Sportabout.

American Motors has about 2,200 dealers of which about 700 are "duals."

Other help AMC is getting from GM includes technical aid on developing new engines that can meet the government's stiff 1975 standards and financing for some AMC dealers from General Motors Acceptance Corp. When AMC was seeking to get its revolving credit renewed earlier this year, a top GM official called at least one bank urging it to go along.

Unaggressive competition in some markets is also giving American Motors indirect help from GM, as well as from Ford and Chrysler. When the Big Three cut back on their special discounted prices to states and cities on fleet purchases last year, American Motors kept its special prices and has ended up winning most of the contracts it bid for this year. As a result, AMC's state and city sales are up 30% this year, which has helped sales of AMC's bigger cars.

AMC gets indirect help from each of the Big Three another way—by buying parts and components from them. The prices AMC pays are secret, but the assumption in Detroit is that they are no higher and maybe lower than prices AMC would have to pay independent suppliers. Such parts are crucial to AMC, since it makes fewer of its own components than its Big Three rivals. AMC is currently in the process of switching its source of transmissions from Borg-Warner to Chrysler.

By Mr. PROUTY:

S. 2259. A bill to amend the Fair Labor Standards Act of 1938, as amended, to raise the minimum wage to $2 an hour, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. PROUTY. Mr. President, I send a bill to the desk and ask that it be appropriately referred. I also request unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PROUTY. Mr. President, this bill contains the administration's proposed amendments to the Fair Labor Standards Act.

Specifically, this bill raises the general minimum wage to $1.80 per hour on January 1, 1972, and to $2 per hour on January 1, 1974. It also increases the minimum wage for agricultural employees to $1.45 per hour on January 1, 1972, and to $1.60 per hour on January 1, 1974.

In addition, it provides a minimum wage of $1.60 per hour for all employees under age 18, all students under age 20, and all 18- and 19-year-olds during the first 6 months of their first permanent job.

These proposals, Mr. President, follow the recommendations made by Secretary of Labor Hodgson when he recently testified before our Senate Labor Subcommittee.

An identical bill, H.R. 9584, was recently introduced in the House of Representatives by Congressmen QUIE, ERLENBORN, and STEIGER.

EXHIBIT 1

S. 2259

A bill to amend the Fair Labor Standards Act of 1938, as amended, to raise the minimum wage to $2 an hour, 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 "Fair Labor Standards Amendments of 1971".

INCREASE IN MINIMUM WAGE

SEC. 2. (a) Section 6(a) of the Fair Labor Standards Act of 1938, as amended, is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) effective February 1, 1972, not less than $1.80 an hour and effective February 1, 1974, not less than $2 an hour, except as otherwise provided in this section;"

(2) by striking out paragraph (5) and inserting in lieu thereof the following:

"(5) if such employee is employed in agriculture, not less than $1.45 an hour effective February 1, 1972, and not less than $1.60 an hour effective February 1, 1974."

(b) Section 6(b) of such Act is repealed and sections 6(c)(d)(e) renumbered as 6(b)(c)(d) respectively.

(c) Section 6(b) of such Act (as renumbered by this amendment) is amended by substituting the following new paragraphs 2(A) and 2(B):

"(A) The rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1971 increased by 12.5 per centum unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a review committee appointed under paragraph (C). Such rate or rates shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1971, or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(B) Effective two years after the applicable effective date under paragraph (A), the rate or rates prescribed by paragraph (A), increased by an amount equal to 12.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1971, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C)."

SPECIAL MINIMUM WAGES FOR EMPLOYEES UNDER 18, STUDENTS AND JOB STARTERS

"SEC. 3. Section 14(b) of such Act is amended to read as follows:

"(b) Notwithstanding the minimum wage rates of section 6(a)(1), any employee otherwise covered thereunder who is (1) under the age of 18; or (2) 18 or 19 years of age, and (A) in his first six months of full-time employment or (B) a full-time student, shall be paid not less than $1.60 an hour. The special minimum wage for such employees in Puerto Rico, the Virgin Islands, and American Samoa shall be the same proportion of the industry wage order rate otherwise applicable to them as $1.60 is of the minimum wage rate in effect under section 6(a)(1): *Provided,* That in no case shall such special minimum wage be less than that provided under a wage order issued prior to the effective date of the Fair Labor Standards Amendments of 1971. The Secretary may prescribe regulations to insure that the provisions of this subsection will not create a

substantial probability of reducing the full-time employment opportunities of persons other than those to whom the rate prescribed in this subsection is applicable."

INJUNCTIVE AND OTHER EQUITABLE RELIEF

SEC. 4. Section 17 of such Act is amended to read as follows:

"INJUNCTIVE AND OTHER EQUITABLE RELIEF

"SEC. 17. The district courts, together with the United States District Court for the District of the Canal Zone, the District Court of the Virgin Islands, and the District Court of Guam shall have jurisdiction, for cause shown, to restrain violations of section 15, including in the case of violations of section 15(a)(2) the restraint of any withholding of payment of minimum wages or overtime compensation found by the court to be due to employees under this Act (except sums which employees are barred from recovering, at the time of the commencement of the action to restrain the violations, by virtue of the provisions of section 6 of the Portal-to-Portal Act of 1947). In any claim under this section arising out of willful violation of the Act, the district courts may, in addition to restraining the withholding of payments as authorized above, award as further equitable relief an amount not to exceed the minimum wages or overtime compensation found to be due."

SEC. 5. (a) Section 6(a)(3) of such Act is amended by striking out "or subsection (b)."

(b) Section 6(b)(1) of such Act (as renumbered by this amendment) is amended by striking out "and (b)."

(c) Section 6(b)2(C) of such Act (as renumbered by this amendment) is amended by substituting "1971" for "1966".

(d) Section 6(b)(3) of such Act (as renumbered by this amendment) is repealed and section 6(b)(4) is renumbered 6(b)(3).

(c) Subsection 6(b)(3) of such Act (as renumbered by this amendment) is amended by striking out the words "or subsection (b)."

(f) Section 6(d) of such Act (as renumbered by this amendment) is amended to read as follows:

"(d) Notwithstanding the provisions of section 13 of this Act (except subsections (a)(1) and (f) thereof), every employer providing any contract services under a contract with the United States or any subcontract thereunder shall pay to each of his employees whose rate of pay is not governed by the Service Contract Act of 1965 (41 U.S.C. 351–357) or to whom subsection (a)(1) of this section is not applicable, wages at rates not less than the rates provided for in subsection (a)(1) of this section."

(g) Section 7(f) of such Act is amended by striking out "or (b)" and "(whichever may be applicable)."

(h) Section 7(a)(2) of such Act is repealed and section 7(a)(1) is renumbered 7(a).

(i) Section 18(b) is amended by striking out the words "(except that the wage rate provided for in section 6(b) shall apply to any employee who performed services during the workweek in a workplace within the Canal Zone)" and by striking out "section 7(a)(1)" and inserting in lieu thereof "section 7(a)."

EFFECTIVE DATE

SEC. 6. Except as otherwise provided in this Act, the amendments made by this Act shall take effect on February 1, 1972. On and after the date of enactment of this Act, the Secretary is authorized to promulgate necessary rules, regulations, or orders with regard to the amendments made by this Act.

By Mr. FULBRIGHT (by request):

S. 2260. A bill to amend further the Peace Corps Act (75 Stat. 612), as amended. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend further the Peace Corps Act (75 Stat. 612), as amended. This is a revised request submitted by the Director of the Peace Corps on June 9, 1971, and supersedes S. 1771, which I introduced on May 5 at his request. I ask unanimous consent that the bill together with the letter to the Vice President, dated June 9, be printed in the RECORD at this point.

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

S. 2260

A bill to amend further the Peace Corps Act (75 Stat. 612), as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act (22 U.S.C. 2502 (b)), which authorizes appropriations to carry out the purposes of that Act, is amended by striking out "1971" and "$98,800,000" and inserting in lieu thereof "1972" and "$82,200,000," respectively.

PEACE CORPS,
Washington, D.C., June 9, 1971.

Hon. SPRIO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: In my letter of April 13, 1971, I transmitted to you proposed legislation "To amend further the Peace Corps Act (75 Stat. 612), as amended," which would have authorized appropriations of $72,300,000 for the Peace Corps in fiscal year 1972. It was recognized at that time that it would be necessary to increase our authorization request if the Peace Corps attained the recruiting goals we had set for ourselves this year.

I am pleased to report that our recruiting has been most successful, thanks to a renewed interest throughout the nation in joining the Peace Corps. As a result, we are now planning for about 4,800 new trainees this year and our requirements for 1972 now call for 5,800 new trainees. To train and support this increased number of Volunteers will require an authorization and appropriation amount of $82,200,000 and the draft bill enclosed in my April 13, 1971, letter should be amended accordingly. I apologize for the inconvenience caused by the need to amend the earlier bill.

The Office of Management and Budget has advised that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

JOSEPH H. BLATCHFORD.

By Mr. WILLIAMS:

S. 2261. A bill to establish a program of assistance to State and metropolitan development agencies in order to promote the provision of low- and moderate-income housing and related facilities, sound neighborhood growth and development, and the development of new job opportunities. Referred to the Committee on Banking, Housing and Urban Affairs.

STATE AND METROPOLITAN DEVELOPMENT AGENCY ACT OF 1971

Mr. WILLIAMS. Mr. President, I send to the desk a bill to provide Federal assistance to State and metropolitan housing agencies. I ask that the bill be appropriately referred. I also ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, the text of the bill.

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

(See exhibit 1.)

Mr. WILLIAMS. Mr. President, I am pleased to introduce today "The State and Metropolitan Development Agency Act of 1971." I strongly believe that this bill will show the deep commitment which exists in the Senate to assist the emerging efforts of the States in the development and operation of meaningful community development programs. A similar bill has been introduced in the House.

Mr. President, I wish to point out to my colleagues that the States are currently using their fiscal resources to construct decent, safe and sanitary housing for low- and moderate-income persons. There are approximately 90,000 units completed or currently under construction in 11 States. They are Alaska, Connecticut, Delaware, Hawaii, Illinois, Massachusetts, Michigan, New Jersey, New York, Vermont, and West Virginia.

Enabling legislation has passed to create State agencies in Maine, Maryland, Minnesota, Missouri, North Carolina, Pennsylvania, and Texas and these agencies will soon be entering into agreements for their first projects. In addition, legislation is pending in Oregon, Washington, Utah, Florida, Virginia, New Hampshire, and Wisconsin. These State housing agencies sell obligations on the tax-exempt bond market, and relend their money to banks, developers or directly to construction firms at or below the going market rate. The difference between the rate on their obligations and the rate at which they lend money pays for their administrative costs. The State agencies are usually appropriated money for an initial revolving fund for land acquisition purposes.

State housing finance agencies are important to the development of our urban areas for a number of reasons. First, they can borrow money cheaper than private developers and thus are able to subsidize their projects to a greater extent. Second, as an existing State agency, they have a stronger base from which to negotiate with other public agencies for the timely introduction of essential public services than do private and nonprofit developers working strictly with the Federal Department of Housing and Urban Development. And third, they have the opportunity to use their site development and land acquisition powers to control growth so as not to create an adverse ecological impact on the region surrounding their projects.

As a member of the Senate Committee on Banking, Housing and Urban Affairs, I am particularly concerned about the impact which these new housing finance agencies will have on the municipal bond market once they begin to sell tax-exempt securities on a large scale. At this time, I do not believe that anyone can predict with certainty just what the tax-exempt market reaction would be to these new issues. However, because of the laudable social objectives which these State agencies are seeking to

achieve it seems to me very important that the Federal Government commit itself to assisting State housing finance agencies in the development of a viable market for their obligations.

The bill assists State housing finance agencies by providing for three types of financial assistance. First, it authorizes the Department of Housing and Urban Development's Secretary to guarantee State housing and development bonds if sold on the taxable market. The maximum total obligation which may be guaranteed and outstanding at any one time is limited to $2 billion. Second, the bill authorizes the Secretary to make grants, called interest differential payments, to eligible State agencies to make up the difference between the yield on the taxable securities and the yield the State agency would have received if the bonds were tax exempt. Third, the bill authorizes the Secretary to make grants to assist in defraying the administrative and operating expenses of State agencies during the first 3 years of their operations. Such grants would not exceed 100 percent of operating costs during the first year, two-thirds of such expenses in the second year, and 50 percent in the third year.

The bill specifically provides for criteria to which a State agency must adhere before becoming eligible for assistance. First, the agency must be legally able to provide decent, safe, and sanitary housing and related facilities for low- and moderate-income persons through construction, rehabilitation or management of housing. Second, the agency must be able to legally revitalize slums and blighted urban neighborhoods through clearance, reconstruction, and rehabilitation and include the provision of necessary public and community facilities and services. Third, the agency must be able to legally develop job opportunities for unemployed and underemployed persons through the development of new, and the redevelopment of existing, industrial manufacturing and commercial facilities.

Legislation similar to this bill was enacted into law during the last session of Congress. Title VII of the Housing and Urban Development Act of 1970 provides substantially the same guarantees and grants to State land development agencies for the construction of new communities. This bill expands this concept to include the guarantee of obligations offered by State housing finance agencies when undertaking housing projects not in association with new community development.

The bill also encourages the creation of metropolitanwide housing agencies.

Mr. President, I urge my colleagues to support this bill.

EXHIBIT 1

S. 2261

A bill to establish a program of assistance to State and metropolitan development agencies in order to promote the provision of low- and moderate-income housing and related facilities, sound neighborhood growth and development, and the development of new job opportunities

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 "State and Metropolitan Development Agency Act of 1971".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act, by encouraging the formation of and providing Federal assistance to State and metropolitan development agencies having broad and flexible authority to carry out development activities in furtherance thereof, to provide housing and related facilities for persons and families of low and moderate income, promote the sound growth and development of neighborhoods through the revitalization of slum and blighted areas and the provision of necessary public and community facilities and services, and promote vigorous and growing economies through the development and redevelopment of industrial, manufacturing, and commercial facilities.

GUARANTEES OF OBLIGATIONS

SEC. 3. (a) The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") is authorized to guarantee, and enter into commitments to guarantee, the bonds, debentures, notes, and other obligations issued by State and metropolitan development agencies (as defined in section 5(b)) for the purpose of financing their development activities as determined by him to be in furtherance of the purpose of this Act. The Secretary may make such guarantees and enter into such commitments upon such terms and conditions as he may prescribe; except that no obligation shall be guaranteed under this Act if the income from such obligation is exempt from Federal taxation. The Secretary is authorized to make grants to any State or metropolitan development agency the obligations of which are guaranteed under this Act in amounts estimated by him not to exceed the difference between the interest paid on such obligations and the interest (as estimated by him) which would be paid on similar obligations the income from which is exempt from Federal taxation.

(b) The full faith and credit of the United States is pledged to the payment of all guarantees made under this Act with respect to principal, interest, and any redemption premiums. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations involved for such guarantee, and the validity of any guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligation.

(c) The Secretary is authorized to establish and collect such fees and charges for and in connection with guarantees made under this Act as he considers reasonable.

(d) The aggregate principal amount of the obligations which may be guaranteed under this Act and outstanding at any one time shall not exceed $2,000,000,000.

GRANTS

SEC. 4. (a) The Secretary is authorized to make grants to State and metropolitan development agencies, in such amounts and under such terms and conditions as he prescribes, to assist in defraying the administrative and operating expenses of such agencies during the first three years of their operations. Grants made to any such agency under this section shall not exceed the (1) full amount of its administrative and operating expenses during the first year of its operations, (2) two-thirds of such expenses during the second year of its operations, and (3) one-half of such expenses during the third year of its operations.

(b) There are authorized to be appropriated for grants under this section not to exceed $20,000,000 for each of the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974. Any amount so appropriated shall remain available until expended, and any amounts authorized for any fiscal year but not appropriated may be appropriated for any succeeding fiscal year.

ELIGIBLE DEVELOPMENT AGENCIES

SEC. 5. (a) A State or metropolitan development agency is eligible for assistance under this Act only if the Secretary determines that it is fully empowered and has adequate authority to carry out the purposes specified in clauses (A), (B), and (C) of subsection (b), including the authority to sell, lease, or otherwise dispose of its interest in projects undertaken by it in carrying out the purposes of this Act, to participate in programs or projects carried on by Federal, State, or local governments, to provide for the relocation of persons, families, business concerns, and nonprofit organizations displaced in carrying out its development activities, to exercise its powers and functions through subsidiaries established by it, and to establish community advisory committees to advise it concerning its proposed activities in any area.

(b) For the purposes of this Act—

(1) a "State development agency" is any public body or agency, publicly sponsored corporation, or instrumentality of one or more States, and

(2) a "metropolitan development agency" is any public body or agency, publicly sponsored corporation, or other instrumentality of two or more units of general local government which are located in a Standard Metropolitan Statistical Area (as defined by the Office of Management and Budget) and one of which is the central city of such Standard Metropolitan Statistical Area,

but only if such public body or agency, publicly sponsored corporation, or other instrumentality has as its general purposes in whole or in part (A) the provision of decent, safe, and sanitary housing and related facilities to low- and moderate-income persons and families through construction, rehabilitation, or management of housing, (B) the revitalization of slum and blighted urban neighborhoods through clearance, reconstruction, and rehabilitation of such neighborhoods and the provision of necessary public and community facilities and services, and (C) the development of job opportunities for unemployed and underemployed persons through the development of new, and the redevelopment of existing, industrial, manufacturing, and commercial facilities.

(c) As used in this Act, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of the foregoing.

LIMITATION OF GUARANTEE

SEC. 6. The Secretary shall take such steps as he considers reasonable to assure that bonds, debentures, notes, and other obligations which are guaranteed, or with respect to which interest loans are made, under this Act, will—

(1) be issued only to investors approved by, or meeting requirements prescribed by, the Secretary, or, if an offering to the public is contemplated, be underwritten upon terms and conditions approved by the Secretary;

(2) bear interest at a rate satisfactory to the Secretary;

(3) contain or be subject to repayment, maturity, and other provisions satisfactory to the Secretary; and

(4) contain or be subject to provisions with respect to the protection of the security interests of the United States, including any provisions deemed appropriate by the Secretary relating to subrogation, liens, and releases of liens, payment of taxes, cost certification procedures, escrow or trusteeship requirements, or other matters.

REVOLVING FUND

SEC. 7. (a) The Secretary is authorized to establish a revolving fund to provide for the timely payment of any liabilities incurred as a result of guarantees or grants un-

der section 3 and payment of obligations issued to the Secretary of the Treasury under subsection (b) of this section. Such revolving fund shall be comprised of (1) receipts from fees and charges; (2) recoveries under security, subrogation, and other rights; (3) repayments, interest income, and any other receipts obtained in connection with guarantees made under section 3; (4) proceeds of the obligations issued to the Secretary of the Treasury pursuant to subsection (b) of this section; and (5) such sums, which are hereby authorized to be appropriated, as may be required for the payment of the obligations issued to the Secretary of the Treasury for the purpose of making grants to agencies under section 3. Money in the revolving fund not currently needed for the purpose of this Act shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed thereby, or in obligations, participations, or other instruments which are lawful investments for fiduciary, trust, or public funds.

(b) The Secretary may issue obligations to the Secretary of the Treasury in an amount sufficient to enable the Secretary to carry out his functions with respect to the guarantees authorized by section 3. The obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations so issued, and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include purchases of the obligations hereunder.

(c) Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real and other property by the United States, the Secretary shall have power, for the protection of the interests of the fund authorized under this section, to pay out of such fund all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property, real or personal, acquired by him as a result of recoveries under security, subrogation, or other rights.

LABOR STANDARDS

SEC. 8. All laborers and mechanics employed by contractors or subcontractors in development activities assisted under this Act shall be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). No assistance shall be extended under this Act with respect to any development activities without first obtaining adequate assurance that these labor standards will be maintained upon the work involved in such activities. The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

NONDISCRIMINATION PROVISION

SEC. 9 (a) No person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any development activity assisted under this Act.

(b) (1) Whenever the Secretary determines that any State development agency has failed to comply with subsection (a) or an applicable regulation prescribed under this Act, he shall attempt to secure compliance by voluntary means. If the Secretary determines that compliance cannot be secured by voluntary means, he shall have the authority to (A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or (C) take such other action as may be provided by law.

(2) Whenever the Secretary determines that a metropolitan development agency has failed to comply with subsection (a) or an applicable regulation prescribed under this Act, he shall notify the Governor of the State in which the metropolitan area is located of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the State fails or refuses to secure compliance, the Secretary shall have the authority to (A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or (C) take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State or metropolitan development agency is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

TECHNICAL ASSISTANCE

SEC. 10. The Secretary is authorized to provide, either directly or by contract or other arrangements, technical assistance to State and metropolitan development agencies to assist them in connection with planning and carrying out development activities in furtherance of the purpose of this Act.

GENERAL PROVISIONS

SEC. 11. (a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Secretary, in addition to any authority otherwise vested in him, shall—

(1) have the functions, powers, and duties (including the authority to issue rules and regulations) set forth in section 402, except subsections (c)(2), (c)(4), (d), and (f) of the Housing Act of 1950: *Provided*, That subsection (a)(1) of section 402 shall not apply with respect to functions, powers, and duties under section 10 of this Act;

(2) have the power, notwithstanding any other provision of law, in connection with any assistance under this Act, whether before or after any default, to provide by contract for the extinguishment upon default of any redemption, equitable, legal, or other right, title, or interest of a State or metropolitan development agency in any mortgage, deed, trust, or other instrument held by or on behalf of the Secretary for the protection of the security interests of the United States; and

(3) have the power to foreclose on any property or commence any action to protect or enforce any right conferred upon him by law, contract, or other agreement, and bid for and purchase at any foreclosure or other sale any property in connection with which he has provided assistance pursuant to this Act. In the event of any such acquisition, the Secretary may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property. Notwithstanding any other provision of law, the Secretary shall also have power to pursue to final collection by way of compromise or otherwise all claims acquired by him in connection with any security, subrogation, or other rights obtained by him in administering this Act.

(b) There are authorized to be appropriated such sums as may be necessary for the administrative expenses of carrying out this Act, including the expenses of providing assistance under section 10.

By Mr. McCLELLAN (by request):

S. 2262. A bill to permit a home mortgage loan by a federally insured bank to a bank examiner. Referred to the Committee on the Judiciary.

HOME MORTGAGE LOANS AND BANK EXAMINERS

Mr. McCLELLAN. Mr. President, I have been requested, as chairman of the Subcommittee on Criminal Laws and Procedures, to introduce a bill which would permit a federally insured bank to make a home mortgage loan to Federal bank examiners. Under current law, a federally insured bank is prohibited from making a loan to any person who examines or has authority to examine such bank, and such examiners are similarly prohibited from obtaining a loan from any federally insured bank examined by him.

These salutory conflicts of interest provisions have had the unfortunate result of imposing a handicap on Federal bank examiners, putting them at a serious disadvantage in securing financing for the purchase or construction of homes. Accordingly, I have been requested by the Chairman of the Board of Governors of the Federal Reserve System to introduce legislation, for appropriate referral, which would ameliorate this problem.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks a letter of April 29, 1971, from Mr. Arthur Burns, Chairman of the Board of Governors of the Federal Reserve System, to Senator EASTLAND, requesting the introduction of this legislation.

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

CHAIRMAN OF THE
BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, D.C., April 29, 1971.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Section 212 of Title 18 of the United States Code, "Crimes and Criminal Procedure", prohibits a federally insured bank from making any loan to any person who examines or has authority to examine such bank. Conversely, section 213 of Title 18 prohibits any examiner from obtaining any loan from any federally insured bank examined by him.

While these provisions of law, designed to prevent conflicts of interest, are based upon sound principles, the Board believes that they unduly and unfairly place bank examiners at a serious disadvantage in the obtaining of financing for the purchase or construction of homes. Modification of the law to permit insured banks to make home mortgage loans to examiners up to some maximum amount prescribed by statute would not, in the Board's opinion, defeat or impair the accomplishment of the purposes of these provisions, particularly if the examiner is precluded from examining the lending bank during the life of the loan.

Accordingly, the Board recommends the introduction and enactment of appropriate amendments to Title 18 that would authorize an insured bank to make a home mortgage

loan to an examiner under appropriate statutory safeguards.

A draft of a bill for this purpose is enclosed.

Sincerely yours,

ARTHUR F. BURNS.

By Mr. MOSS:

S. 2264. A bill to amend section 601 of the Federal Aviation Act of 1958 to require the installation of collision avoidance and pilot warning indicator systems on certain aircraft, and for other purposes. Referred to the Committee on Commerce.

AIR COLLISION AVOIDANCE SYSTEMS

Mr. MOSS. Mr. President, I am today introducing a bill to amend section 601 of the Federal Aviation Act of 1968 to require the installation of collision avoidance systems and pilot warning indicator systems on air carrier and general aviation aircraft. The purpose of the bill is to minimize the danger of midair collisions.

Congressional action is long overdue. In the past 4 years almost two-thirds of all jet liner deaths have been caused by midair collisions. A National Transportation Safety Board study released in March of this year for the 10-year period 1959–68 shows 223 midair collisions involving U.S. registered aircraft resulting in 528 fatalities. Assuming air-collision accidents and fatality rates at the same level, the study projects 335 collisions and 792 fatalities in the forthcoming decade. To date, over 50 people have died in aircraft collisions in 1971.

We must move to require the aviation industry to take firmer steps to protect the lives of air travelers. The tragic collision June 6 near Los Angeles between an Air West jetliner and a Marine F–4 phantom jet should outrage the consciences of all Americans because 50 lives were needlessly lost. Thirteen of these were residents of the State of Utah—among them some of our most promising young business and professional men. My State of Utah is now deprived of the services and association of these outstanding and productive citizens. The sorrow and loss felt by families and friends throughout the State cannot be calculated.

The issue of air safety has not suffered from a lack of study. There is a plethora of plans, ideas, and proposals. Several collision avoidance systems have been fabricated and flight tested. One such system, the time-frequency technique, allows an extremely rapid exchange of information at high frequency intervals between aircraft. It permits each aircraft in the system to transmit to all others information regarding distance to the aircraft, the rate of closure, and the altitude of the aircraft. From this information, an automatic assessment is made regarding the collision threat, and where evasive action is required, arrows would light up on the instrument panel telling each pilot exactly what evasion maneuver to make. If one is ordered to climb, the other is instructed to descend. Human eye physiology, human reaction time, and high closing speeds of aircraft simply do not give pilots enough time to assess hazards and take evasive action. This necessitates an automatic collision avoidance system.

Because this system is cooperative, requiring each aircraft to be protected to have the equipment aboard and operative, the bill I am introducing proposes that any aircraft having a maximum certified takeoff weight of 12,500 pounds or more be equipped with a collision avoidance system. This would mean that commercial aircraft and all private and military craft capable of carrying passengers would be so protected. Manufacturers are endeavoring to develop a version of the collision avoidance system which will cost about $10,000 per installation. With high producton, the costs could come down significantly.

Because the cost of a collision avoidance system would be excessive for small craft, the bill provides that smaller aircraft must be equipped with pilot warning indicators which may operate on a strobe light infrared system. Such an indicator costing less than $1,500 would provide a pilot with intelligence that another aircraft is within a defined airspace around his plane and provide bearing information to allow him to see and avoid the other aircraft.

A compliance date of January 1, 1973, is set in the bill.

This bill, and the type of collision avoidance systems and pilot warning indicators on aircraft it proposes, are not offered as a complete and final answer to the pressing problem of air collisions. This bill is simply a vehicle for hearings to provide information through expert testimony as to how technology can keep airplanes apart in our increasingly crowded skies.

There is a growing concern on the part of the Federal Government and the aviation industry to inquire into the cause and prevention of midair collisions. The National Transportation Safety Board will convene a public hearing in Los Angeles this month to investigate the Air West-Marine tragedy and to conduct a thorough inquiry into the collision problem. Recommendations beneficial to this bill will undoubtedly come out of this hearing.

I shall urge the chairman of the subcommittee to schedule hearings so that the bill can be thoroughly discussed and expert testimony heard.

Mr. President, we have the ability to act and the means to enforce our laws. Let us move immediately to protect the lives of America's air passengers.

By Mr. FULBRIGHT:

S.J. Res. 127. A joint resolution to amend the joint resolution providing for United States participation in the International Bureau for the Protection of Industrial Property. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, I introduce for appropriate reference a joint resolution providing for an amendment of the authorization for the payment by the United States of its annual contribution to the International Bureau of Intellectual Property as a party to the Convention of Paris for the Protection of Industrial Property.

The joint resolution has been requested by the Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific resolution to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this resolution, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the joint resolution be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State to the Vice President dated June 17, 1971, and the memorandum accompanying it.

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

S.J. RES. 127

Joint resolution to amend the Joint Resolution providing for United States participation in the International Bureau for the Protection of Industrial Property

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 12, 1960 (74 Stat. 381), as amended by the Act of July 19, 1963 (77 Stat. 82) is hereby further amended by (1) striking out the words "International Bureau for the Protection of Industrial Property" and inserting in lieu thereof the words "International Bureau of Intellectual Property", and (2) in section (b) thereof deleting the phrase "not to exceed $15,000 annually," and the word "thereafter," and inserting after the word "bureau" the phrase "as determined under Article 16(4) of the Paris Convention for the Protection of Industrial Property, as revised."

DEPARTMENT OF STATE,
Washington, D.C., June 17, 1971.

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

DEAR MR. VICE PRESIDENT: I submit herewith a proposed draft Joint Resolution, providing for an amendment of the authorization for the payment by the United States of its annual contribution to the International Bureau of Intellectual Property as a party to the Convention of Paris for the Protection of Industrial Property (Paris Convention).

The Paris Convention entered into force in 1884 and the United States has been a party to the Convention since 1887. It is the principal multilateral convention in the industrial property field and has 78 member States. The United States presently contributes its proportionate share of the expenses of the International Bureau pursuant to Public Law 88–69, approved July 19, 1963 which establishes a ceiling of $15,000 on the annual contribution. The appropriation request for fiscal year 1971 is $14,450, or 3.89 percent of the total budget. The estimated budget for the International Bureau for the calendar year 1971 and subsequent years will require a contribution by the United States in excess of $15,000 annually. However, it will remain at about four percent of the total budget. The proposed legislation would remove the ceiling on our annual contribution and would also change the title of the organization from International Bureau for the Protection of Industrial Property to International Bureau of Intellectual Property pursuant to provisions of the W.I.P.O. Convention which came into effect for the United States on August 25, 1970.

A memorandum describing the International Bureau and its work is enclosed.

The Department has been advised by the Office of Management and Budget that from the standpoint of the Administration's program, there is no objection to the submission

of this proposal to the Congress for its consideration.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

MEMORANDUM TO ACCOMPANY PROPOSED JOINT RESOLUTION PROVIDING FOR PAYMENT BY THE UNITED STATES OF AN ANNUAL CONTRIBUTION TO THE INTERNATIONAL BUREAU OF INTELLECTUAL PROPERTY

The International Bureau for the Protection of Industrial Property was established by the Convention of Paris for the Protection of Industrial Property (Paris Convention), which entered into force in 1884. Pursuant to the provisions of the Convention Establishing the World Intellectual Property Organization (W.I.P.O.) which came into effect on April 26, 1970 and became effective for the United States on August 25, 1970, the International Bureau for the Protection of Industrial Property is now known as the International Bureau of Intellectual Property since the first Director General assumed office on September 25, 1970. The Paris Convention is the basis for U.S. industrial property relations with the other 77 member States. This Convention applies to industrial property in its broadest sense, including patents, trademarks, and industrial designs. The substantive provisions of the Paris Convention, among other things, provide two very important rights. (1) Under the provisions on "national treatment", the Convention provides that, as regards the protection of industrial property, each member State must grant the same protection to nationals of the other member States as it grants to its own nationals. (2) The Convention also provides for the "right of priority", which means that no acts done between the first and subsequent filings by the applicant during the priority term (i.e. 12 months for patents and 6 months for trademarks) can invalidate the subsequent filings or give rise to any rights of third parties. Further, the Convention also lays down some common rules which member States must follow (e.g. the independence of patents on the same invention so that adverse action taken against a patent in one country will not affect a patent in another country). The Convention has been revised periodically since 1883, the last revision being in 1967 at Stockholm.

The major changes in the Paris Convention at the Stockholm Conference in 1967 were of an administrative nature. The revision of the Paris Convention is directed toward modernizing the administration of the Paris Union, including its finances and structure, no organizational reform of real significance having taken place since the creation of the Union in 1883. This modernization is accomplished mainly by giving officially to the member countries the powers of policy-making, decision, and control which they customarily have in most intergovernmental organizations.

The main revisions of the Paris Convention, which were proposed in the draft presented to the Stockholm Conference and which were adopted unanimously, are the following: (1) creation of new organs—an Assembly composed of all member States, and an Executive Committee, composed of one-fourth of the member States; (2) transfer from the Government of Switzerland to the Governments of the member States of supervision of the Secretariat (the International Bureau of Intellectual Property), supervision of the accounts of the Secretariat, and approval of the program and budget; (3) institution of a more flexible financial system; and (4) transfer of the responsibility of preparing for revision conferences from the host country to the organs of the Union.

The United States became a party to the Stockholm Act of the Paris Convention effective August 25, 1970.

Under the Stockholm Act the International Bureau performs the following administrative functions: (1) provides the Secretariat for the Paris Convention, especially with respect to the functions and responsibilities of the Assembly and Executive Committee of that Convention; (2) handles the preparatory and administrative work of the conferences of revision; (3) conducts studies and provides services to member States to facilities the protection of industrial property; (4) serves as a clearinghouse for information on and interpretation of patent and trademark laws; (5) serves as a medium to promote ratification by member States of revisions of the Paris Convention and the adherence of new members; (6) publishes a monthly periodical and other publications designed to further industrial property protection. In addition, it performs essentially the same administrative functions for a number of "special agreements for the protection of industrial property" (e.g. Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks).

Although the United States is not a party to any of these special arrangements at present, we are actively considering adherence to two of them.

Because United States nationals have more industrial property to be protected abroad than any other nation in the world, the Paris Convention and the effective administration of this Convention by the International Bureau is extremely important to the United States. The International Bureau is doing excelient work with respect to the overall administration of the Paris Convention. In addition, the International Bureau has played a key role in the development and successful negotiation at the recent "Washington Diplomatic Conference on the Patent Cooperation Treaty" of a treaty which will be of great benefit to American applicants filing abroad. This project was undertaken at the request of the United States. The International Bureau is also engaged in another project at the request of the United States and certain other interested governments in the trademark field. This project involves the development of a new agreement for the international registration of trademarks.

The statutory limitation contained in the leigslation authorizing United States contributions to the International Bureau limits the amount to $15,000 annually. It is expected that the assessments for calendar year 1971 for members of the Paris Union will amount to 2,000,000 Swiss francs ($465,100), or 400,000 ($93,000) higher than the previous year—an increase of 25 percent. The United States assessment, currently 3.88 percent of the total assessment, amounts to 77,600 Swiss francs ($18,050) or an increase of $3,600 over the previous year. Further increases in assessments are anticipated in view of the enlarged activities of the International Bureau in the industrial property field (e.g. installation of an information retrieval system and international classification of industrial designs), contributions by the Paris Union to the legal-technical assistance program for developing countries to be carried out through the Conference of the W.I.P.O., and because of substantial increases in operating costs due to inflation, etc. While the dollar amount of the United States assessment—and that of other member States—will undoubtedly continue to rise, it is expected that our percentage share will remain at about 4 percent.

United States participation in the work of the International Bureau is coordinated with the Department of Commerce. Further, the views of private industry with respect to the activities of the International Bureau are obtained through the Department of State's international Industrial Property Panel.

By Mr. TOWER:

S.J. Res. 128. A joint resolution to amend title 38, United States Code, authorizing the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration, and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health service institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel. Referred to the Committee on Veterans' Affairs.

Mr. TOWER. Mr. President, I introduce today a joint resolution which would amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration, and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health service institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel. This resolution is identical of House Joint Resolution 748 as it was reported from the House of Representatives Committee on Veterans' Affairs.

I have every reason to believe that one of these new State medical schools will be located in Texas. Texas would be a logical sight for servicing the needs of the Southwest. Furthermore, a total of 15 affiliated medical institutions in Texas would benefit from the grants for the expansion and improvement of present training programs, which would be authorized this legislation.

In recent years we have become acutely aware of certain distressing problems concerning our national health care system. The legislation which I am introducing today is addressed to the alleviation of a particularly critical aspect of the general problem, the distressing shortage of trained medical personnel. Although Congress is now considering several proposals designed to make medical treatment financially feasible for any person requiring medical attention, we have not done enough to insure that such care will be available when it is sought. It is conservatively estimated that there is a shortage of approximately 48,000 doctors of medicine and over 250,000 allied health and medical personnel. We would be negligent if we did not make an effort to fully utilize all of our resources in an effort to remedy this pressing situation. The Veterans' Administration is one of our greatest national resources. This resolution would provide an effective, efficient, and logical means of coupling the vast resources of the Veterans' Administration with our Nation's efforts to train an adequate number of qualified medical personnel in order to provide the best possible medical care for our Nation.

The Veterans' Administration operates the largest medical care system in the

United States, and perhaps in the world. It presently has 165 hospitals with a potential capacity of over 97,000 beds. The fine efforts of the Veterans' Administration in supplying medical treatment to our veterans are well known. Less well known, perhaps, is the fact that the Veterans' Administration Department of Medicine and Surgery has made a substantial contribution in the field of health education. For over 25 years, hospitals of the Veterans' Administration have been offering hospital-based educational experience in collaboration with most of the Nation's medical schools.

VA hospitals are currently affiliated with 81 medical schools, 51 dental schools, 287 nursing schools, 274 universities and colleges, and 84 community and junior colleges. During the current fiscal year, more than 50,000 students will participate in more than 60 categories of training in VA institutions. Because of the size, diversity, experience, and quality of its medical facilities and training programs, the Veterans' Administration Department of Medicine and Surgery is uniquely qualified to undertake the program provided by this resolution. If we are to obtain a sufficient number of trained manpower, it is essential that the educational capacities of the Veterans' Administration and the institutions with which it is affiliated be expanded. Furthermore, the experience and expertise of the VA makes it the ideal agency to assist in the establishment of new schools of medicine.

I would like to briefly provide a section by section analysis of this resolution. It would provide a new chapter 82 to title 38, United States Code, entitled "Assistance in Establishing New State Medical Schools: Grants to Affiliated Medical Schools: Assistance to Health Manpower Training Institutions." The chapter is divided into three subchapters, each of which is designed to accomplish certain designated programs.

Subchapter I would provide a pilot program of assistance in the establishment of not more than five new State medical schools to be located in proximity to, and operated in conjunction with, VA medical facilities in geographically dispersed States. The assistance would include: First leasing to the State of VA land and buildings, second, remodeling and repair of VA structures to render the buildings suitable for necessary school facilities, and third, grants—on a reducing basis—to reimburse the State for faculty salaries.

Subchapter II would authorize the Administrator to carry out a program of grants, on a matching basis, for medical schools which have maintained an affiliation with the Veterans' Administration. These grants would assist such schools in carrying out projects and programs for the improvement and enlargement of their facilities. The purpose of these grants would be to make a significant contribution to strengthening the medical education program of the schools with the result of a substantial increase in the number of students able to attend medical school.

Subchapter III would authorize the Administrator to carry out a program of grants on a matching basis to establish cooperative programs of coordination and expansion in the training of professional and technical allied health services personnel, the development and evaluation of new health careers, and the improvement of allied health manpower utilization.

The total authorization level for this resolution would be $33 million for the first fiscal year and $34 million per year for the following 6 years. The resolution also makes the necessary provisions for the responsible distribution and utilization of the funds.

In view of the health crisis we are facing, I hope that the Senate will give this resolution its immediate and careful consideration.

Mr. President, at this time I ask unanimous consent that the full text of the joint resolution be printed at this point in the RECORD.

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

S.J. RES. 128

Joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration; and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health services institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel

Whereas there is a great national shortage of physicians and allied health personnel;

Whereas it is now estimated that there is a shortage of approximately 48,000 doctors of medicine and over 250,000 allied health and other medical personnel;

Whereas the Veterans' Administration operates the largest medical care system in the United States, if not the world;

Whereas the Department of Medicine and Surgery of the Veterans' Administration has an active and close affiliation with over eighty medical schools;

Whereas if the training of sufficient numbers of physicians, other health professionals, allied health personnel, and other health personnel is to be accomplished, it is essential that the educational capacities of medical and health professions schools affiliated with the Veterans' Administration be expanded, that new medical and health professions schools affiliated with Veterans' Administration hospitals be established, and that education and training opportunities for the training of existing and future allied health and other health personnel be expanded and improved;

Whereas because of the size, diversity, and quality of its medical program, the Veterans' Administration's Department of Medicine and Surgery is uniquely qualified to assist in the expansion and improvement of existing affiliated medical schools and other health professions schools, in the establishment of new medical and health professions schools, and in the expansion and improvement of education and training opportunities for allied health and other health personnel; and

Whereas it is essential that an adequate number of physicians, health professionals, allied health personnel, and other health personnel be trained if the Congress is to discharge its responsibility to provide the best possible medical care for the Nation's veterans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Administration Medical School Assistance and Health Service Personnel Education and Training Act of 1971."

SEC. 2. (a) Part VI of title 38, United States Code, is amended by inserting immediately after chapter 81 the following new chapter—

"Chapter 82.—ASSISTANCE IN ESTABLISHING NEW STATE MEDICAL SCHOOLS; GRANTS TO AFFILIATED MEDICAL SCHOOLS; ASSISTANCE TO HEALTH MANPOWER TRAINING INSTITUTIONS.

"Sec.
"5070. Coordination with public health programs; administration.

"SUBCHAPTER I—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW STATE MEDICAL SCHOOLS

"5071. Declaration of purpose.
"5072. Authorization of appropriations.
"5073. Pilot program assistance.
"5074. Limitations.

"SUBCHAPTER II—MATCHING GRANTS TO AFFILIATED MEDICAL SCHOOLS

"5081. Declaration of purpose.
"5082. Authorization of appropriations.
"5083. Grants.
"5084. Payments.
"5085. Limitations.

"SUBCHAPTER III—ASSISTANCE TO PUBLIC AND NONPROFIT INSTITUTIONS OF HIGHER LEARNING, HOSPITALS AND OTHER HEALTH SERVICE INSTITUTIONS AFFILIATED WITH THE VETERANS' ADMINISTRATION TO INCREASE THE PRODUCTION OF PROFESSIONAL AND TECHNICAL ALLIED HEALTH SERVICE PERSONNEL

"5091. Declaration of purpose.
"5092. Definitions.
"5093. Authorization of appropriations.
"5094. Grants.
"5095. Payments.
"5096. Limitations.

"§ 5070. Coordination with public health programs; administration

"(a) The Administrator and the Secretary of Health, Education, and Welfare shall, to the maximum extent practicable, coordinate the programs carried out under this chapter and the programs carried out under section 309 and titles VII, VIII, and IX of the Public Health Service Act.

"(b) The Administrator may not enter into any agreement under subchapter I of this chapter or make any grant or other assistance under subchapter II or III of this chapter after December 31, 1978.

"(c) The Administrator shall prescribe regulations covering the terms and conditions for entering into agreements and making grants under this chapter.

"SUBCHAPTER I—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW STATE MEDICAL SCHOOLS

"§ 5071. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to implement a pilot program under which he may provide assistance in the establishment of new State medical schools if such schools are located in proximity to, and operated in conjunction with, Veterans' Administration medical facilities.

"§ 5072. Authorization of appropriations

"(a) There is hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, and a like sum for each of the six succeeding fiscal years. Sums appropriated pursuant to this section shall be used for making grants to States pursuant to section 5073(a)(3) of this title.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the second fiscal year

following the fiscal year for which they are appropriated.

"§ 5073. Pilot program assistance

"(a) Subject to subsection (b) of this section the Administrator may enter into an agreement to provide to any State the following assistance to enable such State to establish a new medical school:

"(1) The leasing to the State under such terms and conditions as the Administrator deems appropriate, of such land, buildings, and structures under the control and jurisdiction of the Veterans' Administration as may be necessary for such school. The three-year limitation on the term of a lease in section 5012(a) of this title shall not apply with respect to any lease entered into pursuant to this paragraph.

"(2) The extension, alteration, remodeling or repair of buildings and structure provided under paragraph (1) to the extent necessary to make them suitable for use as medical school facilities.

"(3) The payment of grants to reimburse the State for the cost of the salaries of the faculty of such school during the initial twelve-month period of operation of the school and the next six such twelve-month periods, but payment under this paragraph may not exceed an amount equal to—

"(A) 90 per centum of the cost of faculty salaries during the first twelve-month period of operation,

"(B) 90 per centum of such cost during the second such period,

"(C) 90 per centum of such cost during the third such period,

"(D) 80 per centum of such cost during the fourth such period,

"(E) 70 per centum of such cost during the fifth such period,

"(F) 60 per centum of such cost during the sixth such period, and

"(G) 50 per centum of such cost during the seventh such period.

"(b) (1) The Administrator may not enter into any agreement under subsection (a) of this section unless he finds that—

"(A) there will be adequate State financial support for the proposed medical school;

"(B) the overall plans for the school meet such professional and other standards as the Administrator deems appropriate; and

"(C) the school will maintain such arrangements with the Veterans' Administration medical facility with which it is associated (including but not limited to such arrangements as may be made under subchapter IV of chapter 81 of this title) as will be mutually beneficial in the carrying out of the mission of the medical facility and the school.

"(2) Any agreement entered into by the Administrator under this subchapter shall contain such terms and conditions (in addition to those imposed pursuant to subsection (a)(1) of this section) as he deems necessary and appropriate to protect the interest of the United States.

"§ 5074. Limitations

"The Administrator may not use the authority under this subchapter to assist in the establishment of more than five new medical schools. Such schools shall be in geographically dispersed States.

"SUBCHAPTER II— MATCHING GRANTS TO AFFILIATED MEDICAL SCHOOLS

"§ 5081. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to carry out a program of grants, on a matching basis, for medical schools which have maintained affiliation with the Veterans' Administration in order to assist such schools to improve and enlarge their facilities.

"§ 5082. Authorization of appropriations

"(a) There is hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, and a like sum for each of the six succeeding fiscal years. Sums appropriated pursuant to this section shall be used for making grants to medical schools pursuant to this subchapter.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated.

"§ 5083. Grants

"(a) Any medical school which is affiliated with the Veterans' Administration under an agreement entered into pursuant to subchapter IV of chapter 81 of this title may apply to the Administrator for a grant under this subchapter to assist such school, in part, to carry out projects and programs for the improvement and enlargement of its facilities, *except that no grant shall be made for the construction of any building which will not be located on land under the jurisdiction of the Administrator*. Any such application shall contain such information in such detail as the Administrator deems necessary and appropriate.

"(b) An application for a grant under this section may be approved by the Administrator only upon his determination that—

"(1) the proposed projects and programs for which the grant will be made will make a significant contribution to strengthening the medical education program of the school and will result in a substantial increase in the number of medical students attending such school;

"(2) the application contains or is supported by adequate assurance that any Federal funds made available under this subchapter will be matched by funds or other resources available from other sources, whether public or private;

"(3) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subchapter; and

"(4) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary or assure the correctness and verification of such reports.

"§ 5084. Payments

"Payments pursuant to grants under this subchapter may be made in installments, and either in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Administrator may determine.

"§ 5085. Limitations

"A grant to any medical school under this subchapter with respect to any projects or programs approved by the Administrator may not exceed 50 per centum of the total costs, as determined by the Administrator of such projects and programs.

"SUBCHAPTER III—ASSISTANCE TO PUBLIC AND NONPROFIT INSTITUTIONS OF HIGHER LEARNING, HOSPITALS AND OTHER HEALTH SERVICE INSTITUTIONS AFFILIATED WITH THE VETERANS' ADMINISTRATION TO INCREASE THE PRODUCTION OF PROFESSIONAL AND TECHNICAL ALLIED HEALTH SERVICE PERSONNEL

"§ 5091. Declaration of purpose

"The purpose of this subchapter is to authorize the Administrator to carry out a program of grants, on a matching basis, to provide assistance in the establishment of cooperative arrangements among universities, colleges, junior colleges, community colleges, schools of allied health professions, State and local systems of education, hospitals, and other nonprofit health service institutions, affiliated with the Veterans' Administration, to coordinate and expand the training of professional and technical allied health services personnel; to develop and evaluate new health careers; and to improve allied health manpower utilization.

"§ 5092. Definitions

"For the purpose of this chapter, the term 'eligible institution' means any educational facility or other public or nonprofit institution, including universities, colleges, junior colleges, community colleges, schools of allied health professions, State and local systems of education, hospitals, and other nonprofit health service institutions for the training or education of allied health or other health personnel affiliated with the Veterans' Administration for the conduct of or the providing of guidance for education and training programs for health manpower.

"§ 5093. Authorization of appropriations

"(a) There is hereby authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1972, and $4,000,000 for each of the six succeeding fiscal years. Sums appropriated pursuant to this section shall be used for making grants to educational institutions, hospitals, or training establishments pursuant to this subchapter.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated.

"§ 5094. Grants

(a) Any eligible institution may apply to the Administrator for a grant under this subchapter to assist such institution to carry out, through the Veterans' Administration hospital with which it is, or will become affiliated educational and clinical projects and programs, matching the clinical requirements of the hospital to the allied health training potential of the eligible institution, for the expansion and improvement of such institution's capacity to train health manpower, including physician's assistants and other new types of health service personnel. Any such application shall contain a plan to carry out such projects and programs and such other information in such detail as the Administrator deems necessary and appropriate.

"(b) An application for a grant under this section may be approved by the Administrator only upon the Administrator's determination that—

"(1) the proposed projects and programs for which the grant will be made will make a significant contribution to improving the education (including continuing education) or training program of the eligible institution and will result in a substantial increase in the number of students trained at such institution;

"(2) the application sets forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subchapter; and

"(3) the application provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this subchapter, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

§ 5095. Payments

"Payments made pursuant to grants under this subchapter may be made in installments, and either in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Administrator may determine.

"§ 5096. Limitations

"A grant to any eligible institution under this subchapter with respect to any projects or programs approved by the Administrator

may not exceed 50 per centum of the total costs, as determined by the Administrator, of such projects and programs."

(b) The table of chapters at the beginning of part VI of title 38, United States Code, is amended by adding

"82. Assistance in Establishing New State Medical Schools; Grants to Affiliated Medical Schools; Assistance to Health Manpower Training Institutions.. 5070".

immediately below

"81. Acquisition and Operation of Hospital and Domiciliary Facilities; Procurement and Supply ---------- 5001".

By Mr. FANNIN (for himself, Mr. BELLMON, Mr. COOK, Mr. CURTIS, Mr. ERVIN, Mr. GOLDWATER, Mr. JORDAN of Idaho, and Mr. TOWER):

S.J. Res. 129. A joint resolution proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits. Referred to the Committee on the Judiciary.

Mr. FANNIN. Mr. President, many people in our Nation think that drug addiction is the biggest threat to our society. I agree that it is a major threat, but there is another addiction that is equally as dangerous to our Nation's well-being. The addiction is most apparent right here in this city, and more specifically in this historic building.

Congress is "hooked" on deficit financing, and the symptoms make it apparent that the addiction to irresponsible spending has reached the critical stage.

Congress and free spending bureaucrats look upon deficit spending the same way that a drug addict looks upon heroin.

Deficit financing at the outset provides an alluring escape from the problems of the moment.

The chronic user of deficit financing knows that he is doing something wrong, but slowly sinks deeper and deeper into the habit.

The more that deficit financing is used, the easier it is to use.

As addiction to deficit financing grows, so grows the need for ever bigger and bigger doses to satisfy the habit. And as the habit grows, it becomes ever easier for the bigger spenders to alibi their irresponsibility.

Eventually, there must be a terrible day of reckoning.

Mr. President, the only way that any addiction is cured is for the victim to first admit that he is an addict. Then there must be a firm pledge and determination to shake the habit. This usually involves some withdrawal pains, and the victim must submit to strong discipline until once again he is able to stand on his own two feet.

I would submit that our Government—especially this Congress—has reached the point that we can no longer ignore the symptoms of advanced addiction.

We have a 1971 fiscal year deficit of $23.3 billion.

In one decade Congress and three administrations have managed to spend more than $116 billion in excess of revenues.

The national debt now stands at around $400 billion and there are forecasts that we will have another huge deficit in the fiscal year which has just started.

Interest on the national debt is running at more than $21 billion per year.

Mr. President, economic experts in foreign nations realize our precarious position even if free spenders in the United States do not.

We have had warnings from abroad that our Government must exercise some economic discipline and halt the spending binge if we want to protect the international integrity and value of the dollar. The recent dollar crisis in Europe should serve as a warning of the great concern abroad and the threat to our currency.

In America, deficit spending has encouraged runaway inflation that is robbing our citizens who are least able to afford it. Government borrowing drives up interest rates. The burden of debt we are dumping on future generations grows heavier by the day. Deficit financing is damaging the foundation of our American economic system.

Today I am introducing a cure for the Government's addiction to chronic, excessive deficit financing, a joint resolution for a constitutional amendment to prohibit chronic deficit financing by the Federal Government.

During the 91st Congress, this constitutional amendment was cosponsored by 28 of my fellow Senators who share my concern about the disregard in Government for basic economic principles.

This amendment would require Congress to balance the Federal budget in the aggregate over a 2-year period.

Congress would still have some latitude to attempt stimulation of a sluggish economy. This could be done by approving a deficit budget for 1 year, provided that the deficit is paid off in the following year. Prudent use of short-term financing would continue to be available to Congress and the Government.

If the Federal Government were to operate at a deficit for 1 year, Congress would either have to cut back on spending or raise taxes in the second year to pay off the previous year's debt. Or it might be desirable under some circumstance for Congress to program a budget surplus for 1 year and a matching deficit in the next.

The amendment is self-enforcing in that it has a provision to remedy the situation if Congress were to misjudge or purposely fail to come out with a balanced budget or surplus at the end of a 2-year period. Under the amendment, Congress could not legally pass any appropriations bills until it took action on revenue measures to pay off any deficit. Any appropriation bills Congress might try to pass would not be constitutional.

This proposal requires that Congress be honest with itself and with the people. Sufficient taxes would have to be levied to pay for Federal programs.

We have "truth-in-lending" and "truth-in-packaging" legislation for private enterprise. Why not have some "truth in appropriating" legislation for Congress so the people will know exactly what the bill is for the many Government programs that we have today?

Senator CURTIS, the very able Senator from Nebraska, has pointed out that in less than 60 days earlier this year some 85 bills were introduced in the House and Senate calling for new expenditures of more than $130 billion. These were all new domestic spending bills.

It seems to me that when such legislation is introduced, sponsors of the bills have an obligation to explain what the cost will be and where the funding will come from. Federal programs are paid for—sooner or later—by the people of our Nation through their tax moneys. The Government does not give anyone anything that it does not first take from someone else through taxation.

Excessive Federal spending is not the answer to our current problems. Rather than spur employment, heavy deficit budgets will simply rekindle inflation. Heavy Federal spending can hinder rather than help private industry employment. Government spending diverts money from private enterprise. Federal money encourages inflationary wage increases.

It is time to silence the siren song of the free spenders who try to sell the American people on the idea that they can get something for nothing. There is no rich uncle, certainly not the mythical Uncle Sam, who will pour out an endless amount for unrealistic programs.

Here in Washington, it has become popular to make lists of things that we as a Nation should accomplish. Then draw up legislation setting the ideal goal.

Then Congress passes legislation appropriating that wonderful cure-all—dollars—for untested programs. Many of these programs established with such fanfare in the 1960's were dismal failures.

It is time that we take a look at what we as a Nation can afford—then decide our priorities and make allocations within this framework.

Mr. President, as a former businessman and as a private citizen I fully appreciate the value of wisely used credit. Without the intelligent use of borrowed funds, we would not have nearly the thriving economy that we have today.

But as a businessman and a private citizen, I am aware of just how easy it is to slip into the habit of using credit carelessly.

Congress has been spending carelessly; Congress has been spending without consideration of the consequences that will befall our people. Ending the habit will involve some self-discipline, but it can be done.

Mr. President, my esteemed colleague from Virginia, Mr. BYRD, gave an excellent speech on this floor recently pointing out that the Republican Party has been regarded in the public mind as the party of fiscal responsibility.

I believe that the majority of our people believe in this principle.

I especially appreciated this speech because it was Senator BYRD's father

who, along with other Senators, made similar efforts in the 1950's to win passage of measures to control deficit financing.

So this is not a new idea, although I have refined my amendment so that it would be more flexible than earlier proposals. It certainly is not a partisan issue.

If the efforts of Senator Harry F. Byrd, Sr., had been successful in the 1950's, we would not be in the economic mess we are in today. Our situation now cries out for an end to reckless spending.

Our economy suffered great distortion under the guns and butter policies of the 1965–68 period.

The legacy of guns and butter policy is inflation, unemployment, severe hardship for those who live on fixed incomes, loss of jobs as manufacturers seek sources of cheap labor overseas and the growing lack of confidence in the American dollar.

President Nixon went into office under the banner of fiscal responsibility. There was a dramatic cut in the Federal deficit in 1969. Then the expenditures began their climb back up.

The Nixon administration has been under heavy pressure to spend Federal money to "stimulate" the economy, an economy which is trying to readjust itself to normal and peaceful times. In Congress there has been a determination to add even more costly programs. As a result, we are now back to the disastrous deficit level of the Johnson administration.

As a Republican, I urge that the President renew his efforts to clamp down on Federal spending. As a Member of this Senate, I urge that we start trying to make economic decisions as they must be made—not based on emotions or political gain, but on sound logic and economic principles.

In closing, I would like to point out that the amendment I am proposing would not shackle the Congress. Deficit budgets would be permissible in times of legitimate national crisis, such as during a war or widespread disaster.

Mr. President, on behalf of myself and Senators BELLMON, COOK, CURTIS, ERVIN, GOLDWATER, JORDAN of Idaho, and TOWER, I send to the desk for appropriate reference a joint resolution for a constitutional amendment to prohibit chronic deficit financing by the Federal Government.

Mr. BYRD of Virginia. Mr. President, I want to say "hurrah" to the distinguished Senator from Arizona (Mr. FANNIN) for focusing attention on what I believe is a vitally important problem which faces this Nation; as a matter of fact, I think it is the most important domestic problem facing the Nation today, and that is the need for the Government to put its financial house in order.

I was much impressed with the words of the Senator from Arizona when he said:

> It is time we took a look at what this Nation can afford.

I submit, Mr. President, that this Nation cannot afford the smashing deficits which the Government has run up during the past few years.

The budget, as the distinguished senior Senator from Arizona pointed out a moment ago, for the current fiscal year which ended this past June 30 was $23.3 billion.

May I ask the senior Senator from Arizona at this point if that is on a unified basis or a Federal funds basis?

Mr. FANNIN. Mr. President, may I say to the distinguished senior Senator from Virginia that this amount is on a unified basis.

Mr. BYRD of Virginia. Mr. President, in any case it is a very high deficit. The unfortunate part, as I see it, is not that there will be this deficit for this one fiscal year which ended June 30, but that we are now in a new fiscal year which started 12 days ago, and the prediction is that the deficit for the new fiscal year which will end June 30, next year is that there will be a $30 billion deficit.

I submit that this country cannot continue in this way. The worst thing that can happen to the American people is to have the value of their money eroded by high inflation which means that the grocery money of every housewife and the wage check of every wage earner is eaten into by inflation.

We hear a lot in Congress about how we want to help the people. I submit that the best way to help the people, to help those on fixed incomes, to help the retired people, to help those in the lower and middle economic brackets, is to get off of this spending spree and to proceed to some sound policies such as those advocated by the distinguished senior Senator from Arizona.

Mr. President, I believe very strongly that if we are going to continue on the financial course this country has pursued in recent years, the American people are going to face some very severe difficulties.

As the Senator from Arizona pointed out a while ago, there is only one place from which the Government can get money, and that is out of the pockets of the wage earner.

Mr. President, the people who are being hurt the most by the severe taxation—and we have severe taxation—and by the high inflation—and we have high inflation—are the lower and middle economic groups. The wealthy people are able to take care of themselves. It is those in the middle and lower economic groups who are suffering so very much and who will continue to suffer so very much under the policies which are being pursued now, the huge deficit spending and the reckless spending programs that both the administration and the Congress together seem determined to embark upon.

Mr. President, I am so pleased to have been on the floor today when the distinguished and able senior Senator from Arizona called attention to what seems to me to be a vital problem that is facing the Nation. I want to say that I wish many more Members of the U.S. Congress possessed the sound views of the distinguished senior Senator from Arizona.

Mr. FANNIN. Mr. President, I express my thanks to the distinguished senior Senator from Virginia for his remarks. I agree that we are facing a very serious problem. I hope that the prediction of the budget deficit for next year will not be as severe as some have forecast. However, I realize that it will be very serious.

I also know that the inflation results from mass unemployment because of our inability to compete with foreign countries who do not have inflation and are shipping their merchandise abroad.

I note that the Senator from Virginia has been calling this matter to the attention of Members of the Congress and of the general public. I commend him for doing so.

I apppreciate very much the fact that he has made this statement today pointing out what can happen if we do not change our ways and stop this inflationary trend which is brought about by the tremendous spending and by the increased wages which are not justified by increased productivity.

I express my deep appreciation to the distinguished senior Senator from Virginia.

By Mr. BYRD of Virginia (for himself and Mr. SPONG):

S.J. Res. 130. A joint resolution granting the consent of Congress to certain boundary agreements between the States of Maryland and Virginia. Referred to the Committee on the Judiciary.

Mr. BYRD of Virginia. Mr. President, for myself and Mr. SPONG I am introducing today a joint resolution wherein the consent of the Congress would be given to legislation enacted by the General Assembly of Virginia in 1968, and the Legislature of the State of Maryland in 1969.

This legislation establishes the boundary line between the two States in the Chesapeake Bay region.

As provided in the legislation, the consent of Congress is needed, and I hope that this matter will receive rapid approval.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 717

At the request of Mr. PACKWOOD, the Senator from Indiana (Mr. BAYH), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey, (Mr. CASE), the Senator from Kentucky (Mr. COOK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. MATHIAS), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from Illinois (Mr. PERCY), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Delaware (Mr. ROTH), and the Senator from Ohio (Mr. TAFT) were added as cosponsors of S. 717, a bill to

establish the Hells Canyon-Snake National River in the States of Idaho, Oregon, and Washington.

S. 934

At the request of Mr. KENNEDY, the Senator from Missouri (Mr. EAGLETON), the Senator from California (Mr. CRANSTON), the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. PROUTY), the Senator from Ohio (Mr. TAFT), and the Senator from Maryland (Mr. BEALL) were added as cosponsors of S. 934, the Health Professions Educational Assistance Amendments of 1971.

S. 1560

At the request of Mr. PACKWOOD, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 1560, a bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to permit sharing the cost of agriculture-related pollution prevention and abatement measures.

S. 1595

At the request of Mr. JACKSON, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 1595, a bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian reservations, and commonly owned and shared resources through a program of recreational development, reforestation, and conservation management.

S. 1742

At the request of Mr. BROCK, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 1742, a bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin.

S. 1814

At the request of Mr. HARTKE, the Senator from Montana (Mr. METCALF) was added as a cosponsor of S. 1814, a bill to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code.

S. 1835

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Iowa (Mr. HUGHES), I ask unanimous consent that, at its next printing, the names of the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. MANSFIELD), the Senator from Michigan (Mr. HART), the Senator from Montana (Mr. METCALF), the Senator from Missouri (Mr. EAGLETON), the Senator from Indiana (Mr. HARTKE), the Senator from Illinois (Mr. STEVENSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from California (Mr. TUNNEY), the Senator from Minnesota (Mr. MONDALE), the Senator from California (Mr. CRANSTON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Rhode Island (Mr. PELL), and the Senator from West Virginia (Mr. BYRD) be added as cosponsors of S. 1835, a bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence.

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

S. 1846

At the request of Mr. JACKSON, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 1846, a bill to establish a Coal Gasification Development Corporation, and for other purposes.

S. 2093

At the request of Mr. MCGOVERN, the Senator from North Dakota (Mr. BURDICK), the Senator from Wyoming (Mr. MCGEE), and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of S. 2093, a bill to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains.

S. 2126

At the request of Mr. HARTKE, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 2126, a bill to amend title 38, United States Code, to authorize the issue of national service life insurance to prisoners of war, and for other purposes.

S. 2134

At the request of Mr. HARTKE, the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2134, the Office of Constituent Assistance Act.

S. 2163

At the request of Mr. SCOTT for Mr. MATHIAS, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Utah (Mr. MOSS), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 2163, a bill to provide for the payment of tuition, subsistence, and educational assistance allowances to certain eligible veterans.

S. 2213

At the request of Mr. HUMPHREY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 2213, a bill to give severance pay to disabled mailhandlers.

SENATE JOINT RESOLUTION 62

At the request of Mr. GRIFFIN, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of Senate Joint Resolution 62; and

At the request of Mr. SCOTT, for Mr. GRIFFIN, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of Senate Joint Resolution 62, authorizing the display of each of the flags of the 50 States at the base of the Washington Monument.

SENATE JOINT RESOLUTION 79

At the request of Mr. HARTKE, the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Maryland (Mr. MATHIAS), and the Senator from Pennsylvania (Mr. SCOTT) were added as cosponsors of Senate Joint Resolution 79, the Equal Rights Amendment.

SENATE RESOLUTION 146—SUBMISSION OF A RESOLUTION AUTHORIZING SUPPLEMENTARY EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

(Referred to the Committee on Rules and Administration.)

Mrs. SMITH submitted the following resolution:

SENATE RESOLUTION 146

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Rules and Administration, or any subcommittee thereof, is authorized from the date this resolution is agreed to, through February 29, 1972, for the purpose stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Rules and Administration, or any subcommittee thereof, is authorized from the date this resolution is agreed to through February 29, 1972, to expend not to exceed the sum of $10,000 to examine, investigate, and make a complete study to (1) determine the extent to which particular standing committees of the Senate and subcommittees thereof may have engaged in the performance of functions, or assumed the exercise of jurisdiction, exceeding the scope of the functions and jurisdiction conferred upon them by the Standing Rules of the Senate, and (2) propose means and measures necessary or desirable to prevent in the future jurisdictional conflict among standing committees of the Senate arising from such failures to comply with the Standing Rules of the Senate. Such sum is in addition to the amount specified in section 2 of Senate Resolution 28 Ninety-second Congress, agreed to March 1, 1971, and was not included in that resolution because at the time at which that resolution was considered the committee did not contemplate making any such study relating to the jurisdiction of standing committees of the Senate.

SEC. 3. The committee shall report its finding, together with such recommendations for legislation as it deems advisable with respect to the study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 147—SUBMISSION OF A RESOLUTION TO ESTABLISH A TEMPORARY SPECIAL COMMITTEE ON JURISDICTIONAL RULES

(Referred to the Committee on Rules and Administration.)

Mrs. SMITH submitted the following resolution:

SENATE RESOLUTION 147

Resolved, That (a) there is established a temporary special committee of the Senate to be known as the Special Committee on Jurisdictional Rules (hereinafter referred to

as the "committee"). The committee shall consist of 5 Members of the Senate appointed by the President of the Senate as follows:

(1) three majority party members appointed from recommendations made by the majority leader; and

(2) two minority party members appointed from recommendations made by the minority leader.

The President of the Senate shall designate one of the members as chairman. Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made. Any appointment of a Senator to be a member of the committee shall be in addition to the number of appointments to committees to which that Senator may be entitled under paragraph 6 of Rule XXV of the Standing Rules of the Senate.

(b) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking sworn testimony. The committee shall adopt rules of procedure not inconsistent with laws applicable to, and the rules of the Senate governing standing committees of the Senate.

(c) Except as expressly provided by this resolution, no legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate.

SEC. 2. (a) It shall be the duty of the committee—

(1) to conduct a comprehensive study and investigation with respect to the extent to which particular standing committees of the Senate and subcommittees thereof may have engaged in the performance of functions, or assumed the exercise of jurisdiction, exceeding the scope of the functions and jurisdiction conferred upon them by the Standing Rules of the Senate; and

(2) to propose means and measures necessary or desirable to prevent in the future jurisdictional conflict among standing committees of the Senate arising from such failures to comply with the Standing Rules of the Senate.

(b) The committee shall report to the Senate at the earliest practicable date, but not later than February 29, 1972, the results of its study, and its recommendations for any changes in the Standing Rules of the Senate or other measures which it may determine to be necessary or desirable. Upon the submission of its report to the Senate, the committee shall cease to exist.

SEC. 3. (a) For the purposes of this resolution, the committee is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recesses and adjournment periods of the Senate, (4) to employ personnel, (5) to subpena witnesses and documents, (6) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (7) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, (8) to interview employees of the Federal, State, and local governments and other individuals, and (9) to take depositions and other testimony.

(b) The minority shall receive fair consideration in the appointment of staff personnel under this resolution. Such personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

(c) With the consent of the chairman of any other committee of the Senate, this special committee may utilize the facilities and the services of the staff of such other committee of the Senate, or any subcommittee thereof, whenever the chairman of this special committee determines that such action is necessary and appropriate.

(d) Subpenas may be issued by the committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed $10,000 through February 29, 1972, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 148—SUBMISSION OF A RESOLUTION RELATING TO PEACE TALKS CONTINGENT UPON ELECTIONS IN SOUTH VIETNAM

(Referred to the Committee on Foreign Relations.)

Mr. EAGLETON. Mr. President, I wish to introduce a resolution for Mr. MONDALE and myself which calls on the administration to give the most urgent and serious consideration to the recent Communist proposals on withdrawal of U.S. forces and repatriation of U.S. prisoners. The Mondale-Eagleton resolution also specifies that the upcoming South Vietnamese election or other political events in South Vietnam should in no way delay or serve as a barrier to reaching an immediate agreement on these proposals.

Mr. President, the Mondale-Eagleton resolution comports with the expressed will of the U.S. Senate as indicated by the 61 votes cast for the Mansfield amendment. It expresses the deeply held belief of a majority of Senators of both parties and all political persuasions that the Government of the United States has honorably fulfilled whatever its commitment to the people of South Vietnam might have been and that the only remaining objective of the Government of the United States is to achieve the release of its prisoners of war.

This resolution will not buy time for the Thieu government in Saigon but if accepted and followed by the President could buy life for many young Americans in Vietnam or on their way there and cut the time that U.S. prisoners of war remain in prison.

On behalf of my colleague from Minnesota (Mr. MONDALE) who initiated this important resolution, I ask unanimous consent that the resolution and his remarks on it be printed in full at this point in the RECORD.

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

SENATE RESOLUTION 148

Whereas the overwhelming majority of the American people desire the earliest possible return of our prisoners and withdrawal of all our forces from Indochina, conditioned only upon the safety of our men;

Whereas the President has stated as a purpose of his policy in Indochina the prompt return of prisoners of war and the safe and orderly return of U.S. forces;

And whereas the President has stated his commitment that repatriation of U.S. prisoners and withdrawal of U.S. forces will not be contingent upon the imposition of a political settlement in South Vietnam;

And whereas the Senate of the United States has by a clear majority expressed its desire that all U.S. forces be withdrawn from Indochina and that all U.S. prisoners be repatriated promptly;

And whereas the current negotiating proposals of the North Vietnamese and Viet Cong delegations in Paris may permit a negotiated agreement for repatriation of prisoners and prompt and secure withdrawal of U.S. forces independent of a political settlement in South Vietnam:

Now, therefore, be it resolved, that it is the sense of the Senate that:

(1) the highest urgency of this Administration shall be to pursue promptly, with good faith, and with the full resources at its disposal the current proposals made by the North Vietnamese and Viet Cong Delegations in Paris,

(2) the sole consideration in negotiating these proposals be that an agreement be reached which provides for repatriation of all U.S. prisoners simultaneously with the safe withdrawal of all U.S. forces, and

(3) under no circumstances should such agreement be contingent upon, or delayed until, the completion of South Vietnamese elections in October 1971, or any other South Vietnamese elections or political events.

STATEMENT BY SENATOR MONDALE

This Administration is coming to its moment of truth in Vietnam.

The other side has now offered to return our prisoners of war in exchange for a definite withdrawal of all U.S. forces. And most important, they have apparently dropped a central part of their earlier position—the insistence that withdrawal of forces and repatriation of prisoners be accompanied by political agreement in which the United States, in effect, overthrew the present regime in Saigon.

No one can be certain what lies behind this major change in the position of the Viet Cong and North Vietnamese. Some argue that it is only a ploy to embarrass the Administration and provoke its critics. Perhaps there has been a judgment in Hanoi that the Saigon regime will collapse in any case with an ultimate departure of American forces. And there is at least the theoretical possibility that this reflects a decision on the part of the Communists to deal with the political future of South Vietnam through independent negotiations between themselves and the non-communists in the South—assuming of course that non-communist political forces will survive our departure. I don't know the answers to these questions about Hanoi's motivation in making this extraordinary move, any more than I know how seriously this Administration intends to respond.

But one thing is clear: this negotiating offer will lay bare—at long last—President Nixon's ultimate intentions in Southeast Asia.

If, as the President has said so often, our purpose is a secure withdrawal of U.S. forces and the prompt return of our long-suffering prisoners of war, and if the South Vietnamese are nearly as self-sufficient politically and militarily as the Administration has claimed them to be, our response in Paris should be affirmative. If it is, there is certainly a chance that both prisoners and troops can be home by Christmas.

But this offer will also expose some other "ifs" in the President's policy. If the real purpose of our policy is not to end the war but to prop up a regime in Saigon, if we are unwilling to face the truth about the strength of the Saigon regime and its million-man army, if we are still pursuing some idea of victory or humbling of the other side whatever the cost—then the Administration will let this opportunity for settlement be lost.

I do not underestimate for a moment the difficult questions to be solved in this kind of negotiated withdrawal of U.S. forces. But I think it's time to cut through the diplomatic rhetoric about "complexities" and get to the heart of the problem: The American people want our men and prisoners home from Vietnam, and they want them home now.

They do not want our men to go on being killed and maimed, to go on suffering in communist prison camps, for the sake of some generals in Saigon who cannot stand on their own feet even after the sacrifice of 50,000 American lives and over $100 billions from the American taxpayer.

It has been suggested that the Administration will delay any settlement until the South Vietnamese Presidential elections in October. If that turns out to be true, the Americans who die and are wounded between now and then will truly have been sacrificed in vain. The record is all too clear that the present regime in Saigon is trying to prevent an authentic democratic election. The thought that we would keep our men in battle to preserve that corruption and travesty is literally sickening.

We must not mistake the momentous waive of public opinion on this subject.

This is certainly not a partisan matter. All of us who supported the last Administration's war policies bear responsibility for the terrible price of the war.

I and many other Democrats and Republicans must share the blame that our society—and this is expressed most poignantly in the bitter frustration of so many young men returning from Vietnam—is very nearly at the breaking point over the war.

But President Nixon now has a rare, perhaps fleeting opportunity to avert that break here at home and end the continuing death and destruction in Indochina.

If he does *not* seize the opportunity—and I pray that he does—the American people can only conclude that this Administration's policy may be more concerned with the fate of a dictator in Saigon, more concerned with some strange concept of pride, than with the future of this country.

In the final analysis, this is the President's responsibility. But the Senate also has responsibility in this vital matter—the responsibility to make its position unequivocally clear to the Administration.

Toward this end, I will introduce and seek an early vote on a sense of the Senate Resolution calling on the President to give the highest priority to the proposals submitted by the other side at Paris. This Resolution would make clear that the Senate believes that an agreement must not be prevented by any deferral or condition related to the upcoming elections in South Vietnam.

Hopefully, the Senate will take this opportunity to inform the President of its sense of urgency and seriousness in this matter.

SENATE CONCURRENT RESOLUTION 33—SUBMISSION OF A CONCURRENT RESOLUTION REGARDING PERSECUTION OF JEWS AND OTHER MINORITIES IN RUSSIA

(Referred to the Committee on Foreign Relations.)

Mr. BROCK. Mr. President, I introduce today a bipartisan Senate concurrent resolution to express the sense of Congress that the President of the United States of America shall take immediate and determined steps to call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution and to call upon the State Department to raise in the General Assembly of the United Nations the issue of the Soviet Union's transgressions of the Declaration of Human Rights.

In this concurrent resolution, my principal joint sponsor and coauthor, Senator JACKSON, and I are joined by Mr. ALLEN, Mr. BEALL, Mr. BENNETT, Mr. FANNIN, Mr. GAMBRELL, Mr. GOLDWATER, Mr. GURNEY Mr. HUMPHREY, Mr. HUGHES, Mr. JAVITS, Mr. MCGOVERN, Mr. PACKWOOD, and Mr. PELL.

I would like to take this opportunity to examine the harsh plight of the Soviet Jews. The Soviet Union is a dictatorship that denies all its citizens many basic human rights which we take for granted. But the Jews are treated worse than most. The Jew is forbidden his own schools. Although the state policy gives lipservice to freedom of religion, the Jew's freedom is virtually nonexistent. The largest synagog in Moscow has a seating capacity of around 600 people. There are only three synagogs in Moscow and a new addition of a Hebrew prayer book has not been printed in years.

Cultural repression is not the only evidence of anti-Semitism in Russia. The official Soviet press deliberately holds Jews up to ridicule and scorn, picturing them as economic scavengers. In the economic trials during the 1960's a high proportion of those purged and sentenced to prison or death were Jews. According to press reports, this was the first time in the history of the Soviet Union that capital punishment was invoked for economic crimes.

We now read press accounts of the Moldavian Supreme Court finding nine Jews on trial in Kishinew guilty of anti-Soviet actions and sentencing them to prison-camp terms ranging from 1 to 5 years. The trial in Moldavia was the last in a series involving 34 persons—all but two of them Jews—who were arrested in the wake of an alleged plot to highjack a small AN–2 plane in Leningrad last year and flee abroad.

An Odessa court recently sentenced Reiza Palatnik, a Soviet Jew who had sought to go to Israel, to 2 years in a prison camp for planning to disseminate anti-Soviet material. Mrs. Palatnik was arrested on December 1 by agents of the State Security Committee after they had reached her apartment and seized what was described as "illegal literature." This literature included petitions by Soviet Jews seeking to emigrate and articles and poems by writers known for their liberal views.

These and other oppressive steps have undoubtedly led at least 50 percent of the Jews now living in the Soviet Union to desire to emigrate to Israel if the opportunity should arise.

Undoubtedly the adverse world reaction to these trials has led the Soviet authorities to ease some of the barriers to emigration that normally apply to Soviet citizens. It is now reported that about a thousand Jews a month have been leaving the country, some five times more than in previous years.

Perhaps more than anything else, resurgent Soviet anti-Semitism gives cause for concern in our pursuit of world peace. Time and again peace overtures in the Middle East have been met with more strident anti-Israel statements and more repressive anti-Semitic actions within the U.S.S.R. The condition of peace requires an acceptance of equity for religious and ethnic minorities on the part of all peoples.

The persecution of minorities is not confined to the Jews. My colleagues are all too familiar with the repression of the freedom loving people of the Ukraine who have not accepted the Soviet domination and have been fighting to gain their independence by all means accessible to them.

The indisputable evidence produced by exiles of the many violations of human rights by the Soviet Union is so conclusive that I and Senator JACKSON today coauthor a Senate concurrent resolution expressing the sense of Congress that the President acting through the Department of State take such steps that are necessary to place the question of human rights violations in the Soviet Union on the agenda of the United Nations organization. I urge all my colleagues who believe in these human rights to join us in this bipartisan humanitarian effort.

Mr. President, I request unanimous consent that the concurrent resolution appear in the RECORD at this point.

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

SENATE CONCURRENT RESOLUTION 33

Whereas in the Soviet Union men and women are denied a freedom recognized as basic by all civilized countries of the world, indeed by the Soviet Constitution; and

Whereas the Jews and other religious minorities of Russia are being denied the means to sustain their identity inside Russia and the opportunity to maintain that identity by moving elsewhere; and

Whereas the right to emigrate, which is denied Russian Jews, is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President of the United States of America shall take immediate and determined steps to—

(1) call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution; and

(2) utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities; and

(3) demand of the Soviet Government that it permit its citizens the right to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and

(4) call upon the State Department to raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights.

Mr. JACKSON. Mr. President, I am pleased to join in a bipartisan effort with

the Senator from Tennessee (Mr. BROCK) in submitting a concurrent resolution intended to bring to bear the influence of the United States on behalf of the persecuted Jewish minority of the Soviet Union.

The resolution expresses the sense of the Congress that as the leading representative of a country that prides itself on a tradition of religious and cultural freedom, the President shall exert America's diplomatic and moral resources in support of the courageous Soviet Jews who daily incur great risks and suffer inhuman privation rather than submit to the destruction of their Jewish identity. Specifically, the President is asked to call upon the Soviet Government to honor the words of its own constitution by permitting the free expression of ideas and exercise of religion by all its citizens—and he is asked to utilize all available channels, formal and informal, to convey this position.

Moreover, the President is requested to demand of the Soviet Government that it permit its citizens the right to emigrate to the countries of their choice as affirmed by the United Nations Declaration of Human Rights. The right to free emigration is basic and fundamental to human liberty. It is a tragic crime for the Soviet—or any other—government to imprison its own citizens in a society where they can neither practice their religion nor make their way to countries where they might give full expression to their religious and cultural identity.

Finally, this resolution calls upon the State Department to raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights—a declaration that was unanimously adopted by the United Nations.

I do not need to speak at length, Mr. President, of the cruel mistreatment of the Soviet Union's Jewish minority. It is all too well known. Some months ago I invited my colleagues to a luncheon at which Dr. Esther Aisenstadt described the labor camps, the deadly uranium mines and the mental institutions to which innocent Soviet citizens—whose only crime is a desire to emigrate to Israel—are systematically sent. We heard, at that time, from a young girl who, along with her fiance, had applied for an exit visa to go to Israel where they could live in dignity as Jews and raise a family openly based on their Jewish cultural identity. This young girl—a mere 18 years old—was granted her visa a week after her marriage while her husband of 1 week was denied the freedom to emigrate to Israel. In this cruel manner a brave youngster, mature beyond her years, was forced to choose between her husband and her freedom.

There will be those in this country who will accept the repeated assurances of representatives of the Soviet Government that no anti-Semitism is officially sanctioned in the Soviet Union today. There will be those who will accept the self-righteous claims of Russian spokesmen writing letters of denial to the New York Times or statements extracted from those whose obvious dependence on the regime is reason enough to dismiss their unconvincing apologies. It is certainly true that our knowledge of the extent of persecution in the Soviet Union is imperfect. No statistics are announced indicating the number of Jews who have lost their jobs, been driven from their occupations, or had their homes ransacked by security men searching for illegal Hebrew grammars. No data is available that suggests the intimidation by the watchful officials who circulate among the congregants at the Soviet Union's few remaining synagogues noting who is present and who converses with whom. Nowhere among the public records of the Soviet statisticians is a report on the number of men, women, and children who would first risk their personal security and then give up all their worldly possessions for an exit visa and a chance to earn a passage to Israel.

But while it is true that we do not have an abundance of reliable data, we do have enough. We have heard enough. We know at least as much about the persecution of the Jews in Russia as was known in the early days of Hitler's persecution of the German Jews. We have seen the trials. We have reports of the arrests. And, perhaps most convincing of all, we have the testimony of those courageous men and women who have spoken out in letters to the West and signed petitions and even participated in open demonstrations.

We cannot stand by without using such weight as we in America possess on behalf of those innocent Soviet Jews—victims of persecution—whose chief desire is for spiritual and cultural expression. We who freely possess these rights have an obligation to speak for those who do not.

This is a simple resolution, Mr. President. It merely expresses the sense of Congress that we use normal channels and procedures, and invoke a United Nations declaration, to express our outrage at the twin tragedy of Soviet anti-Semitism coupled with the denial of the right of Soviet citizens to emigrate. With all of its own burdensome problems I have no doubt that the people of Israel would open their arms and joyfully gather in the tens of thousands of men and women who—were the universal declaration implemented in the Soviet Union—would leave at once for the freedom they cannot find at home.

Mr. President, all we are proposing is that the United States support the principle of the open society. We are calling upon the President to use America's influence to help eliminate those restraints which hinder individuals from freely developing their abilities, personalities, and cultural identities. The hallmark of the open society is its recognition of such basic freedoms as speech, religion, and the right to emigrate.

These principles have been embodied in the Universal Declaration of Human Rights. We support these principles not only because they are morally right, but we support them also because we know that our own freedom is intimately tied to the freedom of others. If powerful states do not tolerate diversity at home—and if we stand silent and thus morally acquiesce—they will not be inclined to tolerate diversity abroad. And our bitter experience in this century demonstrates that closed societies which deny freedom to their own citizens are made uneasy by the persistence of freedom in open societies—and this uneasiness and the fear and ambition it breeds threatens us all.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 27

At the request of Mr. MATHIAS, the Senator from New Jersey (Mr. CASE), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from New York (Mr. JAVITS), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of Senate Concurrent Resolution 27, to establish a joint congressional committee to carry out a study and investigation regarding the termination of the state of national emergency.

THE PEACE CORPS ACT—AMENDMENT

AMENDMENT NO. 239

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. FULBRIGHT. Mr. President, I submit for appropriate reference an amendment that I intend to propose to S. 2260 and ask that it be printed in the RECORD at this point. The purpose of the amendment is to keep the Peace Corps independent of Action, the new agency combining domestic volunteer programs.

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

AMENDMENT NO. 239

At the end of the bill, add the following new section:

SEC. 2. Section 4(b) of the Peace Corps Act (22 U.S.C. 2503(b)), relating to delegation of functions, is amended to read as follows:

"(b) Notwithstanding any other provision of law, if the President determines that any of his functions under this Act should be exercised through an agency or officer of the United States Government, the President may provide that any such functions may be exercised only through the Secretary of State or the Director of the Peace Corps. If so provided by the President, the Secretary or the Director may promulgate such rules and regulations as he may deem necessary or appropriate to carry out such functions, and may delegate to any of his subordinates authority to perform any of his functions under this Act."

DEPARTMENT OF AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION PROGRAMS APPROPRIATIONS, 1972—AMENDMENTS

AMENDMENTS NO. 240 AND 241

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

Mr. MOSS. Mr. President, together with Senators BROOKE, CRANSTON, HATFIELD, KENNEDY, and TUNNEY, I introduce two amendments which I intend to offer to H.R. 9270, the Agriculture-Environmental Appropriations bill. Hidden within the billions of dollars appropriated under this act are some 60 to 70

million dollars to support the growth, export, advertising, overseas financing, and grading of a product which just 18 months ago the Congress determined was so hazardous to health it should not be advertised over the broadcast media and every package of which should be labeled with a health warning.

When young people look to their Government, what do they see these days. Beyond the disillusionment which may have been created by the Pentagon papers, and the administration's efforts to stop the press from revealing the Pentagon papers, the young people of our country see a Government confused and distorted on many issues. We pass legislation to prevent pollution and then for years we permit pollution to continue. We pass legislation calling for packaging of hazardous materials so that thousands of youngsters will not be poisoned each year, and we see the products which caused these poisonings still on the market, still in the same unsafe packages. And we tell our children not to smoke, that it is unsafe to their health, yet we spend millions of dollars encouraging farmers to grow the very product which has been condemned by every medical organization which has looked into smoking and its effects on health.

Mr. President, the question is not, "How can we terminate assistance to hard-working farmers struggling to make a decent income?" The true question which this Congress must face is, "How can we afford to encourage the growing of a crop which will lead to the death of thousands of Americans?"

The second amendment which we are proposing today, would create a Commission on Tobacco Adjustment Assistance to conduct a study and recommend to the Congress action necessary to provide assistance to those individuals adversely affected by the elimination of subsidies caused by the decrease in tobacco consumption currently underway in the United States. The need for this second amendment is perhaps even greater if we are truly concerned about the welfare of our people.

I would think that those Senators whose constituency makes up that part of the Nation we call tobacco country, would support this amendment and its passage. The need is great. The poundage of tobacco which can be sold on the free market is dropping as more and more people become aware of the health hazards of cigarettes. With the elimination of the crop support subsidies, and the elimination of the export subsidies, the income to the 600,000 farm families who make their livelihood on tobacco will surely drop. It is for these reasons that we offer this amendment to help those economically displaced by the current trend toward reduced use of tobacco.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 159

At the request of Mr. SAXBE, the Senator from Pennsyvania (Mr. SCOTT), the Senator from California (Mr. TUNNEY), the Senator from New Jersey (Mr. CASE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Utah (Mr. BENNETT), the Senator from Rhode Island (Mr. PELL), the Senator from Oklahoma (Mr. BELLMON), the Senator from Michigan (Mr. HART), the Senator from Delaware (Mr. ROTH), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BOGGS), the Senator from California (Mr. CRANSTON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Montana (Mr. METCALF), the Senator from Florida (Mr. GURNEY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Missouri (Mr. EAGLETON), the Senator from Illinois (Mr. STEVENSON), the Senator from Utah (Mr. MOSS), the Senator from Minnesota (Mr. MONDALE), the Senator from Iowa (Mr. HUGHES), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of amendment No. 159, intended to be proposed to S. 1657, the International Security Assistance Act of 1971.

NOTICE OF HEARINGS ON BILLS RELATIVE TO ESTABLISHMENT OF AN ADDITIONAL ASSISTANT SECRETARY OF THE INTERIOR

Mr. JACKSON. Mr. President, I wish to announce for the information of the Senate and the public that on July 15, 1971, the Committee on Interior and Insular Affairs will hold an open hearing on S. 291 and S. 2034. Both measures would establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior.

S. 2034 was submitted and recommended by the Department of the Interior and would assign to the new Assistant Secretary supervision over the Bureau of Indian Affairs and the Office of Territories. S. 291, sponsored by the Senator from Oklahoma (Mr. BELLMON), would assign to the new Assistant Secretary supervision over Indian Affairs.

The hearings will begin at 10 a.m. in room 3110, New Senate Office Building.

ANNOUNCEMENT OF MIRV-ABM HEARINGS JULY 13–14

Mr. MUSKIE. Mr. President, tomorrow, the Arms Control Subcommittee of the Senate Foreign Relations Committee will begin 2 days of hearings to explore the question of whether the continued deployment of MIRV and ABM systems is necessary at this time.

How can this question be answered? The administration speaks of a "sufficiency" criterion for calculating our strategic requirements. We want to know: sufficient for what? All of us are agreed that our defense must be sufficient to deter an adversary from attacking us. But some critics are concerned that our defense may be excessive—and excessive programs can be costly, and they may have the effect of provoking the Soviet Union into accelerating their own defense program in order to prevent us from maintaining a decisive strategic superiority. The result can be an endless, spiraling arms race that is not costly but dangerous. How, then, do we plan a defense program that is sufficient but not excessive?

Our decision to deploy MIRV and ABM systems is frequently criticized as an example of excessive defense. MIRV was originally justified as a means of penetrating Soviet ABM defenses. It now appears that the Moscow ABM system is clearly unworkable. Was our reaction appropriate to the threat? What is the present and potential effectiveness of Soviet ABM defenses? Are the fears of a possible upgrading of Soviet air defenses—SAM's—into ballistic missile defenses realistic? Is this possible threat of a workable Soviet ABM the only reason for our MIRV program, or are there other reasons as well?

We will want to explore these questions in order to clarify the rationale for our MIRV programs.

Likewise, our Safeguard ABM program was justified by the administration as a counter to the Soviet SS–9 missile and potential Soviet MIRV capabilities. These Soviet weapons have been portrayed as a lethal threat to our land-based Minuteman missiles—thus provoking fears of a rapidly developing Soviet first-strike capability. Yet the press has reported recently that a new CIA study draws conclusions about SS–9 accuracy and current Soviet MIRV capabilities which suggest that the threat to Minuteman may not be immediate. Perhaps, as many critics argue, our reaction—building ABM defenses for Minuteman bases—was premature. The subcommittee will want to know, therefore, the real answers on the SS–9 and Soviet MIRV potential.

All of these questions are very difficult. The answers depend as much on the judgment of statesmen as on the facts of existing weapons programs and the best estimates of future capabilities. But we must strive to make the soundest judgments possible. We must provide for our national security, but we must also control the arms race.

The executive branch has impressive resources of information with which to make these judgments. But it is not immune to the possibility of error. Congress has the constitutional authority to provide funds for our national defense. It also has the responsibility to subject proposed defense programs to the closest possible scrutiny. We hope to give MIRV and ABM the closest possible scrutiny in these hearings. We want to have clearer answers to this question: Why is the continued deployment of MIRV and ABM necessary at this time?

NOTICE OF HEARINGS ON PEACE CORPS AUTHORIZATION BILL

Mr. FULBRIGHT. Mr. President, I wish to announce that the Committee on Foreign Relations has scheduled a hearing on July 16, 1971, on the Peace Corps authorization bill at which I expect to explore the implications of the Peace

Corps merger with Action and discuss my amendment.

In addition to hearing Mr. Blatchford, Director of the Peace Corps, the committee will take testimony from others who ask to be heard. They are requested to get in touch with Mr. Arthur M. Kuhl, chief clerk of the committee.

The hearing will take place in public at 10 a.m. in room 4221 in the New Senate Office Building.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, I should like to announce that the Subcommittee on Criminal Laws and Procedures will continue its series of hearings on the recommendations of the National Commission on Reform of the Federal Criminal Laws on July 19 and 20, 1971. The hearings will begin each day at 10:00 a.m. in Room 2228, New Senate Office Building. Further information on the hearings can be obtained from the subcommittee staff in room 2204, extension 53281.

ADDITIONAL STATEMENTS

LAOS—FURTHER U.S. MILITARY OPERATIONS IN THIS SECRET WAR

Mr. SYMINGTON. Mr. President, several recent news articles report a new, hitherto secret, military operation being conducted in Laos by irregular units under the command of Gen. Vang Pao, commander of Military Region No. 2. The first of these was a story by Tammy Arbuckle, published in the Washington Star of July 7, and reprinted in the New York Times of July 8; also an article by D. E. Ronk, published in the Washington Post of July 8. As these reporters make clear, considerable American support has been involved.

An article, by Marilyn Berger, published in the Washington Post of July 9, reports the statements of U.S. and Lao officials on the operation, statements indicating a certain amount of confusion as to the respective responsibilities of the Lao and U.S. Governments for the new offensive.

Apparently this operation by Lao and Thai irregulars, whose costs are paid by U.S. funds appropriated by Congress, has been under way since late June; but we in the Congress, who have appropriated the funds, have had to learn about it in the press. In fact, had there been no press reports, we might never have learned about it. Indeed, as Mr. Arbuckle reported in another article, published in the Washington Star, American officials in Laos did not acknowledge the true scope of the operation until July 9. Mr. Arbuckle notes in his article of July 7:

> It is almost unbelievable that after Senate censure and publication of the Pentagon documents, a U.S. mission in Laos should once again resort to secrecy, particularly concerning a United States-run operation close to North Vietnam and China.

Surely we will all agree with that statement.

The press stories report that these irregular units are being led by American military men in the employ of the Central Intelligence Agency and that top Lao military officers insist that the operation is being coordinated by the CIA. A State Department spokesman has said that Americans are not actually leading any of the forces in this operation. But he has admitted that we are providing logistic and air support and I am sure he would not deny that these irregular units are directed by U.S. Government officials.

Both Mr. Arbuckle and Mr. Ronk report that American Embassy officials in Vientianne put the responsibility for the operation on Gen. Vang Pao, saying that he "is very much his own man." Mr. Ronk adds that American sources say:

> No matter what anyone says, he does pretty much what he wants.

Knowing what I do know now about our activities in Laos, this statement is ridiculous on its face. We recruit and train these irregular forces. We provide them with all their equipment and ammunition. We transport them to battle in American planes, as the press stories make clear. It is further reported that American engineers were involved in clearing mines from landing strips on the plain and that U.S. Air Force crane helicopters were used to move heavy equipment into forward areas.

Furthermore, it is inconceivable that offensive actions of the magnitude described could have been undertaken without direct air support by U.S. fighter bombers based in Thailand. It is, therefore disingenuous if not actually deceitful to shift the blame on Gen. Vang Pao so as to absolve ourselves of any responsibility for this military engagement.

Actually, if we were able to accept as accurate the statement that Gen. Vang Pao "does pretty much what he wants," we should be even more disturbed; because if this statement were true, it would mean that, despite the enormous U.S. involvement and participation in this Laotian war, we cannot control actions on the part of local Lao military commanders which risk causing a new escalation of the fighting, the costs of which fighting is borne by the United States.

One might well ask also about what additional risk arises from the involvement of Thai troops in an operation of this type and character. Given the fact that the United States is committed by treaty to the defense of Thailand, should not the Congress seek assurance that the use of U.S.-financed Thai troops in Laos will not provoke a North Vietnamese response that would result in that Thailand commitment being invoked?

The risks inherent in this new offensive, particularly the possibility that it may undercut the tentative progress which has been made toward talks between Prime Minister Souvanna and the Pathet Lao looking toward a reestablishment of the 1962 Accords, raise once more the question: Just what are the objectives of U.S. policy in Laos?

Do we intend to continue to prosecute the war in northern Laos as an adjunct to the war in Vietnam, or do we support with sincerity efforts toward a Laotian political settlement?

One explanation could be that there is disagreement within the executive branch on our objectives in Laos. Would it not be interesting to know, for example, whether the principal force behind this new offensive was the Department of State, or the influence of military planners who view Indochina as one vast American theater of operations.

We of Congress have a right to question the wisdom of this latest Laotian operation, and to deplore the secrecy which surrounds it. We also have the right to resent the high-handedness of the executive branch in not consulting Congress before undertaking a major military operation with funds Congress appropriated; an operation which may seriously affect not only our interests in Laos, but also in all of Indochina as well as in Thailand.

I would earnestly hope that the Senate would bear this case in mind when considering the amendment I have proposed to the Defense authorization bill that would limit the funds which can be obligated or expended in Laos, exclusive of air operations over the Ho Chi Minh Trail area in southern Laos, to $200 million.

It is only through some control of the funds it appropriates that the Congress can have any real knowledge of, or exercise any restraint on, this dangerous situation.

Also, I invite the attention of Senators to a brief news item, following the summary of the Washington Star report from Laos, in the July 8 issue of the New York Times entitled "Cambodian Plan Said To End." This report quotes "United States sources" as saying that the United States has abandoned its secret program of training regular Cambodian troops in Laos, but is continuing to train Cambodian guerrillas.

This is a program which has heretofore been kept classified by the executive branch. Let us hope that its confirmation by U.S. sources will end that ban, and that knowledge of that portion of the report on Laos by two members of the staff of the Foreign Relations Committee which related to this subject will no longer be withheld from the American people.

While on the subject of declassification, the subcommittee staff was told by the State Department this morning, specifically by Mr. Joseph Wolf, that the memorandum to the Secretary of State on the declassification of certain portions of the June 7 closed session of the Senate on Laos has not yet been acted on but is still being considered. I remind Senators that, as I have reported to them on both June 30 and July 7, by Friday, June 25, the specific points had been defined on which there was disagreement between representatives of the Foreign Relations Committee and representatives of the executive branch on the need for continued security classification. Over 2

weeks have now passed, but still there has been no decision.

Meanwhile, as noted above, a new military offensive has been launched in Laos, spearheaded by precisely those American supported forces, Laos and Thai, which the executive branch seems most determined to screen with official secrecy.

I ask unanimous consent that the press articles I have cited be printed in the RECORD.

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

[From the Washington Star, July 7, 1971]

PLAIN OF JARS OPERATION WITH U.S. AID REPORTED

(By Tammy Arbuckle)

VIENTIANE.—The United States has launched a new secret operation against the Plain of Jars, a Communist-held area in northern Laos, well-informed sources say. "Commando raiders," some led by American military men in CIA employ have penetrated as far as Lima 22, an air strip in the east central plain.

U.S. aircraft are landing on the plain. An Air America C123 transport was stranded with its American crew on the plain for a night, according to well-informed sources. U.S. officials, however, refuse to discuss the operation making it difficult to assess the operation's exact magnitude or objectives.

One American source claimed Meo Gen. Vang Pao was "strengthening and improving his defensive position." Sources said Vang Pao took Ban Na, a key hill overlooking the plain last Tuesday. Unfortunately this claim of strengthening defenses does not jell with the U.S. presence on the plain or the excessive secrecy cloaking the operation on the part of U.S. and Lao officials.

FRAUGHT WITH DANGER

To clear North Vietnamese from the hills south of the plain and establish positions on hilltops overlooking the plain would be excellent, as it would give Vang Pao's forces a breather until the next dry season.

However, to go onto the plain is fraught with both military and political danger.

In 1969, a joint U.S. and Lao operation, About Face took the plain from the Communists briefly, but resulted in massive Hanoi retaliation which drove CIA-led Meos back farther than ever before and almost resulted in the secret base of Long Chen falling. A new offensive could mean the final end to feelers for talks between the government and Communists and lead to fresh Hanoi offensives. Hanoi has frequently made clear it will not tolerate a U.S. or government presence on the Plain of Jars and has sufficient force to push the corrupt, ill-managed Lao forces off the plain again whenever it wants.

Some military sources have suggested that the Plain of Jars push is to relieve the pressure on the Meo base of Bouam Long, north of the plain.

When correspondents tried to find what the operation was about Gen. Thong Punh Knoksy, the government spokesman, dodged into the corridors of Lao-headquarters. U.S. officials adamantly refuse to speak unless Thong Punh speaks first.

It is almost unbelievable that after Senate censure and publication of the Pentagon documents, a U.S. mission in Laos should once again resort to secrecy particularly concerning a U.S. run operation close to North Vietnam and China.

The operation previously resulted in tough Communist retaliation and caused considerable government and civilian loss in 1969. There can be no doubt the operation is considerable in size. The Pathet Lao radio which, although it is Communist, has been most truthful to date on Lao operations, says three regiments of Vang Pao's forces are involved. Vientiane military sources say two Thai battalions and six Lao Meo battalions are involved. U.S. air power is again extremely active over the plain, where some 5,000 civilians are still living. American embassy officials are trying to blame Vang Pao for the operation. "Vang Pao is very much his own man," three American officials said separately.

As all three used the same words, one can only assume somebody told them to say this. Vang Pao's informers are advised, paid, armed, clothed and sometimes led by CIA employees and it is impossible for the general to do anything big without American approval. Some middle-level Americans are already having second thoughts.

They fear that if Vang Pao finds no early Hanoi opposition he may continue to advance, bringing the U.S. into a new northern Laos debacle.

[From the New York Times, July 8, 1971]

CIA AIDES REPORTED LEADING COMMANDO RAIDS IN NORTH LAOS

VIENTIANE, LAOS.—A secret operation involving commando raiders, some led by employes of the Central Intelligence Agency, is reported under way against the Communist-held Plaine des Jarres in northern Laos.

According to well-informed sources, United States aircraft have been landing on the plain, and one C–123 transport was stranded with its American crew there for a night.

The informants said the commandos had penetrated as far as an airstrip in the east central part of the plain called Lima 22.

United States and Laotian officials here have refused to comment on the reported operation.

[In Washington, State Department officials said they were checking the situation and had no immediate comment.]

One American source said privately that the Meo leader, Gen. Vang Pao, whose C.I.A.-backed forces are based at Long Tieng, southwest of the plain, was "strengthening and improving his defensive position."

Some military sources suggested that the reported operation was being conducted by the Meo base of Bouam Long, north of the plain.

Informants said two Thai battalions and six Meo battalions were involved. The Pathet Lao radio said the operation was being conducted by three regiments of General Vang Pao's forces.

In 1969, a joint United States-Loatian operation took the plain from Communist troops briefly but this lead to a large North Vietnamese counterstroke, which drove the Meos back and almost resulted in the fall of Long Tieng.

CAMBODIAN PLAN SAID TO END

PNOMPENH, CAMBODIA.—The United States has abandoned its secret program of training regular Cambodian troops on Laos, United States sources said today, but is continuing to train Camodian guerrillas.

The sources said that the program financed by the Central Intelligence Agency ended last month when a 500-man Cambodian army battalion wound up a three-month training course in the Laotian panhandle.

[From the Washington Post, July 8, 1971]

LAOS BEGINS DRIVE FOR PLAIN OF JARS

(By D. E. Ronk)

VIENTIANE.—Little opposition is being met by CIA-supported Meo units under the command of Maj. Gen. Vang Pao as they build their rainy season offensive in northern Laos on to the Plain of Jars from Long Cheng.

Pathet Lao and North Vietnamese forces appear to be withdrawing north and west off the 30-mile-square upland plain they have held since its recapture from Meo forces in early 1970, according to informed sources in Vietnam.

Striking northeast and northwest of their mountain base just north of the plain the irregulars reoccupied Ban Na, overlooking key passes into Long Cheng, early last week. Then they struck at Xieng Khoang airfield 30 miles east, occupying it late in the week.

Since occupying the airfield 100 miles northeast of Vientiane and beginning their commando raids, Meo soldiers have uncovered significant amounts of enemy armaments, including 122-mm rockets and small arms, strewn in the open.

Vang Pao is not at the scene of the fighting, according to informed sources, but is recovering from a serious illness. Command of the Meo troops is believed to be held by a committee of four junior officers working with American advisers.

Informed sources in Vientiane say that the offensive thrusts onto the plain are being made in order to improve Vang Pao's defensive positions around Long Cheng.

Other sources say, however, that the commando units are launching offensive forays northward along the east and west rims of the plain. They say a major offensive buildup is well under way.

Traffic by heavy duty transport planes of Air America into the Xieng Khoang field is reported as "constant," even under extremely hazardous weather conditions.

Pilots ferrying troops and materiel report only sporadic groundfire.

A general news blackout on the offensive is believed to have been ordered by Laotian Prime Minister Souvanna Phouma. Neither Laotian nor American spokesmen will comment on the offensive moves, nor on whether there is an official blackout in effect.

Radio Pathet Lao from Sam Neua City, the Pathet Lao headquarters 175 miles northeast of here, is carrying news of offensive moves in the Xieng Khoang area, however, claiming that three regiments of Vang Pao's "mercenaries" supported by "mercenary Thai artillerymen" and heavy American bombing are invading "liberated zones."

There is considerable speculation in Vientiane over the parallels between the current offensive moves and those during 1969 when Vang Pao captured the plain following heavy bombing. The Pathet Lao recaptured the plain in early 1970.

American sources deny that a general offensive of that scope is planned, and even express fear of such a move because of the Meo army's weakened condition, but as one informant said: "Vang Pao is very much his own man, and no matter what anyone says, he does pretty much what he wants."

[From the Washington Post, July 9, 1971]

BOTH UNITED STATES, LAOS CLAIM OTHER IS RUNNING NEW OFFENSIVE

(By Marilyn Berger)

The Laotian government said yesterday that a new offensive on the Plain of Jars is the responsibility of the U.S. embassy, while American officials in Washington sought to describe the action as a Laotian operation.

The unsual statement by a Defense Ministry spokesman in Vientiane appeared to grow out of a feud within the Laotian government over the conduct of military operations.

This statement came as Sen. Stuart Symington (D-Mo.) was informing the Senate that the Pentagon was opposing his amendment to limit U.S. military assistance to Laos to $200 million during fiscal 1972.

The Associated Press reported that Gen. Thongphanh Knoksy, the Defense Ministry spokesman, said in Vientiane that there was a new drive on the Plain of Jars by special forces, but he declined to discuss details. "You should ask the American embassy," Thongphanh said "This is their affair."

Andrew P. Guzowski, a U.S. embassy spokesman, declined comment. But, the AP reported, it is no secret that the Central Intelligence Agency pays, equips and advises the special forces and the Meo tribal army

48-059 O - 72 - pt. 19 - 4

under Gen. Vang Pao, who is in command on the Plain of Jars region with a base at Long Chen.

Asked whether Vang Pao had informed the Laotian government about his operations, Thongphanh replied, "No, the government is not responsible for this operation."

Analysts here indicated that Vang Pao, who reports directly to Laotian Premier Souvanna Phouma and not to the Ministry of Defense, had apparently hit a sensitive nerve. The statemen attributing the military operation to the United States was seen here as the ministry's way of hitting back.

State Department spokesman Charles W. Bray, asked about U.S. involvement in the Plain of Jars drive, glossed over the split between regular Laotian forces and the CIA-supported Meos.

"We know that the Royal Lao government is attempting to improve its defensive positions by pushing the North Vietnamese forces out of high ground to the west and to the south of the Plain of Jars," Bray said. "These are the kind of actions the Royal Lao government has traditionally undertaken in the rainy season when the North Vietnamese have difficulty in supplying their forces, so that the Royal Lao government will be in a better position when the North Vietnamese return to the offensive during the dry season which begins in November."

Bray said the United States was providing logistic and air support for this operation "as we have in other operations in Laos."

Bray added that, contrary to some news reports, "No Americans of any description are leading any of the forces in this operation or any other operation in Laos." When questioned, however, he left open the possibility that U.S. advisers were involved. Other American officials said that U.S. advisers stayed at headquarters and did not go into the field.

U.S. officials here said that Vang Pao's forces have won control of the high points all around the Plain of Jars except for the northeastern section, making the plain untenable for the North Vietnamese and Pathet Lao.

Symington, whose Foreign Relations subcommittee has put the spotlight on U.S. operations in Laos—both acknowledged and covert—yesterday read into the record a Pentagon statement in opposition to his amendment to limit spending in Laos. That statement said such a limit "would substantially impair our on-going operation in Laos, operations which have been undertaken at the request of the government of Laos to assist it in resisting military takeover by North Vietnam."

While Symington sought in his amendment to put a ceiling of $200 million on obligations or expenditures for military and economic aid, Secretary of State William P. Rogers has said that the United States is spending "in the neighborhood of $350 million," exclusive of the cost of U.S. bombing operations, in Laos.

The Pentagon statement said the Symington amendment "would intrude into matters properly within the constitutional authority of the President, as commander-in-chief, to direct military operations in Southeast Asia."

Symington called this an "intriguing comment" in which the Department of Defense "would appear to be saying that the responsibilities the Congress has under the Constitution to raise and support armies does not mean what it says."

The Pentagon also said the amendment could not be administered by the Executive Branch which, according to the statement, maintains records for military assistance service for Southeast Asia" only on an estimate basis." Symington called this a "disturbing" practice. "How can the Executive Branch be certain that expenditures do not exceed obligations in each country?" Symington asked.

Instead of being an argument against his amendment, Symington suggested that the admission of this practice served as an argument for its adoption. "It could well force the Executive Branch to institute procedures which will provide accurate accounting . . ." he said.

In Vientiane, meanwhile, Souvanna sent a reply to Prince Souphanouvong, head of the Pathet Lao, about the latter's cease-fire proposal of June 25, Souvanna proposed a general cease-fire within a radius of 30 kilometers (about 20 miles) around the Plain of Jars and discussions at the plain to reach agreement on a full cease-fire.

Souphanouvong had proposed a full cease-fire that would include an end to the American bombing. He suggested meetings alternately at the Plain of Jars and in Vientiane.

Informed sources here said they did not expect Souphanouvang to accept Souvanna's proposal but said that the reply would serve to keep the exchanges going.

[From the Washington Star, July 9, 1971]

LAO TROOPS ADVANCE ON PLAIN

(By Tammy Arbuckle)

VIENTIANE.—Special secret army units under the U.S. Central Intelligence Agency, but nominally controlled by Meo General Vang Pao, are reported in virtually control of northeastern, eastern, and southern portions of the Plain of Jars in north Laos.

Lao government military spokesman Gen. Thongphanh Knoksy admitted yesterday that friendly forces had reached the area just south of Woodpecker Ridge. The ridge overlooks the northeast entrance to the plain.

The general said teams were roving over the Plain of Jars searching for Vietnamese and Pathet Lao caches with some success. He said three quarters of the caches found are of food and only one quarter are arms caches. These proportions are directly opposite to the amounts of food and arms caches found when the government took the plain in August 1969.

Gen. Thongphanh said he did not believe the secret army forces are strong enough to cut Route 7 entering the Plain of Jars as they did in 1969. Thongphanh claimed the operation was to prevent Communists attacking Bouam Long, just north of the plain, and concentrating against the joint U.S.-Meo base at Long Chen.

U.S. airpower, according to other sources, is active in the plain area and U.S. engineers are working on strips south of old Meo strongpoint Lima 22. The U.S. Air Force uses flying crane helicopters to bring and remove heavy equipment.

Gen. Thongphanh declined to give further information on the Plain of Jars operation. He directed correspondents to ask the U.S. Embassy. U.S. officials, however, refused to give information. One official's reply to persistent press queries was "go to hell."

In the picture of the operation which appears, however, five or six battalions of clandestine army forces are placed south and southeast of the rim of the Plain of Jars centered on Banna which Vang Pao's forces took Tuesday. There and at other places near the rim, two special battalions were fanning out across the plain in teams searching for caches.

Well informed sources say there is no intention of taking territory, only knocking out enemy supply lines for a more effective defense of Long Chen. To hold the plain would be militarily and politically unwise. Undoubtedly team sweeps is the best plan. North Vietnamese forces remain east of Long Chen and if their supplies are cut off Long Chen would be in a better military position.

However, informed military sources fear Vang Pao will be tempted to take the plain. This may cause another severe defeat, such as in February when Hanoi troops swept him from the plain.

BACCALAUREATE ADDRESS AT CONCORD ACADEMY

Mr. PERCY. Mr. President, on June 3, during commencement week activities at Concord Academy in Concord, Mass., the school's headmaster, David Aloian, delivered an unusually perceptive baccalaureate address to the graduating class, of which my daughter was a member.

Mr. Aloian, who is leaving Concord after 8 years of service as headmaster to take a similar position at the Belmont Hill School in Belmont, Mass., has spent most of his life working with young people. He understands their thoughts and concerns, and as his baccalaureate address suggests, he knows how to communicate with them.

Realizing that the 17- and 18-year-olds in his audience were well informed and highly educated, with a deep interest in public policy problems, Mr. Aloian spoke to them as mature young adults, avoiding the patronizing approach that young people understandably resent.

The senior class at Concord Academy was representative in many respects of interested, involved young Americans throughout the Nation—the generation that will be called upon to guide us through a period of revolutionary change. I am sure that the Concord graduates will respond to Mr. Aloian's plea for them to "take a full and active part in the great effort to make a better community, to make a better world," and I am equally confident that their contemporaries across the country will respond with comparable enthusiasm. Ratification of the 26th amendment, making more than 11 million Americans between 18 and 21 eligible to vote for the first time, provides an outlet for these concerned young people to responsibly express their views. I am convinced that a vast majority of them are ready to do so.

Mr. President, I believe Mr. Aloian's address would be of interest to Senators; consequently, I ask unanimous consent that it be printed in the RECORD. I particularly commend it to the distinguished Senator from Missouri (Mr. SYMINGTON), who has close ties to Concord Academy through his granddaughter.

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

OUR RESOLUTION

I want to begin by promising you that you face difficult years ahead. On the personal level you move from a small school community, organized for your success and development, to large university communities which must be impersonal and even indifferent. You will face important life decisions: a career, personal commitments, marriage, a life's work. On a national level, you will gain full citizenship in and awareness of your country, which, despite its greatness and its shining promise, copes with serious problems of race, cities, poverty, economic stability, education, and internal divisions. On a world level, you will have to face problems of population, trade, race, rapidly diminishing resources, environmental deterioration, national fears.

You live in a time of tumultuous change and unrest, a time of world wide revolution. I believe we are in the midst of one of those great, creative, stormy, revolutionary periods of ferment, re-evaluation, and progress. In a few moments I want to say what I think

this revolution is about, but right now I want to ask you what your response to it and to all of the challenges that await you, will be. It seems to me you can respond in one of a number of ways.

You can respond to the complexity of our times with *hysteria*—with confusion, panic, anxiety, tenseness, nail-biting fear, with disorientation and with high blood pressure. You can lose effectiveness and a sense of discrimination; you can follow every placard; you can make small problems insuperable and large problems impossible. To every critical situation that lies ahead, you can respond with paralyzing fear. You can, in short, live your life trembling.

Or, you can respond with *apathy*. You can decide that life's problems are too complex, too overwhelming, too much to work on. You can seek relief in privatism, as in some pastoral commune, some drug (including alcohol), or some endeavor on life's periphery, away from the tumult and shouting of the main arenas. While humanity struggles, you can concentrate on little old you. You can do *your thing* and leave others to do *our thing*.

Or, you can respond with *stoicism*. You can determine that no matter what, you will survive; no matter what, you will last out the storm. Here or elsewhere you will find some shelter, some spiritual foxhole, crawl into it, and wait for the storm to blow over. Stoicism has its appeal no doubt. But is it not a partial withdrawal? Is it not the first step to an unctuous self-pity?

Or, you can respond with *cynicism*—with gloom, pessimism, contempt, scorn, sarcasm, rage, anger, hostility, hate. To life's problems you can shake your clenched and savage fist. If life is too big, too complex, you can at least despise it. Instead of solving problems, you can fight them.

Or, you can *participate*. You can work. You can take a full and active part in the great effort to make a better community, to make a better world. You can feel the excitement and satisfaction—and the frustration and heartache too—in being alive at one of the most important crossroads in human history.

For I believe our time is a critical one, that the stakes are the highest possible: the very survival and well being of the species. I believe we are in the midst of a significant, world changing revolution, a revolution as important as the agricultural revolution which taught us to grow food instead of hunting it; as important as the Judeo-Christian revolution which gave us the ethic of love; as significant as the Copernican revolution which took us from the center of the universe and put us where we are on a small planet on the edge of one galaxy; as important as the democratic revolution which gave us parliamentary government; as profound as the industrial revolution which moved us from country to city and replaced handicrafts with machines; as important as the Darwinian revolution which revealed to us the long, slow process of development, growth, and enlightenment through which we had passed.

Perhaps the most important revolution is the one we are living in—what I would call *a perceptual revolution—a sudden, dramatic change in the way we as human beings perceive ourselves on this earth*. Quite suddenly, in recent years, we have come to realize that there are not endless frontiers, but that earth is a limited, fragile place, with tenuous, delicate natural balances; that ours is not a giant planet, but a global village, even a global spaceship; that there is only futility in persisting as rival, feuding, nation states; that we must learn how to become good neighbors. We have come to see ourselves not as exploiters and conquerors, holding dominion over nature, but as parts of nature's whole; that we are not a conglomerate of races and creeds strangely foreign and different from one another, but one humanity, engaged in the human enterprise, each ready and capable of contributing to the world community, each a full-fledged member of the family of man.

It takes no special foresight, no profound knowledge, to see that the great problems of the decades ahead—racial fear and prejudice, environmental deterioration, atomic war, population, disease, education, resources—these great problems are global problems and can be solved by a kind of global cooperation and understanding we have so far merely dreamed about.

I believe there are lots of hopeful signs, that there is evidence that millions here and elsewhere are beginning to realize how much is at stake, how vital it is to improve understanding, narrow the divisions, reconcile the differences. I see these signs in small ways and in large—in the buttons people wear and on their car stickers. *Black is beautiful.* Of course it is. And so is yellow, red and white. We are one species, one humanity. *Have you thanked a green plant today?* We need them. They are as rightful inhabitors of the earth as we are. Without them we would suffocate. *Cops are people too.* Why do we need posters to tell us things like that.

There are major signs in world events. China is beginning to move to join the world community; Britain is on the threshold of binding itself to western Europe; whatever else you may want to say, the United States is coming home from Vietnam; the President has reported encouraging developments at the SALT talks; the Israelis and Egyptians continue to talk rather than fight; the SST was defeated by our elected Representatives in Washington; the governors of South Carolina and Georgia have called for an end to racial discrimination; Joe Frazier, after the big fight, was invited to speak to the legislature of South Carolina, the first black man to do so in a century. I was touched by the fervor and direct eloquence of his words:

"Let's all pull together. Let's make South Carolina a nice place to live, and Philadelphia and New York, so that we can live together, play together, and pray together."

So I want to say it is a great and crucial time to be alive, and I hope you will welcome the challenges and opportunities ahead of you.

And please don't be misled by those who will tell you that the way to solve the problems is to oust evil deans from their offices, blow up the Fourth National Bank, hold more and more Woodstocks, as if love-ins and rock festivals—fun though they are—will make problems go away, march in demonstrations and shout slogans, or set out to destroy "the system" in the wild, unbelievably optimistic hope that something glorious will somehow arise quickly from the rubble and ashes. And for heaven's sake, don't lose your sense of humor. It will protect you from your pompous self.

Work, commitment, more work, day-to-day patient effort to understand problems, to improve communities, to listen to the views of others, to train your minds and refine your emotions—to become reconcilers. We desperately need reconcilers in our world, in every walk of life. We need better schools, hospitals, cities, a cleaner environment, a better understanding between peoples.

And, finally, I promise that you will enjoy life more when you participate. You will derive greater personal satisfaction and happiness if in some small, contributory way—no matter what your profession, no matter where you live—you join the great effort to build a more humane, a more civilized, a more living world.

DECLASSIFIED FIGURES FOR MILITARY AID AMOUNTS

Mr. PROXMIRE. Mr. President, as chairman of the Foreign Operations Subcommittee of the Senate Appropriations Committee, I have made available to the press and public the country-by-country amounts of foreign military, assistance, military sales, and estimated excess defense articles for 43 countries for fiscal year 1972 which previously had been classified "secret." While this is being done at my initiative, the State Department has agreed to declassify the amounts.

In former years these country-by-country amounts for foreign military aid remained classified for at least a year. This made no sense, especially when the details of our domestic military budget are spread across the pages of the President's budget document.

But the State and Defense Departments argued until a very few days ago that if country A knew what country B was getting that might be embarrassing, or if the amount proposed for country A was reduced by Congress, international relationships might suffer.

But the practice of stamping the country by country amounts secret is no more justified than it would be to classify the amounts of health, education, housing or public works funds going to cities or States within the United States. They too are jealous if a nearby city gets more money than they do. They too are offended if Congress cuts their funds.

After serving notice on the State Department that I would honor the classification of these amounts only if they made a clear case for doing so, all but the amounts for a few countries are being made public.

Although the State Department made no argument that the military security of the United States was at stake, the amounts for six Middle Eastern countries will not be released until a later date because of delicate negotiations now underway. It is the goal of the State Department and my intention to make public all country by country amounts for the foreign aid items under the committee's jurisdiction in fiscal year 1973.

The country by country amounts made public today make up the bulk of the $2.1 billion total of foreign military assistance—$731.5 million—foreign military credit sales—$582 million—and economic supporting assistance—$825 million. The latter category was previously unclassified. The total of the country-by-country amounts for excess defense articles, which I am also making public today is estimated at $220 million. Not included are the country-by-country amounts for service funded military assistance, military aid under Public Law 480, and ship loans, all of which are under the jurisdiction of other committees.

This step is long overdue. With rare exceptions there is no justification for wielding the secret stamp. The information has been overclassified for years. This is just the beginning of my attempt to make public as much information as can be done without adversely affecting the direct vital security interests of the United States.

The question of how much and what type of foreign aid should be sent to a myriad of countries on every continent of the world is a proper subject for discussion and debate by the American peo-

ple. They can only do that if they have the facts. In my opinion, this is a long overdue first step in helping Congress and the public to make an intelligent judgment on the amounts and uses of this year's foreign aid.

The attached table, which I ask unanimous consent to have printed in the RECORD at the end of my remarks, gives the detailed information which is being made public today. The information is also available from the Senate Appropriations Committee and will be included in the Senate hearings on the Foreign Aid Appropriations bill.

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

MILITARY AND ECONOMIC SUPPORTING ASSISTANCE DATA, FISCAL YEAR 1972

[Thousands of dollars]

Country	Military assistance program	Foreign credit sales [1]	Economic supporting assistance [2]	Subtotal	Excess defense articles [1]
Worldwide [2]	731,500	582,000	825,000	2,138,500	220,000
Cambodia	200,000		110,000	310,000	11,000
Republic of China	19,500	45,000		64,500	48,000
Indonesia	24,990			24,990	3,000
Korea	239,400	15,000		254,400	40,000
Laos			50,550	50,550	
Malaysia	134	7,500		7,634	
Philippines	17,000		800	17,080	3,000
Singapore		7,500		7,500	
Thailand			40,000	40,000	
Vietnam			565,000	565,000	
Greece	19,875	60,000		79,875	38,000
India		5,000		5,000	
Iran	942			942	
Pakistan		5,000	250	5,250	
Turkey	99,770			99,770	48,400
Portugal	1,000			1,000	
Spain	13,000			13,000	3,000
Congo	477	2,000	1,016	3,493	
Ethiopia	12,790			12,790	500
Ghana			106	106	
Liberia	500		203	703	100
Nigeria			4,400	4,400	
Argentina	897	15,000		15,897	
Bolivia	666		115	781	
Brazil	892	20,000	174	21,066	
Chile	856	5,000		5,856	
Colombia	844		340	1,184	
Costa Rica			198	198	
Dominican Republic	539		370	909	
Ecuador	645		135	780	
El Salvador	374		56	430	
Guatemala	336	5,000	377	5,713	
Guyana			99	99	
Haiti			3,000	3,000	
Honduras	467		171	638	
Mexico	107			107	
Jamaica			96	96	
Nicaragua	568		91	659	
Panama	173		203	376	
Paraguay	387			387	
Peru	792			792	
Uruguay	400	2,000	225	2,625	
Venezuela	734	15,000	200	15,934	

[1] Estimates.
[2] Previously unclassified.

Source: U.S. State Department.

U.S. COMMITMENT IN ASIA IN THE EARLY 1960'S

Mr. ALLOTT. Mr. President, there continues to be considerable interest in the matter of who was thinking what during the early 1960's about the U.S. commitment in Asia.

In this regard, an interesting article has come to my attention. The article appeared in the Wall Street Journal of March 26, 1962. The author was Henry Gemmill, who today is editor of the National Observer.

The interesting headline on the article was: "U.S. Leaders Are Determined on Victory, Even if It Means Invading Red Territory." This news, which the New York Times discovered nearly a decade later, is worth pondering. In fact, I call special attention to the last paragraph of this article.

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:

U.S. LEADERS ARE DETERMINED ON VICTORY, EVEN IF IT MEANS INVADING RED TERRITORY—VIETNAM STRATEGY

(By Henry Gemmill)

WASHINGTON.—Khrushchev has complained the U.S. is fighting an "undeclared war" in South Vietnam. The Republican National Committee has been demanding the extent of American involvement be made clear to the public. Khrushchev is for once quite correct, and the Republican inquiry is pertinent.

Little by little enough facts have come from the Kennedy Administration to confirm the former and give at least superficial satisfaction to the latter. We know now that nearly 5,000 U.S. military personnel are in Vietnam, that a training function extends into combat missions for many, that young Americans do get shot and do shoot back. The snapshot is only a little fuzzy; security restrictions on more sharply detailed information are the customary corollary of war.

Yet, even if we were told precisely how many Communist bulletholes have punctured how many American helicopters we would not have a really meaningful picture of American involvement in this war. For what is crucially important is not the present or immediate past but basic intentions for the future. These can not be counted in Vietnam but must be appraised in Washington, resting as they do in the minds (and the guts, one must add) of military and political planners.

HOW LONG A WAR?

Are the makers of U.S. policy committed to pursue this conflict to victory? Or, in the long run, if things do not go well, might they accept Moscow's invitation of a week ago to pull out our men and stop arms shipments—striving perhaps for some face-saving "neutralization" a la Laos? How long and how large a war is envisioned?

These are the very questions which the policy-makers themselves have been thrashing out; their answers, while not absolute, are firmer, clearer and more detailed than one might expect.

Though military chieftains and political leaders eye each other a little warily after Cuba and Laos, both groups appear currently confident that the U.S. can, must and will win in Vietnam—and each seems reasonably confident the other will not shift its estimate. They rank South Vietnam side by side with Berlin in their global strategy—as territory which is not going to be given up to the Reds.

The most impressive evidence of this resolution, perhaps, is the cold consideration given now to the prospective dimensions of this war.

The public, noting that small bands of Red guerrillas—numbering around 12,000 all told—have long thwarted 170,000 South Vietnamese troops by striking and vanishing into jungle, might suppose this will be an almost endless war, even with Americans in it. Interestingly, high policy-makers don't figure on that.

"ESCALATION" POSSIBLE

The public might suppose it will close as it has begun, as a small war, with limited casualties. Interestingly, the official appraisal is that at a rather clearly defined moment it could well "escalate," and its dimensions could surpass the Korean War though stopping short of full-scale nuclear conflict.

Most interesting of all, "escalation" is viewed by some leading strategists as an option available to American forces—not as an initiative left exclusively to the Communists.

Examine some of the calculations made as high officials attempt to chart possible courses of the Vietnamese war.

To begin with, many of them doubt the fighting can be ended simply by killing off or capturing the Communist guerrillas operating in South Vietnam, leaving no enemy. Nor is it likely to be done by sealing the borders and cutting off Red Supplies.

More manpower and material can too easily be fed out of Communist North Vietnam, down through Laos and across the long and wild South Vietnamese boundary. Such re-manning and re-stocking is expected to go on for many months, as guerrilla strength can remain undiminished despite defeat in many a local skirmish.

It is this necessity for constant Red replenishment—draining men from North Vietnam, supplies from China and the Soviet bloc—which is spotlighted in American calculations. "They'll be bleeding," says one highly placed U.S. official, "just as surely as I would be if I sat here with a vein punctured and blood dripping slowly down my arm. They can stand it for quite a while, but they won't tolerate it when they've decided their guerrilla war is just not going to win them South Vietnam."

One expert estimate on how long it will take the Communists to decide the "bleeding" must cease: Not more than 36 months, but probably not much less.

It's figured the Communists' desire to "stop the slow bleeding" can be enhanced in the final months, by helping the South Vietnamese anti-Communists organize guerrilla attacks within North Vietnam, threatening the stability of Ho Chi Minh's regime there. So by the most optimistic schedule of possible future events, the Reds would decide to call it quits, South Vietnam would be left in non-Communist peace, and America would have won this war—about three years from today.

Or maybe not.

American policy-shapers' calculations ac-

tually do not forecast peace at this point of history; their logic merely predicts a Communist decision to stop the "slow bleeding"—which could indeed be accomplished by stopping the fight, but also by greatly enlarging it in unabated thirst for conquest.

Thus that moment some 36 months from now is viewed above all as a time of crisis, with serious consideration given to the possibility that Red China may launch simultaneous large-scale assaults on Formosa, South Korea and all Southeast Asia—expanding the war to a scale on which Vietnam would appear incidental.

This is not the sort of war the Russians are thought likely to encourage. But U.S. officials are not at all sure the Soviet has control over Vietnam battling even now, and its power to restrain China may diminish. "China is hungry—really hungry," says one military leader; he by no means discounts the possibility that Chinese Reds will use big war to grab at Southeast Asia's rice paddies if frustrated in the proxy warfare of Vietnam.

U.S. MUST TAKE INITIATIVE

But this is not the only way in which some degree of "escalation" could come about. It is emphasized that the U.S., however reluctantly, might itself choose to take the initiative.

Logic demands this. Determined on victory in South Vietnam, the makers of U.S. policy must be winning to elevate the plane of warfare if low-level fighting isn't producing results. And this is not excluded as a possibility.

Suppose, for instance, that Ngo Dinh Diem's government, already lacking solid support through the countryside, suffers further grave erosion, while the Red guerrillas gain. Support, too, that the American public becomes disturbed by slowly mounting casualty lists in what appears to be an exclusive, futile contest. Then the "slow bleeding" formula would be working against us—and doctrine now circulating would call for turning to more vigorous war.

Military leaders are determined this would be prosecuted in a very different way than the Korean War. There is no thought of pouring masses of troops into South Vietnam and trying to shove the Reds back mile by mile into North Vietnam.

AN ULTIMATUM TO REDS

Instead, the first move would likely be an ultimatum to Ho Chi Minh that unless hostilities ceased in South Vietnam the war would be carried directly to its source, North Vietnam. If this went unheeded, U.S. bombers would in fact go to work on the airfields, ports and rail lines of North Vietnam. If Army divisions were poured in, they'd be thrown into North Vietnam, not South Vietnam.

It would be made clear the U.S. objective is not to "roll back" the Communist sphere. But whatever scale military operations assumes, according to current doctrine, our forces would not be subject to the self-imposed restrictions of the Korean War—when pursuit of the enemy beyond the Yalu River was taboo.

This war we are in is essentially "limited" only in the sense that it does not aim at liberating North Vietnam or any other territory or populations now grasped by the Communists. But it is unlimited in its objective of yielding no further ground to Red rule. And in Pentagon files are war plans designed to fit all potential phases of this conflict, small or large.

YOU ARE BEING HAD—MONEY TALKS WHEN IT COMES TO HIGH OFFICE IN GOVERNMENT

Mr. SYMINGTON. Mr. President, earlier this month, perhaps significantly on July 4, one of the great statesmen of our time wrote an article for the New York Times entitled "You Are Being Had."

Former Secretary John Gardner starts his article:

It isn't a pleasant thing to admit that in this great nation elective offices can be purchased; that votes of Federal, state and local officials are bought and sold every day; that access of the people to their government is blocked by a Chinese Wall of money.

It isn't pleasant but it's a fact—and, today, a dangerous fact.

As one who ran for reelection last fall against more money than had ever before been spent in a Missouri statewide election.

I am in total agreement with the basic thrust of this article, which continues:

Americans in every walk of life are increasingly skeptical about their political and government institutions. They doubt that these institutions, which are supposed to serve them, are in fact doing so. And that withdrawal of confidence bodes ill for the Republic.

People need to feel they have access to their government. They need to believe their government is responsive. They need to feel it can be called to account. But wherever they look they find that "the access of money to power" is blocking the access of people to power.

There are honest politicians and we owe them respect. But the pervasive and degrading influence of money in politics is making it harder for them to be effective.

President Nixon has said formally and informally that the people of the Nation are becoming "fed up" with Government; and I believe one of the chief reasons is well expressed in this article. 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:

YOU ARE BEING HAD

WASHINGTON.—It isn't a pleasant thing to admit that in this great nation elective offices can be purchased; that votes of Federal, state and local officials are bought and sold every day; that access of the people to their government is blocked by a Chinese Wall of money.

It isn't pleasant but it's a fact—and, today, a dangerous fact.

Americans in every walk of life are increasingly skeptical about their political and governmental institutions. They doubt that these institutions, which are supposed to serve them, are in fact doing so. And that withdrawal of confidence bodes ill for the Republic.

People need to feel they have access to their government. They need to believe their government is responsive. They need to feel it can be called to account. But wherever they look they find that "the access of money to power" is blocking the access of people to power.

There are honest politicians and we owe them respect. But the pervasive and degrading influence of money in politics is making it harder for them to be effective.

The people are not helpless. They could act decisively in their own behalf. The difficulty is that the American people can't be bothered with the grimy details of how the political system works. So they end up being had.

Three basic measures are needed at once: (1) control of campaign financing (2) lobbying controls and (3) full disclosure of conflict of interest on the part of legislators. Those three measures, put into effect in the fifty state legislatures and the Congress of the United States would change the political and economic landscape of this country.

The urgent item at this moment is control of campaign financing, currently under consideration by Congress.

The election campaign of 1970 was a rude awakening to millions of Americans. It finally hit them that we are no longer a nation in which any man can run for office and hope to win. In most states and districts he has to be wealthy or put himself under obligation to sources of wealth.

For perhaps sixty days after the election the newspapers were filled with shocking stories of excessive spending. Then, as often happens, the wave of indignation passed. Now serious control measures are under debate, but the attention of the people has been diverted to other issues. And when the people are looking the other way the public interest is all too often butchered.

An example is to be found in the enforcement provision of the bill now moving through the Senate. All responsible experts on campaign financing control have recommended that enforcement be in the hands of an independent elections commission. Yet many members of Congress still urge that enforcement be lodged with the clerk of the House and the secretary of the Senate. And these are the gentlemen who have made the enforcement of present campaign financing laws a national joke.

They have no appetite for enforcement. They never will have. They are political appointees of the majority party. It is no coincidence that the split on this issue tends to be along party lines.

Another defect of the Senate bill as well as the bill before the House Commerce Committee is failure to provide subsidy of broadcast time as recommended by the Twentieth Century Fund in its "Voters' Time" proposal and by others. Skyrocketing campaign costs are due chiefly to television. A return to sanity requires that the cost to the candidate be somehow reduced. The stations might be required to provide time free, or at reduced rates. Or they might provide free time that would be tax deductible. Or the Federal Government might subsidize the time.

Another way to reduce the influence of money in campaigns is to legislate a ceiling on expenditures—particularly media expenditures, which can be monitored most easily. Proposals have been made to the Congress to establish limits on both expenditures and contributions. Some experts believe that contribution ceilings are not enforceable, but that is no more than a guess. The combination of contribution ceilings, expenditure ceilings, full discosure and an independent enforcement mechanism has never been tested. The concept of limiting individual financial influence is so basic that we should give it a try. There is some debate on the constitutional issue, but the appropriate place to test that is in the courts.

It is reasonably certain that the Senate will pass this summer a campaign financing control bill that is close to adequate. But the House of Representatives poses a real obstacle. As of this writing it would appear that the House intends to let the issue die. If it does, the sordid interplay of money and politics will go on and on.

DETERIORATION OF EVENTS IN EAST PAKISTAN

Mr. SAXBE. Mr. President, I invite the attention of Senators to recent developments in regard to the further deterioration of events in East Pakistan.

On Saturday the Washington Post reported that the World Bank barred dis-

tribution of the Cargill report, because the report was a scathing indictment of Pakistani President Yahya Khan's regime. The report was said to have made the following points:

A continuing reign of terror exists in East Pakistan enforced by Yahya's West Pakistani troops; urban life in the east wing of the country has been shattered and the economy paralyzed; active guerrilla resistance to Yahya's regime continues; widespread famine is likely this fall, and Yahya's administration is in ignorance of world opinion and the state of affairs in East Pakistan.

Both Reuters News Service, in the Washington Post, and the Washington Star reported on Sunday that the World Bank finally distributed the Cargill report after vainly trying to suppress the document. I commend it for distribution of this document to the 11-nation Pakistan Aid Consortium and call upon the World Bank to make copies of its report available to the Congress.

This report is necessary in light of our Government's continued aid to Pakistan since the terrible events following the Army's actions on the night of March 25. Further, the Foreign Operations Subcommittee of the Senate Appropriations Committee reports that the administration has requested that the military and economic supporting assistance will increase tenfold, from $500,000 to $5,500,000. This breaks down to $5 million for credit sales under the foreign military sales and $250,000 for police training.

Last week the Senator from Idaho (Mr. CHURCH), in an eloquent speech, reported that $35 million worth of military equipment was still in the "pipeline" for delivery to Pakistan. This speech has received considerable attention in the news media. In light of the military aid in the pipeline, plus the request for fiscal year 1972, I think the Cargill report from the World Bank would be of great assistance to the Congress in our further deliberations.

Mr. President, I would stress one particular item of the World Bank report—the prospect of famine. It has been reported to me by high Government sources that there will be a short fall of 13½ million tons of feed grain. Further, if the food were delivered, there is no effective organization to distribute it—even if President Yahya were willing to do so.

Mr. President, I hope that Henry Kissinger can dissuade President Yahya from his present course or, as an alternative, help change the course of American policy of continued commitment to the Yahya regime's reign of terror. Mr. President, let us recognize Yahya's policy for what it is—the most brutal and deliberate genocide since Adolph Hitler.

Anthony Lewis in today's New York Times raises this ugly comparison and says:

This time there can be no excuse for any informed person failing to understand what is happening, contemporary accounts leave little to the imagination. And yet, some responsible men do not see. But the American interest goes beyond realism. We can no longer have any illusions about our ability to make unpleasant governments around the world behave well, but there does come a point at which self-respect requires us to stop helping them.

Our policy of continued shipments of arms is wrong. It is a terrible mistake. We seem to be trying to placate both India and Pakistan since the Soviet Union is siding with India and China with Pakistan. As Flora Lewis said in the Washington Post:

It courts disaster, not only for India and Pakistan. And it is more likely to wind up with a spread of Communist control into truly strategic areas than would the collapse of South Vietnam. For once grand strategy, national interest, and urgent humane needs are on the same side. Why isn't the United States on that side with its main allies?

I believe that the Pakistan strife may provide an opportunity for the United States, Soviet Union, and Peoples' Republic of China to attempt to reconcile a most difficult problem and thereby strengthen their common efforts at international cooperation. The President may wish to call for an international conference to discuss this problem.

Last Thursday, July 1, Canada blocked a shipment of weapons to Pakistan. Customs officials there said the order blocked the loading of 46 crates of parts for F–86 Sabre jets. Even if we have provided by license or other means arms for Pakistan which have not left the United States, why cannot we prohibit their shipment? There is no principle in law which says that we must continue. For example, we could follow Canada's lead by asserting that our public policy overrides all contract law. A license is always subject to being withdrawn when it is contrary to public policy, for example, the license to practice law and the license to practice medicine.

We are being told today by some that the rule of law has returned to Pakistan. If that is the case, why was Sydney H. Schanberg, the New York Times correspondent, expelled from East Pakistan Wednesday, June 30? If the rule of law has returned, why did a Pakistani army platoon smash into the Hindu section of Boliadi shooting men, ransacking homes, and burning the village market.

Mr. President, the time has come for legislative action. I invite the attention of Senators to the Saxbe-Church amendment No. 159 to S. 1657, the Foreign Assistance Act. It was submitted on June 10, 1971, and at present being considered by the Foreign Relations Committee. We have 29 cosponsors for our amendment. I ask unanimous consent that the following Senators be added as cosponsors of amendment No. 159 to S. 1657: SCOTT, TUNNEY, CASE, PASTORE, BENNETT, PELL, BELLMON, HART, ROTH, BAYH, BOGGS, CRANSTON, BROOKE, METCALF, GURNEY, MCGOVERN, EAGLETON, STEVENSON, MOSS, MONDALE, HUGHES, HARTKE, MUSKIE, PROXMIRE, HUMPHREY, MAGNUSON, WILLIAMS, RANDOLPH, and RIBICOFF.

Today, Al Horton of Scripps-Howard gave me a letter to the Cleveland Press which is particularly articulate in its explanation of the blunders our bureaucracy is making in the continued aid as usual policy toward Pakistan. I ask unanimous consent that the letter be printed at this point in the RECORD.

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

CLEVELAND HEIGHTS, OHIO,
June 30, 1971.

LETTERS TO THE EDITOR,
The Cleveland Press,
Cleveland, Ohio.

DEAR SIR: Does it not seem conceivable that about 1980 a series of secret Pentagon papers will reveal that the U.S. Government made a serious blunder in Pakistan in 1971? It appears to me that the first step toward that has already been taken. The executive branch of our government has decided to continue shipment of ammunitions and military equipment to Pakistan while that military government is carrying out systematic genocide on its own people in East Pakistan, whose major crime has been that they won a majority in the first national election held in Pakistan in 24 years.

I can conceive more than the future Pentagon paper. I fearfully foresee a war in East Pakistan ten years from now, where our national economy will be depleted and our young men will be killed for the sake of what will be termed "the freedom of the East Pakistani people".

Let me explain my reasons. Start with the fact that our "ally" Pakistan, united with us in SEATO, has not had a general election since its independence in 1947 (recall that France, our ally in NATO, did not rule "French Indo China" democratically in the 40's). During this period, the Bengali part of Pakistan, known as East Pakistan, provided 60% of Pakistan's economic resource and received 20% in national investment. As a result, when the first election was held last year, 167 out of 169 seats of East Pakistan went to the party (the Awami League, headed by Sheikh Majibur Rahman) which advocated local autonomy for East Pakistan. Since East Pakistan has 51% of Pakistan's population, this made the Awami League the majority in the entire Pakistan assembly.

The reaction of General Yahya Khan, president of Pakistan's military government was indefinite postponement of the assembly. The Awami League, thwarted in its democratic attempt at redress of grievances, turned to a demand for an independent Bengali Nation ("Bangla Desh"). [Note the similarity with 1776: the initial demand of the Americans was equal and autonomous status as British Citizens.]

I hope the rest of the story is well-known. The program of mass murder of Bengalis that was unleashed on March 25 continues till today.

In light of the above, I am drawing a parallel with our support for France in Vietnam in 1945. Then we had at least the justification that the Vietnam movement for national liberation was led by communists. This time, let us see what the U.S. is doing.

Recall first that since the 1965 embargo on arms shipment to India and Pakistan, the U.S. has been supplying "non-lethal" equipment to Pakistan, including ammunition, transport aircraft, trucks and jeeps, to the amount of 10 million dollars a year. On April 15 the State Department stated, ". . . none of these items have been provided to the Pakistan Government or its agents since the outbreak of fighting in East Pakistan, March 25–26, and nothing is scheduled for such delivery". Then on June 24 it became clear that two boat loads of supplies to Pakistan have left New York since March 25. Then it became known that six more boat loads will be shipped by August. (Before we lull ourselves into false security by the fact that these are non-lethal items, let me remind your readership that at least one UNESCO bus was seen in East Pakistan with a machine gun mounted on top.)

So, the fooling of the American people has started already. The program to which the U.S. is committing itself is one of support of the Military Junta in the suppression of a popular movement for the redress of just grievances. In the process we are helping

eliminate democratically committed leadership and producing a vacuum for communists to step into with ease.

The only way the American people can prevent the state department and the pentagon from perpetuating this sell-out to the communists is to support the passage of the Saxbe-Church amendment to the Foreign Assistance Act which states, "All military and economic assistance and all sales of military equipment and weapons, for cash, credit or any other means, to Pakistan, authorized or appropriated pursuant to this or any other Act, and all licenses for military sales, shall be immediately suspended and no commitments or expenditures, including the provision of debt relief shall be undertaken or made, until distribution of food and other relief measures, supervised by international agencies, takes place on a regular basis throughout East Pakistan and the majority of refugees in Indian are repatriated to East Pakistan; provided, however, that these provisions shall not prohibit expenditures of previously appropriated funds pursuant to binding written agreements between the Government of Pakistan and the Agency for International Development in force on or prior to June 8, 1971."

If this amendment does not pass (with 22 sponsors of the amendment including Senator Hugh Scott of Pennsylvania, we need 29 more commitments) and the present U.S. policy continues, I see two alternatives facing the U.S. in a few years.

1) Accepting an anti-U.S. and probably communist East Pakistani nation right next to democratic India and denying its resources to our allies in West Pakistan; or

2) Involving the United States in another war, supporting a Military Junta and selling it to the public as a war of "preserving the freedom" of East Pakistan.

Both the alternatives bode irreparable harm to these United States.

There will be scant pleasure for people like me in saying "I told you so" then. Instead, let us suggest that we disengage ourselves from the conflict by stopping the giving of aid to Yahya Khan's government and by putting strong international pressure on it to release the political prisoners and come to an understanding with them. The World Bank has already refused to consider aid to Pakistan. England, Germany, and Canada are all advocating this latter alternative. What benefit do we see in isolating ourselves even from our Western Allies?

Yours sincerely,

RANAN B. BANERJI.

Mr. SAXBE. I invite the attention of Senators to a compendium of press accounts covering 69 pages placed in the CONGRESSIONAL RECORD by Senator CHURCH on July 8, 1971, at page E7125.

Finally, I ask unanimous consent that a number of articles on Pakistan be printed in the RECORD.

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

[From the Washington Post, July 8, 1971]

AROUND THE WORLD: PAKISTANIS SAY UNITED STATES WILL NOT STOP ARMS

RAWALPINDI, WEST PAKISTAN.—The U.S. government has assured Pakistan it will not interfere with four or five more shiploads of ammunition and military spare parts still due here from the United States, Pakistani foreign office sources reported yesterday.

In New Delhi, the Indian government asked the United States to halt all military and economic aid to Pakistan and warned U.S. presidential adviser Henry A. Kissinger that continued American arms shipments to Pakistan would remove all hope of a political settlement in East Pakistan, Indian official sources said.

The sources said this was made clear to Kissinger in talks with Prime Minister Indira Gandhi and Foreign Minister Swaran Singh.

These developments came on the eve of a visit to Pakistan by Kissinger, foreign affairs adviser to President Nixon.

Kissinger's arrival in New Delhi Tuesday was marked by anti-American demonstrations against shipments of ammunition and spare parts already sent from the United States.

[From the Wall Street Journal, July 8, 1971]

UNITED STATES ASSURES PAKISTAN

The U.S. has assured Pakistan it won't interfere with four or five more shiploads of ammunition and military parts expected from the U.S., Pakistani Foreign Office sources said. In New Delhi, meanwhile, the Indian government asked the U.S. to halt all military and economic aid to Pakistan. Unless the aid is halted, Indian officials say, there isn't any hope of ending civil strife in East Pakistan.

[From the New York Times, July 8, 1971]

NIXON CRITICIZED ON PAKISTAN AID; HE "REFUSES TO STOP FLOW," SENATOR CHURCH CHARGES

(By Tad Szulc)

WASHINGTON, July 7.—Senator Frank Church charged in a Senate speech today that $35-million worth of military equipment was still in the "pipeline" for delivery to Pakistan.

The Idaho Democrat, a member of the Senate Foreign Relations Committee, said that President Nixon "refuses to stop the flow" despite recommendations from the "bureaucracy" for the canceling of outstanding licenses for equipment destined for the Pakistani armed forces.

Senator Church did not elaborate on how he had made the estimate of $35-million in additional military equipment awaiting shipment to Pakistan. Qualified sources said however, that this was the total value of outstanding licenses issued by the State Department's office of Munition Controls before the program of military sales was suspended on April 6.

These sources said that the State and Defense Departments had prepared a memorandum listing the outstanding licenses and recommended to the White House that they be cancelled.

But, they said, Mr. Nixon ruled that the shipments be maintained.

The ban on the licensing was ordered after the Pakistani Army began to quell the rebellion in East Pakistan by advocates of autonomy. This operation has reportedly resulted in the death of 200,000 East Pakistanis and the exodus of 6,500,000 East Pakistanis to India.

PAKISTAN IS CRITICIZED

In his speech, Senator Church said that the United States supported the Pakistani Government, "the very creators of the widespread suffering in their own country."

"We keep shipping arms, ammunition and spare parts," he said. "And although the United States bureaucracy has advised against the filling of the arms' export licenses still outstanding, the President has said to go ahead anyway."

He said that "if the Nixon Administration were really concerned about the principles of self-determination in Asia, the United States would do all it possibly could to end the gruesome tragedy in East Pakistan. At the very least, our policy would be one of total abstention.

United States shipments of military equipment to Pakistan were disclosed by the New York Times last month and subsequently confirmed by the administration with the explanation that the cargo represented items turned over to Pakistani agents in the United States before the eruption of the fighting in East Pakistan.

[From the Washington Post, July 11, 1971]

SECRET FIGURES ON ARMS AID ARE RELEASED

(By Marilyn Berger)

Sen. William Proxmire yesterday released hitherto secret figures on foreign military assistance which the Nixon administration is requesting for 43 countries.

Although foreign aid is appropriated in a lump sum, the Wisconsin Democrat said that disclosure of what the administration is planning to spend could open the way for money ceilings to be imposed on aid to specific countries.

Proxmire, who is chairman of the Foreign Operations Subcommittee of the Senate Appropriations Committee, said:

"I feel we are now in a position to have an effective, logical and sensible debate on foreign aid that we haven't been able to have in the past."

He added that while the legislators knew the figures, which were considered classified, they could not previously have debate in open committee or on the Senate floor.

Proxmire released the figures with the sanction of the State Department, which had justified classifying them on two grounds: that the figures represented only planning or illustrative spending and that early disclosure could lead to "additional pressures on the executive and legislative branches to alter the figures."

In previous years, the figures have been declassified nine to 12 months after appropriations were made.

The figures showed that the Nixon administration was requesting $117 million in arms aid this fiscal year for the Greek military regime. Following a military coup in April, 1967, an embargo was placed on major military aid but supplies were never fully shut off. Mr. Nixon resumed the military aid program last September, citing Greece's strategic location along the southern flank of NATO.

Sen. Vance Hartke (D.-Ind.), a leading congressional critic of the Greek military junta, announced yesterday that he would make a new effort to end U.S. military aid to Greece. "It is this sort of high-priced dictatorship that I intend to stop," he said.

In 1971, Greece received $53.3 million or less than half of what is slated for the 1972 fiscal year. In 1970 deliveries totaled $57.2 million, while in 1969 deliveries totaled $77.1 million.

Turkey, also a NATO ally but one which is having difficulties with Greece over Cyprus, is slated to receive a total of $148.2 million according to the figures released yesterday.

Proxmire withheld aid figures for six Middle Eastern countries including Israel, Jordan and Lebanon because of what he called "delicate negotiations now underway."

"The country-by-country amounts made public today," Proxmire said, "make up the bulk of the $2.1 billion total foreign military assistance ($731.5 million), foreign military credit sales ($582 million), and economic supporting assistance ($825 million) . . . The total of the country-by-country amounts for excess defense articles (U.S. military surplus), also made public today, is estimated at $220 million."

Proxmire said the declassification was "long overdue."

"With rare exceptions there is no justification for wielding the secret stamp. The information has been overclassified for years. This is just the begining of my attempt to make public as much information as can be done without adversely affecting the direct vital security interest of the United States."

Proxmire's remarks reflected a growing effort within Congress to reform government classification procedures, a drive spurred by the recent publication of the Pentagon papers.

The breakdown of figures showed that the administration was seeking a total of $565 million in economic supporting assistance for South Vietnam. What these figures do not include, however, is the military assistance to South Vietnam that comes directly from the Defense Department budget. That total for fiscal 1972 is almost $1.8 billion. The total for Vietnam, Korea, the Philippines, Thailand and Laos for war-related funds is just over $2.23 billion.

The figures released by Proxmire and simultaneously provided by the State Department show a request for $5,856,000 for Chile, which recently elected a Marxist president. Of this $5 million is for foreign military credits. The State Department last week acknowledged that it was seeking low-interest credits to enable the Chilean government to purchase one C–130 transport plane and paratroop equipment.

BREAKDOWN OF ARMS AID IN 1971, 1972—MILITARY AND ECONOMIC SUPPORTING ASSISTANCE DATA

[In thousands of dollars]

Country	Fiscal year 1971	Fiscal year 1972
Cambodia	261,167	321,000
Rep. of China	81,684	112,500
Indonesia	19,329	27,990
Korea	320,802	294,400
Laos	45,900	50,550
Malaysia	2,424	7,634
Philippines	18,329	20,800
Singapore		7,500
Thailand	23,100	40,000
Vietnam	396,000	565,000
Greece	53,333	117,875
India	220	5,000
Iran	2,433	942
Pakistan	500	5,250
Turkey	135,667	148,170
Portugal	1,035	1,000
Spain	25,016	16,000
Congo	14,178	3,493
Ethiopia	12,267	13,290
Ghana	53,100	106
Liberia	784	803
Nigeria	17,400	4,400
Argentina	16,801	15,897
Bolivia	868	781
Brazil	10,676	21,066
Chile	5,803	5,856
Colombia	6,052	1,184
Costa Rica	195	198
Dominican Republic	1,017	909
Ecuador	805	780
El Savador	459	430
Guatemala	4,860	5,713
Guyana	146	99
Haiti	2,800	3,000
Honduras	480	638
Mexico	87	107
Jamaica	70	96
Nicaragua	675	659
Panama	415	376
Paraguay	369	387
Peru	697	792
Uruguay	5,055	2,625
Venezuela	8,333	15,934
Total	1,551,688	1,841,230
Worldwide total with countries not listed	2,342,337	2,358,500

(From the Washington Post, July 11, 1971)

WORLD BANK BARS REPORT ON PAKISTAN

(By Bernard D. Nossiter)

World Bank President Robert S. McNamara has barred the distribution of a report from his own organization describing Pakistan as a political and economic shambles.

High officials of the World Bank confirmed yesterday that the directive was issued to prevent the scathing report from reaching members of the 11-nation Pakistan aid consortium in written form. These sources said the document was unnecessarily provocative on a delicate subject.

High-placed officials said that they feared dissemination of the report would amount to a public declaration of no confidence in Pakistani President Yahya Khan's regime. This they argued, could lead to many unforeseen consequences, even an India-Pakistan war.

These sources vigorously denied reports that the document had been suppressed at the request of the United States. Other international civil servants who oppose any aid to Pakistan observed, however, that the document's interment fits the ambiguous American policy line on Pakistan.

(Meanwhile, Reuter news agency reported, Senate Republican leader Hugh Scott said he did not think the Nixon administration would cut economic aid to Pakistan, despite congressional pressures. Scott is one of two dozen co-sponsors of a measure pending in the Foreign Relations Committee that would cut off economic as well as military aid until international relief is organized and the 6 million East Pakistani refugees repatriated from India.)

Washington opposes any isolation of Yahya's regime and resists any outright cutoff of military and economic aid.

As late as Thursday, World Bank aides were working on appendices to the report based on the organization's field notes. These officials were ordered to stop and told that the document will be expunged from the bank's records.

Only one copy of the report is now in existence and it is held by the bank's Vice President, J. Burke Knapp.

The report was drawn up by Peter Cargill, director of the bank's South Asia department and leader of a joint World Bank-International Monetary Fund mission to Pakistan early last month.

Its substance was described orally by Cargill to an informal meeting of the consortium in Paris on June 21. There, all the members, including the United States, agreed to postpone indefinitely any call for a meeting at which new aid pledges would be made.

World Bank sources say that the American delegate operated under dual instructions: to go along with an indefinite postponement if the other 10 expressed a strong desire for one; or, if there was any wavering, to suggest that a meeting would be useful. The American delegate, Donald G. MacDonald, assistant AID administrator for the Near East and South Asia, was deliberately called on last and therefore went along with the overwhelming support for indefinite postponement.

MacDonald has denied that he received two instructions but has acknowledged expressing his gratification at being called on last.

The report that stirred the other 10 countries and has now been suppressed is known to have made the following points: a continuing reign of terrors exists in East Pakistan enforced by Yahya's West Pakistani troops; urban life in the east wing of the country has been shattered and the economy paralyzed; active guerrilla resistance to Yahya's regime continues; widespread famine is likely in the fall, and Yahya's administration is in ignorance of world opinion and the state of affairs in East Pakistan.

McNamara's ban on the Cargill report coincides with a visit by Henry Kissinger, President Nixon's assistant for national security affairs, to Islamabad, the West Pakistani capital. Kissinger met with Yahya on Thursday and is due to meet him again today.

The dominant American policy makers, as opposed to many officials down the line, hold that continued aid to Pakistan will give the United States influence or "leverage" over Yahya's conduct and prevent further Pakistani dependence on China.

Apart from McNamara's reservations about the tone of Cargill's report, two other considerations could have influenced his decision.

He is eager for strong Nixon administration support in obtaining a large American contribution to the World Bank's soft loan affiliate, the International Development Association.

In addition, he is thought to be fearful of the consequences of a Pakistani default on its $540 million debt to the World Bank and its affiliates. A refusal to pay back a sum of this magnitude, it is said, could make international lenders demand much higher interest rates for the money that the World Bank borrows.

[From the Washington Sunday Star, July 11, 1971]

PAKISTAN CALLED CHOATIC IN WORLD BANK REPORT

The World Bank yesterday sent its top executives a secret report labeling conditions in Pakistan chaotic after trying vainly to suppress the document.

A bank official said bank directors and their alternates were sent copies of the report after the attempt to bar its distribution was leaked to the press.

The document was prepared by a mission under Peter Cargill, director of the bank's South Asia department. This group, on behalf of an 11-nation aid-Pakistan consortium to which the United States belongs, investigated economic, political and social conditions in Pakistan during the first half of June.

FIVE MAIN FINDINGS

Qualified diplomats said the report of the Cargill mission included these main findings:

The civil war in East Pakistan still grinds on.

The local population remains in a state of extreme terror under the regime introduced by President Agha's West Pakistani troops.

Economic life and essential communications in East Pakistan have been disrupted by strife between Yahya's troops and the autonomy-seeking Easterners.

An active guerrilla movement is battling the army.

Disease and famine could engulf the territory by the fall.

The diplomatic informants said that when Cargill presented this picture to Yahya during a meeting in Islamabad, the Pakistani leader simply refused to believe him.

STORMY ENCOUNTER

This led Cargill to conclude Yahya is being either misinformed or kept in ignorance by his officers and administrators in the East.

The encounter between the president and Cargill was, the sources, said, stormy.

Cargill gave an account of his investigation to an informal meeting of the aid-Pakistan consortium in Paris June 21. This led to a decision to postpone action on new economic help for Pakistan until around September.

By then a new program of national economy recovery for all Pakistan would have been prepared. And by then Yahya's government would have had the chance to work for a political settlement.

Dr. Henry A. Kissinger, President Nixon's adviser on national security affairs, was said to have pressed for this during his talks with Yahya in Islamabad in the past two days.

REFUGEE AIRLIFT EXPECTED TO END

NEW DELHI.—A U.S. Air Force refugee airlift is expected to end in six days because of the Indian government's anger over U.S. military shipments to Pakistan, reliable sources said yesterday.

The sources confirmed that the Indian government has not requested an extension of the airlift of refugees and vital supplies of rice along the isolated eastern border of East Pakistan beyond Saturday.

Four Air Force C130 Hercules transports and 124 U.S. service personnel have been involved in the airlift, which started June 17.

[From the Washington Post, July 11, 1971]

WORLD BANK'S DIRECTORS GET REPORT ON FAMINE, CHAOS IN EAST PAKISTAN

A World Bank report alleging terror, economic chaos, and likely famine in East Pakistan has been distributed to the bank's directors, informed sources said yesterday.

A bank spokesman confirmed that the report, whose contents he declined to discuss, was distributed Friday night following word that a news story would be published alleging the report was being suppressed for political reasons.

But the spokesman stressed that the findings of a bank mission to Pakistan last month had already been communicated orally to the 11-nation Pakistan Aid Consortium in Paris June 21 and to the bank's executive directors Tuesday.

The mission findings had been discussed first with the Pakistani government in Islamabad, the spokesman said.

The Washington Post reported yesterday that Bank President Robert S. McNamara had previously barred distribution of the written report because high officials of the institution feared it would amount to a public declaration of no confidence in Pakistani President Yahya Khan's government.

The bank spokesman denied that the federal government had intervened in any way to stop distribution of the report. It had been tentatively decided not to release it in written form because "it would serve no additional purpose," the spokesman added.

[From the Washington Sunday Star, July 11, 1971]

KISSINGER VISIT FAILS TO CALM EITHER INDIANS OR PAKISTANIS

(By Henry S. Bradsher)

ISLAMABAD, Pakistan.—Neither Pakistan nor India saw any prospect yesterday of a change in U.S. policy toward the Bengal situation as a result of the visit of Henry Kissinger and that left India displeased with Washington and Pakistan warily uncertain.

India has been unhappy that the United States has not shut off all aid to Pakistan as a result of the civil war in East Bengal which has driven millions of refugees into India.

Pakistan has been concerned whether it can continue to expect American aid.

Kissinger, President Nixon's national security adviser, had been scheduled to end a four-day visit to the two south Asian countries yesterday and fly to Paris for the main business of his around the world trip which began with a call in Saigon. The business is reviewing U.S. policy on Vietnam in view of the latest Communist peace offer.

DELAYED BY ILLNESS

But Kissinger postponed departure one day because he was suffering from an intestinal affliction. The illness drove him from 100-degree heat here in the Pakistan capital to Nathiagali, a nearby hill station, and curtailed his talks with Pakistan officials.

Kissinger's talks in New Delhi with Prime Minister Indira Gandhi and other Indian officials before he came here focused on continuation of U.S. arms shipments to Pakistan beyond the beginning of the Pakistani army's crackdown in the Eastern region March 25.

Indian officials said Kissinger explained it was a bureaucratic blunder that more military equipment was licensed for export from the United States after that. The Indians were not satisfied with the explanation.

The State Department's acknowledgement Thursday that many millions of dollars worth of equipment still was in the pipeline heightened the Indian displeasure.

DESCRIBED AS "NONLETHAL"

This equipment has been officially described as "nonlethal" replacements for some $2 billion worth of armaments which the United States supplied Pakistan in the 1950's and early 60's. But reliable sources here say "nonlethal" sometimes includes replacement of live ammunition on the theory it alone, without guns is harmless the Pakistanis already have guns.

India also objected to the U.S. position that new commitments of economic aid to Pakistan are being held up now only because of the inability of the country to use it in the present circumstance rather than because of any U.S. effort to make more aid dependent on a political settlement in the East. Britain and West Germany have announced any more aid from them requires settlement, and Pakistan has reacted angrily against this pressure.

There is no indication here that Kissinger sought to apply pressure. But neither was there any indication of new aid commitments likely except wheat, whose shipment might be resumed once East Pakistan is able to restore communications to distribute it.

The United States has $38 million of project aid in the pipeline to Pakistan in the fiscal year that just began and $53 million worth of nonproject commodity aid.

If no more aid is committed soon it will run out within a year.

[From the Washington Post, July 11, 1971]

THE ISOLATIONISM TOWARD PAKISTAN

(By Flora Lewis)

The warning signals are overwhelming. Massacre and destruction continue in East Pakistan, where nobody knows how many have died but the estimates now run over 200,000. Over 6 million people, equal to the total population of Chicago, Detroit and Houston combined, have deluged India.

Guerrilla fighting is developing in context of international tensions which threaten the eruption of war between India and Pakistan, the possible breakup of India and perhaps the establishment of an enormous pro-Peking state on the Indian Ocean, combining the Pakistani and Indian parts of Bengal.

This is undeniably a threat to world peace, more serious even than the nervous Middle East, as well as a human tragedy so vast it is incomprehensible.

The United States, however, has refused to join other members of the World Bank consortium in saying no new economic aid will be granted Pakistan until it makes the political moves necessary to ease the situation. Further, the United States is the only non-Communist country continuing to deliver military goods to West Pakistan, whose army has occupied and devastated East Pakistan, 1,000 miles away, to suppress the demands for some autonomy and selfgovernment.

Although there were assurances to Congress that deliveries would be stopped, Deputy Assistant Secretary of State Christopher Van Houten told a Senate subcommittee that all military sales already licensed would not turn to "other sources of supply." That means to Peking, and it is startlingly disingenuous because China is already Pakistan's major source of arms.

The United States also isn't withholding aid, on which Pakistan depends to avoid bankruptcy, because that "would be seen as sanctions and intrusion in internal problems," Van Houten said.

The sanctimonious decision for "nonintervention" by continuing support to the Pakistan military regime comes especially strangely from the Nixon administration which has warned so often against "neo-isolationism." And, of course, prim repugnance against affecting a foreign country's "internal affairs" is not the real reason for America's standby policy to Pakistan.

It is because Pakistan is at the hub of a tug-of-war involving Russia, China and the United States.

Twenty years of intricate big power games have produced a situation now so explosive that all are virtually paralyzed. In the 50s, the United States drew Pakistan into the anti-Soviet alliances with which the late John Foster Dulles sought to contain Russia and China.

Dulles considered neutralism immoral in the crusade against communism, and India under Nehru was determinedly nonaligned. Pakistan was expected to be reliably anti-Communist.

But from the start Pakistan has been more anti-Indian than anything else. So when the United States cut off military supplies to both sides in the India-Pakistani war, the Pakistanis turned to Peking for backing.

The Russians, as their relations with China sharpened, increased support for India. The United States tried to play it down the middle, fearful that offending either Pakistan or India too much would drive either one into the arms of its major Communist friend.

That remains the basic policy, but the situation has raced far beyond that effort to keep a balance. Now America's major allies, who are suspending further aid to Pakistan, say privately that they expect the regime of President Yahya Khan to collapse in economic breakdown within two to three months.

But the United States secretly fears that if Yahya is pushed to the brink, he will turn to full dependence on Peking rather than let go.

The point has come where that kind of cold strategic thinking, oblivious to the human catastrophe, is also the most dangerous strategy for the United States. Nor is there any evidence that China would seek to dominate Pakistan, despite its expression of support for Yahya.

The agony of Vietnam has turned American attention away from the real threats to world peace and national security. Pretending there is nothing the United States can or should do about Pakistan is an extraordinary combination of both neo-isolationism and cold war maneuvering, especially when America's major allies and the World Bank seek joint action. U.S. refusal to join the international effort to stop Yahya from terrorizing East Pakistan's 45 million comes near to condoning a policy which has created grave international menace. It courts disaster, not only for India and Pakistan. And it is more likely to wind up with a spread of Communist control into truly strategic areas than would the collapse of South Vietnam. For once grand strategy, national interest and urgent humane needs are on the same side. Why isn't the United States on that side with its main allies?

[From the New York Times, July 11, 1971]

UNITED STATES AND PAKISTAN: DEEP DENTS IN THE NIXON DOCTRINE

WASHINGTON.—Dacca, the capital of East Pakistan, was reported to be blacked out last week. Its power station apparently had been knocked out by the insurgents of the Bengali "Liberation Army." Another major town Comilla, was reported to have been without power for a week—for the same reason. Despite the severe repressions of the Pakistan Army, the Bengali insurgency lives, and the issue is likely to remain in doubt for a long time to come.

How is United States policy adjusting to this new crisis in South Asia? Does the Nixon Doctrine—those meager phrases spoken by the President at Guam in 1969 that have now become a prescription for United States policy for the entire world—provide any clues?

There are four possible outcomes of the East Pakistan situation:

(1) West Pakistan could prevail, establishing a puppet government in East Bengal and containing the insurgency with continuing repression and terror.

(2) The Bengali insurrection might eventually succeed, but its present moderate leadership could be wiped out in the process.

In either of these outcomes, China would be the beneficiary. In the first, because it would reap the reward of its calculated support of the West Pakistan military elite; in the second, because Maoist cadres in East Bengal would accede to leadership.

(3) The situation could even lead, through Indian intervention, to a regional or hemispheric war.

The present course of American policy risks implication in any of these three developments.

(4) There could be a political accommodation leading to an autonomous East Bengal (eventually, perhaps, as part of a structure such as Nehru envisioned: a loose confederation of South Asian states.) This might be the only constructive outcome.

As the crisis in East Bengal deepens, the mystery of Washington's attitude deepens in equal measure. There is the continuing leakage of American arms shipments to the Pakistan Government through the sailing of half a dozen vessels after the supposed ban of March 25. There is also the reluctance of the United States to join the World Bank consortium in suspending economic assistance to Islamabad in order to induce a political accommodation with the East Bengalis.

One theory in Washington is that the arms shipments were mindless bureaucratic acts. Another postulates low-level policy sabotage by unregenerate Pakistan partisans in the Pentagon. More likely, it begin to appear, is a third hypothesis—reflected in the State Department's reply of May 6 to Senator Fulbright—suggesting an effort to continue a finely regulated trickle of arms that would preserve American influence on future Pakistani actions.

But this action so far exhibits only a minimal concern to keep communications open. The question of the underlying policy still remains.

The President, in his foreign policy message of February, 1971, elaborated for four pages on his major concern in South Asia: to bring "our activity into a stable balance with that of the other major powers with interests in the area." That indicates a deliberate shift in the philosophical basis of American foreign policy. The principal elements of this new approach are:

An orientation to the great powers and a relative disregard for the vicissitudes of the lesser countries, except insofar as they concern the largers powers that exercise interest in them. This would be a notable change from the emphasis of the 1960's on the netherworld of nonpowers as an arena for extravagant and detailed United States effort.

A dedication—almost a hang-up—to "stability." Containment of Communism becomes geopolitical rather than ideological.

A preference that stability be achieved through a balancing of the great powers.

A preservation of our alliance structure, for its cheap and convenient deterrent effect.

A calculation that such a state of affairs will continue to allow the ample play of United States influence, without undue commitment or expenditure of means.

Yet, all this theorizing provides little guidance for the Administration's conduct in the present crisis in East Pakistan. Events with the most momentous eventual geopolitical consequences—the break-up of the fifth most populous state in the world, the movement of six million refugees across an international border, the probable slaughter of a quarter of a million people, the threat of a war involving a billion people—are occurring under our gaze, and we seem to be either paralyzed or impotent. How can this be?

The answer, some observers contend, lies in a contradiction implicit in the Nixon Doctrine that the crisis in East Pakistan is beginning to reveal.

The basic feature of the Nixon Doctrine is its effort to maintain political-military involvement in the affairs of Asia by means short of intervention on the Vietnam model. The instruments for this policy are military proxies, arms assistance, active power balancing and military alliances as an inexpensive form of deterrence. The intent is to retain a critical degree of control over Asian developments.

So Washington continues to send arms and economic aid to Pakistan. That may preserve leverage and keep communications open—keep the United States in the power game. But those moves are not likely to be decisive in determining the course of the crisis.

The only way for the United States to have any constructive influence on the situation, according to this view, is by exerting the kind of "moral" force represented by an arms embargo or collaboration with the World Bank consortium. Such a policy would condition military and economic assistance on Islamabad's willingness to seek a political accommodation in East Bengal.

But the Nixon Doctrine's prescription for involvement may be inversely proportional to the amount of moral influence the United States is free to exert. This is the dilemma that may make application of the doctrine not only obscure but disfunctional in South Asia.

[From the New York Times, July 12, 1971]

DOING BUSINESS WITH YAHYA

(By Anthony Lewis)

LONDON, July 11.—After Hitler, there were many—and not only Germans by any means—who said they had had no idea of the extent of the horror. They knew terrible things were happening, but six million Jews in the gas chambers. . . .

Similarly with Stalin's terror in the Soviet Union, it took years for people even in the West to appreciate the level of brutality and murder that obtained. And in Vietnam: most of us failed for too long to understand the inevitable consequences of American tactics in terms of human misery, death and destruction.

Right now another immense human disaster is taking place for political reasons. This time there can be no excuse for any informed person failing to understand what is happening; contemporary accounts leave little of the horror to the imagination. And yet, somehow, some responsible men do not see.

The disaster is in East Pakistan. Since West Pakistani troops moved in last spring to suppress the Eastern political movement, six million people have fled to India. Tens, probably hundreds of thousands have been killed. And the feeble Pakistani propaganda claim to be dealing only with "miscreants" does not conceal the fact that the army is killing and terrorizing on grounds of race and politics.

A first-hand account of the savagery appeared on June 13 in The Sunday Times of London. It was by Anthony Mascarenhas, a West Pakistani journalist who went to the East with a group at the army's invitation but was so sickened by what he saw that he came to Britain to tell the truth.

Mascarenhas saw the troops kill men because they were not circumcised—and were therefore presumptively Hindus. He saw Bengali Moslem villages burnt. West Pakistan officers told him they were ready to prevent the East's secession, if necessary, by killing two million people and running the country as a colony for thirty years. He concluded that they meant it, that they were determined to push through their "final solution" of the East Bengal problem.

Within the last few days that picture of life under the army in East Pakistan has had authoritative and independent confirmation from two weighty sources. Both make clear, moreover, that the terror did not stop soon after the army takeover but has continued.

One of these sources is the report by a joint team of the World Bank and the International Monetary Fund, just distributed to the Bank's directors. It found a continuing reign of military terror in East Pakistan. Much of the urban population has been killed or has fled, the report said; guerrilla activity is growing.

The other persuasive confirmation comes from four members of the British Parliament who have just toured the area. Two were Conservative and two Labor M.P.'s; they went at the invitation of the Pakistan Government and were hardly prejudiced against it. But they came back saying they were sickened by what one called the army's "continuing repression, using the most brutal methods."

Now General Yahya Khan is not Hitler, and it doubtless true that his Government did not set out deliberately to commit mass murder and destruction in its Eastern territory. But those are the results.

That is why the silence in some quarters is so puzzling. President Nixon has said nothing. That great moralist, U Thant, who regularly criticizes American action in Vietnam, has not had much to say about racial killing by Pakistani soldiers. And there are many others.

The answer must be that they are all practical men. Yahya is in charge, and so it is necessary to do business with him. That is the import of recent testimony by a State Department official who said that a cut-off of American aid would "undermine the productive political relations with the Government of Pakistan."

Even in practical terms that is a doubtful argument. The World Bank mission reported that chaos in East Pakistan precluded effective use of aid now. The British Government among others has said there must first be a political settlement—necessarily meaning some form of autonomy for the East.

Reginald Prentice, who was Minister for Overseas Development in the Labor Government, wrote after visiting Pakistan that outside economic pressure on the Pakistani generals was the "only hope." His experience in the aid field, he said, made him think it was "wrong in 99 cases out of 100 to attach political conditions—but this is the 100th."

There are now reports in London that the Communist Chinese Government is reassessing its commitment to Yahya Khan; it may have come to feel that a split between East and West Pakistan is inevitable. Hopefully, Henry Kissinger will bring back from his visit to Pakistan a realistic appraisal of the political future.

But the American interest goes beyond realism. We can no longer have any illusions about our ability to make unpleasant governments around the world behave well, but there does come a point at which self-respect requires us to stop helping them. That is why an American official, one who is certainly a realist, said the other day:

"There is not much we can do about East Pakistan, but I dislike—pardon the phrase—our moral posture."

FAILURE OF DOD AND STATE TO WORK WITH GAO

Mr. PROXMIRE. Mr. President, in 1971, 50 years after the establishment of the General Accounting Office, there should be no question in any quarter of this congressional agency's entitlement to quick access to every nook and cranny of the Government's myriad and far-flung activities.

From personal experience, I know that there are those individuals and agencies who will go to almost any length to shield their operations from public or congressional scrutiny. It is not surprising that this is particularly true of those who are engaged in questionable and irresponsible practices.

I was not aware, however, of how far such large and responsible agencies—such as the Department of Defense and the Department of State—would go to deny, delay, and otherwise frustrate the legitimate efforts of the General Accounting Office to carry out its responsibilities. The situation with which it is at present being confronted was clearly set into focus last week when representatives of the Comptroller General appeared before the Senate Appropriations Subcommittee on Foreign Operations. At this time there was outlined to the subcommittee an almost unbelievable series of incidents in which these two giant departments engaged in a game of cat and mouse with General Accounting Office investigators.

To deny the General Accounting Office is clearly to deny Congress and the American taxpayer—this should not and cannot be tolerated.

I have written the Secretary of State and the Secretary of Defense requesting a full and complete explanation of the matters brought to the subcommittee's attention. I hope other Senators will join me in a continuing effort to insure that the General Accounting Office's access is immediate and unquestioned and that it receives the complete cooperation of agency officials to which it is entitled.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of my letters to the Secretary of Defense and the Secretary of State, and the complete statement of Mr. Oye V. Stovall, Director of the General Accounting Office's International Division.

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

JUNE 24, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I enclose for your information a copy of a statement made earlier this afternoon before the Subcommittee on Appropriations for Foreign Operations by Mr. Oye V. Stovall, Director of the International Division of the United States General Accounting Office.

This statement reveals the problems the General Accounting Office has encountered in obtaining on a timely basis information necessary to perform the responsibility with which this important agency has been charged by the Congress. I am most concerned about this situation and would appreciate your review of the matters discussed.

I will further appreciate a statement of your over-all policy and implementation directives controlling the availability of information requested by the General Accounting Office and cooperation with its representatives.

In addition, I will appreciate your response to the enclosed memorandum with reference to an instance in which your Department refused the General Accounting Office an opportunity to perform an audit in Berlin.

Best wishes,
Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommittee on Foreign Operations.

JUNE 24, 1971.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I enclose for your information a copy of a statement made earlier this afternoon before the Subcommittee on Appropriations for Foreign Operations by Mr. Oye V. Stovall, Director of the International Division of the United States General Accounting Office.

This statement reveals the shocking situtation the General Accounting Office has encountered in obtaining on a timely basis information necessary to perform the responsibility with which this important agency has been charged by the Congress. I am most concerned about this situation and would appreciate your review of the matters discussed.

I will further appreciate a statement of your over-all policy and implementation directives controlling the avaliability of information requested by the General Accounting Office and cooperation with its representatives.

In addition, I will appreciate your response to the enclosed copies of telegrams with refence to an instance in which your Department refused the General Accounting Office an opportunity to visit a base camp in Vietnam supported by the United States.

Best wishes,
Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommittee on Foreign Operations.

STATEMENT OF OYE V. STOVALL, DIRECTOR, INTERNATIONAL DIVISION, U.S. GENERAL ACCOUNTING OFFICE BEFORE THE SENATE APPROPRIATIONS COMMITTEE SUBCOMMITTEE ON FOREIGN OPERATIONS

Mr. Chairman and Members of the Committee: We are appearing in response to your request for our views on the problems of access to records and information needed for performance of our audit responsibilities relating to the military assistance programs.

One of the most important duties of the General Accounting Office is to make independent reviews of agency programs and to report to the Congress the manner in which Federal departments and agencies carry out the laws enacted by the Congress. The Congress in establishing the General Accounting Office, recognized that the Office would need to have complete access to the records of the Federal agencies, and provided the basic authority in section 313 of the Budget and Accounting Act, 1921 (31 U.S.C. 53, 54) as follows:

"All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective officers as he may from time to time require of them; and the Comptroller, or any of his assistants or employees, when duly authorized by him, shall. for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records by any such department or establishment."

GAO auditors, like all auditors, have to some degree always encountered problems in obtaining access to records and information. These are "occupational hazards" but we usually have been able to resolve most of our problems without undue difficulty. However, in our reviews of military assistance programs, we have encountered increasing difficulties in obtaining information needed to effectively evaluate and report on the administration of these programs. During the past year or so a number of our audit assignments involving the foreign assistance programs have been hampered and delayed with the result that we have had to some extent curtail the scope of the audit, in effect being precluded from fully carrying out our responsibilities in these cases.

It is not practical to raise the day-to-day access problems to the level of formal top requests and denials, and we have no evidence that any of the situations we have encountered involve the exercise of executive privilege. Absolute denial of access to a document is quite rare. Our reviews are hampered and delayed more by the time-consuming delaying tactics employed by the various organizational elements within and between the Departments of Defense and State in screening records and in deciding whether such records are releasable to the General Accounting Office. It is not unusual for our auditors to request access to a document at an overseas location and be required to wait several weeks while such documents are screened up the channels from the overseas posts and through the hierarchy of the Departments of Defense and State.

Our experience in making a study of the Military Assistance Training Program at the request of the Chairman, Senate Committee on Foreign Relations, is an example of the problems we have encountered in obtaining access to information. In our report to the Chairman on this study in February 1971 we summarized our problems with access to records and set forth the following conclusion, which we believe points up the problems of access to records and the effect of these problems on our ability to carry out effective reviews.

"During our review of the training program on behalf of the Senate Foreign Relations Committee, representatives of the Departments of Defense and State have withheld or delayed the release of MAP reports and records essential to a full and complete review and evaluation of this program which is financed by considerable appropriated funds. The access-to-records problems experienced by our staffs during this review are a continuation of similar problems the GAO has encountered over the years in reviewing DOD programs, particularly evaluations of military assistance programs.

"While the DOD has taken the position in the past that future planning information is not releasable to GAO because it is subject to change, we do not believe that the DOD components should use this position to deny our access to such information as the operational status and capabilities of MAP recipient countries' forces merely because it is included as a part of future planning information.

"We believe further that the denial of access to routine reports prepared by MAAG personnel in the performance of advisory functions, on the basis that they are evaluative in nature, is unreasonable. The type of data and reports withheld from us during this review are necessary in our examination of the program as well as our review and evaluation of the administration of the program by the MAAGs and by other DOD elements. In our opinion, it is essential for us to have access to all papers, records, and data which are available to those DOD personnel who make the program decisions in order that we can ascertain how their decisions were made and whether all available pertinent data was considered in reaching the decisions.

"The denial of our access to the CINCPAC program evaluation group reports also impaired our review of this program. In carry-

ing out its statutory audit responsibilities, GAO gives due regard to the effectiveness of the internal audit of an agency, such as the MAP audits performed by the CINCPAC activity and other DOD groups. In conducting our audits on behalf of the Congress, we make use of internal audit reports and other internal evaluations and perform such independent tests of the records as we feel justified under the circumstances.

"If we are permitted extensive use of internal audits and other evaluative reports, we are able to concentrate a greater part of our efforts in determining whether action has been properly taken by responsible officials, on the basis of the facts presented in these reports and evaluations, to correct identified program weaknesses. This also helps to eliminate duplication and overlapping in audit effort, and promotes full utilization of existing audit and investigative data.

"We believe that this access-to-records problem involves a matter that critically affects our future ability to conduct on behalf of the Congress thorough and complete reviews of the MAP. In order for GAO to carry out its legal authority to make independent reviews of MAP, it must have access to and make appropriate review and analysis of all DOD reports and records which evidence the expenditure of appropriated funds.

"We believe further that these objectives can be achieved if the Secretary of Defense will refrain from issuing guidelines which have the effect of limiting our reviews and will instead, instruct DOD subordinate commands to take a more cooperative, flexible, and realistic approach in the release of data and information requested by GAO in future MAP reviews."

In early 1970, we undertook a review of the U.S. Assistance to the Philippine Government in support of the Philippine Civic Action Group at the reqeust of the Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad, Committee on Foreign Relations, U.S. Senate. The Departments of State and Defense delayed our work on this assignment to the extent that we had to curtail the scope of our review and qualify our report to the Chairman. Appendix II to our report to the Chairman (B–168501, dated June 1, 1970) set forth our problems as follows:

"ACCESS-TO-RECORDS DIFFICULTIES

"We were unable to complete our work and report on this assignment within a reasonable time because of the time-consuming screening process exercised by the Departments of State and Defense before making records available for our examination. Our work was seriously hampered and delayed by the reluctance of the Departments to give us access to the documents, papers, and records which we considered pertinent to our review. In general, we were given access to only those documents, papers, and records which we were able to specifically identify and request, and then we were given access only after time-consuming screening at various levels within the Departments.

"Members of our staff were required to wait for periods of 2 weeks to 2 months to look at some documents they had requested and frequently the documents proved to be of little value for our purposes. We were also restricted by ground rules established unilaterally by the Departments that effectively limited our review in the field to the Departments very narrow interpretation of what it judged to be the scope of our review. This was perhaps the most restrictive limitation placed on our work, and it completely frustrated our attemtps to review assistance to the Philippines that was not funded in the military functions appropriations.

"Our audit staff members in the field were advised that documents which they requested that were releaseable to us under the restrictions of the so-called ground rules had to be dispatched to Washington for departmental clearance. By early May 1970, only four of 12 documents which were requested by your staff members on January 28, 1970, had been released to them in Manila.

"Our letter to the Secretary of Defense * * * which is similar to a letter that we addressed to the Secretary of State, illustrates one of our many attempts to resolve our access-to-records problems. The reply from DOD * * * characterizes, in our opinion, the attitude of DOD during our review.

"Although we have been able to obtain sufficient information upon which to base this report, we are not certain that we have the full story. In view of the restricted access to records, there is the possibility that the agency may have withheld information which is pertinent to our study."

Following our review in the Philippines we initiated a study of United States assistance to the Government of Thailand. In an attempt to avoid the conditions previously experienced, the Comptroller General on June 26, 1970, wrote to the Secretaries of Defense and State citing the problems experienced in the Philippines review, requesting that they eliminate the necessity for the lengthy screening process, and citing the scope and authority for our review as follows:

"* * * the scope of our review will be broad enough to permit our representatives to investigate all matters concerning the receipt, disbursement, and application of public funds related in any way to our relations with the Government of Thailand. Pursuant to the authority of Section 313 of the Budget and Accounting Act of 1921, 31 U.S.C. 54, representatives of the General Accounting Office will be requesting officials in your Department for access to, and when we consider necessary, copies of any books, documents, papers, or records in the custody or control of your Department which we believe may contain information regarding the powers, duties, activities, organization, financial transactions, and methods of business related to the scope of the review."

Unfortunately, we have experienced similar problems in obtaining access to documents required for our review of assistance to Thailand.

In connection with processing our report on the Review of the Military Assistance Training Program mentioned earlier, the Special Assistant to the Assistant Secretary of Defense, International Security Affairs, in a letter dated September 25, 1970, stated:

"Similarly, the Department of Defense cannot permit to go unchallenged that section of the report concerning complaints that the GAO auditors were hindered and delayed in their efforts because the Department of Defense had denied them access to 5 year MAP planning data and to inspection and evaluation reports known as PEG reports. Apart from the fact that custom, tradition and precedent have decreed that information of such internal nature will not be disclosed outside the Executive Branch in order to preserve the confidentiality of the relationship of superior and subordinate, an understanding was also reached a number of years ago between the General Accounting Office and the Department of Defense whereby planning data and inspector type reports would not be provided. The Department is, therefore, both surprised and chagrined over the fact that the GAO would endeavor to make such an issue over these specific categories, an issue which had been resolved years ago."

A copy of this Department of Defense letter was sent to the Chairman of the Committee by the Department.

In transmitting our report to the Chairman the Comptroller General took note of this Department of Defense letter and advised as follows:

"In regard to the Department's position concerning the access-to-records matters discussed in the report, the General Accounting Office has never reached such an understanding with the Department of Defense. To the contrary, we have always maintained that we are entitled by law to have access to, and the right to examine, all records of the Department of Defense and its component commands that we consider pertinent to the matter or subject under review.

"The inspection and evaluation reports referred to in the Depratment of Defense letter are management reports prepared by a program evaluation group of the Unified Command Headquarters. We have always regarded complete access to reports of this type as necessary in order for us to carry out the responsibilities we have to the Congress."

The policy of the executive branch, with respect to release of information to the Congress, was set forth by the President in a Memorandum to the Heads of Executive Departments and Agencies, on March 24, 1969, as follows:

"The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive Branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest. This Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval."

Although the Departments of State and Defense indicate in their directives that it is their policy to provide maximum cooperation and assistance to the General Accounting Office, we have found it quite difficult to obtain the information which we need to conduct our reviews relating to foreign assistance activities.

In our discussions with departmental officials, they have frequently stated that the documents or information being withheld are not releasable to the GAO because of one or more of the following reasons:

(1) review, examination, or disclosure would seriously impair relations between the United States and other countries, or otherwise prejudice the best interest of the United States,

(2) access to documents including information and debates used in formulating policy decisions would seriously hamper a candid exchange of views within the agency, and

(3) access to information on future planning would not be appropriate because it has not received the approval of the President or been presented to the Congress.

Notwithstanding our difficulties in the past we will continue to press for information we think is necessary for us to have in order to carry out our responsibilities.

Mr. Chairman, this concludes our prepared statement. Mr. Duff and I will be glad to answer questions.

NORTH VIETNAM'S PEACE PROPOSALS

Mr. McGEE. Mr. President, much attention has been given to the latest North Vietnamese-Vietcong peace proposals at the Paris talks. The focus of that attention has been the prisoner-of-war issue.

It should be apparent to all that the North Vietnamese and Vietcong have seized upon the POW–MIA issue as a propaganda tool. The POW issue was only one of seven terms offered by the Communists.

In Sunday's Washington Post, columnist Kenneth Crawford offered an

analysis of the total pricetag of the Communist proposals. Mr. Crawford's analysis is indeed worthy of close scrutiny and should serve as a warning for us not to rush into throwing away our bargaining position.

The POW issue has become one of the greatest tragedies of Indochina. It has become even more tragic in light of the North Vietnamese and Vietcong attempts to use it as a vehicle for laying down impossible terms for a peace settlement.

I ask unanimous consent that Mr. Crawford's column be printed in the RECORD.

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

THE STEEP ASKING PRICE AT PARIS FOR U.S. "SURRENDER"

What Madam Nguyen Binh handed the United States delegation in Paris was not a demand for unconditional surrender. It was a demand for surrender on condition that the U.S. pay for the privilege of surrendering. The Vietcong asking price was on its face was unconscionable. Unless marked down, President Nixon could not possibly pay it. No American President could.

Ambassador David Bruce made this quite clear at last week's formal session but failed to lure the Communists into more private talks to find how much, if any, markdown could be negotiated. The Communists like the propaganda odds.

They proposed: (1) That all American military personnel and equipment be removed from Vietnam by next Jan. 1, and meanwhile that hostilities be suspended and Vietnamization discontinued; (2) that the Thieu regime in Saigon be dumped in favor of an interim coalition, including, of course, the Vietcong, to conduct elections; (3) that the U.S. bear "full responsibility" for war damage in North and South Vietnam, thus accepting as an obligation the payment of reparations. The only concession the V.C. made was an undertaking to free U.S. prisoners of war.

To accept these conditions would be to turn South Vietnam over to the Communists lock, stock and barrel, with Camranh Bay and other such installations thrown in for good measure. It would be to proclaim that thousands of Americans have fought and died for nothing and that millions of dollars have been flushed into the Mekong. Many Americans contend that this is what has happened but even they may not want it proclaimed. Given a chance to think it over, most Americans would find this hard, if not impossible, to swallow.

Sen. George McGovern and others who have rushed to the microphones to urge that the administration grab at the Communist offer may have occasion to regret their impetuousness.

So far public opinion has not had much chance to take form. The proposal was thrown on the table in Paris just as the long Fourth of July weekend was starting, when news of any kind commands minimum attention. Moreover the news media, especially radio and television, have taken slight notice of six of Madam Binh's seven points—those which dangle the price tag. And the Nixon administration has, perhaps wisely, withheld analytical guidance pending "clarification" of the terms.

Madam Binh's point one—the offer to release U.S. prisoners of war gradually as U.S. military personnel and arms are withdrawn—has diverted attention from the conditions in points two through seven. And even these six points are couched in cleverly misleading language. Elections are to be fair. Democracy is to prevail. The Vietnamese will settle their own differences amicably. There will be no reprisals. Vietnam, happily reunified in due course, will be a neutral nation, on good terms with all the world, including the U.S.

This is the kind of language the Communists have used to make this kind of promise to every nation they have overrun and subjugated since the Second World War. Go back to the Soviet plan for "freeing" Poland, one of the earliest victims, in 1945, and the same combinations of plausible words will be found. What they meant then is what they mean now—that the country promised autonomy is to have satellite status, that what is called democracy will be dictatorship and that what is called freedom will be tyranny.

It has been apparent for a long time that the North Vietnamese and their Vietcong brethren meant to use the American prisoners of war as hostages, exacting as high a price as possible for their release. Mr. Nixon has played into their hands, up to a point, by emphasizing the prisoner issue for his own purposes. Even so, the price, now that it has been stated, is staggering. Concern for the prisoners, who have never received the treatment normal under the Geneva conventions, whose camps have never been subject to inspection by the International Red Cross, is highly emotional. The Communists have exploited it for all it is worth.

Not only did Madam Binh wrap her conditions in it but Le Duc Tho, the highest ranking North Vietnamese in Paris, tied a bow on it by stating in an interview that point one in her proposal was separable from the other points. The U.S. could, he said, accept the prisoner-for-withdrawal deal and leave the political settlement for later. This changed nothing, though it was represented as an important concession. The North Vietnamese would naturally be happy to settle their score with the South once the South had been reduced to impotence by the withdrawal not only of U.S. personnel but of the guns U.S. forces would not be permitted to leave behind.

In spite of all this, the Nixon administration is handling Madam Binh's offer as a break in the Paris stalemate meriting exploration. Le Duc Tho has been at pains to say that the Communist position is "flexible." There are even some indications that Mr. Nixon, working through secret channels, encouraged the Communists to make their offer. At a meeting with Republican congressional leaders on June 15, he said a development that would make the Hatfield-McGovern end-the-war legislation moot was imminent in Paris.

At the same meeting Henry Kissinger, the President's foreign-affairs adviser, urged the legislators not to throw away any bargaining advantage that might be wrung from the administration's refusal to set a time certain for withdrawal on its own initiative. After all, he argued, the Communists have lost 700,000 to 800,000 men in the war, the equivalent of a loss of 10 million by the U.S., given the population differential, and were themselves war-weary.

Perhaps Leslie H. Gelb, coordinator of the team that produced the Pentagon Papers, is right when he says that the war in Vietnam is a civil conflict that can't be compromised and must be won by one side or the other. The Communists are obviously assuming that they have won and are demanding the victor's spoils even though South Vietnam remains unconquered.

Mr. Nixon's alternative, if he fails to persuade the Communists to grant terms reasonably acceptable to the U.S. and to South Vietnam, is to proceed with Vietnamization, gradually withdraw American forces and then continue to supply the South Vietnamese with enough arms to give them a chance of holding their own while trying to negotiate a settlement with the North. Unless the Communists modify their terms more drastically than they seem disposed to do, this is what he most likely will do.

POWERPLANTS IN THE FOUR CORNERS AREA

Mr. ALLOTT. Mr. President, late in May of this year the Senate Committee on Interior and Insular Affairs held field hearings to investigate the coal-fired powerplants in the "4 corners" area. During these hearings the committee heard nearly 200 witnesses. To complement the oral testimony, I have also received a tremendous amount of mail from people concerned about the problem in the "4 corners" area.

One of the letters which I received is a very interesting and thoughtful letter from Dr. Charles G. Wilber. Dr. Wilber is chairman of the department of zoology at Colorado State University and has devoted much of his academic career to scientific research dealing with the impact of electric power development in the West.

I believe that it is interesting to note that a scientist of Dr. Wilber's caliber states that—

> There is no reason that the operation of these power generating plants cannot be made compatible with appropriate concern for environmental quality.

It is encouraging to me to have such an opinion.

So that all Senators may have the benefit of Dr. Wilber's thinking. I ask unanimous consent that his letter of June 2, 1971, be printed in the RECORD.

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

COLORADO STATE UNIVERSITY,
Fort Collins, Colo.

HON. GORDON ALLOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: May I ask you and your committee who have been conducting hearings on the environmental impact of electric generating plants in the West give some consideration to the items I wish to present in this letter.

I submit that it is unfortunate that the public press has seen fit to give overwhelming attention to the views and statements of the negative environmentalists. I have failed to see a proper reporting of thoughtful and documented statements and opinions presented by environmentalists who are also realists.

May I present what I think are satisfactory qualifications to permit me to speak on this matter. First of all I am *actively* engaged in scientific research dealing with the impact of electric power development in the West. I am not presenting you with any promissory or any suggestions of need for further research. I am presenting you with the fact that I am actively engaged in this kind of research here and now in the State of Colorado. My involvement includes detailed studies of the environmental impact of coal-fired electric generating plants on the western slope of Colorado. My research also includes the detailed evaluation of the environmental impact of any potential oil shale development on the western slope of Colorado. I have been engaged in environmental biological research for some 30 some years, both as a civilian scientist and as a federal civil servant.

One large contribution to this entire problem is my book on "The Biological Aspects of Water Pollution" published by the Charles

C Thomas Company. It has been interesting to me to note the large number of non-biologists and "instant ecologists" who have been given more than their share of the public press in reference to power developments in the West.

I submit that it is incontrovertible that a power crisis is facing the United States. I have studied this matter quite thoroughly. I have become convinced that the American people want the kinds of things that require additional power. I see no indication that the great masses of the American public wish to forego sufficient amenities to permit us to decrease our power requirements. Moreover, it is evident that from the technological and economical point of view nuclear power development just is not feasible at this time. It seems clear to me that we must have additional electrical power. Consequently we must work out a program to insure that we have this power. This working out will require certain kinds of "trade-offs". Some aspects of the environment will necessarily be modified. Other aspects of the environment can probably be improved in a positive way.

The statement that there should be a moratorium on the construction of electrical power plants in Colorado is irresponsible and simply has little scientific data to support it.

I was particularly concerned, in reading the news releases on the hearings, about the reported testimony of Lane E. Kirkpatrick who is listed as the technical secretary of the Colorado Air Pollution Control Commission. He is reported to have suggested that we in the United States should depend on fusion energy for our shorter run needs for electrical power. This type of technology (harnessing the hydrogen bomb type) just is not in the books at the moment. This type of technology is a generation away from us. In the meantime we need power.

Again it is reported that Kirkpatrick, speaking for the Commission, suggested that the effluents from Four-Corners power plants will emit more sulfur dioxide than one finds in Chicago or New York. It is furthermore reported that he suggests that the emissions will be seven times as much as emitted in Los Angeles. Unfortunately Kirkpatrick seems to be unfamiliar with the meteorology of the West. The environmental situation of the West can hardly be compared with the unique situation in Los Angeles or the strange situation in New York City or in Chicago.

Kirkpatrick is also reported to have addressed himself to the matter of state and federal legislation to prevent so-called environmental scars caused by strip mining operations. If one is interested in humane values, the strip mining of coal is the safest and least harmful to workmen's health of any of the mining methods we know. Certainly underground mining is disastrous for the poor men who have to go down and dig the holes. Strip mining has a record of low accident rate and low adverse effects on health. In the West there is no reason to have permanent scars as a result of strip mining operations. Some of the suggestions made by Kirkpatrick are uninformed. It is reported that he wants laws which would require the saving and restoring of top soil. In the West this idea could be questioned on many grounds.

First of all one wonders how far down the top soil *by law* could be defined. Secondly, one is not impressed with the high quality of the top soil in the western part of Colorado anyway. In some instances, the turning over of a mountain exposes a kind of substrate which may be more useful for rehabilitation of the land and what was originally there. In addition, Kirkpatrick is reported to have asked for the replanting of a strip area with "natural vegetation"; whatever natural vegetation means in the West which has been intensively grazed and cultivated for a wide variety of agricultural needs is not clear. If he means we should try to grow the prickly-pear cactus or some of these things I am afraid I would have to disagree with him.

May I submit at this point that my own studies are intimately involved with the matter of rehabilitation of strip areas in the West. It is rather interesting to note that as far as I have any record Kirkpatrick has never discussed with me any of the unique rehabilitation problems of strip land in Colorado.

It seems to me that with reasonable regulations of a more *general sort* we can develop the power resources so bady needed by our Nation and at the same time save parts of the environment that urgently require saving. At the same time we must face up to the fact that *natural resources must be used for human welfare.* It is ridiculous to say that we will not develop additional power and then be faced with the fact that babies will be denied incubators; sick individuals will be denied kidney machines; persons in ill-health will be denied proper air conditioning, and the like. I cannot see that this type of thinking leads to anything but disaster.

My dear Senator may I point out that the Department of Zoology at Colorado State University in addition to having an active, vigorous research program going on directly related to the environmental impact of power developments has submitted to the National Science Foundation a major research proposal, on an interdisciplinary plan, which would permit us to get detailed documented answers to many of the concerns that I am sure you have and all of us from the State of Colorado have concerning power developments. At the moment we have heard nothing from the National Science Foundation on this proposal. However, we are confident that its intrinsic merits should insure its being funded. We have involved in our proposal persons from all the various disciplines which could possibly be brought into an evaluation of power developments. Economists, sociologists, city planners, political scientists, lawyers, biologists, chemists, physicists, engineers, and businessmen all have a part to play in this program that we have submitted to the National Science Foundation. It is our hope that this proposal will be supported in such a way that we can give answers of a *positive nature* to decision-makers to help them arrive at the best possible decisions. Our goal in this is not to end up with a recommendation for more research. Our goal is to end up with specific items which can be used in the decision-making process.

May I submit to you, respectfully, the plea that your committee (and other committees like yours) not give undue weight to testimony, opinions, and statements made by the instant environmentalists. Many of these individuals certainly have good intentions, but are not informed. On the other hand, many of these individuals are using the environmental fad to implement some of their pet sociological schemes. In other words I do question the motives of some of these individuals.

We must also realize that we have in our midst a significant number of "eco-freaks". These individuals are similar to the "needle-freaks" one encounters in the drug abuse world. The "needle-freak", when he cannot get a hard drug, will inject almost anything; he has a compulsion about getting a needle into his vein and squirting something into his body. By the same token the "eco-freak" will grab on to any idea no matter how ridiculous and far out if, in his mind, it bears some relation to environmental ecology as he defines his words. He then will push these matters to their ultimate absurdity. Among some of these absurdities are the recommendation that all homes make their own soap out of bacon drippings and lye; in the process these same people recommend that we mix this mess in an *electric* blender.

May I also refer to comments made on the possibility of severe mercury pollution resulting from coal-fired power plants in the West. This type of scare tactic is proper for scientists to use. Apparently a chemist, Roy Craig of Durango, has questioned the reliability of mercury analytical methods for coal. It is true, in our personal experience, that coal is difficult to analyze. The organic material causes some complications. However, we have been able to analyze Colorado coal quite successfully for mercury content. We find that it contains generally, a relatively low amount of mercury. Across the United States the mercury content of coal varies in wild fashion from somewhere around .01 parts per million mercury up to as high as 30 parts per million mercury. In Colorado, in our experience, coal runs less than .1 part per million mercury. I think it unfair to discuss the horrible details of frank mercury poisoning in the same breath one is discussing the possible mercury hazard from power plant smoke stacks. This type of mixed thinking is hardly appropriate for an objective scientist.

May I point out to you that we here in this department are actively engaged in monitoring the mercury in our western environment and in evaluating the mercury movement into the environment from already existing power plants. To date we have no evidence which would support the grave prediction of doom which some of your witnesses implied. Over a period of some years we may find items of concern which then should be handled in a proper scientific manner.

If the Secretary of the Interior does have a task force which will conduct a comprehensive examination of all the factors involved in a power plant development program, may I ask that he have at least one scientist on that task force who is actively and personally involved in research along these lines. It seems ridiculous that all kinds of dogmatic statements are accepted from individuals who have at best a hearsay relationship to what is actually going on in the power industry and in biology as related to power plant developments.

If there is an interest in your office to know specific individuals who would be in a position to speak authoritatively about the interrelationship of biology and power plant development in Colorado, I certainly can give you a list. I will include for your consideration three persons in Colorado State University who are actively week-in and week-out working out scientific details on power plant development as related to the ecology of the West: Dr. Charles G. Wilber, Professor of Zoology; Dr. Edward B. Reed, Professor of Zoology; Dr. Stephen G. Martin, Assistant Professor of Zoology, and Dr. William A. Berg, Assistant Professor of Agronomy; all these individuals are at Colorado State University; all these individuals are daily involved in specific studies related to power development.

Among these studies are the rehabilitation and revegetation of strip lands in the West; the effect of coal-fired power plants on vegetation of the West; the effect of coal-fired power plants on the aquatic biology of western lakes and streams; toxicological implications of power plant operation on the ecology of Colorado; and similar specific data.

I hope that you will forgive this rather long letter. I would like to submit the following conclusions and opinions which I hope you and other committees will consider:

1. National power needs are clearly documented and must be met in a reasonable fashion.

2. Because of the unique quality and quantity of coal resources of the West and especially in the State of Colorado it seems inevitable that a significant number of coal-fired electric generating plants will be put

into operation in the western regions of Colorado.

3. There is no reason that the operation of these power generating plants cannot be made compatible with appropriate concern for environmental quality.

4. Negative and cavalier attitudes toward human needs for power cannot be made a serious part of the decision-making process.

5. Legislators and administrators who will form the eventual decisions should insure that they have the first hand opinions of scientists who are actively engaged on a day-to-day basis in research on the ecological impact of power developments.

6. Most forward looking industrial leaders have already shown a willingness to recognize environmental quality as an important element in the decision-making process. These industrial leaders merit the strong support of all the people of the United States.

The undersigned and other responsible research scientists at Colorado State University are ready and willing to serve as advisers and consultants to persons in the decision-making process on matters dealing with the ecological impact of power plant development.

Cordially yours,

CHARLES G. WILBER, Ph. D.,
Chairman and Professor.

SENATOR MANSFIELD AND TROOP WITHDRAWAL

Mr. SYMINGTON. Mr. President, seldom has one noted a more thoughtful and constructive series of observations than those made by the majority leader as written up by Arthur L. Gavshon last Thursday in connection with the question of reducing U.S. military forces in Europe.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Washington Post, July, 1971]

CAPACITY TO RESIST FOE QUESTIONED—MANSFIELD WEIGHS GI CUTS

(By Arthur L. Gavshon)

Senate Majority Leader Mike Mansfield served notice that he will probably renew this year his drive to slash the U.S. forces in Europe.

Mansfield said he was aiming at gradually reducing the 300,000-man force to about one division, or about 50,000 men, by the mid-1970s.

The Montana Democrat said the combat effectiveness of the U.S. 7th Army in Europe has become questionable, with its soldiers beset by problems of "drugs, race and field comforts."

"The 7th Army is caught in the middle," he said in an interview. Ahead of it are the Russians. Behind it are their dependents. They're worried about both.

"In the days of Caesar, the Roman Legions were easily able to hold a line along the River Rhine—until they brought their families along. Then they became less alert and more domesticated. This is what the 7th Army has become. Their capacity to resist must be questionable the moment their families are on the scene."

Mansfield acknowledged that his proposals would lower the threshold of nuclear war, but he stressed the deterrent effect of the 7,000 U.S. tactical nuclear weapons which U.S. forces have deployed throughout Europe.

"The United States is shouldering a lopsided burden it cannot afford," he said.

Last May the Senate defeated a Mansfield proposal for halving American forces in Europe by the end of 1971, but only after the Nixon administration had launched an extraordinary bipartisan campaign against Mansfield.

Other points made by Mansfield in a question and answer interview on Tuesday:

Q.: Precisely when and how do you expect to revive your move in the Senate for cutting the number of U.S. troops in Europe?

A.: Probably this year. In May we used a sledgehammer to make a dent in the thinking not only of the administration but also of the Europeans who should realize things cannot go on much longer like this.

Q.: What do you intend asking for next time?

A.: The aim will be to press for a graduated reduction, over a period of time, in the size of U.S. forces in Europe. Perhaps down to two divisions within a given period, then working down to President Eisenhower's old idea of keeping a single division in Europe.

Q.: In what timescale?

A.: By around the middle of the decade—1976 or thereabout. Times are changing. It's up to Americans, and Europeans, to face up to the realities of this decade.

Q.: What in your view are these realities?

A.: The U.S. is maintaining too many troops there and is shouldering a lopsided burden it cannot afford. The Europeans have restored their economies. The Deutschmark is strong. The guilder is strong. The pound sterling seems to be strengthening. But the dollar is less strong. We simply cannot afford the commitment any longer.

Q.: But isn't it true Europeans are doing for themselves—for instance pitching in with an extra billion dollars worth of defense effort over the next five years.

A.: An extra $200 million a year is far too little. The Europeans know it. We know it. The direct dollar cost to the U.S. of supporting our forces in Europe in 1970 was $1.731 billion.

Q.: What do you say to the argument that cutting back now would weaken the position of the North Atlantic alliance, NATO, just when the Soviets are showing an interest in negotiating balanced force reductions?

A.: Russia already is in a position of advantage with troops in East European countries like Poland, Hungary, Czechoslovakia.

Q.: But how can you reconcile cutting U.S. forces when NATO member-states promised to make no unilateral withdrawals?

A.: Unilateral withdrawals already have taken place by the French, Portuguese, Canadians. The late President de Gaulle did so after warning us of his intentions for three years. Yet we went on building NATO pipelines and other installations in France and were caught short.

Q.: Who among the Europeans do you think could do more?

A.: For a start, the Germans should do more. It is true some Europeans, on both sides, would not like a strong Germany to rise again. The Germany of today is not the same as the old Germany. There are many safeguards in the East as well as West—against that sort of revival.

Q.: Unless Europe raises more conventional forces a cutback of the U.S. garrison would lower the threshold of nuclear war. You are prepared for that?

A.: Yep. There are 7,000 American tactical nuclear weapons already deployed in Europe. They have a deterrence for the other side. In addition, modern transportation could swiftly bring reinforcements to Europe from the United States in a grave emergency.

Q.: You remain, then, absolutely convinced of the need for big U.S. cutbacks and soon.

A.: Of course. But I don't think I am against NATO. I am for it and always have been. But NATO's changed since 1949 just like everything has changed in nearly a quarter of a century. NATO used to be a shield. Today, it's a symbol. And a symbol does not need so many troops and dependents.

SALE OF OUTER CONTINENTAL SHELF ROYALTY OIL

Mr. PROXMIRE. Mr. President, the Federal Register of June 25, 1971, carries a brief story which demonstrates how ridiculous our oil policy has become.

The Department of the Interior has proposed regulations requiring royalty oil produced in the Federal Outer Continental Shelf to be sold to refiners with less than 30,000 barrels per day of capacity at the prevailing price in the area, plus a 1-percent payment to the Department for handling charges. This is supposed to ease the difficulty some small refiners have had in obtaining domestic crude oil.

One estimate is that these provisions might make as much as 100,000 barrels per day of oil available to small refiners. I should emphasize that this would not mean an increase in the production of crude oil, since the Federal Outer Continental Shelf is supposed to operate at the maximum efficient rate.

Even though there appears to be a shortage of crude oil for small refiners, the State of Texas just recently announced that the July production of crude oil would be reduced by 70,000 barrels per day from the June level. At the same time, the production of crude oil is running well below capacity in Louisiana. Under these circumstances, it is only reasonable to ask why these two States continue to curtail production when small refiners are unable to purchase sufficient crude oil.

The proposed rule would permit the small refiner who purchases the Outer Continental Shelf oil to exchange it for other oil actually used in his refinery. But why cannot the small refiner purchase oil directly instead of going through the intricacies of exchanges? This appears to be a clear illustration of noncompetitive marketing—a situation in which an alert antitrust division should take immediate, though overdue, action.

The 1-percent brokerage required from the small refiner adds insult to injury. With gulf coast oil at about $3.60 a barrel, the disposition of 100,000 barrels per day would mean that small companies would be paying over $1.3 million a year to Secretary Morton, the oil broker. This is in stark contrast to the allocation system, which is conducted without fees, and the special tax advantages of the integrated companies.

Finally, I think the proposed regulations are a testimonial to the need to end market demand prorationing by suspending the Connally Hot Oil Act.

ADDICTION OF U.S. FORCES IN VIETNAM TO HEROIN

Mr. ALLOTT. Mr. President, for weeks now the press has been full of reports about how 10 percent of the American forces in Vietnam are addicted to heroin.

I am pleased to note that the July 6 Washington Post carries a United Press International report which should help to halt such irresponsible talk.

Tests now being administered in Vietnam indicate that the 10-percent figure may be about five times too high. It appears that perhaps 2 percent of the

soldiers are suffering from heroin addiction.

Former Senator Eugene McCarthy once noted that anything repeated three times in the media becomes a fact. The 10-percent addiction was such a fact. Let us hope that this report will slay the fact with a fact.

I ask unanimous consent that this encouraging report be printed in the RECORD.

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

TWO PERCENT DEPARTING VIETNAM—TESTS INDICATE GI HEROIN ADDICTION LOW

SAIGON.—Initial results of new tests devised to weed out and rehabilitate the heroin addicts among homeward-bound GIs indicate an addiction rate of only 2 per cent, military sources said today.

Previous estimates of the number of heroin addicts in the U.S. force in Vietnam ranged to 10 per cent or even higher.

But some experts question the effectiveness of the tests. Outside observers have reported that some GI addicts have slipped through the net despite the tests and others have passed them by "drying out"—breaking their drug habit—temporarily.

Nevertheless, military sources said that, based on the findings of urinalysis testing of about 5,000 servicemen since the new tests were put into effect June 18, drug usage is is well below feared levels.

Military officials said that nationwide crackdowns on narcotics distribution here and an increasing number of soldiers volunteering for military-run amnesty programs could be major factors in reducing the number of heroin users before they were tested at the end of their year's tour of duty in Vietnam.

The U.S. Command has declined to issue official figures on the new drug-detecting program in order to provide a more balanced picture over a longer term.

Three specially developed machines were flown to Vietnam last month for the start of a program to test every serviceman or woman leaving the war theater. A second more precise test is given any person with a positive reading.

Confirmed users of opiates—heroin, opium or morphine—are placed in quarantine in Vietnam for between five and seven days and then flown to the United States in medical evacuation aircraft for up to another six week's rehabilitation at military installations.

Drug users are not punished and findings are not placed on a GI's service record, though they are listed on medical records.

President Nixon announced the medical tests for homeward-bound GIs as part of a worldwide anti-drug campaign. Congressional reports indicated that more than 10 percent of U.S. troops might be using heroin in Vietnam where the white powder is close to 100 percent pure and is cheap enough to be within reach of any soldier.

Military sources said the number of troops arrested by U.S. authorities in Vietnam on heroin charges was a record 675 out of a total of 1,065 servicemen apprehended for drug violations in May.

More than 1,500 soldiers voluntarily entered the command's drug amnesty and rehabilitation plan in June, sources said, the highest since the drive was launched in January.

COMMERCE DEPARTMENT FORECASTS SMALLEST FOREIGN TRADE SURPLUS IN 34 YEARS

Mr. SYMINGTON. Mr. President, it is indeed disturbing to note that, according to an article in the Wall Street Journal of July 9, the Commerce Department is projecting a U.S. trade surplus of about $500 million—the lowest surplus since 1937.

If imports increase more than expected and/or exports advance less rapidly, the Commerce Department warns that even the slim surplus "could disappear and the balance turn into a deficit."

For years, substantial surpluses in our balance of trade were helpful in offsetting a portion of the deficit in our overall balance of payments. Now it appears we will have deficits added to deficits, with no relief in sight.

In this connection, 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:

SMALLEST FOREIGN TRADE SURPLUS SINCE 1937 FORECAST FOR 1971 BY COMMERCE DEPARTMENT

WASHINGTON.—The U.S. this year is likely to register its slimmest foreign trade surplus since 1937, the Commerce Department said.

An article in the department's publication Commerce Today forecast that the merchandise trade surplus in 1971 will drop to about $500 million from $2.7 billion a year earlier. This would be the smallest surplus since the $265 million in 1937, officials said.

The department estimated that exports will rise about 7% to 8% this year from the $42.66 billion in 1970, when they registered a 14% increase. Imports are seen rising 13% to 14% from $39.96 billion a year earlier, when an 11% rise was registered.

For the past two months, the U.S. has run a trade deficit totaling almost $420 million. In the first five months of the year, the trade surplus totaled only $11.1 million, down from the $1.08 billion surplus in the corresponding period a year earlier.

Nixon administration officials had indicated the 1971 surplus was likely to drop below $2 billion. In its largest projection, the Commerce Department warned that even the estimated $500 million surplus "could disappear—and the balance turn into a deficit—if imports increase more than expected and/or exports advance less rapidly."

The department said lower foreign demand for U.S. products "stems from the slackening pace of economic activity in Japan and the European Economic Community," or Common Market. Conversely, the "resumption of economic expansion in the U.S. is contributing to buoyancy in imports," the article added.

CONVERSION OF 2-YEAR BASIC MEDICAL SCIENCE PROGRAMS TO M.D. PROGRAMS

Mr. PELL. Mr. President, there has been a significant amount of discussion over the past year about our health care crisis and, in particular, the health manpower shortage.

One of the more economic ways of increasing the supply of M.D.'s in our country would be to convert 2-year basic medical science programs to full-fledged M.D. degree-granting programs.

S. 934, the bill to extend the Health Professions Act, includes an amendment which I sponsored authorizing funds for the conversion of those 2-year schools, making it possible to graduate more than 400 additional M.D.'s each year.

One of the 2-year programs which would be affected by my amendment is a basic medical science program at Brown University. Recently, in the Brown University Alumni Bulletin, Mr. Selig Greenberg, medical writer for the Providence Journal-Bulletin, discussed at length the questions facing Brown University in deciding whether to convert to a full-fledged medical school. The article, I believe, would be of enormous interest to those concerned with the problems of medical education. 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:

WHERE DOES BROWN'S MEDICAL PROGRAM GO FROM HERE?—TO A FULL-FLEDGED MEDICAL SCHOOL?—OR PHASED OUT ENTIRELY?

(By Selig Greenberg)

Brown University's pioneering medical science program, now in its eighth year and at the crossroads of decision, is confronting both the University and the Rhode Island community at large with a challenging issue.

The issue, in two sentences, is this:

Should Brown and, to an even greater extent, the Rhode Island community make the required commitment of resources for conversion of the six-year medical science program into a full-fledged medical school in order to meet the University's educational responsibilities, help alleviate the shortage of physicians, and raise the quality and availability of medical care in this state?

Or should the existing program, which now includes more than 180 students and already has contributed materially not only to the level of medical care in Rhode Island but also to the University's academic stature, be reduced in scope or phased out entirely?

On the face of it, the second alternative seems unthinkable, and the University is now engaged in a far-flung exploration of the feasibility of the first option.

The feasibility study has been ordered by the Advisory and Executive Committee of the Brown Corporation which voted last December that it "recognized, and in principle accepted, the need and opportunity to continue the development of the Brown University program in medical education to include the granting of the M.D. degree."

Brown planners have in mind a medical school with a seven-year program from freshman year in college to awarding of the M.D. degree, thereby saving a year from the traditional length of medical education. The practicability of developing such a school is currently being explored on two levels—on campus, to determine the impact on the educational balance and financial condition of the University; and off campus, to clarify the potential commitment of the affiliated hospitals, the federal and state governments, foundations, and other private sources of support.

Arriving at a decision will clearly not be easy, but for a variety of reasons, it will probably have to be made within the next year or so. It is all the more essential, therefore, that Brown alumni, on whose understanding and financial support the University so heavily depends, gain some insight into the multi-faceted questions involved.

What makes the challenge for Brown particularly formidable is that it must exert leadership in an enterprise of great complexity in which it cannot exercise complete control.

On the one hand, a full medical program can be undertaken only within a framework that will preserve the University's academic and fiscal commitment to excellence of undergraduate and graduate education. But on the other hand, the nature of medical education is such that, while Brown must assume the overall responsibility for a medical school, its financial participation will have to be outweighed by that of the affiliated hospitals and the federal and state governments. This will of necessity involve a con-

siderable splintering of judgment and control.

All that can be said with any degree of precision at the moment is that expansion of an M.D.-granting program will probably require the addition of about 25 new faculty positions—an increase of nearly one-fourth in the present faculty complement, and that a considerable part of the costs would have to be borne by the hospitals and, ultimately, by the community. According to some tentative estimates, the additional cost to the University could range anywhere from one to two million dollars a year. But the options involved in the kind of program which may eventually emerge are so broad that no definite cost conclusions are possible at this point.

From the onset of the medical science program, it was Brown's decision to operate it on restricted funds, raised for that specific purpose, in such a manner that the development of the program would not consume resources otherwise available to the University as a whole. But in actual practice it has apparently been difficult to adhere fully to this principle. President Donald F. Hornig said recently that the medical program was rapidly approaching a point of becoming a severe financial drain on the rest of the University. In discussing the matter at a faculty meeting, Dr. Pierre M. Galletti, chairman of the Division of Biological and Medical Sciences, said that the principle of operating on restricted funds has worked "moderately well, up to this point," but with significant question marks and major uncertainties for the future.

But whatever the costs may turn out to be, competent opinion both within and outside the University leans heavily toward the view that both for its own sake as a top-notch educational institution and for the sake of the community which provides it with tax advantages Brown must meet this challenge head-on.

Brown's medical educational program, which was launched in 1963 and leads to the award after six years of the degree of master of medical science, has from the start had a number of unique features. But while the passage of years has underscored the soundness of most of these features, it also has undermined the validity of some of them.

The essential ingredients of the program, which is more ambitious in scope than a regular premedical course and combines academic rigor with curricular flexibility, are:

Emphasis on a solid foundation in the physical sciences, with integration of biology and medicine, along with electives in the humanities and social sciences at an advanced level; exposure of students from the freshman year on to the clinical problems of patient care in the affiliated hospitals; and individual experience in the acquisition of new knowledge through thesis research.

Its inclusion in the fabric of the college and of the graduate school, in contradistinction to the traditional separate administrative entity of a medical school.

The operation of the clinical component through a consortium of community hospitals, as distinguished from a single university-controlled medical center, in which the university retains primary responsibility for education, the hospitals have primary responsibility for patient care, and both share in the responsibility for research programs.

The five Brown-affiliated hospitals are Rhode Island, Roger Williams, Miriam, Pawtucket Memorial, and Providence Lying-In. Butler Hospital also has applied for affiliation and is expected to play an important role in the development of the psychiatric phase of the medical education program.

The experience to date has amply demonstrated the value of the fundamental approaches decided upon almost a decade ago.

All of those awarded master's degrees in the first two graduating classes of the six-year course have scored well above the national average in the medical college admission tests and have transferred at the third-year level to medical schools of the highest standing for completion of the work toward an M.D. degree. And the concept of integrating medical education within the structure of the University was heartily endorsed last October in the Carnegie Commission's report on "Higher Education and the Nation's Health."

The medical science program has been since its inception an integral part of the University. There is no separation of faculty insofar as the operation of the Division of Biological and Medical Sciences is concerned. Programs in undergraduate biology, in medical science, and in graduate biology are pointedly planned and executed, thereby avoiding the redundancy that might otherwise occur. This arrangement permits a stronger foundation in the basic sciences and the development of interrelated courses in the social sciences and the humanities. It broadens the vistas of medical scientists and at the same time offers them greatly expanded areas for effective service in helping their non-medical colleagues to deal with the issues of population control, environmental pollution, the stress of urban living, and other important social problems. It has made possible a number of ambitious research projects and several new interdisciplinary programs with the departments of chemistry, engineering, and sociology.

The operation of the Brown program's clinical component through a consortium of community hospitals already has played a significant role in improving the quality of health services and their organization in the Greater Providence area. So novel was this concept when it was first implemented that it led to a delay of nearly two years in the program's accreditation by the Association of American Medical Colleges and the American Medical Association. But by now the Carnegie Commission on Higher Education, the Association of American Medical Colleges, and federal health agencies have all come around to the view that now medical schools should whenever possible operate through community hospitals.

At the same time, however, some changes in the program have become imperative.

In the first place, the Brown faculty's eagerness to experiment with innovative approaches has had to be curbed somewhat because of the need of matching the more conventional curricular requirements of the medical schools where the graduates may want to transfer to complete their training. Secondly, the position taken lately by national study commissions and federal health agencies is that two-year medical science schools should be converted as soon as possible into full medical schools.

Concurrently, there have been some fundamental alterations in the concept of medicine's tasks and goals.

The Brown program was conceived at a time when the general public's perspective of medicine was that of unlimited progress through the infusion of scientific method and technology. In its extreme form, the mood of the early 1960's was expressed by the simplistic characterization of medical research and medical practice as mutually excluding careers. The mood of the 1970's is much more sober and focuses on the grave shortcomings of the nation's health care system and on medicine as a community service.

There is mounting awareness of health manpower shortages and concern over spiraling costs. It is increasingly recognized that the personnel shortages and the gross maldistribution of physicians, which has virtually denuded urban ghetto and rural areas of primary health care, call for far-reaching reforms in both the educational process and the delivery of services. The heavy reliance of the United States on foreign-trained physicians underscores the failure of the richest country in the world to provide for meeting its own health needs. It also is becoming obvious that the lengthy process now required for transforming a high school graduate into a practicing physician must be abbreviated.

The Brown planners of the early 1960's were quite perceptive. They realized from the onset the need for providing the physicians of the future with a solid scientific background and broader social perspective and at the same time bridging the gap between scientific discovery and its clinical application. But the pressures of the deepening medical crisis are forcing further tailoring of the educational process to meet the pressing needs of today and tomorrow.

There is, moreover, no assurance that graduates of the six-year course can continue to transfer to regular medical schools. The size of the medical science classes has gradually grown, and some of them now range between 40 and 50 students. The feasibility of transferring that many students to medical schools is seriously in doubt. About half of the medical schools in the United States are state-supported, and they tend to favor their own residents. So do many of the private schools which are becoming dependent on state subsidies and more and more selective in their admissions. This and the increasing reluctance to accept tranfers from two-year schools make it highly questionable whether the medical science program can be continued in its present form.

Knowledgeable opinion is that the advantages accruing to Brown's future from development of a full medical school would far outweigh the disadvantages of additional financial burden. And when the problem is viewed within the context of the University's responsibility toward the state which has nurtured it, the case for proceeding with such development becomes all the more overwhelming.

As one of only seven states in the nation without a medical school, Rhode Island is encountering mounting difficulties in replenishing its pool of medical manpower, to say nothing of expanding that pool in order to raise both the availability and quality of health care services.

Most states educate about 50 per cent of their own physicians while the remainder are obtained through exchange with other states. It is therefore disadvantageous for any state to accept in its medical schools a significant number of students from a state that has no capacity to reciprocate. Rhode Island's position as a debtor state thus limits the opportunities for its residents to attend medical school, as is shown by the fact that the number of students from this state accepted in American medical schools is nearly 50 per cent below the national average.

The cumulative effects of this state of affairs already are ominous and are likely to become even more aggravated as time goes on—unless Rhode Island acquires its own medical school.

The fact that fully 41 per cent of the physicians newly licensed in Rhode Island in the last five years have been graduates of foreign medical schools, most of which have much lower standards than those prevailing in this country, is regarded by competent observers as highly disturbing. So is the fact that 130 of the 253 interns and residents currently on the house staffs of Rhode Island hospitals have been educated abroad. Foreign-trained doctors now account for 30 per cent of the state's pool of physicians. And the increasing difficulties encountered by Rhode Island residents seeking to enter American medical schools are resulting in an ever greater dependence on foreign medical schools by college graduates from this state.

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One of the key criteria of the adequacy of a state's health care services is the availability of primary care furnished by general practitioners, pediatricians, and internists—the family physicians to whom patients turn for initial diagnosis and for guidance and referral to other segments of medical services. From this standpoint the picture in Rhode Island is equally dismal.

Not only are the state's family physicians who bear the brunt of patient contacts outnumbered by specialists but their average age is significantly higher than that of those engaged in speciality practice. Only 37 per cent of the family physicians are under the age of 50, and most of the doctors educated in this country are concentrated in the older-age category. If present trends continue, the availability of primary care physicians in Rhode Island—and particularly of those educated in the United States—is certain to become ever more restricted as time goes on.

Medical schools serve to remedy local physician shortages in two ways—by directly producing M.D.'s for service in the place where they are educated, and by acting as a magnet in attracting to the area competent physicians who would not come otherwise. These doctors bolster the number and quality of hospital clinical staffs, thereby enhancing the desirability of internships and residencies. This, in turn, helps expand the local pool of medical manpower, since close to 50 per cent of physicians locate permanently in the area of their residency training. Physician shortages also are counteracted by creating a local model for medical education and thus stimulating young people in the community to enter careers in medicine.

Even in its present limited form, Brown's biomedical program has had considerable impact on the quality of medical care in Rhode Island by attracting to the state a number of distinguished medical specialists and researchers who are filling full-time positions in the affiliated hospitals and also hold University faculty appointments. Cosponsored by the University and some of the hospitals and now well on the way toward implementation are joint projects for kidney dialysis and transplantation and for a high-energy radiation therapy service for the treatment of cancer. In both of these areas Rhode Islanders now have to go for treatment elsewhere.

Conversion of the Brown program into a full-scale medical school would lend further impetus to the upgrading of the caliber of medical talent in Rhode Island. Discontinuance of the program, on the other hand, would unquestionably lead to loss of some of the talent attracted here by the opportunity for teaching and research, further aggravating the state's critical medical manpower situation.

The plans for a Brown medical school envisage a graduating class of at least 50 students, corresponding to the number of Rhode Island physicians lost every year by the natural process of attrition through retirement or death and lay emphasis on enrolling a larger proportion of local residents than are represented in the University as a whole. In line with this, consideration is being given to a cooperative program with the University of Rhode Island and Providence College whereby students in these institutions could be qualified for admission into the fourth year of the Brown program.

The cost of medical education is figured at a minimum of $15,000 a year per student. Much of the cost is in investment in faculty. Since most of the additional faculty members will be based in the affiliated hospitals, the bulk of the salary support will have to come from them, to be derived partly from endowment funds and other gifts but coming to a considerable extent from charges for patient care. The University will be responsible for the fraction of faculty compensation directly associated with its own teaching activities.

Legislation for increased federal aid to medical schools now pending in Congress offers promise of considerable financial help from this source. Efforts also are planned to enlist state aid. While Rhode Island's severe fiscal crisis makes the prospects of such aid highly problematic at the moment, the state's stake in a medical school is so great that it can hopefully be prevailed upon to make a substantial contribution. Indeed, a substantial contribution by the state is absolutely essential.

All in all, it is hard to see how Brown can fail to face up to an enterprise so crucial for meeting urgent community needs and so consistent with its own tradition of academic leadership.

Medical manpower is admittedly only one element in a complex compound which includes organization of services, financing, and a variety of other factors influencing the quality and cost of health care services. But the provision of the proper number and caliber of physicians can serve as a catalyst for evolving a more balanced and effective health care system. While the cost per day of hospitalization is likely to increase under a more integrated system, the net result could be a lower cost per illness through reduction of hospital use and shorter duration of hospital stays.

America's universities can play a vital role in the long overdue reform of our medical care system. "The essential elements for medicine's continued growth," the Carnegie Commission on Higher Education has said, "can only be found in the university, provided the university sees in medicine unique opportunities to observe and study certain crucial aspects of the nature and behavior of man over and beyond the mere teaching of skills to a practicing profession."

RATIFICATION OF GENOCIDE TREATY POSES NO DANGER TO JURISDICTION OF AMERICAN COURTS

Mr. PROXMIRE. Mr. President, in considering whether or not we should ratify the human rights conventions, we must take into account the effect that such action would have on the American system of jurisprudence.

Opponents of passage of the International Convention on the Prevention and Punishment of the Crime of Genocide have suggested that by making genocide a crime under international law, we may be allowing a court with international jurisdiction to usurp the right of American courts to try American citizens for any crime that falls under the definition of genocide. But this is simply not the case.

Article V of the convention states that contracting nations should enact legislation "in accordance with their respective constitutions." As James E. Webb, former Acting Secretary of State wrote to President Truman on this subject on June 16, 1949:

> The convention does not purport to require any party to enact such legislation otherwise than in accordance with the country's constitutional provisions.

Article VI contains provisions for an international tribunal to try citizens "with respect to those States accepting such jurisdiction." There is presently no such tribunal, as Mr. Webb writes:

> No international tribunal is authorized to try anyone for the crime of genocide.

Even if there were such a court, it would take a special and separate act of Congress to place the United States under such jurisdiction. Thence, this provision poses no present threat to the American jurisprudential system.

In short, the United States could, by ratification of this convention, plus the enactment of specific supplemental legislation, make genocide a crime under domestic law. However, until such supplemental legislation is passed, genocidal acts can only be tried under existing local laws against murder. Ratification of the Genocide Convention would not interfere in any way with American courts' jurisdiction, nor indeed would the ratification of any of the human rights conventions.

All of these points are detailed in former Acting Secretary Webb's letter to President Truman. I ask unanimous consent that his statements be printed in the RECORD.

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

> DEPARTMENT OF STATE,
> *Washington, D.C.*
>
> The PRESIDENT,
> *The White House:*
>
> I have the honor to transmit to you a certified copy of the convention on the prevention and punishment of the crime of genocide, adopted unanimously by the General Assembly of the United Nations in Paris on December 9, 1948, with the recommendation that it be submitted to the Senate for its advice and consent to ratification.
>
> The convention defines genocide to mean certain acts, enumerated in article II, committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such. These acts are discussed below.
>
> The basic purpose of the convention is the prevention of the destruction of a human group as such. The first resolution of the General Assembly on this subject, 96(I), adopted unanimously by the members of the United Nations on December 11, 1946, succinctly pointed out that—
>
> "Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings."
>
> The resolution also pointed out that genocide shocks the conscience of mankind, results in great losses of humanity and is contrary to moral law. Of course, homicide also is shocking, results in losses to humanity and is contrary to moral law. The distinction between those two crimes, therefore, is not a difference in underlying moral principles, because in the case of both crimes, moral principles are equally outraged. The distinction is that in homicide, the individual is the victim; in genocide, it is the group.
>
> The General Assembly declared in this resolution that the physical extermination of human groups, as such, is of such grave and legitimate international concern that civilized society is justified in branding genocide as a crime under international law. The extermination of entire human groups impairs the self-preservation of civilization itself. The recent genocidal acts committed by the Nazi Government have placed heavy burdens and responsibilities on other countries, including our own. The millions of dollars spent by the United States alone on refugees, many of them victims of genocide, and the special immigration laws designed to take care of such unfortunates illustrate how genocide can deeply affect other states. On September 23, 1948, Secretary of State Marshall stated that—

"Governments which systematically disregard the rights of their own people are not likely to respect the rights of other nations and other people and are likely to seek their objectives by coercion and force in the international field."

It is not surprising, therefore, to find the General Assembly of the United Nations unanimously declaring that genocide is a matter of international concern.

Thus, the heart of the convention is its recognition of the principle that the prevention and punishment of genocide requires international cooperation. However, the convention does not substitute international responsibility for state responsibility. It leaves to states themselves the basic obligation to protect entire human groups in their right to live. On the other hand it is designed to insure international liability where state responsibility has not been properly discharged.

The convention was carefully drafted and, indeed, represents the culmination of more than 2 years of thoughtful consideration and treatment in the United Nations, as the following important steps in its formulation demonstrate:

The initial impetus came on November 2, 1946, when the delegations of Cuba, India, and Panama requested the Secretary-General of the United Nations to include in the agenda of the General Assembly an additional item: the prevention and punishment of the crime of genocide. The Assembly referred the item to its Sixth (Legal) Committee for study.

At its fifty-fifth plenary meeting on December 1, 1946, the Assembly adopted, without debate and unanimously, a draft resolution submitted by its Legal Committee. The resolution, referred to above, affirmed that "genocide is a crime under international law." It recommended international cooperation with a view to facilitating the prevention and punishment of genocide, and, to this end, it requested the Economic and Social Council of the United Nations to undertake the necessary studies to draw up a draft convention on the crime.

Pursuant to this resolution a draft convention on genocide was prepared by the ad hoc Committee on Genocide in the spring of 1948, under the chairmanship of the United States representative on this committee. This draft was again discussed by the Economic and Social Council in July and August 1948 in Geneva, and then in the Legal Committee of the General Assembly at its third regular session in Paris, where again the United States delegation played an important role in the formulation of the draft convention.

On December 9, 1948, the General Assembly unanimously adopted the convention of outlaw genocide, which was signed by the United States 2 days later. When signing, the United States representative said in part:

"I am privileged to sign this convention on behalf of my Government, which has been proud to take an active part in the effort of the United Nations to bring this convention into being."

"The Government of the United States considers this an event of great importance in the development of international law and of cooperation among states for the purpose of eliminating practices offensive to all civilized mankind."

Genocide is a crime which has been perpetrated by man against man throughout history. Although man has always expressed his horror of this heinous crime, little or no action had been taken to prevent and punish it. The years immediately preceding World War II witnessed the most diabolically planned and executed series of genocidal acts ever before committed. This time there was to be more than mere condemnation. A feeling of general revulsion swept over the world, and following the war manifested itself in the General Assembly's resolution of December 1946. It is this resolution to which the Legal Committee gave full content by providing the General Assembly with a legal instrument designed not only to prevent genocidal acts but also to punish the guilty.

The genocide convention contains 19 articles. Of these, the first 9 are of a substantive character, and the remaining 10 are procedural in nature.

The preamble is of a general and historical nature.

Article I carries into the convention the concept, unanimously affirmed by the General Assembly in its 1946 resolution, that genocide is a crime under international law. In this article the parties undertake to prevent and to punish the crime.

Article II specifies that any of the following five acts, if accompanied by the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, constitutes the crime of genocide:

(*a*) Killing members of the group;

(*b*) Causing serious bodily or mental harm to members of the group;

(*c*) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(*d*) Imposing measures intended to prevent births within the group; and

(*e*) Forcibly transferring children of the group to another group.

This article, then, requires that there should be a specific intent to destroy a racial, religious, national, or ethnical group as such in whole or in part. With respect to this article the United States representative on the Legal Committee said:

"I am not aware that anyone contends the crime of genocide and the crime of homicide are one and the same thing. If an individual is murdered by another individual, or indeed by a government official of a state, a crime of homicide has been committed and a civilized community will punish it as such. Such an act of homicide would not in itself be an international crime. To repeat the opening language of the resolution of the General Assembly of December 1946, "genocide is a denial of the right of existence of entire human groups." This remains the principle on which we are proceeding.

"However, if an individual is murdered by another individual, or by a group, whether composed of private citizens or government officials, as part of a plan or with the intent to destroy one of the groups enumerated in article 2, the international legal crime of genocide is committed as well as the municipal-law crime of homicide."

The destruction of a group may be caused not only by killing. Bodily mutilation or disintegration of the mind caused by the imposition of stupefying drugs may destroy a group. So may sterlization of a group, as may the dispersal of its children.

Article III of the convention specifies that five acts involving genocide shall be punishable. These five genocidal acts are—

(a) The crime of genocide itself.

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide; and

(e) Complicity in genocide.

The parties agree, in article IV, to punish guilty persons, irrespective of their status.

In article V the parties undertake to enact, "in accordance with their respective constitutions," the legislation necessary to implement the provisions of the convention. The convention does not purport to require any party to enact such legislation otherwise than in accordance with the country's constitutional provisions.

Article VI makes it clear that any person charged with the commission of any of the five genocidal acts enumerated in article III shall be tried by a court of the state in whose territory the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those states accepting such jurisdiction. Thus, the commission in American territory of genocidal acts would be tried only in American courts. No international tribunal is authorized to try anyone for the crime of genocide. Should such a tribunal be established, Senate advice and consent to United States ratification of any agreement establishing it would be necessary before such as agreement would be binding on the United States.

By article VII the parties agree to extradite, in accordance with their laws and treaties, persons accused of committing genocidal acts; none of such acts is to be considered a political crime for the purpose of extradition. The United States representative on the Legal Committee, in voting in favor of the convention on December 2, 1948, said:

"With respect to article VII regarding extradition, I desire to state that until the Congress of the United States shall have enacted the necessary legislation to implement the convention, it will not be possible for the Government of the United States to surrender a person accused of a crime not already extraditable under existing laws."

Existing United States law provides for extradition only when there is a treaty therefor in force between the United States and the demanding government. Only after Congress has defined, and provided for the punishment of, the crime of genocide, and authorized surrender therefor, will it be possible to give effect to the provisions of article VII.

Article VIII recognizes the right of any party to call upon the organs of the United Nations for such action as may be appropriate under the Charter for the prevention and suppression of any of the acts enumerated in article III. This article merely affirms the right of the United Nations to call upon an organ of the United Nations in matters within its jurisdiction.

Article IX provides that disputes between the parties relating to the interpretation, application, or fulfillment of the convention, including disputes relating to the responsibility of a state for any of the acts enumerated in article III, shall be submitted to the International Court of Justice, when any party to a dispute so requests.

On December 2, 1948, in voting in favor of the genocide convention, the representative of the United States made the following statement before the Legal Committee of the General Assembly:

"I wish that the following remarks be included in the record verbatim:

"Article IX provides that disputes between the contracting parties relating to the interpretation, application, or fulfillment of the present convention, 'including those relating to the responsibility of a state for genocide or any of the other acts enumerated in article III,' shall be submitted to the International Court of Justice. If 'responsibility of a state' is used in the traditional sense of responsibility to another state for injuries sustained by nationals of the complaining state in violation of principles of international law and similarly, if 'fulfillment' refers to disputes where interests of nationals of the complaining state are involved, these words would not appear to be objectionable. If, however, 'responsibilities of a state' is not used in the traditional sense and if these words are intended to mean that a state can be held liable in damages for injury inflicted by it on its own nationals, this provision is objectionable and my Government makes a reservation with respect to such an interpretation."

In view of this statement, I recommend that the Senate give its advice and consent to ratification of the convention—

"with the understanding that article IX shall be understood in the traditional sense of responsibility to another state for injuries sustained by nationals of the complaining state in violation of principles of international law,

and shall not be understood as meaning that a state can be held liable in damages for injuries inflicted by it on its own nationals."

The remaining articles are procedural in nature. By article XIV the convention is to be effective for an initial period of 10 years from the date it enters into force, and thereafter for successive periods of 5 years with respect to those Parties which have not denounced the convention by written notification to the Secretary-General of the United Nations at least 6 months before the expiration of the current period.

Article XV provides that if there are less than 16 parties to the convention, as a result of denunciations, the convention shall cease to be in force from the effective date of the denunciation which reduces the number of parties to less than 16.

Article XVI authorizes any party to request revision of the convention, by notification in writing to the Secretary-General of the United Nations. The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

It is my firm belief that the American people together with the other peoples of the world will hail United States ratification of this convention as another concrete example of our repeatedly affirmed determination to make the United Nations the cornerstone of our foreign policy and a workable institution for international peace and security.

Respectfully submitted.

JAMES E. WEBB,
Acting Secretary.

DEHUMANIZING TREATMENT BY SOCIAL ENGINEERS

Mr. ALLEN. Mr. President, I am persuaded that a source of many of the problems we face today can be traced to social engineers. This body of self-ordained elite seem to have a common characteristic—a compulsion to solve complex social problems by resort to abstractions, theories, and ideologies. This cloud-nine approach to social problems is one in which words and concepts are treated as realities—as things that can be comprehended by the physical senses. Facts are lost sight of—commonsense judgments are disregarded—human beings are transposed into numbers and ratios—and the will, wishes, choices, and decisions of the people are contemptuously and callously cast aside as unworthy of consideration.

A choice example of this malady and its effects in our society is provided by the brutalitarian approach adopted in solutions imposed to problems involved in educating our children in public schools.

We in the South have borne the brunt of dehumanizing treatment at the hands of insensitive social engineers over the past few years. The destructive force of the Department of Health, Education, and Welfare wrecking crews continues to leave havoc in their wake and it is difficult to foresee the time when this destructive force, will have spent its fury in the South. When it does, we in the South will clean up the wreckage, bind up the wounds, and restore meaningful education for all of our children in an atmosphere of peace and harmony. Of this I am confident.

Mr. President, I am less confident of what may happen in other sections of the Nation. Even now the social engineers and their wrecking crews are at work in other regions of the Nation.

Joseph Alsop, an astute observer with a healthful respect for facts and realities, comments on certain aspects of this problem in his column published in the Washington Post of Monday, July 12, 1971. In the process he has a few choice words for American intellectual liberalism, which he finds: "finally devoid of any intellectual content whatever; for intellectual content after all means ability to face and deal with facts." He concludes that:

There are only two remaining American liberal slogans: Lose the war, and then disarm the United States.

Mr. President, Mr. Alsop's column is entitled "Urban Schools Troubled." That is the tragic story in a nutshell. I ask unanimous consent that the column be printed in the RECORD.

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

URBAN SCHOOLS TROUBLE

(By Joseph Alsop)

If you want to know where we now stand, particularly in our management of our dire internal social problems, you can do worse than consider the following set of facts:

Item: Last June 17, the Pennsylvania Commission on Human Relations peremptorily ordered prompt, total desegregation of the Philadelphia and Pittsburgh school systems, by massive intra-city busing if need be. As of today, Philadelphia's schools are already above 60 per cent black.

Truly desegregated schooling is therefore impossible in Philadelphia. In addition, on the basis of all past experience over nearly twenty years, Philadelphia's white families with children to educate will gradually flee to the suburbs. So Philadelphia is almost certainly condemned to end as a near-ghetto city with a solid black school system.

Item: This is the present condition of Washington, D.C. Ironically enough, precisely because of the desegregation order of 1954, the Washington school system has been just about solid black for years. It is deeply doubtful, furthermore, whether Washington's black children today get any better education than they did when there were still white children in white public schools. And it is certain that the clever black children—who should be the future door-openers for their people—are getting a much worse education than used to be offered in the wicked, segregated days at Dunbar High School.

Item: The "New York Times," which at least cannot be suspected of prejudice, very belatedly conducted two recent surveys of the results of desegregation, one in New York City and one in the nation. The New York survey told of schools torn "by racial fears and resentment." The nationwide survey spoke grimly of "racial polarization, disruptions and growing racial tensions that sometimes erupt into violence."

Item: The few remains of this country's unique experiment in serious school improvement in the ghettos are in New York; but they are now likely to be cleaned away. The more effective schools programs has long been dying for two reasons. It had no support whatever from liberal intellectuals.

In addition, liberal educationists viciously attacked the program, when it still had some juice in it, as a "self-fulfilling rationale for segregated education." This bias in turn biased certain key reports on the program. The program had its faults, but was full of the richest promise. Yet the fashionably liberal reports spoke only of the failures, which could have been swiftly remedied by tackling the faults.

Item: In those days, the fashionable American liberal prescription was not schools improved by simple, practical methods calculated to teach children to read and write. The fashionable prescription was, instead, "community control." The Adams School, in this city, is a good specimen of an experiment in community control.

That impeccably fashionable liberal, former Commissioner of Education Harold Howe, refused to lift a finger to aid the more effective schools in New York. Meanwhile, he found federal money for Adams School. And a recent report in The Washington Post shows that Adams School, today, is an educational disaster area, while its community control system has become something mighty close to a financial racket.

Add up these items, which predict the future of most of the major cities in America. What, then, do they mean?

First of all, and very obviously, they mean that the virtuous American liberal sloganeers have had hold of the wrong end of the stick for years on end. Instead of worrying about "self fulfilling rationales," they should have been beating the drum for massive school improvement, right where the children are in school.

When improvement comes—and it will have to come—it will be very expensive. It will require enriching education from a very early age, such as the able William Raspberry has just written about. It will demand root and branch effort on the lines of the more effective schools program. But if equal justice is to be offered to America's black minority, the job will have to be done in the end.

If the foregoing record, bulging with facts which have been around for years, also has another meaning, it means that American intellectual liberalism is now finally devoid of any intellectual content whatever; for intellectual content after all means ability to face and deal with facts like the foregoing. Instead, there are only two remaining American liberal slogans: "Lose the war, and then disarm the United States."

WILLFUL PERPETUATION OF SEGREGATION CHARGED TO FHA

Mr. ALLOTT. Mr. President, recently the U.S. Civil Rights Commission charged that the Federal Housing Administration is willfully perpetuating segregation.

As news story reporting on the Commission accusation has drawn a rejoinder in the form of a letter to the Commission from Mr. Clement F. Hausman, president of Hallmark Realty, of Pueblo, Colo.

I ask unanimous consent that Mr. Hausman's letter and the news story from the June 10 Denver Post on which it is based, be printed in the RECORD.

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

HALLMARK REALTY,
Pueblo, Colo., June 17, 1971.

U.S. CIVIL RIGHTS COMMISSION,
Washington, D.C.

GENTLEMEN: As a home builder, it disgusts me when I see wire service news releases, such as the enclosed, regarding FHA. The news release is loaded with innuendo and tainted truths. There is no spokesman or responsible person named or quoted, just "The U.S. Civil Rights Commission said . . ." I am therefore addressing this letter to said Commission. Releases of this sort, which generalize an isolated case as being "the pattern" for *all* cases, no doubt, have contributed much to the dissatisfaction and unrest in America today. As a builder and pri-

vate citizen, I would like to register a vigorous protest.

After reading numerous articles similar to the enclosed, I have checked a few of our records and would like to give you some facts that refute virtually every statement made in the June 10, 1971 U.P.I. story.

During 1969, 1970 and 1971, our firm has closed sales on 212 FHA 235 cases. Of these, 83 were Spanish surnames, and four black families. (Names and addresses can be verified.) We have many of Slovanian and Italian ancestory, in addition to Polish, Dutch and English. In addition, there are intermarriages that are not included—and a sizeable number of WASPS.

I also sample checked 66 consecutive deals in mid 1959. There were 19 out of the 66, (twelve years ago) that were Spanish. During the past twelve years I have taken various investors and buyers on tour of this area (up to and including the present time.) The purpose has been, and is, to point out one thing—if people are given an opportunity *to help themselves*, the majority will enhance their own future, as well as the neighborhood. The "minority" houses, can in most cases, be singled out because they are well maintained.

Briefly, in the way of background, Pueblo's ethnic population is approximately 25 to 28% Spanish, with less than 2% Negro and a sizeable segment of Italians, Slovenians, and some Polish. These are estimates from the Regional Planning Commission. The economy is, and has been, very poor in Pueblo for many years. Construction level is a fraction of the national average, i.e. total single family construction for 1967 was 197; 1968—202; 1969—187. In 1969, as near as we can determine, 102 of the 187 homes built in Pueblo were FHA 235's.

There are two major development areas in the city, northeast and southwest. During the past twenty years, our firm has built 20% to 25% of all single family homes built in the City; something over 2000 dwelling units.

No one has even been refused the opportunity to buy on the most favorable FHA–VA terms. In the early 1950's, some lenders rejected cases for ethnic or racial reasons. This has not been the case for over fifteen years, however. We have some 235 $15,000 houses that are adjacent to $20,000 and $30,000 homes. (The City Manager's $30,000 home is one home away from a 235 house.) These homes are being built in the prime area of the City.

95% plus of our building has been FHA or VA for the past twenty years. Without FHA and VA, most of the modest income families *would not* have been able to purchase a home. I feel this is true, not only in this community, but in the majority of cities in the United States. If factual data is used, FHA and VA financing has been the *only* effective instrument to bring about economic, social, ethnic and racial integration. If need be, I can speak authoritatively and factually for this community.

Unfortunately, I feel that government officials, elected politicians, lenders, and yes, even builders, as well as others, have castigated and used the FHA (and VA Housing Program) as a whipping boy whenever it was expedient. For example, the FHA 608 and 207 Programs produced *more housing at less cost* for modest income families at a time it was needed, than any other program—and the tax payers didn't pay for it. Our firm has never built under either of these programs, however.

I am very much upset at the irresponsible accusations that are continually reflected and exploited through the entire news media, with no attempt to "fix" the responsibility where it rests. The FHA 608 Program was "buried" because it was politically expedient. The FHA 235 Program is being pummeled from many sources because some 70 to 100 year old homes needed some repair and/or rehabilitation.

If the U.S. Civil Rights Commission is interested in housing people at lowest cost, it appears to me that FHA is not the problem, but the *solution*. Little is being done to the obvious well identified sources of excess cost—codes and union work practices. This has been given considerable publicity, but in reality, there has been more lip service than action. In the Melodrama of Housing, perhaps the hero is mistaken for the villain.

Even though the tone of my letter is one of critical concern. I am presumptuous to make several recommendations:

1. I believe the repeal of the Davis Bacon Act could create more openings to job opportunities and reduce building costs, more, enough to make several recommendations:

2. Cities needs dictate their seeking Federal Grants. In addition, they have gotten greedy and are putting on "extra" charges for new homes, such as tap fees, drainage fees and water development fees, to get supplemental money to use as matching funds for Federal Grants. The philosophy is simple; "If the 235 and public housing programs are going to be subsidized, the low cost home buyer is not really going to be paying for it." Unfortunately, zoning alone, is not the only way the modest income families are being exploited by cities, water districts, sewer districts, etc. I would recommend that Federal Grants not be considered in those communities where municipal bodies levy fees and assessments other than through a rate structure, or general property tax base.

3. The 235 Program would be more effective if income limits were not fixed. For example, a man making $6,000 per year may qualify whereas a man making $6,100 would not qualify. Yet his income is approximately $3,900 below the qualification level under the regular FHA 203 B Program. I feel the FHA in their credit processing could determine the amount of subsidy based upon income and the number of people in the family, i.e. an applicant under FHA 203 B cannot qualify because of overtime pay. Under the 235 Program, an applicant is disqualified because of overtime pay. We have had more minority families disqualified because of this one factor than all other factors combined. We have had cases rejected (not because of minority status) but because a man's income was as little as *one cent* per hour too high. That's the law, not FHA.

4. The ever present ogre in the housing market, particularly low to moderate price housing, is the financial fraternity. FHA and VA have been the "only" effective instruments to bring housing within the reach of the working man. Historically, HOLC, FHA and VA have been responsible for leading lenders to make America a nation of home owners. I'm sorry to say, life insurance companies and pension funds particularly, have almost eliminated the possibility for future generations to be able to buy a home. Perhaps the Civil Rights Commission should look into this aspect and the changes that have taken place during the past six years.

In summary, like most FHA–VA builders, we have had our clashes with these agencies throughout the years. In most cases it has been a clash on issues, not objectives. Most of the over 2,000 homes that our firm has built are in the $10,000 to $18,000 price range and have been purchased on minimum FHA–VA terms. *Pueblo is a high cost* area but our average price on 166 FHA 235 homes has been $16,100. Our company takes considerable pride in having built over 20% of the homes in the City over the past twenty years. A great deal of pride of ownership is manifested through out the area. For sale signs are a rarity because the value and desirability of location cannot be equaled or exceeded in any other area of the City. There is a high degree of homogenization in the entire subdivision—economic, social, ethnic and racial; whether it was built one or twenty years ago.

No, it hasn't been a bed of roses and I have personally received anonymous phone calls and letters criticizing us for selling to "those kind of people." Ironically, in public hearings we have had some opposition from some of "those kind of peple" who we sold previously.

Unfortunately, like many builders, we have considered giving up altogether, the construction of FHA homes. This is due to the uncertainties of money costs, policy changes, whims, paperwork, etc. Every political current seems to burden FHA with more requirements and compliance with new regulations and laws. It will be a sad day for home ownership in America if FHA is to continue being pillaged and sacked for the sake of political expediency. The low and modest income, especially the young, old and minority groups, will be the losers.

At the risk of being presumptuous, I would invite the Commission to a personally conducted tour of an FHA-VA subdivision and let it be judged by the Commission on its merits: economic, social, ethnic and racial; also value, desirability and family needs in any respect. It is not paradise, nor is it a model subdivision, however, it is basic, modest priced housing. It has been nineteen years in process and it is in existence in spite of the myriad inconsistent and conflicting subdivision ordinances, building and zoning codes; plus lender and FHA and VA requirements. Using the same yardstick, compare this section of a 100,000 population city to any *non* FHA–VA subdivision in the U.S.

One final recommendation I would suggest. Compare *any* random geographic group of conventionally financed (non FHA-VA) subdivisions with random FHA-VA subdivisions. I don't believe using a single, former segregated southern community would be a fair approach, however.

Very truly yours,

CLEMENT F. HAUSMAN,
President.

FHA HIT ON AIDING SEGREGATION

WASHINGTON.—The U.S. Civil Rights Commission said Thursday the Federal Housing Administration (FHA) knows its new program to help the poor buy homes is perpetuating racial segregation, but has done nothing to correct it.

The commission, after a study of the Housing and Urban Development (HUD) program of mortgage assistance for low-income families, concluded the FHA was simply letting the real estate men and bankers take over the "Section 235" program's operation instead of using it to "broaden the range of housing opportunities" for the poor, and especially for, blacks and other minority families.

STUDY MADE

"FHA officials are aware of the segregated housing pattern that has developed under the 235 program," the commission said in a report after studying the program in Denver, Little Rock, Philadelphia and St. Louis. "But despite the agency's legal obligation to prevent it, FHA has failed to adopt even minimal steps to fulfill this obligation."

"Traditionally attuned to serving the housing needs of white, middle-class families, FHA has been poorly prepared to serve a different racial and ethnic group of home buyers," the commission said.

"The commission found that the very same pattern that exists in the housing market generally—new housing provided mainly in the suburbs and occupied largely by white families, with existing housing in the central cities occupied by minority families—is being repeated in the 235 program," it said.

The commission said white buyers generally got better mortgage terms, higher subsidies and better housing than minority buyers; real estate brokers were showing minority families houses only in "segregated or 'changing' neighborhoods," and builders of new

homes within the reach of poor families declined to advertise publicly or used ads showing only whites some "signal that minority families were unwelcome."

The commission's criticism of the 235 program was a followup salvo to a barrage aimed at the program last year and earlier this year by the House Banking and Currency Committee. The committee charged that the poor were being swindled by unscrupulous speculators who unloaded rundown and frequently unsafe houses on them at inflated prices.

PLEDGE MADE

HUD Secretary George Romney pledged to clean up the 235 program, and at one time early in 1970 suspended purchases of existing homes with FHA mortgage subsidies until appraisal and inspection practices could be perfected to protect the low income buyers. Later, Romney announced a series of new rules were being put into effect to safeguard the poor against real estate speculators trying to get rid of deteriorated houses at prices higher than they were worth.

Under the 235 program, the FHA not only insures long-term mortgages for poor families seeking their own homes, but pays part of the interest charges to keep the payments low.

LAOS: SECRET SHAME

Mr. SYMINGTON. Mr. President, anyone who believes in the Christian Ethic can only read with sadness and shame an article entitled "Laos" written by H. D. S. Greenway, and published in the July Atlantic Monthly.

I would hope that every Senator would read the article. 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:

LAOS

(By H. D. S. Greenway)

The spingtime in Laos is very dry. Save for the brief Mango rains, the heat is unrelieved, and shriveled green leaves lie like dead frogs in the dusty roads. The sun is dull red in the smoke and haze, for in the springtime the hill people slash and burn the brush off the hillsides. The pilots say that the haze stretches all across the northern marches of Southeast Asia from North Vietnam across to Burma. The Air America helicopters must pick their way carefully among the fantastic limestone outcroppings that rise like castles from the wooded hills tumbling out of China. One realizes that the misty mountains of the classical Chinese landscape paintings were not the product of artistic imaginations, but faithful reproductions of nature.

Here in these hills, fifty miles northeast of Vientiane, there is an airstrip known to the pilots as site 272. It is the center for American refugee relief in Northern Laos and the fall-back point for Long Cheng, the secret CIA base twenty-five miles to the north. Long Cheng is the headquarters for the Meo General Vang Pao's "Armee Clandestine," supported by the CIA. All this past winter and spring the base has been under siege by the North Vietnamese. The hill peoples, the highland Lao and the Meo dependents of Vang Pao's army, have been fleeing south by the thousands, pouring into the hills and valleys near site 272. They make temporary bamboo shelters, and Air America drops rice to them, for they have no food. There is the despair of uncertainty. No one can tell them what their future will be. Like Laos itself, they have long since lost control of their own destiny.

In one such makeshift settlement the village chief greets visitors with a gold-toothed smile. There are over nine hundred people in his immediate area—four hundred of them are children. One night, the Pathet Lao and the North Vietnamese had come to his village. The soldiers in a nearby government outpost had detected no enemies in the area: "So we went to be happy," the village chief said.

"But at four o'clock in the morning we were attacked. Before we knew it, they were in the village shooting and the houses were burning." Squatting down on his haunches, the village chief described with his hands in the dirt how the enemy had come and the attack on the outpost—the short, sharp explosions, the flames, the rifle fire, the measured hammering of the fifty-calibers, and then silence. Death had come in the classic Indochina way: a small, isolated outpost overrun in the night. It was a scene that has been played a thousand times in the last twenty-five years of war.

The villagers escaped into the surrounding woods, and for two days they marched over some of the most impenetrable and inhospitable country on earth. "We were so sorry to leave everything behind," the chief said, "and the march was very difficult. We walked two days, and the people cried and cried over the mountains. Two people died; one was an old person and the other was a child." There was talk that the men might be conscripted into Vang Pao's army, but the chief did not know for sure, and he did not know what would happen to his people. "I am afraid," he said.

"FOR WHAT?"

At site 272 the Air America planes continue taking off and landing in a roar of red dust, bringing rice, pigs, and ducks to the refugees. But one senses the end of a decade of American policy in Laos. Ten years ago, when the Americans first began to train and equip the Meo tribesmen, Vang Pao's guerrillas operated all over Northeastern Laos—far behind enemy lines to the borders of North Vietnam itself. Fewer than two dozen American servicemen have been killed in these mountains. Asians fight Asians. But ten years of costly, vainglorious offensives and unremitting pressure from North Vietnamese counteroffensives have pushed the Meo beyond their endurance. Vang Pao's losses in the last three years have been so heavy that the Armée Clandestine is no longer an exclusively Meo force. Almost half their numbers are now made up of other highland peoples. And in the last three or four years, the Meo have been organized to fight in battalion-sized units of over five hundred men instead of small guerrilla units. As a result, the slaughter has been magnified. Vang Pao's army can no longer hold Long Cheng alone, and by early April it was reliably reported by Lao and American sources that no fewer than five thousand Thai troops had been flown in to bolster the Long Cheng front. (The Thai government still denies the presence of Thai troops in Laos, but their presence is common knowledge in Vietiane.)

For ten years the Meo people have been running and dying, and today there are few mountain ranges left into which to escape. American officials estimate that fully 15 percent of the 250,000 to 300,000 people in the military region that makes up Northeast Laos have died within the last three years.

The official Laotian and American Embassy position is that the Long Cheng airstrip must be held at all costs, but there is a general realization that the game is almost played out as far as the Meo are concerned. Officials speak of an eventual accommodation with the Communists, and say that the Armée Clandestine is all but finished as an effective fighting force.

Many of the Americans who have worked with the Meo have become profoundly disillusioned. The senior USAID official in the Northeast, Edgar Buell, the former Indiana farmer known as "Pop," who in ten years has become a Lawrence of Arabia figure to the Meo, is himself a casualty. Recovering now from a serious heart attack, burdened by overwork and worry during the last few years of disasters, Buell said: "All of this is difficult for us who have worked with these people since the beginning. Some of my boys are beginning to wonder, what was it all for?"

Some Americans are beginning to wonder why, if there is to be an accommodation now, we didn't encourage one ten years ago. Perhaps the arming and supplying of guerrillas so close to the North Vietnamese border provoked greater North Vietnamese retaliation in an area that has nothing to do with the Ho Chi Minh Trail and the war in Vietnam. Although it is true that the Meo had asked for arms in the first place, some Americans argue that they were urged to fight on for U.S. interests beyond their capacity and beyond anything that could be considered in their own interest.

"You know, over two thirds of the 170,000 people we are supporting in the Northeast are refugees," said one American with many years' experience. "Few have been permanently located, and they are milling about in limbo. Anthropologists call the Meo a seminomadic people, but before the war they would move only when they ran out of land. Normally, they might move only ten kilometers or so, and they might take a year to make the move. But to be uprooted as they are now is a great trauma for them.

"In these large refugee moves over the last four or five years we have found that about 10 or 15 percent die during the move or just afterwards," the American said. One always knew that the long marches were killers. When whole populations were on the move, walking for days on end through the mountains, one knew that the old, the weak, and the very young died. But, said the American, experience showed that about the same number of people died anyway even if they had been carried out by plane or helicopter. "We have American doctors waiting for them with mosquito nets, malaria pills, penicillin, the works. But they die anyway. It is the move itself—the adjusting to a new area, different food and water. Of course, part of the problem is that, like all Southeast Asians, a lot of these people are sick and weak to begin with. But a lot of it is psychosomatic—bad *phi* [spirits]. Just the trauma of moving kills them. They think they are going to die, and they do."

Edgar Buell expressed the phenomenon a little differently. "Just moving causes a kind of sickness," he said. "I wouldn't go so far as to say they die of a broken heart or anythink like that, but, yes—you can just about say that for a lot of people, moving means dying."

"UP IN THE SKY"

In the summer of 1969, in what may prove to have been Vang Pao's last successful offensive, the Armée Clandestine, with American logistical and air support, captured the Plain of Jars from the overextended North Vietnamese. But some people thought that the brilliantly executed offensive was a foolish escalation of the conflict. By February of 1970, Vang Pao had been pushed back off the plain, with heavy losses.

The raid produced one of the biggest refugee movements of the Laotian war. Fifteen thousand inhabitants from the Plain of Jars were resettled in camps near Vientiane. The last airplaneload left on the tenth of February, 1970. A silver C–130 with the American markings painted over landed in a rooster tail of dust on a makeshift strip on the western edge of the Plain of Jars. The last terrified refugees—it was their first plane ride—were herded aboard against the hurrican blast of the prop wash; nothing was left behind except their dogs, forming in packs and snarling among the refuse of their encampment.

"Some of them have slipped back to the Pathet Lao," said an American official at the time, "but we have rounded up most of the population, and the name of the game is control of the population."

The refugees were set up in temporary bamboo barracks. Now, a year later, these refugees have not yet been permanently resettled. Their conditions are good by refugee standards in Indochina, but the mental fatigue of their impermanent and unsettled status has begun to engulf them. They long for the cool uplands where they were born. To Americans who question them, they speak of their lives behind the Communist lines before they came away from the Plain of Jars. And they describe the role of American and American-supplied air power.

And old grandfather sits lethargically in the shade with his son-in-law and talks about his former life. "Our old house was big and made of wood, not bamboo," he said. "But there is just dust there now. All was burned. We had big, wide rice fields and many buffaloes. There were few trees and the rice grew really high—before the planes came."

In 1967 the grandfather saw only a few planes in the sky, but in 1968 and 1969: "*Hwai!* Maybe we would see two hundred planes in a day," he said, and he drew childish but recognizable pictures of the Laotian T–28's and the American jets he had seen. In August, 1968, his fourteen-year-old nephew was killed.

"The child was out tending the buffaloes when the planes came. He ran for a hole to hide, but he did not run fast enough, for the bombs killed him. They killed three buffaloes at the same time. The bombs cut his head off and his arm, and his insides came out on the ground. Many pieces of him went up in the sky," the grandfather said.

His niece, a woman of thirty, was also killed. "She was afraid to go out of the house because the planes shot at anything that moved," he said. "But the bombs fell on the house, and she was killed."

Later, in 1969, when many of the houses in the village had been destroyed, the people left their houses and lived in holes in the ground. "Every family had a hole, and we would live in the holes—even cook in the holes. We tried to plant our rice at night, but even at night the planes would come. They would drop flares and make it really bright—like day. They were trying to shoot the Pathet Lao soldiers, I suppose, but there weren't any soldiers on the plain. They all lived in the woods in the mountains," the grandfather said.

Periodically the Pathet Lao and the North Vietnamese cadres would come. "They would teach us things and talk about politics. The children studied and studied, and they would learn to read. The adults who could not read were taught, too, and whoever had the knowledge could go teach someone else. Sometimes women even taught men," the grandfather said. When they were hungry and could not grow their own rice, the Communists would give them rice "and fish from Vietnam," the grandfather said. "But they didn't just take things like the government soldiers, who just took our animals. Sometimes they [the North Vietnamese] would trade us salt and ducks for dogs because they ate dogs. Ten or twelve kilos of salt was the price of a dog."

From time to time, the villagers would be asked to serve as porters for the Pathet Lao, which they didn't like. "Sometimes," said the son-in-law, "we had to carry ammunitions and guns. If there were twenty of us, ten might carry the guns and rockets and ten would carry rice. Sometimes we would have to go for several days, but if you were old you did not have to go. In the daytime we would sleep in the forest and move only at night."

The villagers said that the North Vietnamese never asked them to serve as porters because they brought their own porters, mostly women, from Vietnam.

In the summer of 1969, Vang Pao's Armée Clandestine came. "We were hiding when they came," the grandfather said. "There were about two hundred of them. They said: 'Whoever is there, come out. Come out! You cannot stay here. If you stay here, it means you want to go with the Pathet Lao, and we will shoot you.'" And so the villagers were taken away, and the soldiers burned the houses that were left standing. Were they taken by force? "Oh, we were glad enough to go from there because of the bombing," the grandfather said, "but you were not able not to go."

An old woman, also a refugee from the Plain of Jars, sat with her small granddaughter. Her son, the child's father, had died from disease, and another son had been killed by the "bombi"—the word Laotians use for the antipersonnel bombs that spray flesh-destroying pellets when they explode. "He was out transplanting rice at night," she said, "when the planes came. They took him to a hospital in a cave, but he died."

"THE ENEMIES"

"All the houses in our village were destroyed by bombs," the old lady said, "and all we had left was our own bodies. There were ten houses in our village and the *wat* [temple], and the *wat* was destroyed, too. We were always afraid of the planes, and we lived in deep holes as high as a man's head. Maybe fifteen planes would come each day, and we made a place for ourselves in the holes, and we cooked and slept in the holes. The children were very afraid when the planes came, and they cried and cried. The mosquitoes were very bad, and when the rain came, the water would come up to our knees and it was difficult to sleep."

Sometimes the Pathet Lao would ask for porters from her village, too. "My sons and daughters had to go, and I didn't like it. I did not go myself because I am too old. I am sixty-three. Sometimes when the enemies would come near we were really afraid, and there was lots of firing when they came near. Old people do not understand the war," said the old woman.

Many villagers spoke of "the enemies," as indeed they do in Cambodia as well. They do not mean their own enemies. Just the enemies—people who are fighting each other.

The American Embassy, when asked why the Plain of Jars Villages were bombed, says that the rules of engagement in the air war are very strict. The rules are that population centers cannot be bombed, and that villages are hit only by accident—the accidents of war. But in dozens of interviews I had in 1970 and 1971 with people from different towns around the Plain of Jars, the evidence led to the conclusion that the population centers behind the Pathet Lao lines had frequently been bombed by U.S. and Laotian aircraft.

"ALL WE REALLY HAVE"

There are still backwater villages in Laos where it is possible to believe that there is no war, and such a village is Ban Xa Phong Meuk. It is only twelve kilometers from Vientiane, and the wooden thatched-roof houses are built on stilts in the traditional Laotian way. In the heat of the day, chickens, ducks, and sway-backed sows sleep underneath the houses in the shade.

Po Tou Douang was born in the village around the turn of the century, and he has never been further than a few kilometers away. The wooden floor of his open-sided house has a high polish, the result of decades of bare feet upon it. His body is old but tough and sinewy. His eyesight is going, but his hands are still quick and sure at the old skills of weaving rice baskets out of straw or making fish traps or copying Buddhist scriptures onto strips of bamboo leaf. The invasions that have swept across Laos in his lifetime have scarcely touched him. He remembers hearing the guns firing along the Mekong after the fall of France in 1940, when the Thais attacked the isolated French garrisons. Later he heard firing again, and his little son ran to tell him that the Japanese had come to Vientiane. "The French ran away to the North," he said, but he never saw a Japanese in his village.

To Po Tou Douang the Americans are much the same as the French and other foreigners otherworldly and unapproachable beings. Like the *phi*, the magic spirits that haunt all Laotian life, the unpredictable beings must be placated and charmed less they prove dangerous.

In 1969, the Pathet Lao managed to blow up a government ammunition dump about five miles away, and in the false dawn the explosions lit up the sky and the ground shook beneath the village. The people crowded into the trenches they had dug and waited in fear while the ammunition burned and boomed on into the night. The old man remembers the courage of his neighbor who left his trench during the explosions to bring cakes to the village spirit house, in case the village should need supernatural protection.

Save for those few brushes with war, Ban Xa Phong Meuk continues as it has for centuries. The demarcations of the past, present, and future are blurred and softened in the traditional village, and the incidents of war have been like acts of nature which interrupt and punctuate the rhythm of the rice-growing.

Po Tou Douang can read only the Buddhist scriptures, which he has learned by rote from the monks. He has no education and no money. But does the townsman have a better life? "Oh, for sure not," he said. "Take me. During the dry season I fetch water and cut firewood. At the end of the dry season I used to look up in the sky. Ho! Time to plant my upland rice and vegetables, so I got out there in my paddies to plow, and I would stand behind my buffalo, push him along saying, 'Tsk, tsk, hey you! Go straight.' I worked as I liked. If I felt tired or the sun was too hot, I'd stop that day, come back to the house, and rest. The next day I would go back, and soon the plowing and planting and transplanting were finished. Nothing to do for a few months—fetch water, cut wood, fish. Then go harvest the rice, and I was all set for the next season."

The old man's eldest son, Khamphouang, is a townsman. Now in his forties, he has none of the old skills. He cannot weave baskets or make fish traps, nor can he write Buddhist scriptures on bamboo leaves. But he can speak French and English, and he has been to Europe and America.

Khamphouang is an orthopedic technician—a maker of artificial legs. Business is good, for legless men have become something of a cash crop in Laos. He works in the yellow stucco orthopedic hospital in Vientiane—a sad, dusty place on the edge of town.

Sitting in the cool of Khamphouang's office, watching the amputees shuffling about on crutches in the remorseless heat in the courtyard, we spoke of the war in Laos. We spoke of the Air America planes flying into dangerous dirt airstrips bringing rice for refugees. We spoke of the Americans who worked twelve or fifteen hours a day trying to help the homeless and dispossessed and of the bombers, which, with equal vigor and dedication, were bombing people out of their homes. We spoke of the North Vietnamese and Pathet Lao, who were against corruption and seldom stole from the people, and yet who, year after year, continued to kill and maim the men whom Khamphouang tried to put back together.

"We have nothing in Laos," he said. "We have neither money nor factories to make arms. But we have other people from other

countries to help us, so all we really have is unending war. If peace does not come soon, I am afraid we are all going to die."

DEAN RUSK'S VIEWS ON VIETNAM

Mr. McGEE. Mr. President, with the recent publication of the Pentagon papers many individuals and public officials have rushed to join in condemnation of four administrations—particularly the Johnson administration—over our involvement in Vietnam. As a result, a number of myths have evolved and these individuals have taken it upon themselves to perpetuate these myths before all the facts have come to light.

However, the whole picture of our involvement in Vietnam is coming into focus. In Sunday's Washington Star, former Secretary of State Dean Rusk provides very lucid answers to the distortions which have arisen as the result of the publication of this 47-volume study.

I, therefore, ask unanimous consent that the article be printed in the RECORD.

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

DEAN RUSK LOOKS BACK ON VIETNAM

Here is a partial text of an interview with former Secretary of State Dean Rusk by Star Staff reporters Crosby S. Noyes and George Sherman:

Q. In discussing the Pentagon papers, you have said recently that you thought the presentation was basically fair in some respects. The criticism has been made that there are major distortions in these papers of the performance and the motivations of the administration in making decisions about the war in Vietnam. Would you comment on how you feel about it?

A. Well, I think the papers that I have seen do bring out the fact that there was very lively discussion within the government during this period about Vietnamese problems. But I do not believe that the net impressions of the papers are accurate as to what was in the minds of the President and his Cabinet colleagues at crucial moments of decision.

Q. Do you think that the effect of these papers is helpful so far as the government as a whole is concerned, or do you think it tends to discredit government in the public mind?

A. Since I have no knowledge as to what is in the 40-volume report, I have no way of making an independent judgment that the report itself was fair and representative, with respect to the tons and tons of materials that are in the State Department, the White House files, and even in the Pentagon on this subject. Since I have not seen the 40-volume report, I have no way of judging whether the press reports that have been published are fair and impartial reflections of the report itself.

I am concerned about the use of anonymous analysts who put thoughts in our minds and sometimes words in our mouths which we had no opportunity to consider and comment about. At no time did those who wrote these reports ask us directly what we had in mind at particular periods. And at no time have any of the press who have been reporting on the contents of the report call me up on the telephone and ask me whether the impressions of a particular analyst were a fair reflection of what I had in mind at that time. So I think that what has happened thus far has been a fragment of an enormous amount of material, the quality and validity of which is not now subject to public inspection and examination and judgment.

Q. Mr. Rusk, you said that what's been published so far didn't represent what was going on in the mind of the President or his Cabinet officers. Could you give us several examples?

A. Well, for example, there was some discussion about the possibility of our taking certain steps to provoke the North Vietnamese to take certain actions which in turn would be used by us as a basis for further action on our part.

Now the President and his Cabinet officers never approved or gave any serious attention to such acts of provocation, because we were not interested in building up the war further, we wanted to scale it down. And it would not have been in our interest nor was it our judgment to provoke the other side into doing things as a basis for further actions on our part.

Q. Do you mean you wanted to scale it down at every stage?

A. At every stage, I think one must bear in mind there would not have been a single American soldier in Southeast Asia shooting a weapon at anybody if Ho Chi Minh had kept his guerrillas and his regiments and his divisions in his own country. That's the most elementary point involved.

I do not get from what I've seen thus far about these reports that much attention has been paid to what the North Vietnamese were doing all of this time. And this is crucial to understand the events of '64 to '65 because it was not until the end of '64 and the beginning of '65 that the North Vietnamese began to move the regiments and divisions of their regular army in what appeared to be an all-out invasion of South Vietnam.

Q. You think there isn't enough historical content in the presentation?

A. That's right, I regret that they even applied the name history to it because I do not have the impression that the disciplines of history were used in the preparation of this report. Had this been taken up as an administration matter in which the Defense Department, the State Department and the White House would try to build up the story of this affair, I'm sure that we would have turned it over to the professional historians in our respective departments who are not subject to day by day and week by week guidance as to what materials they use.

For example, the series called The Foreign Relations of the United States, meets high standards of historical accuracy and I find that aspect missing. I have no way of judging the individual analysts because they're still anonymous. And we don't know what their historical training is, we don't know what their motivations might have been, and what purposes they might have had in mind. So it seems to me there is still much too much secrecy about something which is being acclaimed as a great revelation. What I'd like to see—if this much of the story comes out—I'd like to see more of it come out.

Q. The critics of the war are saying that these papers show that the United States and its government in this period was aggressive, militaristic, deceitful and insensitive to moral and human values involved in the problem of the war in Vietnam. Is that an accurate picture, do you think?

A. I think a good deal of this is nonsense. In the first place, by no stretch of the imagination can one absolve North Vietnam from the perpetration of acts of aggression against Laos, South Vietnam, Cambodia.

International law is not corrupt, it is not frivolous. Look at the important declaration of friendly relations proclaimed by the United Nations General Assembly in its last session which interpreted the illegal use of force referred to in article 24 of the U.N. Charter. It was very specific that every state has an obligation to refrain from the threats or use of force in violating demarcation lines and armistice lines. It was also very specific that they have an obligation to refrain from organizing irregular forces and guerrillas and mercenaries and groups of that sort to penetrate across national boundaries into other countries.

Now as far as deceit is concerned, I want to emphasize that there is a big difference between the wide range of contingency planning and thinking that might go on at staff levels and what might be in the mind of the President and his cabinet advisers as far as policy is concerned. The simple fact is that President Johnson did not bomb North Vietnam until February 1965, when he did approve a small retaliatory raid for the attack on Pleiku, and did not enter into any systematic bombing of North Vietnam until March and April.

Q. You were saying that there was no decision on the bombing until it was clear that there was a large scale North Vietnamese invasion of the South. Would you be more specific on that question because the suggestion in the papers is that there had been a consensus on the bombing before the 1964 election which wasn't carried out until February 1965?

A. There was no consensus on bombing North Vietnam at any time in 1964 that included me, and more particularly, a consensus that included President Johnson.

I think if anyone were to look at the totality of what President Johnson said during the campaign of 1964 rather than just pick up a phrase or two, they would find out that President Johnson made it very clear that we would meet our commitments in South Vietnam, that we believed that an aggression was in prospect, that the course of world peace depended upon our helping to resist that aggression.

He also said that we did not want a wider war, and that was true. We did not want a war as wide as the one we already had. But it was not until very late spring and very early summer of 1965 that President Johnson began to increase the American forces in South Vietnam significantly beyond the totals that had been approved by President Kennedy. Now the reason for that was that President Johnson was faced with a new situation which President Kennedy never had to face; namely, the formal invasion of South Vietnam by the organized units of the North Vietnamese forces.

Q. That didn't come until after the election?

A. It did not come until well after the election. The very beginnings of it came at the end of 1964 and then it began to build up in early 1965.

Q. Do you mean the bombing which began in February '65 was in fact a response?

A. No, I think the bombing in February was a specific low scale retaliatory action. The bombing began in March and built up in April and later. It was inaugurated in the light of the obvious indications that a major invasion of South Vietnam was underway.

Q. This was not clear in any way before the election?

A. We always knew that such a thing was possible. And so if the staff was going to be worthy of their salt, it was up to them to think about all these contingencies and to talk about the various contingencies that we might be faced with. But that's a far different thing from saying that President Johnson had decided in 1964 to bomb the North or to make a major addition to U.S. forces in South Vietnam.

Q. Do you think a larger effort would have been justified?

A. I think the historian would want to study very carefully the gradualism of our responses to North Vietnamese escalation. It is possible that had we looked at it very soberly in 1961 and realized that there was no agreement between ourselves and the Russians on Vietnam—although there appeared to be one on Laos—that the thing to do in

1961 might have been to put in a very substantial number of forces and make it clear from the very beginning that we would take this matter seriously. Even as early as 1961, when it was clear that men and arms were coming down the Ho Chi Minh trail.

But at that time we were trying very hard to take a major step towards peace in Southeast Asia by the agreement on Laos. Had we been able to create an internationally neutralized Laos from which all foreign elements would have been withdrawn, Laos could have served as a kind of buffer between North Vietnam and Thailand—that this would have been a major step toward resolving the problem in Southeast Asia. We were trying to keep the situation relatively calm and low scale in order to give the Laos agreements a chance to come into being and operate.

Q. What would be the effect of a Communist takeover in Saigon today?

A. The peace of Asia is being disturbed by North Vietnamese troops in Laos, South Vietnam and Cambodia, by North Vietnamese trained guerrillas in Thailand, by men in arms that trickle across the Northeast frontier of Burma out of China and by men in arms coming across the 30th parallel from North Korea to South Korea. I gather this Korean activity has cooled down somewhat since I left office.

This doesn't involve a domino theory—just look at what is happening on the ground and you see what is disturbing the peace of Asia. I don't quite see how Asia is going to have peace unless that kind of activity stops, or unless it succeeds and imposes that kind of peace upon Asia.

Q. Going back to 1961—could you expand on how Vietnamese policy tied into Laos?

A. I think the story with President Kennedy starts with the conference he had with President Eisenhower on the day before inauguration in 1961. The subject of discussion was almost solely Southeast Asia. President Eisenhower made the only recommendation he made to President Kennedy—namely that we put troops in Laos. He said do it with others if possible; do it alone if necessary. President Kennedy replied to him at that point that he obviously was going to think about it.

Now when President Kennedy took over responsibility, we looked at the situation in Southeast Asia and we were very much concerned about the rapid movement of the North Vietnamese forces in Laos. The more we looked at it, the more we came to the conclusion that when the Laotians were simply left alone they do very little fighting among themselves and they would find their own way to make internal adjustments.

So we concluded that if these gentle, civilized people in Laos could be left alone that somehow they would manage or mismanage their own affairs. So President Kennedy talked to Chairman Khrushchev about this in 1961 and Chairman Khruschev apparently agreed with this concept.

In the Geneva negotiations on Laos, therefore, we tried very hard to get an agreement. We made some significant concessions compared to the conventional wisdom of the Eisenhower administration. We accepted the Soviet nominee to be prime minister—Prince Souvana Phouma. We accepted a coalition government among the right-wing, the neutralists and the Communists and Ambassador Harriman used great skill in putting together that coalition government. We accepted the international neutralization of Laos.

The difficulty was we never got one day's worth of performance on those agreements out of North Vietnam. They did not take their troops out of Laos, as the agreement required. They did not stop using Laos as an infiltration route into South Vietnam, as the agreement required. They did not permit the coalition government to operate in the Communist-held areas of Laos and did not even permit the International Control Commission to move freely in the Communist-held areas of Laos. That was a bitter disappointment to President Kennedy and his principal advisors, and had a considerable influence on later thinking on these subjects. We knew from June 1961 onward that there was no agreement between us and the Russians on Vietnam. And so President Kennedy began to look towards ways and means of strengthening South Vietnam and giving it support. Even so, we did not want to move so dramatically or so strongly in South Vietnam as to endanger the possibilities of success with the Laos agreement. So we tended to take it easy during that period. We were in the Laos conference from the middle of '61 to the middle of '62. I was among those, like President Kennedy, who wanted to be relatively cautious about what we did, and matters of that sort, in the interest of getting a desired result with respect to Laos.

Q. What about the argument people make that Hanoi's response was to steady escalation, no matter how covertly the Kennedy administration acted in Vietnam?

A. That's just nonsense. If anyone wants to put together a detailed chronology of what was happening on both sides—most of these chronologies overlook what North Vietnam was doing—one would find that American action has been in response to what North Vietnam was doing. Again, I come back to the points that there would not have been an American soldier firing a weapon in Vietnam had Ho Chi Minh not gone after Laos and South Vietnam.

Q. According to the Pentagon papers, Defense Secretary McNamara in 1966 began having second thoughts about a military solution and began turning toward the idea of a political compromise. Did you have second thoughts at that point?

A. No, I did not.

President Johnson used to say that Secretary McNamara was his right hand in terms of denying to the North Vietnamese the ability to conquer South Vietnam, and that I was his left hand, trying to bring this matter to a conclusion by political processes.

The difficulty was that up through 1966, North Vietnam seemed to rely pretty heavily upon its eventual ability to carry out its purposes by military means, and so many of the intermediaries that were involved at this time seemed somehow to think that their problem was to find some means by which the U.S. could save face.

We weren't interested in saving face; we were trying to save South Vietnam. Then after we achieved a military position in South Vietnam through the buildup of South Vietnam forces and the increase in American forces, we made it pretty clear to North Vietnam that they would not be able to succeed militarily. But by that time there was a good deal of division in the United States and I think that they made the decision to simply stick it out and see what would happen on the home front in the United States.

So during one period they had little incentive to negotiate because they thought they were going to succeed militarily. During the remainder of the period they had little incentive to negotiate because they thought that divisions within the United States would make it unnecessary for them to do so.

Q. I take it from what you say that you have a sense of failure about what we did in Vietnam.

A. I don't believe I have a feeling of failure. I'm disappointed that President Johnson and his colleagues, including myself, were not able to wind up this struggle before we turned over the situation to the next administration. In one sense each administration has inherited this from the earlier administration, going all the way back to Franklin Roosevelt. But the point I want to make is that this is not Eisenhower's war or Kennedy's war or Johnson's war or Nixon's war. It's Ho Chi Minh's war. There would not have been a war out there had Ho Chi Minh not gone after Laos and South Vietnam.

Q. Then I take it you do not think we have accomplished our essential objectives in Vietnam at this time?

A. I would not say that we have yet, because in the first place it's very hard to know how the story is going to come out. I don't believe Hanoi has had any incentive to negotiate seriously for some time because I think they are waiting to see how far public opinion in this country will go.

Q. What do you think of the most recent peace proposals in Paris?

A. I think they should be used as a basis for serious, private, probing discussion between the two sides in order to find out what might be possible. On the whole, I'm not too optimistic because I still feel North Vietnam wants South Vietnam and in that case I don't see any particular reason why we should negotiate them into that position—rather simply confess that we're not prepared to do what's necessary to prevent it.

Q. In the Johnson administration, when did you first feel that time was running out for you?

A. We realized that the impact of the Tet offensive in the United States brought about a significant change in the situation in early '68. That was ironic because in Vietnam, the Tet offensive was a failure from the point of view of the North Vietnamese and the Viet Cong. They did not achieve any of their purposes and the net result was to leave them in a greatly weakened position—and the South Vietnamese in a much stronger position. But the political and psychological impact in the U.S. was very different. It could only lead to the conclusion that the Tet offensive was a brilliant success from the North Vietnamese point of view.

Q. They why, after Tet, were such large military reinforcements requested by Gen. Westmoreland?

A. These were figures being discussed on a contingency basis. One could not know whether North Vietnam might commit even larger forces from its remaining forces in North Vietnam. Immediately after the Tet Offensive it was not as clear as it became two or three months later that the situation in the country had bounced back and that the South Vietnamese were in a much stronger position than we expected.

However, even the possibility that under certain contingencies we might consider the necessity of sending in large numbers of additional Americans helped to stimulate the need to urge that we try the bombing halt that was instituted in March 1968 to see, once again, if we could move this problem from the battlefield to the conference table.

Q. When did you make the recommendation for the bombing halt?

A. I think about March 4 and 5 I suggested to the President and he said "Well, get on your horses and prepare a plan for that." Then he thought about it more during the period of March and he did some refining of details and finally announced it on March 31.

Q. The suggestion has been made that you had thoughts of the bombing halt earlier. You talked about it in the autumn of '67.

A. Well, it was not a new idea in '68. We had tried several bombing halts of various durations from a few days to 37 days. And we also had gone through certain periods when we were not bombing within a certain radius of Hanoi or Haiphong in order to give a signal to the other side that various intermediaries were in fact in touch with us.

So there's nothing novel or new about the idea of a bombing halt. We did decide in March '68 to institute one which had no time limit on its face—could not be interpreted as some sort of ultimatum, and with every door open for North Vietnam to respond. Some of us were not confident that North Vietnam in

fact would respond because they had not responded on a number of other occasions.

That does not mean that the offer was not made in good faith. We hoped that they would respond and we were prepared to follow up on it if they did respond, but we had had no private indication beforehand for example, that if we instituted that kind of bombing halt, they would reply.

Q. What was your over-all concept of the bombing halt? Was it something to allay public opposition to continuing the war?

A. The chief point was to find a way, if possible, to bring the hostilities to a conclusion, to resolve the problem. Again we tried many channels, devices and bombing halts to try to stimulate something in that direction and we never got any indication from Hanoi that they wanted anything less than South Vietnam. But the major interest was on the international scene and not on the domestic scene. We weren't going through this bombing halt in March 1968 for local domestic purposes. After all, in the same speech, President Johnson said he was not going to run again.

Q. But you did have the feeling at the time that you were losing public opinion in the United States?

A. Yes, we did. But the main purpose was the international purpose of bringing this conflict to an end.

Q. But when you were backing this proposal did you know that President Johnson was not going to run again?

A. Well, this is primarily for President Johnson to say. We had talked the year before about that possibility and his thoughts on the matter and although he had not given the final indication or his final decision, from the middle of '67 onward I worked on the assumption that he would not run again. I said nothing to anybody about it. But that was my own private view.

Q. Did you give any thought to a gradual withdrawal of American troops from Vietnam such as Nixon is doing now?

A. I think that with the buildup of the South Vietnamese forces, particularly in 1967 and '68, and the increase in our capability in supplying them with essential weapons like the M16 rifle, that any President might have reduced the forces somewhat, but that's speculative.

Q. What do you think the strategic importance was of stopping the bombing of the North in March 1968?

A. From a purely military point of view, I personally did not feel it was of great consequence because only about five percent of our bombing sorties were actually made into the far north of North Vietnam. Most of our bombing was along the Ho Chi Minh trail and in the southern part of North Vietnam directly connected with the DMZ in the battlefields.

This is one of the reasons why our military people agreed with the bombing halt in March 1968. And the weather had some bearing on it. The chances of bombing Hanoi in that period were going to diminish and so we thought this opened the way for a bombing halt of a sort which would not endanger our forces in South Vietnam.

Q. Where will Vietnam leave us as a nation? Will it encourage isolationism or a curbing of the power of the Chief Executive?

A. I'm not very expert in the political field, but I'm concerned about some of the trends towards isolationism these days. It's not just get out of Vietnam regardless of the consequences; it's also withdrawal of troops from NATO, deep slashes in foreign aid, quotas on imports contrary to the Kennedy round of negotiations and the general feeling that we should forget the rest of the world and take care of our own problems at home.

Now we have some problems here at home, but we also have a trillion dollar GNP and we can find the resources we need to find for those problems that we have a will to resolve. So I just hope we will not repeat some of the egregious mistakes we have made in the past by moving into a period of isolationism which would encounter very great dangers, indeed.

Q. What would you say to people who call Johnson "the great dissimulator?" In your dealing with him, did you always know where you stood?

A. This is a complete misapprehension of the man. President Johnson thought about the important decisions he had to make for a very long time—very carefully—and he balanced the alternatives and he tried to put himself in the shoes of his opponents to see what the problems looked like from their point of view and he thought about them a great deal.

He did not make his decision until the time came for a decision—when he thought it was necessary to make the decision one way or the other. When he made his decisions he executed them and announced them. All the staff work that was going on down below based on those contingencies cannot be attributed to President Johnson and to what was going on in his mind. So I did not find any deviousness about him in terms of the decisions that he made and his readiness to announce them when they were made.

Q. Do you think he was genuinely reluctant to get involved in a big war in Indochina?

A. Any president of the United States is going to be reluctant about a struggle which is not of his making, which he doesn't want, which we could do without.

It was the tragedy of President Kennedy and President Johnson that what they really wanted to accomplish were far-reaching programs on the domestic side and such things as the partial test-ban treaty and the nonproliferation treaties and the space treaties the Kennedy round of negotiations and the Alliance for Progress and the Peace Corps and the consular agreement with the Soviet Union. All these things. But they had to face the Berlin crisis of '61 and '62 and the Cuban missile crisis and the aggression in Southeast Asia, which was not of their making. This was not what they wanted to have happen while they were president.

Q. This is being presented by some people as an exercise of American military power—as a demonstrative thing. Does that make sense to you?

A. Those who charge that we somehow went into Southeast Asia for colonial purposes or from the point of view of economic interests are just talking nonsense. I've even heard some people now talking about oil in South Vietnam. I never heard about oil in South Vietnam while I was Secretary of State. And you can buy an awful lot of oil for $100 billion. So these charges with respect to motives are just nonsense. Just look at the entire story of the United States since World War II. All we've tried to do is to build some peace in the world and to help the world recover from the war and to get on with some economic and social development and to build some peace.

Q. What about the charge that as a great power we couldn't take the humiliation, once we were involved in Southeast Asia, of a compromise settlement which might foresee a Communist takeover in Saigon?

A. The word humiliation is not the way to put it. The problem is the credibility of the United States under its security treaties at moments of crisis. If people in other capitals—I mean particularly places like Moscow and Peking—should decide that the United States will not meet its commitments under its security treaties, then they can make major miscalculations which would plague us all into war.

Q. Do you think that's a problem today?

A. I think it is and I think it will continue to be a problem.

Q. You say President Johnson reached decisions very slowly. One of the impacts of the Pentagon papers as printed is that the momentum of advice surrounding him was all in one direction. Wasn't he in a sense surrounding himself with people who felt the same way—the way he felt—about the American role in the world?

A. I don't know of any alternative that anyone has suggested that was not considered by those carrying high responsibility in government during that period. I don't think I've even heard of a new idea that has come out of all the public debate on Vietnam that has not been looked at and thought about and weighed and judged in places like the Department of State and the White House.

It's inevitable that something called the Pentagon papers are going to reflect the activities in the Pentagon, more strongly than they do the activities in the Department of State and in the White House. And in any event some of these anonymous analysts simply have no way of knowing what was in the mind of the President and the Secretary of State and the Secretary of Defense on some of these highest questions of policy. Among other things, they didn't even ask us while they were preparing the report.

Q. The other point is that the Pentagon papers themselves have very little of Dean Rusk in them.

A. That's true. This is partly because they apparently have only those State Department papers that were regularly distributed to the Pentagon. Secondly, I didn't write a lot of memos for general circulation in the government.

I wrote a lot of memos to the President and 2,100,000 cables went out of the Department of State with my name signed to them, while I was secretary. But I did not circulate around the government a lot of hypothetical memoranda because I did not want to shape and in any way limit the freedom of discussion that ought to go on in government before decisions are made. President Johnson also was insistent that all possibilities be considered and, as you know, he greatly valued the role George Ball played in bringing to his attention eloquently and forcefully some other points of view.

Q. One last question. In retrospect, do you think eight years as secretary of state was too long?

A. I'm inclined to think so. In the modern world, each year now is worth about three or four years in the pre-World War II era. The demands—physical and nervous energy and all the rest of it—are very great and I'm inclined to think that we ought to work it like a football platoon system. You wear out one team and put in another. But eight years turned out to be a very long time indeed.

Q. In retrospect, do you see any point during your term in office when there was a point of departure to take a different course toward deescalation—before the March 31 bombing halt?

A. Not particularly, given the nature of the aggression, the nature of American commitments and the enormous consequences that might follow from a failure on our part to meet what seemed to the entire world to be a very specific American commitment.

AUGUST DERLETH—IN MEMORIAM

Mr. PROXMIRE. Mr. President, a literary son of Wisconsin is dead. August W. Derleth, of Sauk City, viewed himself as "primarily an entertainer" and a storyteller. He fulfilled those goals well. He told stories that entertained and delighted children and adults. But he was

a biographer as well. In addition, he was a literary critic for the Capital Times, of Madison.

In Wisconsin he was best loved for his "Sac Prairie" series. He considered the series of novels his serious work. In the novels he portrayed life in the river towns of Sauk City and Prairie du Sac as no one else, for this was his turf. He loved it as few men love their native soil.

August Derleth was one of those men who made the world just a little bit better for having been part of it.

I ask unanimous consent that an article published in the Washington Post be printed in the RECORD.

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

WRITER AUGUST DERLETH, 62, FOCUSED ON WISCONSIN LIFE

(By Ellen Hoffman)

August W. Derleth, 62, a Wisconsin author who wrote 150 books, died after an apparent heart attack Sunday in Sauk City, Wisc.

He died at his home, "Place of Hawks," which bears the same name as a 1935 novel in his "Sac Prairie Saga." The "Sac Prairie" series and his "Wisconsin Saga," which chronicle the life of the river towns of Sauk City and Prairie Du Sac, were considered by Mr. Derleth to be his "serious" work.

"In the overwhelming majority of my books I am primarily an entertainer, little more than the primitive storyteller who had a place at his tribal fire. I believe in communicating as simply and directly as possible, and am not interested in various literary 'isms . . .' Mr. Derleth wrote in a discussion of his work in "Contemporary Authors."

One of the books in the "Sac Prairie Saga," "Walden West," won a nonfiction award from the Council of Wisconsin Writers.

In addition to the two series of novels, Mr. Derleth wrote a series of "Judge Peck" mysteries including "Murder Stalks the Wakely Family," published in 1934, and "Death by Design," published in 1953.

Among his other works are biographies of Ralph Waldo Emerson and Henry David Thoreau; "Solar Pons" stories (pastiches from Sherlock Holmes), supernatural fiction and historical fiction for young people.

Mr. Derleth was born in Sauk City and graduated from the University of Wisconsin. He held a Guggenheim Fellowship in 1938 and was a lecturer in American regional literature at the University of Wisconsin during the early 1940s.

In the course of his career, he had also served as literary editor of the "Capital Times" newspaper in Madison, Wis., and contributing editor to "Outdoors" magazine In 1958, Mr. Derleth created Arkham House, a publishing concern.

He is survived by his mother, Mrs. William J. Derleth, of Sauk City, and two children.

"NORTH CAROLINA: FOR THE DEFENSE"

Mr. ERVIN. Mr. President, in 1964, 1966, and again in 1970, Congress took important steps toward reform of the federal system of criminal justice.

In 1964, Congress passed the Criminal Justice Act. This legislation was in direct response to Supreme Court rulings which greatly expanded the individual's right to legal representation in criminal proceedings against him. The Criminal Justice Act has been a tremendous success in insuring that the legal rights of all our citizens are protected, no matter what their financial position.

In 1966, the Bail Reform Act was enacted. With this act, Congress intended to remove all financial conditions restricting individual freedom. In this long-overdue and praiseworthy act, Congress acted in the finest American tradition by making it clear that in this Nation personal freedom is a precious right shared by all citizens, whether rich or poor.

In 1970, Congress took another important step in improving the quality of justice in the Federal courts. Last year, the Criminal Justice Act of 1964 was amended to broaden its coverage and to authorize public defender organizations to aid persons financially unable to secure adequate representation. These amendments reaffirmed one of the most noble principles of American jurisprudence—that any person, regardless of wealth, age, race, or religion, or creed, who is threatened with the loss of his personal freedom is entitled to the services of skilled legal counsel in any legal proceeding which imperils his liberty.

Both the Bail Reform Act and the recently perfected and expanded Criminal Justice Act reflect the cherished belief of all Americans that in a free society such as ours, a person's freedom and liberty can never be bought or sold, that justice in our courts must never depend upon the size of one's bank account.

On May 5, 1971, it was my pleasure to announce to the Senate that Mr. Tom Karas, of Phoenix, Ariz., had been appointed the Nation's first Federal Public Defender under the 1970 amendments to the Criminal Justice Act. It is with equal pleasure that I announce that, on June 4, Mr. Jim Hewitt, of San Francisco, became the second person in this country to bear that title. During hearings held by my Subcommittee on Constitutional Rights, Mr. Hewitt made an impressive case for the concept of Federal Public Defenders, and to him must go much of the credit for this progressive step in criminal justice. I am delighted that this opportunity has come to him, and I am pleased that the country has enlisted the services of so able and talented a young man for this important position.

But, Mr. President, the Federal judiciary constitutes only one of the 51 separate and unique judicial forums in the United States. If we are truly to reform our system of justice nationwide, each of our 50 States must have a viable method of providing legal assistance for those within its borders who are unable to pay the high cost of legal representation in State courts. I am encouraged by the fact that many of our States have already established such programs. States without these programs can now look both to Federal law and to many of their sister States as well as they seek to meet this urgent need.

I am especially proud to report that my home State of North Carolina is deeply concerned with the quality of justice for its people and is doing everything possible to insure true equality before the law, regardless of a person's wealth or income. An example of this concern is the successful operation since January 1970, of pilot project public defender offices in two of our cities, Greensboro and Fayetteville.

On June 20, 1971, the Raleigh News and Observer published an article by John Coit entitled "For the Defense . . ." That article describes the operation of the 12th Judicial District Public Defender Office located in Fayetteville, N.C. The chief public defender, Sol Cherry, and his two assistants, Jim Taylor and Bill Geimer, deserve special recognition for their diligent efforts on behalf of financially disadvantaged defendants in North Carolina. In his article, Mr. Coit accurately describes the dedication and commitment of these three attorneys when he remarks that—

The Public Defenders here are dedicated to the most important rule of common law: that a man can be defended in a court of law by a skilled legal craftsman—no matter what the defendant's income.

Mr. President, I invite the attention of Senators to this enlightening article, 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:

[From the Raleigh (N.C.) News and Observer, June 20, 1971]

FOR THE DEFENSE

(By John Coit)

FAYETTEVILLE.—The third floor of the Cumberland County Courthouse is where they keep prisoners and the cellblocks are hellishly hot. A young inmate, barefooted and open-shirted, is led from the cell area to a sterile white room with an air conditioner where his attorney is waiting.

"Hello," the lawyer says, "I'm *Jim Taylor* of the Public Defenders Office and I'm here to represent you."

"Yeah," the inmate says. He is young, but his eyes are hard. He was on the street at 10, strung out on heroin at 12 and in jail at 18. He is now 23, serving an active sentence of 38 years for armed robbery and breaking and entering in another county. He is awaiting trial here for additional charges of larceny and armed robbery. He will also have to stand trial for escape. He is wanted in Florida for assault and battery.

"On the armed robbery charge," Taylor says," Did you do it?"

The prisoner just looks at him. After some discussion it is decided a guilty plea will be entered in exchange for a concurrent sentence.

Taylor sees an assistant solicitor in the hallway on the bottom floor of the courthouse a few minutes after talking with his client. There won't be any problem getting a concurrent sentence to go along with the young man's 38 years. The state will save the expense of a trial, the inmate will have a chance to gain parole sooner.

That was only a routine exchange in a public defender's day—there wasn't much Taylor could do for the client. Earlier he saw a 19-year-old boy who was in jail for possession of heroin. Taylor had arranged for the lad to be admitted into the South Wing of Chapel Hill's Memorial Hospital to get psychiatric care and evaluation.

"That," said Taylor, "was a victory of sorts."

Taylor is the newest member to the Public Defender's Office here. There are two other lawyers in the "firm" and their work here is cut out for them.

The office was founded in January of 1970 as one of two pilot projects in the state. The

other Public Defender's Office is in Greensboro and serves Guilford County.

Sol Cherry is the chief defender and, with the help of assistant *Bill Geimer*, he walked into what would become an avalanche of cases over the next 18 months.

With the rise of drugs in the Fayetteville area the caseload increased and Taylor was hired to help take the pressure off the two exhausted public attorneys.

In 1970 the "firm" handled 872 cases—and represented in court 700 clients. Some of the people who first contacted the office later obtained the services of private counsel.

While the office was to have been a source of competent legal representation for the indigent, you don't necessarily have to be poor to obtain the services to the defenders.

The qualifications a client must meet to get a public defender are to be unable to afford private counsel, be charged with a crime in which the penalty is over $500 fine or six month in jail.

While most of the office's clients are low income people, persons with a moderate income can also qualify.

Explained Cherry, "If you've done something really bad, say a multiple charge of murder is placed against you, the defense bill of a private attorney could be in the thousands of dollars. If a man makes as much as $10,000 a year that won't be enough to pay his legal fees."

A judge must, following the investigation and evaluation of one of the defenders, find whether or not a defendant is unable to afford the counsel he needs to properly try his case.

The office itself is set up nearly parallel to the solicitor's office. Cherry receives the same $20,000 a year salary the district solicitor and the assistant defenders get anywhere from $11,000 to a maximum of $14,000 annually.

All the salaries of the attorneys, the investigator and the legal secretary are paid by the state treasury as is the operating expenses of the office.

The office here serves the 12th Judicial District of Cumberland and Hoke Counties. Sneed High, a local attorney and a Cumberland representative in the General Assembly, sparked the idea of the Public Defender's Office and fought for it over 10 years in the House.

"I felt counsel for the indigent should be a specialized field and the indigent should have competent counsel," he said. "When we first started looking for public defender system most Superior Court judges and members of the Courts Commission were opposed to it."

However, after several years of studying programs in various other states the pilot program for the system was passed.

Said Cherry, "Most court-appointed attorneys get their cases when they reach the Superior Court level. We usually see a client after he's been in jail a maximum of three days and can't make bond."

Under the court-appointed system, a private attorney had to give up other fees to take a case—thus hurting him financially, even though he is given a compensation by the state.

"We are becoming known as the only criminal law office in the county," said Cherry. Other lawyers, he said, have other legal commitments other than criminal cases.

Until Taylor's arrival Geimer and Cherry were swamped in work—which kept them up late into the night and stole their weekends.

"Last November," he said, "Bill and I didn't know if we could keep on going we had such a case load."

Even now, the day of the three lawyers is jammed with appointments. A date in District Court Two, a conference with a client, a lengthy afternoon session on a murder trial, a brief to present to the Court of Appeals, are a part of every day.

And then there are the jobs the defenders don't get paid to do; jobs usually left to priests, shrinks, bartenders or other professional listeners. There are calls in the night, kids on bad trips who need somebody they can trust and call in the middle of the night and the lady who says, "Can you help my son?"

A long-haired kid with a money order sent from his mother to come back home on says he can't get it cashed. He doesn't have any identification. He's been in a bit of trouble, and the defenders are the only people he knows.

One of the lawyers goes to a bank and vouches for the kid. He gets his money and the ticket home.

What kind of men—with the potential of making a great deal of money in private practice—would have this job?

There is Sol Cherry, who began his life in Eastern North Carolina. Raised in Bertie County, he was educated at the University of North Carolina, graduating from law school there in 1953. After several years as an Air Force lawyer, he came back to private practice.

Cherry has seen the law from both sides of the fence. He served as an assistant solicitor several times between his private practice.

He calls himself the "Establishment Lawyer" in the office. From his years as an assistant solicitor he has learned the intricate ways to make legal deals in judges' chambers; that is, to argue for his clients' fate outside the open courtroom.

Jim Taylor is the scholar of the law, an artistic man sensitive to the protection the law provides those it serves. Educated at Wake Forest and Duke, where he received his law degree, he also served in the Air Force.

A native of Snow Hill, he worked in private practice there and later worked as a researcher at Chapel Hill on the President's Special Committee for Consumer Interests.

And Bill Geimer, his hair just falling over his collar, his liberal views freely expressed, is the "activist lawyer."

Geimer, says Cherry, has the best rapport with the drug users. He also is an unofficial advocate of anti-war coffeehouses here. More than once Geimer has been there when officials looked as if they might move in on the place.

Geimer is the son of a military family—and he relates to Fayetteville. Nearly a career man himself, he rose to major in the Military Police Corps of the Army before getting his law degree at the University of North Carolina.

Now he pursues the advocates' role with a passion, and calls this work, "as the most personally rewarding experience I've ever had."

The public defenders here are dedicated to the most important rule of common law; that a man can be defended in a court of law by a skilled, legal craftsman—no matter what the defendant's income.

And perhaps more important than that, in a time where money becomes a dulling balm for dedication, they are advocates who care.

DOROTHY ELSTON KABIS

Mr. ALLOTT. Mr. President, I join with all Senators, and with all her legions of friends, in mourning the passing of Mrs. Dorothy Elston Kabis, Treasurer of the United States.

In public office, and in the service of the Republican Party, she combined vision and practical wisdom in the perfect proportions.

Her career is a model of exemplary achievement in public life. As such she has left a valuable legacy: her record demonstrates that there is no conflict between a full public and private life for a woman in this Nation.

A gracious lady, a devoted and skillful public servant, a long-time and very dear friend—Dorothy Kabis will be missed.

SENATOR THOMAS J. DODD

Mr. PELL. Mr. President, the death of a neighbor and former colleague brings sadness to any of us, and in this regard I join with those who express their regret at the death of Senator Dodd. He was a courageous Member of our body who had behind him a long and distinguished career in the law.

I particularly admired Senator Dodd's long and tireless efforts to place effective and reasonable controls on the sale and distribution of firearms and his efforts to find solutions to the problems of juvenile delinquency.

I know, too, what a wonderful family man was Senator Dodd and how full of grief must be the hearts of his wife and children. To them and to all his friends I extend my utmost sympathy.

EMOTIONAL IMPACT OF PUBLICATION OF PENTAGON PAPERS

Mr. McGEE. Mr. President, as the emotional impact of the publishing of the Pentagon papers subsides, more rational minds are assessing not only the 47-volume study itself, but also the news media handling of this study.

In this morning's Washington Post, Dr. Walt W. Rostow is quoted as warning that the publication of the papers "will foster a spirit of neoisolationism that could endanger arms-limitation talks and stimulate new Soviet threats against Israel and elsewhere in the world."

Dr. Rostow also questions the handling of the subject by the New York Times, particularly in the impression it conveyed that President Johnson was deceitful in his handling of our involvement in Vietnam.

Both points scored by Dr. Rostow are worth careful consideration. The dangers inherent in the resurgence of isolationism in this country, coupled with an undermining of faith in the Presidency, are all too real. It would, therefore, ill behoove this country to give credence to what has become a distortion of our involvement in Vietnam. The stakes of world peace are all too great at this moment to be shattered by the recent ill-conceived events associated with the publishing of these documents.

Mr. President, I ask unanimous consent that the article, written by William Greider, be printed in the RECORD.

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

DISCLOSURE HURT UNITED STATES, ROSTOW SAYS

(By William Greider)

Walt W. Rostow, one of President Johnson's key advisers on Vietnam, complained yesterday that publication of the Pentagon papers will foster a spirit of neo-isolationism that could endanger arms-limitation talks and stimulate new Soviet threats against Israel and elsewhere in the world.

"If the people in Cairo and Moscow believe America is on a slide toward isolation and

withdrawal," Rostow warned, "then it behooves them not to make a settlement with Israel. It behooves them to wait until the American capacity to cope, the will to cope, is further disminished and then take another cut at Israel."

Rostow said the "first initial effect" of the recent publication of the Pentagon's Vietnam war policy papers has been to undermine faith in the presidency and to strengthen an emerging mood of isolationism. In a breakfast meeting with reporters, the former foreign policy adviser who is now a professor at the University of Texas, employed strong language to denounce the publication of the documents which he contends distort the truth about how the United States went to war in Vietnam seven years ago.

The publication of the Pentagon papers, Rostow asserted, "did not just hurt President Johnson. It encouraged the widespread notion that, well you can't believe a president. I think that hurts the country, especially because it is based on a distortion of the evidence."

In particular, Rostow complained that The New York Times' treatment of the classified documents was "the shoddiest piece of journalism I've seen since I entered public life in 1941." He reserved comment on how other newspapers handled the issue because, he said he hadn't read them.

"The Times headline writers, lead writers, editorial writers and columnists all went beyond the Pentagon papers in conveying around the world the charges of deceit by the President, charges which are not substantiated by the papers themselves," Rostow said.

Specifically, he cited "three levels of distortion:" the recounting of 1964 contingency plans as if they were "concealed prior decisions to put American military forces into the war;" the account of an administration consensus in September, 1964, to bomb North Vietnam while none existed, and the report that Mr. Johnson decided in April, 1965, to shift to offensive use of U.S. ground troops and then concealed the decision for two months.

Rostow contended that the administration's true intentions were misconstrued at each point. He challenged the widespread judgment that President Johnson's Vietnam strategies in that period were influenced by the simultaneous need to win the 1964 election. "There is not one scintilla of evidence," the former Johnson adviser insisted, "that the election determined in any way the decisions taken in the war by the President."

The revelations, he conceded, might have some limited benefit if the controversy leads Americans to reconsider their national interests in foreign affairs—"to look back, not just at Vietnam and Asia, and see just what our interests are."

Otherwise, Rostow expressed an almost total reaffirmation of the policy assumptions of the early 1960s which led to the war, conceding very little in error from the decision-making which is now being subjected to hindsight judgments and attack.

Appearing on "Issues and Answers," (ABC-WMAL), Rostow said that even knowing now that the war would cost 50,000 lives and more than $100 billion, he still thought it was worth the effort to maintain the balance of power in Southeast Asia.

"If we had walked away from Asia or if we walk away from Asia now, the consequence will not be peace," Rostow said. "The consequence will be a larger war and quite possibly a nuclear war . . . If you believe that, then the pain is worth taking."

In his judgment, "the greatest error" of the 1960s was that the United States did not react sooner and more forcefully to the North Vietnamese threat against its neighboring countries. In the Laos accords of 1962, Rostow related, the Soviet Union agreed to make sure that their Communist ally did not use the Ho Chi Minh trail in Laos to supply guerrilla forces in South Vietnam, but it was immediately clear that this agreement was not being honored.

Rostow believes the U.S. should have "reacted immediately and with whatever force was necessary short of nuclear force." It was the lack of a strong response which led to the longer war later, he said.

Aside from that point, Rostow yielded on none of the foreign-policy judgments to which he contributed in the State Department and the White House. A week ago former Secretary of State Dean Rusk conceded on television that he had underestimated the determination of the North Vietnamese to wage war, but Rostow said he did not make that miscalculation himself. He believes the North Vietnamese made an "egregious error" in underestimating the South's determination.

THE ALL-VOLUNTEER ARMY

Mr. TAFT. Mr. President, on June 8 I stated that—

> The rejection of the pay increases recommended by the Gates Commission would constitute a serious blow to our attempts to proceed toward an all-volunteer army.

We have now received word that the House-Senate conferees have tentatively agreed on a $2.38 billion pay and allowance increase as opposed to the $2.71 billion provided in the House bill and the $2.78 billion provided by the Senate bill. The figures in the Senate bill, after the adoption of the Allott amendment, reflected the recommendations of the Gates commission. I strongly supported that amendment, and so did a considerable majority of the Senate.

Since 1964, I have consistently supported our national objective of proceeding toward an all-volunteer Army. I believe that with the adoption of the pay increases recommended by the Gates commission, we would have put ourselves in a position to phase out the draft during the next 2-year period and end peacetime conscription. I recognize the need to make any phaseout an orderly one and therefore was prepared to support a 2-year extension if there was some assurance of a phaseout during that period.

With the rejection of my amendment to limit inductions to 100,000 in fiscal 1972 and 60,000 in fiscal 1973, I supported the selective service bill only very reluctantly, and only because the Allott amendment, implementing the Gates pay recommendations, could be viewed as a first step toward the all-volunteer Army.

The rejection by the conferees of this pay schedule, in my judgment, makes an extension of the Selective Service Act in its present form very unwise. Without the strong incentives for an all-volunteer Army as provided by the Allott amendment, and without the compulsory winding down of the draft as provided by my amendment, I can see that we may well be right in our present situation 2 years from now.

America has properly had a historic opposition to peacetime conscription. Since the conference report for House Resolution 6531 does not contain these provisions which would force a gradual elimination of the draft system, I believe that adoption of this conference report would be a grave mistake.

We should not permit the Selective Service System to hang like a sword of Damocles over the heads of another generation of young Americans.

Mr. President, if the pay provisions in the conference report are as reported by the press, I expect that I shall vote to reject the conference report on House Resolution 6531.

FUNDS FOR EDUCATION

Mr. PELL. Mr. President, as chairman of the subcommittee on education, I was pleased to learn that the President yesterday signed into law the education appropriation bill. I am particularly pleased that in signing the bill the President acquiesced to the wisdom of Congress in increasing the education expenditures for this fiscal year by some $375 million beyond what his administration requested.

This marks one of the first real signs that the administration is willing to make a strong fiscal commitment to education, and I applaud it.

I also note from an account in the Washington Post that the President chided Congress for its failure to act on some of his proposals in the education area.

As chairman of the Senate's education subcommittee, I must respond that the Senate has moved with speed and, I believe, with wisdom on education legislation. In fact, I believe the Senate has established an admirable record.

On April 26, the Senate sent to the House, S. 1557, the Emergency School Aid and Quality Integration Act. I believe this was one piece of legislation the President mentioned in his message of yesterday.

This Wednesday the Committee on Labor and Public Welfare will take up S. 659, the Education Amendments of 1971. This landmark bill, which contains a provision for grants to college students, as a matter of right, is, of course, not the legislation that the President asked of Congress for higher education. He would have had the Federal concept of higher education assistance changed from one of grants and loan to one of loans on the open money market.

What my subcommittee has proposed instead is an increased grant program, having rejected total reliance on loans. Perhaps it is this decision by the subcommittee that has nettled the administration.

Finally, the President asked about his suggestion for revenue sharing in the area of education. The subcommittee is studying his proposals, but has received little indication of support for those proposals from the public or the education community.

I believe that the Senate has moved ahead diligently in the field of education, and I would hope that the President would see fit to sign into law the other major education bills that Congress will send to him during this session.

FOREST MANAGEMENT STUDY IN WYOMING

Mr. McGEE. Mr. President, the United States Forest Service, through its region-

al foresters in Denver and Ogden, has completed an in-house study of the agency's management on four of the high mountain national forests in the State of Wyoming—the Teton, Bridger, Shoshone, and Big Horn. As one who has been critical of the forest service and its parent, the Department of Agriculture, for unwillingness to agree to thorough investigation of forest management policies by competent outsiders, I must say that the special study team which compiled the Wyoming report has done what I consider to be a good job. Nevertheless, their 81-page report on timber harvest and the environment of these four national forests—so important not only to my State of Wyoming but to the Nation—reinforces me in my belief that an even more thorough interdisciplinary investigation of forest management practices, particularly the practice of clearcutting timber, is a necessity.

The bill which I have introduced—S. 1592—would provide for such a study and I am hopeful that the Senate will move ahead to recognize that such an investigation, as the New York Times put it on April 13, "is much needed." The forest service survey contains many admissions to past sins against the environment in these four irreplaceable forests. For example:

All four forests were observed to have examples of excessively large clearcutting. In some places, stands lying between or adjacent to large cuts were removed, producing openings of over one thousand acres.

We believe that there have been inadequacies in planning, in execution, and in evaluation of management actions on all four of the Wyoming forests, and that the evidence justifies concern for the future.

On several cuts we observed, recreation was obviously not even considered when the timber harvest was planned.

Before the mid-1960's, wildlife was apparently not even a consideration in the attempts to control beetles by cutting.

Our observations confirm that roads are the greatest man cause of stream sedimentation in the forests.

All of these statements, and there are others akin to them throughout the agency's report, illustrate the reasons why a confrontation has developed between the United States Forest Service and a large segment of the public—in Wyoming and in the Nation—over the agency's stewardship.

It is not my intention to stand here today in order to point the finger of blame at the Forest Service, the Department of Agriculture, or anyone else. What is important is that we learn from the past and relieve the public of its uncertainty over what is going to happen to its forest lands in the future.

Regarding clearcutting, the committee concluded, not unsurprisingly, that the forest managers should continue to use this method of harvest where it can be used in harmony with management objectives for the unit of land. My impression from reading the report was that clearcutting to date has certainly not always been used in harmony with the multiple-use concept which is the law of the land. So-called temporary roads, opened to permit the harvesting of clearcutting patches, have in a majority of cases been left opened, according to the committee, even though it observed that none of man's activities in the forest contribute more to poor water quality than do roads.

The report I am discussing today constitutes a review based on field examinations, the gathering of statements from Forest Service personnel, and communication with individual citizens and representatives of a number of organizations. It does not, in my opinion, present sufficient objective and quantitative data on the many-faceted problem which we must encounter if we are to insure that the national forest lands of America will, insofar as is humanly possible, be managed in the best long term interests of the people of this country. Let me give an example:

In Wyoming, clearcutting really got underway as a means, well intentioned, of controlling bark beetle infestation. To this day, anyone who publicly criticizes the widespread use of clearcutting as a means of combatting beetles is subjected to heavy criticism himself from those who would contend there is no other means of protecting the woods against disastrous epidemics. This I know from experience.

The Wyoming Forest Service team states flatly on page 8 of its 81 page report that:

The use of timber cutting as a means of control of bark beetle infestation led to logging where no logging should have been done. The experience of the past ten years has demonstrated that this logging was largely a vain effort but at one time it appeared to be a logical extension of Forest Service policies aimed at Forest Service protection.

Mr. President, there is obviously a disagreement between the competent professionals who conducted this study and other professional foresters, and the public is entitled to a thorough, scientific answer so that it can make up its own mind regarding the management of the land it owns.

In another area, the Wyoming Forest Service team observed that the economics of timber harvesting is such a complicated field that we could envision no way to discuss it adequately.

It cries for adequate discussion, Mr. President. We need an extensive investigation, not only of this question of economics, but of many other questions involved in the day-to-day and year-to-year management of these lands and other national forests from coast to coast.

The committee states that it does tend to agree that timber harvest could create a potential harassment of elk during rutting and calving, but says there is not enough information available to really know. We in Wyoming, and indeed people from every State, need to know.

In summary, Mr. President, the committee's report carries throughout its 81 pages a recurring theme that is expressed in words such as: "too little is known about desires and needs of recreationists," or "there is just enough information available to tantalize us," or "much more research is needed to determine the true costs and benefits of management alternatives, including clearcutting."

In my opinion, Mr. President, the Forest Service's report on forest management in Wyoming is a valuable contribution. It needs to be followed up, and not only for the forests of Wyoming but for all the national forests of America. In Wyoming, as elsewhere, the overwhelming concern about national forest management deals with the subject of clearcutting, that method of harvesting timber which requires that all the trees in a given tract of land be removed. If indeed it is a reasonable means of silviculture for our national forest, there can be no doubt in the mind of anyone who would read the Wyoming Forest Service study report, or some of the previous literature on the subject, that clearcutting has been used to abuse the land as well. My bill asks that this practice be stopped for a period of 2 years, during which alternative harvest methods which are open to the forest managers can be used, in order that an independent commission with members cutting across a number of disciplines, and not just including professional foresters, could make the type of thorough investigation which is called for.

MAN CANNOT CONTROL THE NATURAL WORLD

Mr. McGEE. Mr. President, in recent years we have learned that man cannot control the natural world, as much as his ego would like to believe he can. The more man meddles with nature without attempting to understand the delicate interrelationships, the sooner man will cease to be part of that world. We must come to understand and accept our role of coexistence with our cohabitants.

Few creatures have stirred the human spirit as greatly as the mighty eagles, both the golden eagle that was the symbol of the Roman Empire and the bald eagle that is our own. Few creatures have stirred the human heart—with both fear and respect—as the wolf, the grizzly bear, and the cougar. The recent killing of eagles in Wyoming has once again given these disappearing birds our well-deserved attention.

An excellent series of articles which deals in depth with our relationship to these animals was written by Verne Huser for the fine environmental newspaper the "High Country News."

I ask unanimous consent that the series be printed in the RECORD.

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

PREDATOR CONTROL IN WYOMING—PART ONE: OF PREDATORS AND POISONS

(By Verne Huser)

Wyoming is a big state, and it has a big predator control program. The livestock industry and the hunting and fishing industry seem to find predators incompatible with live stock and wildlife, ignoring ecological evidence to the contrary and persecuting numerous species. The biggest predator-control agency in the state is the U.S. Bureau of Sports Fisheries and Wildlife's Division of

Wildlife Services headed by Fred Christensen and headquartered in Casper. Christensen has a staff of three area supervisors and thirty-two field men plus a pilot. In addition to this Federal program, three counties—Campbell, Converse, and Johnson—have their own predator control programs and ranchers often organize campaigns against a wide variety of so-called predators.

With agriculture—largely sheep and cattle raising—running neck-and-neck with tourism as Wyoming's second leading industry, predator control programs enjoy heavy financial support at the county level, and even the Wyoming Game and Fish Commission—charged with the jurisdiction of "all the wild animals, birds and fishes within the state,"—contributes $40,000 a year to the Federal program. In Teton County, where there are virtually no sheep and where only a dozen ranchers are making a living raising cattle, the county kill levy for predator control is four times as high as the county library fund levy (is it more important to kill predators than to provide good books for people to read?). One group of ranchers in the southwestern part of the state provide a $500-a-month incentive to kill coyotes. Predator control is big business.

The Federal predator control program makes use of four major methods of destroying predatory animals and birds: trapping, poisoning, denning, and shooting. The first two methods are highly non-selective. The latter two methods, while somewhat more selective, are extremely unpopular with the public that is becoming more and more aware and concerned. Trapping is widespread on both public and private lands. Poisoning involves both 1080 stations (baits treated with sodium fluoroacetate) and cyanide guns (called "getters"), neither very popular with the public.

Denning, digging the young out of dens and killing them any convenient way, is usually done in the spring when the creatures have their young. Dens are located, often with the help of dogs, and the young are destroyed. Shooting includes both calling from blinds (often using the simulated cry of an injured rabbit) and searching from aircraft as well as ground hunting on foot and horseback. Leaving trapping, denning and shooting for a later discussion, let's take a closer look at the poison practices of predator control programs at all levels in Wyoming.

Cyanide guns, small explosive charges that fire a cyanide pellet into the mouth of any animal that triggers the mechanism by nibbling a scented rag, are used extensively throughout the state. They have killed numerous pets and, in other states, have come close to killing people on more than one occasion. In Teton County alone, 23 coyotes were taken by cyanide guns in the Cliff Creek area of Teton National Forest the summer of 1968 on a handful of sheep allotments, and as many as 40 coyote getters were set in the Gros Ventre county last winter by Game and Fish personnel.

According to Christensen, 30% of all coyotes taken in Wyoming are killed by the cyanide guns, which he says are selective depending upon where they are located. In fact they are not nearly as selective as predator control authorities would like to have the public believe. Christensen himself admits that they also kill foxes, skunks, and domestic dogs, but that seems to be okay—these non-target species are pests and predators too and can be sacrificed. But what about the rare and possibly-extinct (in Wyoming) wolf, the wolverine, even the grizzly bear?

The big poison problem in Wyoming is 1080, which is used legally by the Federal agents and misused by the agents of the three county predator control programs and even worse, by illegal users throughout the state who possibly get their 1080 through the three county programs (1080 is controlled by the Federal Government, but an awful lot of it shows up throughout the state in out-of-control situations). This potent poison, for which there is no known antidote, is dangerous under any circumstances. It is an ecological crime to introduce 1080 into the ecosystem, but to date only two states—Kansas and New York—have outlawed it use. Legally 1080 is used throughout Wyoming with the exception of Teton National Forest (even there illegal baits have been found). It is also used in Targhee National Forest west of and adjacent to Yellowstone and Grand Teton National Parks and in Shoshone National Forest just east of Yellowstone (there are a total of thirty-four 1080 stations within a 50-mile radius of Yellowstone's eastern boundary.) There are seven 1080 stations on the Targhee in Teton County. All these stations threaten the endangered wolf that roams widely in Yellowstone and probably doesn't know the boundary lines. They possibly threaten the grizzly bear and the wolverine and for that matter, any man-eating animal in the area.

For coyotes 1080 is used at the rate of 0.8 grams for 50 pounds of meat or 1.6 grams for 100 pounds of meat. That means a single pound of 1080 is enough to treat 28,350 pounds of meat, enough to kill thousands of coyotes. The three-county predator control agencies in 1968 purchased 75 pounds of 1080 (Converse County, alone bought 28 pounds). Either an awful lot of meat was set out as poisoned baits—say something over two million pounds) or the dose was extremely high (high enough to kill all kinds of non-target species) or a lot of the poison leaked out of the three counties to be used illegally by untrained private ranchers.

Christensen claims that 1080 is selective in its killing potential but admits that non-target species such as bears, badgers, skunks, wolves, wolverine may be killed by the poison. Cats, he suggests, avoid poison baits, and eagles, he says, regurgitate the poison and are not killed by 1080. In California where the last remnants of the California Condor are slipping over the edge of extinction, a number of the great birds have been found in recent years, dead from the 1080 they picked up through eating rodents killed by the poison. This secondary poisoning is a distinct possibility, and scholarly authorities disagree with Christensen's suggestion that eagles will resist 1080 poisoning. Yellowstone National Park research biologist Douglas Houston is concerned about the proximity of 1080 stations to the habitat of free-ranging carnivores in Yellowstone and Grand Teton National Parks, and dog-owners everywhere need to be cautious.

The selectivity of 1080 is highly questionable. Baits are poisoned for coyotes, but a skunk, which won't eat as much of the treated meat as a coyote, doesn't need as much poison to kill it, and a grizzly bear, which will eat much more than a coyote, needs more 1080 to kill it. There is also evidence that as the stricken coyotes run from the source of poison and regurgitate the toxic substance that is killing them, the poison is spread to grasses and herbs.

Two baits set out by illegal poisoners were found on the Teton National Forest last winter by Wyoming Game and Fish wardens, but when they returned a few days later to pick up the baits, they were gone. No signs warning of the baits had been placed, and one of the baits was actually in the stream, no doubt poisoning the water for a considerable ways down-stream—and 1080 is just as fatal to man as it is the other carnivores. It is in this same area that one trapper reports that there are no longer any mink or martin—all have been poisoned by illegally-placed carcasses; it is in this area that one rancher reports there aren't enough coyotes left to clean up the natural carrion on his place. Federal trained baiters are required to leave baits in the open, never near water and never in the timber—and always marked.

In 1967 one of the same wardens who found the illegal carcasses last winter obtained a conviction on a charge of wanton waste of game animals related to illegal 1080 baits found along the Big Sandy River on BLM lands in the Green River Basin. A Rock Springs sheep rancher pled guilty to killing animals out of season (six quarters of deer and antelope had been injected with 1080), wanton waste of animals injected with 1080, and abandonment of parts of game animals. He refused to reveal his source of 1080, but Game and Fish authorities suspect that it came from the Johnson County Predator Control Board, probably indirectly. When a Buffalo (Johnson County) trapper was convicted on a similar violation, the Predator Control Board paid his fine. Obviously, 1080 is readily available throughout the state from unknown sources quite likely in the three counties that have their own programs since the sale of 1080 is controlled by the Federal Government.

According to one game warden, the Division of Wildlife Services trappers are legal and use dead lamb and horse baits. They are willing to testify at any time against those who practice illegal poisoning because they fear that with too much illegal poisoning going on in Wyoming, it will blow sky high and ALL poison baits will be outlawed. (The Jackson Hole Environmental Action Society has recently recommended that all poison campaigns in Wyoming be phased out since they are ecologically unsound and environmentally dangerous). Many DWS agents believe that poison is necessary to control coyotes, and that coyote control is an important tool in maintaining wildlife populations. Yet the creatures that are targets of the poison campaign are also wildlife under Wyoming law and as such deserve protection too.

Two basic things happen when the coyote is persecuted: first, coyotes that survive begin to reproduce at a higher rate because their food supply is more plentiful (rodents and rabbits over-populate providing more food for more coyotes). Second, if the control program is pushed too hard and the coyote population actually does decline, other species—the red fox, the bobcat, the skunk, and the badger—move into the area to replace the coyote in controlling the exploding rodent and rabbit populations. If such nonselective methods of predator control as trapping and poisoning are used, eventually all the predators are decimated, and the rodents and rabbits take over, eating more grasses and herbs and forbes than the livestock. Basically, predators turn to domestic livestock for the most part in areas that have been overgrazed, in areas where their natural prey has been driven out by man's management programs.

Christensen stresses the point that in areas where coyotes have been reduced, other predators fill in the gaps. It therefore seems obvious that there is a place for the predator in the pattern of things. He believes that coyotes actually keep fox populations in check, not only through food competition but by actually killing foxes. Christensen, by the way, does not consider a carnivore a predator unless he causes economic damage.

"The coyotes in Teton County and the mountain lions west of Cody (in the wilderness areas) are not predators in my book," he says, but he does believe that "coyotes and lions are killers that kill for fun, especially the lion because he moves so much." (How ecologically unsound! How viciously man-centered! No predator has ever caused the extinction of any species. Man has!) Christensen estimates the mountain lion population of Wyoming at between 50 and 75 animals.

It might be appropriate at this point to

relate a story that Dr. DeWitt Dominick told at the Dude Ranchers Convention in Cody last November. Dr. Dominick, a retired physician and a former member of the Wyoming Senate, runs a cattle and dude ranch in Sunlight Basin. Last spring Dr. Dominick lost three calves to what he at first thought was a bear but turned out to be a mountain lion. The calf-killer got away, however, and wasn't seen or heard of again until early last fall when Dr. Dominick was driving a dude out to the ranch at dusk. The lion—or a lion—ran across the road ahead of the car, and the dude, seeing his first cougar in the wilds, was ecstatic. Dr. Dominick felt that it was worth losing those three calves just to experience the guests's excitement over seeing a rare wild animal in the wilds.

The wolf has returned to Yellowstone, and not a few of the tourists who come to Wyoming every summer are looking for him. More and more people seek out the grizzly bear, the mountain lion, even the bobcat and coyote, the lynx and the rare wolverine just to look at, just as a wilderness experience. And when we kill predators here in Wyoming, we are actually killing the potential tourist industry. We have something unique here in Wyoming—something that brings millions of tourists here every summer—but we're doing our dead level best to destroy it, be it a free-flowing Green River or a rare species of wildlife.

When a game warden sees a pair of coyotes kill an adult bighorn sheep, does he examine the animal for signs of sickness or an injury? Seldom, and the coyote becomes a villain in the eyes of the warden and his associates who hear the story. Every sound ecological study ever made concerning predator-prey relationship indicates the value of the predator in keeping the species healthy.

Turning to the livestock industry, circumstantial rather than ecological evidence is the basis for most of the knowledge cattlemen and wool growers have concerning predators. A brochure published by the Campbell County Wool Growers Association relates the story of a huge eagle (with a wing spread far in excess of ten feet—which is about two feet too much for me to accept) killing a fully-grown antelope. The fact that the antelope was "the last in the band" suggested nothing (sounds to me as if the animal was unfit, perhaps diseased). Nor did he examine the carcass of the kill to determine the health or condition of the animal.

Statistics published by the U.S. Department of Agriculture and the Wyoming Department of Agriculture concerning ranchers' losses to predators seem highly exaggerated, especially if you consider that they are based upon a questionnaire sent out to ranchers asking them to estimate their losses. Only 38 percent of the ranchers return the questionnaires, but the losses, I believe, are prorated on 100 percent. The estimates are often highly inaccurate, again due to circumstantial evidence. Weather and disease kill a lot of the animals listed as predator kills, and who gets blamed for the kills is usually left up to the prejudices of the rancher. Two examples should help to illustrate this point.

Before the red fox was officially listed as a predator in Wyoming, no one bothered to list the red fox as a source of lamb loss, but the first year the red fox was added to the questionnaire as a predator, suddenly 800 lambs were lost to red fox predation.

More than eight thousand lambs were reportedly lost to eagles in 1969. Eagles feed heavily upon carrion, and most of the lambs they feed upon were dead before the eagles found them if we can believe any of the ecological evidence from dozens of studies. Fred Christensen himself has said that as long as he has been in Wyoming as head of the DWS he has seen a total of three lambs that might have been killed by eagles—this out of the thousands of carcasses he has examined.

Is the eagle really a major killer of lambs or do the ranchers label him "killer" just because he cleans up the carcasses of weather kills and disease? Ecological evidence suggests the latter as Sec. of the Interior Walter Hickel pointed out to Governor Hathaway last spring and summer when the governor tried to get Hickel to open the season on eagles in Wyoming to appease the sheep ranchers.

PREDATOR CONTROL IN WYOMING—PART TWO: "OF EAGLES AND OLD WIVES TALES"

(By Verne Huser)

In my discussion of predator control and poisons two weeks ago, I gave the eagle only passing mention, but I'd like to take a closer look at the eagle situation this week. Even though the bald eagle and the golden eagle are both protected by Federal law, many ranchers insist upon killing these majestic birds. And well they might in Wyoming where State Game and Fish laws list the golden eagle as a predacious bird to be killed at will. Wyoming laws also list a so-called "brown eagle" on the predacious bird list. What that might be is anyone's guess: perhaps the immature bald eagle, which doesn't get its white head and tail plumage until its fourth or fifth year.

A pair of bald eagles that nests near the Snake River in Grand Teton National Park has used the same nest for at least fifteen consecutive years, raising a total of 28 eaglets during that time. Yet the bald eagle population of Jackson Hole has actually declined in that period. Why? The eaglets are driven away from the nest site when the parent birds begin nesting activities for the new years. The eaglets—now ten or eleven months old and able to take care of themselves—migrate to lower elevations, often in areas where sheep graze such as the northwest corner of Colorado along the Green River between Flaming Gorge and the Gates of Lodore. Many of these young eaglets, lacking the conspicuous white head and tail of the adult, fall prey to careless hunters and careful sheep ranchers, who still insist upon killing many protected birds.

Kenard Baer, assistant regional supervisor for management and enforcement with the U.S. Bureau of Sport Fisheries and Wildlife stationed in Albuquerque, New Mexico, told me a few years ago that up to 70% of the eagles killed in the so-called predator control programs are actually immature bald eagles. Bald eagle populations in the 48 contiguous states declined by a thousand birds (3700 to 2700) between 1963 and 1968, a five-year period. The primary cause was DDT, but other attrition factors come into play when reproduction of young is slowed down. Wyoming's breeding bald eagles seem to have little DDT in their systems; out here indiscriminate shooting—and I'm afraid some very discriminate shooting—replaces DDT as the major killer (the new high-neutral system of power lines also kills many eagles in southwestern Wyoming). Our bald eagle population, especially in the West, will continue to decrease as long as golden eagles are persecuted since few eagle killers differentiate between goldens and immature balds.

Bald eagles, by the way, were not always protected. In 1940 the Bald Eagle Protection Act was passed by Congress, but until 1953 there was a bounty on bald eagles in Alaska Territory. Residents of that northern-most state blamed the bald eagle for killing salmon—they didn't like the competition. It took a major food study of the bald eagle to prove that while eagles do feed upon salmon extensively, they feed almost exclusively upon the spawned-out salmon that are dying. Yet during the bounty days, 120,000 bald eagles are reported to have been killed. And during all that time, the bald eagle was our national bird.

When the Golden Eagle Protection Act was passed in 1962, the bill had to go through the office of Wayne Aspinall, Chairman of the House Committee on Interior and Insular Affairs. Mr. Aspinall represents northwestern Colorado, sheep country and mining interests. To please his wool-growing constituents, he insisted upon a loophole clause in the bill that said the Secretary of the Interior may open the season for the taking of golden eagles if the Governor of the state requests such action. Governors are subject to constituent pressure so whenever lambing season came around, the wool growers called the Governor, who contacted the Secretary of the Interior, who automatically opened the season on golden eagles. Hundreds of the great birds died at the whim of the sheep ranchers—and along with the golden eagles died dozens of immature bald eagles.

Things changed in 1969, however, when Walter Hickel became Secretary of the Interior. He brought in Leslie Glasgow as Under Secretary in charge of wildlife, and Glasgow, who had been head of the Louisiana Fish and Game Department, insisted upon ecological evidence instead of old wives tales. Golden eagles feed heavily upon carrion, and most of the lambs that they are found feeding on have usually died of other causes earlier (I will produce evidence to support this statement later in this discussion). On this circumstantial evidence the Wyoming wool growers base their statistics that suggest they lost more than eight thousand sheep, and lambs to eagle predation in 1969.

Glasgow sent trained biologists into the field to verify the lamb losses to eagles, and he found that the lamb losses were seldom caused by eagles. The dead lambs had unmarked hoofs indicating that they had never walked—they were, in fact, stillborn. I've talked with veterinarians about the problem of lamb losses, and I've been told that as much as 40% of the lamb loss attributed to eagles are actually disease kills. Whatever the case, in 1969 Secretary Hickel, on Leslie Glasgow's advice, did not open the season on golden eagles nor did he in 1970, despite Gov. Stan Hathaway's repeated attempt to pressure him into doing so. Any golden eagle killed in Wyoming during the past two years was killed in violation of Federal law.

The question must have arisen in your mind by now: how harmful are eagles to sheep and lambs? I don't deny that an eagle can kill a lamb or even a full-grown sheep or a deer or an antelope, but I've found little real evidence that they do so as a regular pattern except in unusual cases. Fred Christensen, who—you will remember—heads the Division of Wildlife Services (the Federal Government's multi-million dollar predator control program) in Wyoming, told me that during the years that he's been back in Wyoming as head of the DWS, he's seen only three lambs that might have been killed by eagles—out of the thousands of carcasses he's examined. He says that in his book the eagle is no predator, and he hates to see them killed. He says further that he knows for certain that eagles are being killed in Wyoming and in other states. Before his return to Wyoming, he spent some years in Texas; he reports that killing eagles from airplanes is still practiced in the Trans-Pecos country of West Texas despite Federal laws against such practices.

Yet, the sheep ranchers insist that they lose thousands of lambs and sheep to eagles every year. According to the Wyoming Cooperative Livestock Report, Wyoming wool growers lost 7700 sheep and lambs (mostly lambs) to eagles in 1965, 8800 in 1966, 6700 in 1968, and 8200 in 1969. In Montana a similar report suggests the loss of 16,400 sheep and lambs in 1967 and 17,100 in 1968.

How are these statistics arrived at? A questionaire is sent to the ranchers asking them to estimate their losses. In Wyoming only

about 38% of the ranchers return their questionaires, but the statistics are prorated for 100%. A recent publication of the wool growers suggested that if 20% of the area of the State of Utah produced so many eagle-killed lambs, that five times that number must have been killed. Also, the statistics are based upon an estimate. Few sheep ranchers have ever seen an eagle kill a lamb, but when the rancher sees the eagle feeding on a lamb, he knows for certain sure that the eagle is guilty of the kill.

Leo G. Heugly of the Colorado Cooperative Wildlife Research Unit and Department of Zoology at Brigham Young University studied livestock-golden eagle interaction in West Texas a few years ago and found that only 5% of the lambs lost were eagle kills. A questionaire study of the rancher estimates suggested a 13% loss of eagles. But when the same ranchers filled out the Cooperative Livestock Report questionnaire, they estimated a 43% loss to eagles. Heugly found that only between 1 and 2% of the lamb crop was lost to eagle predation.

Heugly's study was conducted in the area where the biggest eagle shoots were conducted, where one rancher is supposed to have killed 1200 eagles in a single year from an airplane and another brags of having killed over twelve thousand in a 20-year period. Heugly points out that the sheep population in Texas has increased 125-fold since just before World War II. Tremendous pressure from the sheep ranchers has decimated the eagle population.

Several golden eagle food studies have been conducted in recent years that provide sound ecological evidence concerning eagles' prey. John Beecham's study in southwestern Idaho involved 483 prey items found in 61 golden eagle nests over a two-year period. This was in an area of 1700 square miles. He found no evidence of lambs or sheep (he did find 70% of the eagles' diet consisted of mammals, mostly rabbits).

An old-time rancher in the area—an area that supports no less than a pair of nesting golden eagles per thousand acres—says that in fifty years of ranching in the area, he's never lost a lamb to an eagle.

Another study in the same area by Michael Kochert of the Idaho Cooperative Wildlife Research Unit, University of Idaho, suggests similar findings: 84% mammals, mostly rabbits and rodents.

Erwin L. Boeker, wildlife biologist with the Bureau of Sport Fisheries and Wildlife, studied golden eagle populations in the Trans-Pecos country of West Texas and New Mexico and later in the Rocky Mountain West. He found that most of the wintering eagles in the Trans-Pecos left the area before lambing time; he also found that eagles depended upon rabbits for 75% of their diet. Concerning banding records, he found that 70% of the bands were recovered during the first year of the eagle's life and that 72.9% of the bands were recovered in the state where they had been placed on an eagle (ten of ten in Wyoming, ten of twelve in Colorado). Few bands were returned from Texas or New Mexico, where ranchers seem less cooperative than in other states.

W. Bruce Arnell, Department of Biology at Brigham Young University, conducted a food study in three areas of central Utah and found that rabbits comprised 97.7%, 92.8% and 81.2% of the eagles' diet in the respective areas. He found no evidence of either lamb or deer in the nest sites. Several nests were located immediately above lambing grounds.

Arnell's study included 521 prey items, 377 of which were rabbits. He calculated that the rabbits killed by the eagles would have eaten as much grass as 70 sheep. The eagles were thus providing more forage for the sheep without molesting any of the lambs or the sheep.

All of these food studies suggest that golden eagles are hell on rabbits and rodents. It makes me wonder if the recent rabbit drives in Idaho in which tens of thousands of rabbits are killed a la My Lai would have been necessary had the coyotes and eagles not been persecuted with poisoning and traps and aerial shooting.

Statistics provided by Montana livestock loss reports suggest that the larger the flock of sheep, the greater the predation. For example, in Montana in 1967 lamb losses to eagles were estimated at 4.2% in flocks of less than a hundred, but in flocks of between 100 and 1000, the losses were up to 15.5%. In flocks of between 1000 and 2500, the losses were 16.7% and in flocks of more than 2500 the lamb losses were 23.9%. In a similar report concerning sheep loss to all predators only 1.1% of the sheep were lost in flocks of less than 100, but predator loss of sheep was 7.4% in flocks of 100 to 1000, 8.2% in flocks of 1000 to 2500, and 16.4% in flocks of more than 2500. If the statistics are accurate—based on wool growers' estimates—then all the ranchers have to do is to run smaller flocks.

Another practice that makes me doubt the wool growers' statistics concerns the shepherds. Frequently the sheep herders feed their families on lambs and sheep from the rancher's flock and credit the loss to predators. Shepherds have been known to trade a nice fat lamb for a bottle of cheap booze and chalk up another lamb loss to the eagles or the coyotes. I'm merely suggesting that livestock loss statistics are nebulous at best and downright dishonest at worst, and I can't see the eagle taking the blame for poor statistical methods.

Dr. John Craighead reported in National Geographic Magazine on an eagle study in Montana on an area that supported 30,000 sheep. He found that only one lamb could be verified as an eagle kill during a lambing season. He also cited a study in Scotland involving a flock of ewes that produced 4,000 lambs over a five year period in an area where golden eagles were numerous. A total of seven lambs were verified as losses to eagles.

In the Trans-Pecos area of West Texas—great eagle country—a sheep rancher found a golden eagle nest with two young birds in it on his sheep range. Instead of killing the eaglets, he decided to show those dern conservationists the truth about eagles and lambs. He observed them and the parent birds and doubled the surveillance of his flocks. And he staked out a lamb near the nest site, feeding and watering it every day. For 57 days the lamb remained unmolested. It was never attacked by either of the adult eagles, and the rancher lost not a single lamb to eagle predation. The rancher became a believer when he saw his range support four eagles on nothing but rabbits and rodents.

How on earth did Wyoming sheep ranchers lose 8,200 sheep and lambs to eagles in a single year? Incredible! I have rarely talked to a sheep rancher who can verify a lamb's being killed by an eagle. I've heard some wild stories about eagles swooping down to pick up a lamb—even one about an eagle that carried a full-grown ewe across Hell's Canyon—but I know eagles well enough to realize that the rancher was not being honest with me. I've seen bald eagles fish, and I've seen golden eagles take ducks out of the air and rabbits on the run. The descriptions I've heard from sheep ranchers don't convince me. I say again, I don't deny that an eagle can kill a lamb, and I'm sure that at times they do, but they don't kill lambs as a general rule. They don't kill eight thousand in a single year in Wyoming!

I recall talking with a sheep rancher from California a few years ago while I was camping and hiking in Yosemite National Park. He began telling me about his problem with a golden eagle—a golden eagle, not golden eagles in general. He told me that he had one old eagle on his ranch, a big bird that liked lamb; that the eagle had killed eight lambs that spring (he knew it was the same eagle because it had a couple of wing primaries missing). He asked the California Fish and Game Department to live-trap the offender—just that one "bad" eagle because he had no case against eagles in general. But they refused. He took matters into his own hands, shot the eagle the next time it came around, and dropped it down an abandoned mine shaft so that no one would find it and persecute.

I'm with him. If a particular eagle is guilty of killing lambs in the spring, he should be controlled. But just as certainly, the eagle species should not be persecuted as a whole.

But eagles continue to be persecuted in Wyoming and in other Rocky Mountain states where sheep are raised, mostly on public land. Just last month, some 25 eagle carcasses were found buried in a ditch in central Wyoming. Poisoned, trapped, shot, the eagle deserves better treatment for all the rabbits and rodents he kills. It seems time for ecological evidence to replace the old wives' tales that govern Federal predator control programs and sheep-rancher initiated persecution of this great bird and his bald cousin.

People need to know more about eagles and what they're really like. May I suggest a trio of books that might help: The Eagle In Fact and Fiction by Johanna Johnston, Pinion. The Golden Eagle by Leslie Whitten, and The Golden Eagle by Robert Murphy. But better still, go out and watch the eagle in the skies of Wyoming or Colorado, of Idaho or Oregon, of West Texas or New Mexico. Watch his flight and his stoop; watch what he kills and what he eats. Only real knowledge can save the eagle from the old wives' tales that currently threaten his very existence.

PREDATOR CONTROL IN WYOMING—PART THREE: "OF MONSTERS AND METHODS"

(By Verne Huser)

Predator control has become a national issue since this series began just a month ago as major articles on the subject have appeared in Sports Illustrated and in National Parks and Conservation magazine (the New Yorker carried a simmilar article nearly a year ago, but apparently the time was not yet ripe for predator control and its accompanying poisoning programs to achieve national concern). An educational TV station in Denver is currently working on a feature dealing with predator control, and two major national conservation organizations have just filed suit against the Federal predator control agency to put an end to the abuse of the environment inherent in its far-reaching programs.

Defenders of Wildlife has for years tried to reveal to the public the practices of the Division of Wildlife Services (what a name for the agency that has as its primary goal the destruction of wildlife that serves as the natural control mechanism in an ecosystem!). Now the Sierra Club has joined DOW in a suit against the Secretary of the Interior, Acting Director Spencer Smith, and DWS chief Jack Berryman in an attempt to stop the predator control program on the grounds that it has not complied with the National Environmental Policy Act which requires that any Federal project conduct an environmental impact study before any of its programs begin.

Informational hearings on land management practices on public lands will be held early next week in Washington, D.C., by Senator Frank Church's Public Lands Subcommittee of the Senate Committee on Interior and Insular Affairs, and predator control on public lands will surely come up for serious consideration. Perhaps it would be fitting then to consider just what monsters

fall into the predator category and just what other methods (besides poisoning) are used to control these monsters on public lands (one definition of the word MONSTER is "a threatening force," and certainly predators are monsters to those powers that litter our landscape with potent predator poisons).

In Wyoming the list of predatory animals includes the "bobcat, lynx, wolf, lion, coyote, skunk, badger, civet cat, weasel, porcupine, jackrabbit, racoon, red fox and stray cat." (In Utah a predatory animal is any carnivorous animal not classified as a game animal.) Predacious birds in Wyoming include "English sparrow, magpie, sharp-shinned hawk, cooper hawk, gos-hawk, duck hawk, golden eagle, brown eagle, kingfisher, blue heron, great horned owl and crow." A reclassification bill introduced into the Wyoming State Legislature during the 1971 session would have given protection to all hawks, owls, eagles, the blue heron and the kingfisher as well as the mountain lion, but while it passed the House, it was held up in Senator Don Jewett's committee so long that the Senate never got around to voting on it.

The duck hawk (peregrine falcon) is one of the endangered species as far as Federal designation is concerned, but endangered species status does not necessarily provide protection. Thus in Wyoming an endangered specie is still persecuted (as is the golden eagle and whatever a brown eagle might be—immature bald eagle?) Another endangered specie, the rare black-footed ferret, has no legal protection in Wyoming, and while it is not persecuted as a predator, it is indirectly persecuted whenever prairie dogs are persecuted as pest rodents, for the black-footed ferret feeds almost exclusively upon prairie dogs. Wipe out the prairie dog, and you almost automatically wipe out the ferret, too.

Let's take a look at these monsters, the predators. Are they really as harmful as the predator controllers would have us believe? The mountain lion, rare in Wyoming (Fred Christenson has estimated a state-wide population of between 50 and 75) after decades of persecution, is still on the predator list despite the fact that several sister states in the Rocky Mountain West have given this great cat protection of sorts by classifying it a game species and in some cases, closing the season as Wyoming did temporarily on the grizzly bear a few years ago. The mountain lion is not even listed on the Wyoming Cooperative Crop and Livestock Report among the top half-dozen predators causing cattle and sheep losses. But he is none-theless persecuted. (By contrast, more livestock is lost to domestic dogs, but they cannot be killed by Game and Fish personnel to protect wildlife or livestock.)

The Canadian lynx is so rare in most of Wyoming as to be considered endangered as far as the state is concerned (if the state were concerned about endangered species). And certainly it can in no way be considered a major predator on livestock or on game.

An outdoorsman may consider himself fortunate to see one. The bobcat, however, is often considered a serious predator on sheep and lambs as well as on several small game species, both bird and animal. But the fact remains that bobcats are scarce in areas where coyotes dominate. How serious is bobcat predation? According to the Crop and Livestock Report mentioned above, 3.2% of Wyoming's sheep and lamb losses in 1969 were attributed to bobcats, an estimated value of $122,000. (This estimate, however, is based upon the same faulty statistical method suggested in my last article.)

Campbell County Wool Growers' Association reports in a brochure entitled "Wyoming Ranchers: Custodians of Wyoming Wildlife," that "Coyotes and bobcats have no respect for deer and antelope any more than they have for sheep and calves when hungry or because of their desire to kill for the sake of killing." Such nonsense simply denies all ecological evidence, belies every major study of predator food habits, and brings to mind the fact that no predator but man has ever caused the extinction of a species. This fact suggests that man has no respect for certain species of wildlife but that predators other than man take what is easiest to get and consequently help maintain the balance of nature. Can the bobcat seriously be considered a major predator on domestic livestock when weighed against his predation upon rabbits and rodents? Many experts consider the bobcat at least partially beneficial to agricultural interests, especially in a state like Wyoming.

The inclusion of the stray cat on the Wyoming predator list puzzles me most of all. This is not because I don't consider such feral animals dangerous to wildlife (hardly to domestic livestock), but rather because stray dogs are, by the sheep ranchers' own statistics, the second leading killers of sheep and lambs. If the stray cat is on the predator list, why isn't the stray dog? The Wyoming Game and Fish Commission has had major problems in some areas with game-killing dogs that often run in large packs, yet the wardens are powerless to control them. Certainly, domestic dogs running wild cause much more havoc among both domestic livestock and wildlife than all the stray cats in the state. The cats are no doubt bad on birds, and probably they should be on the predator list as introduced species, but so should stray dogs. Is it man's sentimental attachment to dogs that keeps "man's best friend" off the predator list? Sentiment and prejudice should not dictate our game laws; they should be based on sound scientific evidence and ecological principles.

Cats, especially the bigger ones, seem to be less susceptible to 1080 poisoning than the canines because most of them prefer to feed upon their own kills. But hunger may drive them to 1080 stations during the winter months. Members of the weasel clan, however, are particularly endangered by 1080 poisoning, and by a curious paradox of Wyoming Game and Fish laws, an equal number of weasels are listed as predators and as fur bearers, four.

Protected fur bearers can be—and often are—killed by poison baits as readily as are the target predators. The skunk, badger, weasel (both long-tailed and short-tailed) and the civet cat (if that is the spotted skunk) are all recognized as predators under Wyoming law. The marten, the mink, the fisher, and the otter are all classified as fur bearers and as such are at least partially protected. The wolverine, another weasel (as in the blackfooted ferret) remains unclassified but may not be taken by trap—but what happens if a wolverine blunders into a trap set for something else?

The otter cannot legally be trapped either, and if one dies in a trap, the animal is supposed to be turned over to the Game and Fish wardens for disposal. Fishers are so rare in Wyoming that they are all but nonexistent, yet they can be trapped during the fur season. The fisher's main food source, the porcupine, is so abundant in Wyoming that he too is on the predator list because of the damage he does to conifers, and land owners frequently poison the porcupine. Were the fisher protected and encouraged to propagate, perhaps he might control the porcupine naturally. Mink and marten are relatively plentiful in areas where illegal 1080 stations have not wiped out whole populations of carnivorous animals—but that has happened on some national forest sheep allotments in Wyoming.

Skunks may carry rabies, and rabies seems to be spreading in Wyoming, a state where the dread disease has not been common in the past. Skunks may eat bird eggs. They also eat rodents and reptiles and insects. Where do we draw the line between harmful and beneficial attributes? Is the skunk persecuted because of his affinity for rabies? or because of his odor and nuisance quality? or because he really is doing serious harm to man's wildlife and domestic poultry? These questions need to be answered by field research. Will the skunk get a fair deal in a state so devoted to game species?

The badger is almost totally beneficial to man. Perhaps he too eats bird eggs, but when you consider all the bird- and bird-egg-eating rodents the badger kills, on which side of the ledger does he belong? The weasels? Why are they on the predator list? Bird eggs again? Or domestic poultry? In Wyoming there are hardly enough chickens and turkeys, except in a few localized areas, to matter in the whole scheme of things, and again, the rodent-killing capacity of the weasels makes them more helpful than harmful. In some states they are protected as fur bearers, a strange protection to be sure, but better than persecution as predators.

The jackrabbit is a predator in Wyoming, presumably because he eats too much forage that rightfully belongs to the cattle and sheep. Doesn't anyone recognize the fact that rabbits overpopulate when coyotes and bobcats and eagles are reduced? Does no one see the relationship between the fisher and the porcupine? Protect a predator and you may reap unexpected results. The racoon is a predator in Wyoming: why? I once had a pet 'coon that ate almost everything he could get his hands on (and racoons do have hands) including eggs, but he loved frogs and crayfish best of all. He could catch and kill small fish, and he was fond of insects. Is he so dangerous to Wyoming wildlife that he too must be controlled? I wonder how all the wild creatures got along before man came along to control the predators.

Have you ever examined the casts of hawks, owls and eagles? The raptors regurgitate the indigestible parts of the prey they eat—bone and feather and fur—and you can tell positively what a bird of prey has fed upon. Great horned owls eat skunks and stray cats and rabbits and rodents; they even occasionally eat porcupines. Why persecute a bird that feeds so heavily upon what man considers pests? Wyoming Game and Fish laws relating to predators and predacious birds seem out of touch with ecological evidence. But this fault lies with the Legislature more than with the Commission, it seems to me. Many of the faults would have been corrected by the reclassification bill (HR253) that Jewett sat on too long to enable the Senate to take action. Wyoming's attitude toward the controls of nature must be changed. Predators are important to the balance of nature, and man's use of natural range for livestock is subject to natual controls. Overgrazing destroys the range, but predators protect the range by killing rabbits and rodents and larger ungulates (even domestic livestock) when they overpopulate. The presence of predators should be a gauge to our understanding of the balance of nature and our wise use of the natural range, whether it be private land or public.

These then are the predators in Wyoming, the creatures that are poisoned and shot and trapped in the name of predator control, which often leads to further control as the balance is upset: kill coyotes, and rabbits increase; kill rabbits and eagles turn to lambs. I've discussed poisoning programs to some extent in an earlier article in this series, but three other methods of predator control continue to decimate predator numbers: denning, shooting and trapping.

Denning, the practice of finding predator dens and destroying the young of the species by gassing or by shooting or by spading (hitting them over the head with the shovel used to dig them out of their den), is one of the basic control methods used by the DWS. It may be a bit more selective than most meth-

ods employed, but it is a brutal method by most standards. (As is the common Idaho practice of rounding up great masses of rabbits and clubbing them to death on rabbit drives, barbaric family picnics sponsored by church groups and Boy Scouts and civic organizations.) Any predatory species that falls under the eye or the spade of the denner dies, even such useful species as badgers and skunks, which are generally considered more beneficial to farmers and ranchers than they are harmful. (Badgers seem to be listed as predators more for the fact that they dig huge holes in the ground than they are for destroying useful or game species.)

Shooting, another basic method of predator control practiced by the Division of Wildlife Services, includes the practice of calling predators with the sound of a dying rabbit and shooting the unsuspecting carnivore from a blind or hide-away, a highly sporting activity practiced by many "sportsmen" in the state. It is perhaps more sporting than shooting coyotes from a snowmobile in mid-winter snows: the animals, run for miles in the fresh powder, drop from exhaustion only to be run over and clubbed and shot by the daring young man on his snow machine. Most hunters in Wyoming will aid DWS agents by shooting predators on sight, but perhaps the most effective method of shooting is from the air. This practice was used effectively against eagles until it was outlawed—and it continues to be used by lawless predator controllers, though it no longer enjoys official sanction.

The DWS does use airplanes and helicopters to control coyotes and bobcats and almost anything that will run from the noise of a plane. One Rock Springs rancher is reported to have hired a helicopter for three hours and killed 40 coyotes. At least one flying gunner in Wyoming has made a practice of killing game animals from a plane, then landing and poisoning the carcasses with 1080 to kill predators in out-of-the-way areas. Recently, Utah's Senator Frank Moss and Wyoming Senator Cliff Hansen amended an antiaerial-shooting law to allow ranchers to kill predators from the air on their own land, but since most ranchers consider as their own land those Federal lands on which they graze their livestock, chances are extremely high that we will have a new rash of aerial killing of predators, even on public lands.

Trapping is perhaps the most indiscriminate method used by the DWS though it is difficult to see how anything could be less discriminating than 1080. Christensen himself admits that this is the least selective control method used, but it is also the most widespread. Trapping by Federal agents is used extensively throughout the state, even in areas adjacent to national parks. Only the No. 3 Victor Special trap with offset jaws is used officially. Many fur trappers use the conibear traps, which kills instantly, but trapping—even for fur bearers—is so indiscriminate that frequently other species are taken including the partially-protected wolverine and the fully-protected otter. At least three bear cubs were trapped and left to rot in the traps on sheep range in the southern portion of Teton National Forest a few years ago, and a standard practice on Wyoming game bird farms until recently—when a Wyoming Legislator questioned the practice and a member of the Game and Fish Commission put an end to it—was pole-trapping birds of prey and leaving them to rot in the trap.

Trapping seems to be too indiscriminate a tool for effective use in controlling predators. Too often predator control programs are aimed at a whole specie instead of individual animals or birds that may be guilty of predation, and too often the method used is so shotgun in character as to be ineffective against the target species (though it may do a great deal of damage to non-target species). Little proof of real predation is necessary for the DWS or a local predator control agency to initiate a major campaign. In fact, predator control campaigns seem to be automatic whether there is any real problem or not. Consequently, numerous species of Wyoming wildlife are persecuted without just cause, and the ecological patterns have been altered in many parts of the state, often to the detriment of the overall wildlife picture and even to the disadvantage of the livestock.

When rodent-eating birds and animals are reduced by predator-control programs, the range suffers, and a new poison campaign is initiated. All the wild creatures have their place in the total picture. Remove any one, and you have an unnatural situation that man may not have learned to control. Man can learn from nature if he will, and man cannot afford to destroy anything.

The English sparrow, a predacious bird in Wyoming, is unaffected by bacterial infections. Why? We don't know, but we'd like to destroy this pesky critter before we find out. Buffalo are immune to malaria. Is there anything in that fact for man? Yet, we almost wiped the whole specie off the face of the earth. There is much man knows, even about the natural world, but there is infinitely more that he does not know. Will man destroy his own chance for survival because he doesn't know enough about predators? It is possible.

Every specie has its worth—though man may not yet have discovered it—and to allow any specie to disappear forever is an ecological crime that man cannot afford.

PREDATOR CONTROL IN WYOMING—PART FOUR "OF COYOTES AND WOLVES"

(By Verne Huser)

Coyotes and wolves—and their domestic cousins, dogs—probably do more damage to domestic livestock and in a sense to wildlife than do all other predators together. But just how much real damage do even these larger and sometimes numerous predators actually do?

Coyotes no doubt kill man's sheep, but how often do they do so in areas that have been overgrazed? The sheep themselves may be predators upon the land. Wolves may feed heavily upon deer or caribou or Dall sheep, but are they really endangering a species? Man himself is wiping out a specie of wildlife every year somewhere on earth. Let's have a longer and deeper look at the canine predators than most ranchers are willing to take and try to evaluate the predation caused by wolves and coyotes and even dogs.

Ten years ago Justice William O. Douglas wrote a book called My Wilderness: East To Katahdin about several of his wilderness experiences across the country. The second chapter, which is entitled "Wind River Mountains," deals basically with a pack trip into the Bridger Wilderness with three Wyoming outdoorsmen and conservationists: John Borzea of Rock Springs, Carroll Noble of Cora, and Olaus J. Murie (now deceased) of Moose. The quartet discussed predator control programs as they rode through the wild country in which much of the native wildlife had been destroyed by poison.

Olaus Murie explains that coyotes do kill deer and antelope, but he suggests that his "studies show that the ones taken are usually the sick or the weak. The great regulator of wild populations is food deficiency. "It is not predators. Predators don't eliminate them. Hunters take a few, not many. Real disaster hits those fine herds (of deer and antelope) when sheepmen turn grass meadows into dust bowls." That happened in the Wind Rivers.

Justice Douglas relates his further discussion with Murie, who was at that time the executive director of The Wilderness Society: "The poison baits dropped from planes killed everything that ate meat—coyotes, bears, fox, martin. They were mostly cleaned out." Then Carroll Noble extends the condemnation: "Birds that eat carrion died when they ate animals who had eaten the poisoned bait. That blasted poison almost wiped out our camp robbers (Canada or grey jays)." And to Douglas' question "Any Coyotes left?"

Murie answered "None in these mountains. They were all poisoned out."

Olaus Murie's brother Adolph authored two important books that shed much light on canine predators: The Wolves of Mount McKinley and Ecology of the Coyote in the Yellowstone. Both of these reveal that the wolf and the coyote prey primarily upon the unfit and actually insure the vigor of the ungulate herds without decimating their populations and at the same time control rodent populations to some extent.

In his study of the coyote in Yellowstone, Adolph Murie reports poison campaigns against wolves and coyotes in Yellowstone National Park as early as the winter of 1874–75 when strychnine was used. Early Park superintendents, both civilian and military, recommended a continuing predator control program in the park, aimed primarily at wolves and coyotes. Between 1904 and 1935, when predator control in the Park finally came to an end, a total of 121 mountain lions, 132 wolves, and 4352 coyotes were killed in Yellowstone.

An interesting note in Murie's second chapter ("Population and Mortality") was based on Forest Ranger Obsen's observations in the adjacent Absaroka National Forest. The coyote population actually decreased during the second and third winters after predator control stopped in the park, though there was a slight increase in coyotes the first winter following the termination of the control program in the park. This trend is evident in a number of studies that have followed Murie's pioneer research. Both wolves and coyotes apparently reproduce at a greater rate when they are persecuted, primarily because their food supply increases with the reduced population of wolves and coyotes, and healthier animals produce more offspring more often. Murie's findings would suggest that predator control programs actually keep the predators healthier just as natural predation keeps the prey species healthier: both insure survival of the fittest.

Douglas Houston, who has studied the Shiras moose in Jackson Hole, bears out many of Murie's findings. A National Park Service research biologist, Houston, who was stationed in Grand Teton National Park but is now located in Yellowstone, suggests that predators and prey species live together naturally in harmony and balance. But when man enters the picture, control becomes a new factor. Man determines a level at which the predator may exist (it may even be extermination). Under natural conditions, the predator rarely controls its prey. Rather, the availability of prey controls the number and the vigor of the predators.

It follows that major predation problems occur in areas that are overgrazed, either by wildlife or by domestic livestock, because prey species are initially overpopulated, a factor that produces healthy and numerous predators. Ultimately the prey species become scarce, and the predators must rely upon domestic stock, which is artificially maintained at a higher level than the range will carry. A predator, after all, takes what is easiest to get, and predators are only predators in relation to man as a consumptive user.

A deer herd may be perfectly healthy and in balance, but hunters may demand more deer on the range than it can carry as predators are wiped out. Park Service Naturalist Bryan Harry used to shock visitors to Grand Teton National Park with his true story of what happened on the North Rim of the Grand Canyon in the early '20s: predator control practices on the Kaibab National

Forest allowed the deer to overpopulate so tremendously that they starved to death at the rate of 70 per acre.

Fred Christensen, director of the Division of Wildlife Services in Wyoming, has said that he does not feel that the coyotes in Jackson Hole should really be classified as predators since the damage they do to domestic livestock is minimal. Virtually no sheep are raised in Jackson Hole, and while coyotes may be plentiful, so are carrion and rodents; consequently predation upon domestic calves is relatively rare.

Houston believes that large predators "may be overrated as a major control in harsh environments" such as Wyoming and Montana where as many as half of the lamb losses in a late spring may be due to weather.

The coyote on the National Elk Refuge serves an important function as a sanitary engineer. Dozens of elk come to the refuge in the late fall or early winter injured or crippled as a result of a poor shot during the just-ended hunting season. Many die during their winter on the refuge, and the coyotes clean up the carrion with a little help from the ravens and magpies. (Yet in areas where poisoning is allowed, there aren't enough predators to clean up the natural carrion). Basically coyotes serve more to scavenge than to kill the large ungulates, and they are a most effective rodent killer. Wolves may kill more of the larger ungulates than coyotes do and therefore act more directly as a control factor on their populations, but wolves also help control rodents.

Turning back to Murie's coyote study in Yellowstone, I find the food study most interesting. Murie found that coyotes in the relatively natural situation of Yellowstone National Park fed upon elk carrion four times as heavily as they fed upon elk calves. Elk carrion constituted roughly 13% of their diet to 3.3% for elk calves and only 1% for deer and a mere .02% for deer fawns. Field mice constituted more than a third (33.9%). Grasshoppers added nearly a twelfth (almost 8%) and snowshoe hare comprised more than elk calves (3.4%). Mice and gophers alone were responsible for more than half of the coyote's total food supply (55.54%).

This study was conducted between May 1, 1937 and March 7, 1939—just after the Yellowstone predator control program had ended. But Murie found that "In Yellowstone, after 4 years of absence of artificial control, it is apparent that coyotes have not multiplied according to mathematical expectations," and that "coyote numbers seem to be remaining rather stable and not pyramiding." In a current study in Grand Teton National Park, graduate student Franz Camenzind, working on the ecology of the coyote, has found that uncontrolled populations of coyotes have smaller litters than controlled populations. He says, "After twenty years of no artificial control in the Park, we don't have wall-to-wall coyotes." (Predator control ended in Jackson Hole when much of the valley floor was added to Grand Teton National Park in 1951).

Concerning deer-coyote relationships, Murie found that "there is a direct correlation between condition of the range and coyote predation." Predation increases as winter advances, the biggest kills coming in February and March when natural mortality due to disease and malnutrition is highest (that is, when the animals are easiest to kill). Deer populations actually increased in Yellowstone after coyote control ended, as did populations of antelope and bighorn sheep. Keeping in mind that predator control ended in Yellowstone after the winter of 1934–35, note the trend in deer population: 1934—363, 1935—610, 1936—673, 1937—843, 1938—850 (Murie suggests that the 1938 count may have been low because of poor counting conditions and estimated the population at more than a thousand). Almost invariably, when the coyote numbers were kept down by predator control programs, ungulate populations were down; when coyotes were no longer controlled, they did not explode their populations, but their prey species did apparently increase their populations appreciably.

In his conclusions, Adolph Murie says that, "Apparently the Yellowstone coyote population does not increase indefinitely," that rodents comprise the vast majority of the coyotes' diet in spring, summer and fall (with insects constituting more than twice as much food supply than birds do—and most of that in the form of carrion), and that coyotes in winter subsist largely upon carrion of the major ungulates. Rather than being subject to coyote predation, most "big game species are seriously handicapped by a poor, crowded range." Perhaps the wolf should be brought back from the edge of extinction to help control the situation.

PREDATOR CONTROL IN WYOMING—PART FOUR "OF COYOTES AND WOLVES"

(By Verne Huser)

Wolves, like coyotes, feed upon carrion and upon rabbits and rodents, but they are a larger, heavier animal better equipped to kill the larger ungulates. They are more likely to play an important predator role than the scavenger coyote, and many ranchers greatly fear the return of the wolf, for the wolf has returned to Yellowstone. Recent reports indicate no fewer than six of the great canines roaming free in Yellowstone National Park.

The Park Service officially reports that the wolves were there all the time, just rather scarce in a vast area and not often seen, but there were reports of wolf sightings during every decade in this century. Adolph Murie says of wolves in the Park, "It is probable that none now remain" (1939), and "The last wolves were eliminated in the twenties although a few have been reported in recent years." He reports having seen no wolves during his coyote study in the Park. The Craighead brothers, Frank and John, who studied the grizzly bear in Yellowstone for more than a dozen years report that neither they nor any of their students or associates saw a wolf or any wolf sign.

There are also wolves in northern Minnesota where the supervisor of Superior National Forest, Craig Rupp, recently closed the forest to the taking of wolves. Deer hunters in Minnesota, many of whom killed a Wyoming mule deer as non-resident hunters last year, were up in arms, but the fact remains that the Minnesota deer hunters—consumptive users—have a higher success level in the five counties that have wolves.

Perhaps the classic popular study of wolves in relation to a prey specie has been David Mech's "The Wolves of Isle Royal." This was carried in National Geographic Magazine a few years ago and available for $1 from the Superintendent of Documents, Washington, D.C. Mech has recently published a book on the subject as well. Mech's study of wolves and moose on the 210-square-mile Isle Royal, a national park in Lake Superior, has revealed once again that even so large and powerful a predator as the timber wolf normally takes the misfits and actually controls the ungulate herd naturally, allowing the survival of the fittest to operate.

The old and the weak and the young of unhealthy mothers are taken by the predators. A healthy adult moose can withstand the attack of a whole pack of wolves, and even in severe winter conditions the moose maintain their numbers. The wolves, in turn, maintain their population at a relatively stable number dependent upon the availability of moose. No hunting of either moose or wolves is allowed on the island, and predator control is outlawed, yet the natural balance is maintained by the animals themselves. There are roughly 25 wolves and perhaps a thousand moose on the island.

The television documentary film, "The Wolf Men," which was shown November 18, 1969, and again June 9, 1970, further popularized many of the facts about wolves. However, this film was not shown in Alaska because of an injunction. Alaska's Governor received nearly three thousand letters from viewers in the lower 48 states concerning the plight of the wolf in Alaska. There, a thousand of the noble canines were killed in 1969 which constitutes roughly a fifth of the total estimated wolf population of Alaska. And the slaughter still goes on—frequently from airplanes.

Adolph Murie's comprehensive study of wolves in Mount McKinley National Park may give a fair picture of the wolf's relative effect upon wildlife. A food study suggests that the large ungulates of the park furnish the major part of the wolf's diet: caribou (43%), Dall sheep (26%) and moose (less than 1%). Ground squirrels (13%), marmots (8.5%), and mice (5.5%) are relatively minor items compared to the caribou and the Dall sheep, but even this heavy predation upon two species seems not to decimate them.

In his conclusions Murie says that "the caribou is the main food of the wolf, and a heavy toll of the calves is taken. Yet the park herd of between 20,000 and 30,000 is apparently maintaining its numbers." Of the Dall sheep he says, "It seems apparent that the wolf is the chief check upon the increase of the Dall sheep in Mount McKinley National Park . . . that the predation on lambs is the most important limiting factor in stabilizing (my emphasis) sheep numbers . . . that the sheep preyed upon, other than lambs, were generally old or diseased," and that "the size of the sheep population was satisfactory from the standpoint of their survival as a species in the park."

Canadian naturalist Farley Mowat, whose popularized study of Canadian tundra wolves entitled Never Cry Wolf has probably been read by more Americans than any other wolf study, found that wolves do indeed depend heavily upon caribou for food but primarily during the periods of migration of the caribou through the wolves' territory. Wolves, he found, maintain home territories, and while they hunt widely, they cannot hunt widely enough to follow the caribou herds and still maintain their home territories.

Mowat found a nursing female wolf that killed 23 mice and ate them, quite a meal even for so large a carnivore. He also found the typical pattern: the wolves, even when feeding upon caribou, took the misfits that were easily overtaken and killed. A pack of wolves might chase bunches of caribou, which tolerated the wolves to within a hundred yards, they gave up the chase, and turned their attention to another bunch. Once they found a straggler, however, they pursued it until they killed. Mowat relates an old Eskimo legend that ends with the axiom "So the caribou feeds the wolf, but the wolf keeps the caribou strong." These native peoples perhaps understand ecology better than we do.

Last spring when winter lasted well into April in Yellowstone National Park and the grizzly bear's grazing grounds were still snow covered as they emerged from their winter dens, the grizzlies turned to the Norris elk herd—the only elk herd in the Park that has never been controlled by man—and killed dozens of elk. Once again, it was the age-old pattern: the elk being killed by the grizzlies were the sick, lame and lazy. Every ecological study indicates the same thing: the predators preserve the species by controlling the misfits. When will man learn?

In Montana in 1967, domestic dogs were listed as the second leading killers of domes-

tic sheep, the third leading killers of lambs (behind coyotes and eagles). The same pattern held for Wyoming in 1969 through 1968. Yet dogs are not listed as predators under Wyoming Game and Fish laws nor can local wardens control domestic dogs (several attempts to do so have resulted in the wardens being persecuted and prosecuted). Dogs no doubt kill much wildlife. My own dog—until I got rid of her—used to come home with an occasional ruffed grouse, and I know that neighborhood dogs killed a moose calf two years ago. Domestic dogs turned free in nature constitute an artificial control that upsets the balance of nature as surely as does overgrazing by domestic livestock.

I don't suggest that we should turn the whole world back to nature or that we shouldn't raise sheep or cattle. I'm saying that we can't live outside of nature, that we can't raise cattle and sheep outside of nature. There are lessons to learn from nature, and as consumptive users, we must listen to nature because we live in a finite world. There is room for both man and wildlife, for domestic livestock and natural predator. It seems that the sheepranchers are the emotional ones who refuse to listen to the facts.

A recent (Feb. 9, 1971) article in the Casper Star-Tribune headlined "Coyote Numbers Treble In Red Desert Habitat" suggests that despite concentrated predator control programs over long periods of time in the area, "We've got more coyotes than we ever had," as one Wyoming Game and Fish warden put it. A letter to the editor of the Star-Tribune on Feb. 22, 1971 by H. E. Dearinger of Wheatland says, in part, "My wife herded sheep (2,000) and lived in a sheepwagon back in the days, 1914, when there were coyotes everywhere and never had any loss to predators." A March 4, 1971 letter-to-the editor from Leonard Zierlein of Casper says in part, "I have heard far more herders give the coyote false credit for sheep losses than I ever have the ranchers." Zierlein has been a Natrona County trapper for 14 years and closes his letter with this comment: "The wolf may be smarter but the coyote is more clever in my opinion, and I see a continued future for the coyote even with predator control."

Obviously, wolves and coyotes are both intelligent. They have outwitted man's attempts to wipe them off the face of the earth for decades, but it is true that the wolf is an endangered specie in the 48 contiguous states. It is also true that with subtle and powerful poisons and with aerial shooting of these canine predators, their future may be bleak, especially if ranchers are given Federal immunity to kill predators from the air. Man—who has not yet learned his own place in nature—still attempts to control nature, and by doing so he may himself become an endangered specie.

THE WILD WORLD

(By Verne Huser)

If you haven't seen the trio of articles by John McPhee about David Brower that has just appeared the the New Yorker, you owe it to yourself to dig them out of your back files or out of the public library, for it is a conservation classic. Entitled "Encounters with the Archdruid," the series of articles pits Brower against Charles Park, a geologist and mineral engineer; Charles Fraser, a developer; Floyd Dominy, a dam builder (head of the Bureau of Reclamation and a Wyomingite).

Brower, if you don't know, was for more than 17 years executive director of the Sierra Club; he is also founder of Friends of the Earth and the John Muir Institute. Just a year ago he spoke in Casper at the First Wyoming Environmental Congress. If any single man epitomizes the environmental movement, it is David Brower.

The first article (A Mountain), which appeared in the March 20 issue, dealt with a backpacking trip into the North Cascades in the state of Washington. Kennecott Copper Company, the same corporate structure that is polluting Salt Lake City, plans to build an open pit copper mine in the Glacier Wilderness northeast of Seattle. Brower and Park hiked into the area for a first-hand look and a running battle about basic values.

Park says at one point "If there were a copper deposit in Yellowstone Park, I'd recommend mining it." Parks sees every mountain as a potential mine. He knows his outdoors and appreciates it, but he believes that "population pressure is irresistible" and that being so, no place on earth should be inviolate from human use—and by use, he obviously means consumptive use.

Brower, on the other hand, suggests that we must stop right where we are and rethink our values. "The theory of economic growth is doomed on a finite planet," he says, and therefore we must learn to re-use our resources instead of throwing them away. "We have got to get into our heads a concept of limits," says Brower at one point: "We're not so poor that we have to spend our wilderness or so rich that we can afford to."

I came out of my reading of this first article with respect for both men. I'd gotten inside them both, it seemed, through McPhee's objective and subjective observations. Park says in effect (and in fact) "The future can take care of itself," while Brower says, in the words of Nancy Newhall, "Conservation is humanity caring for the future."

Part two (An Island), which appeared in the March 27 issue, features Brower and Charles Fraser, who developed Hilton Head Island off the coast of South Carolina. If it has to be developed, says Brower, let Fraser do it. But basically Brower opposes any further development in the nation's few remaining wild areas such as Cumberland Island, where Fraser wanted to turn a natural wilderness into another tasteful bedroom.

Actually, the title of the whole three-part series comes from Fraser's evaluation of conservationists, whom he calls archdruids,—preservationists who want to save things they like for themselves. This second article presents many of Brower's ideas—some of the ones he developed in Casper last May. But when Fraser and Brower get together, Fraser does most of the talking. The continual byplay of the first article is missing; there is less dialogue and more monologue. Fraser frequently asks Brower's advice or view on a subject, but he seems to be playing with Brower much of the time. Yet a real respect seems to grow up between the two apparent opposites.

"The highest and best use of this island is for children," says Fraser of Cumberland, which ultimately—against Fraser's wishes—becomes a National Seashore. Brower, in contrast, says "We're committing grandlarceny against our children," by the ways in which we rape the planet earth: "When rampant growth happens in an individual, we call it cancer," yet we continue our rampant growth on the face of the earth.

The third and final article, entitled "River" and appearing in the April 3 issue, contrasts Floyd Dominy, former Campbell County Wyoming Agricultural agent, with Brower as they float down the harnessed Colorado River below the just completed Glen Canyon Dam. This article offers the greatest contrast of them all: Brower and Dominy rarely find any common ground. Dam building is Dominy's greatest good, and Brower says at one point "If you are against a dam, you are for a river," for rivers—says McPhee—are the ultimate metaphors of existence, and dams destroy rivers.

I do not mean to steal any of McPhee's thunder. He has written a fine series of articles in which the reader gets to know a great man and a great conservationist, who says "We should touch nothing more in the lower 48 . . . Whether it's an island, a river, a mountain wilderness—nothing more. What has been left alone until now should be left alone permanently."

McPhee doesn't take sides, it seems to me, and he presents an objective account of Brower and of his three antagonists (Brower is the obvious protagonist of the series). Anyone with the least interest in conservation should read this series. There are implications here for the Green River, for the White Clouds, for Wagonwheels, for every issue that conservationists-environmentalists embrace, for Brower's viewpoint is all-encompassing, and McPhee has captured him well.

PREDATOR CONTROL IN WYOMING—PART FIVE—PHILOSOPHICAL DISSERTATION

(By Verne Huser)

Predators—those creatures that live by killing and consuming other creatures—kill livestock and wildlife. There is little doubt about that fact, and certainly livestock owners have the right to protect their investment, at least on their own land, when they suffer losses. But more and more people are questioning their right to kill predators on public land they may be grazing, and the indiscriminate killing of all meat-eaters through poisoning campaigns or of all curious animals—including man—with cyanide guns is highly questionable.

One Colorado trapper once studied the tracks of a cattle-killing mountain lion, a big tom, in midsummer when he knew he'd have a most difficult time trapping or hunting down the critter. As soon as the first snow fell in the fall, he went after that one cat—not cats in general. He treed five different cougar, including one female with two kittens, before he found the guilty tom and killed it. That is sane and reasonable predator control. When a rancher begins losing calves to coyotes, he should have the right to kill the offending animals—but not all coyotes everywhere by whatever means possible.

More and more Wyoming ranchers are turning to illegal poisoning programs, and the practice of aerial shooting of predators is growing in the state. Reports of a Rock Springs woolgrower's shooting 40 coyotes in a 3-hour flight by helicopter and of 25 eagles shot and buried near Saratoga may not be true, but again they may. The coyote carcasses poisoned with 1080 and left on the lower end of the Teton National Forest recently suggest once again the widespread use of that dangerous poison by Wyoming ranchers who can apparently buy it as readily as snuff. The 22 eagles—11 bald and 11 golden—that were found near Casper in early May certainly suggests foul play, perhaps illegal poisoning. Both species are protected by Federal law and with good reason (I recommend to the readers of the series Leona Train Reinow's book THE YEAR OF THE LAST EAGLE, written in conjunction with her husband Robert Reinow; the Reinows are also the authors of MOMENT IN THE SUN).

I have always wondered how wildlife got along before man came onto the scene to control the predators. When the wolf still roamed the state, the buffalo was common, and elk roamed the plains as well as the mountains. When the deer and the antelope played, the wolf and the mountain lion were more plentiful then they are today. Over in the California Coast, the abalone, a large edible—and delicious—snail, was everywhere in the shallow waters when the sea otter count ran into the millions. Today, the commercial abalone fishermen blame the few hundred remaining sea otter for the paucity of abalone while they harvest millions of tons of the succulent flesh every year). When the Snake River and the Columbia flowed freely to the sea, there were millions of salmon and steelhead; natural predation did not deci-

mate the salmon and sea-run rainbow trout, but man, the dambuilder did.

Predators don't have much chance in a state so geared to the gun, so steeped in the so-called frontier spirit, so tied to the pioneer tradition and mired in the myth of superabundance. Killing predators is as natural as fencing range or carrying a rifle in a gun rack in a pick-up truck. Yet all predators are not guilty of killing livestock, and often predators benefit wildlife. Predators, by their very nature, take what is easiest to kill—and many of them find enough carrion not to need to kill at all. Yet, there are bills in both houses of Congress right now that would give ranchers the right to kill any bird or animal they want to kill any time they want to kill it as long as it's on their land (S78 and HR 5060), if the bills were amended as the Wyoming woolgrowers would have them amended.

But sheepmen and cattlemen, in some cases, in several western states would use the bill to further decimate predators that may actually be doing them more good than harm. How do you get a sheepman to listen to the facts instead of the old wives' tales he's been brought up on?

Robert V. Broadbent, a member of the Nevada State Fish and Game Commission, in June of last year published a little pamphlet entitled "Predator Control in Nevada—a pork barrel threat to the environment," in which he pointed out that "the total value of livestock and poultry lost to predators was $32,315 (in Nevada in 1969). Yet the 'control' amounted to expenditures of ten times that amount." In Utah in 1970, the total value of livestock and poultry lost to predators was $74,830, but during the same period the predator control program in the state received $187,937 from the State Department of Agriculture, the State Fish and Game Division ($15,000), county commissioners, wool growers, cattlemen and grazing associations.

Broadbent's pamphlet quotes a number of experts on predator control:

Walter Shannon, past-director of the California Department of Fish and Game—"Our department could not demonstrate the need for predatory animal control for the benefit of wildlife."

Robert L. Salter, assistant director of the Idaho Fish and Game Department—"General widespread predator control for game management purposes has been demonstrated to be of little, if any, value and we do not support this philosophy."

Wendell G. Swank, director of the Arizona Game and Fish Department—"I believe it behooves the state wildlife management agencies to have ample and adequate justification for control of any animal."

Harry R. Woodward, director of the Colorado Department of Game, Fish and Parks—"There is considerable evidence that predator effect on game is neglible when habitat conditions are good." I might add that the same is true for livestock.

Ted Trueblood, associate editor of Field and Stream—"The perpetual war against the coyote would dwindle to an occasional skirmish if there were no domestic sheep."

Mike Frome, conservation editor of Field and Stream—"The War on predators has been waged with little scientific knowledge of their beneficial roles in the biotic community, with little moral or ethical consideration for man's responsibility in conserving natural life as an integral part of the environment."

Several statements quoted in the Broadbent pamphlet relate to predation on antelope: 1) basically, the key to the antelope situation in Utah lies with the land." (Jay R. Udy, "Effects of Predator Control on Antelope Populations," a Utah Fish and Game publication); 2) stomach samples from 91 coyotes in northeastern California were studied and "When these samples were analyzed, no antelope remains were found," in an area thick with antelope. (James Gilman, past game manager for the California Department of Fish and Game); 3) "Predators are not the factor that is limiting antelope numbers. Most wildlife technicians consider range conditions as the most significant force controlling antelope." (Gen Griffith, Nevada Fish and Game Department at the 1962 Interstate Antelope Conference); 4) "The most important limiting factor to antelope increase and distribution at the present time is the intense food competition from domestic sheep." (Helmut Buechner's "Life History, Ecology, and Range Use of the Pronghorn Antelope in Trans-Pecos Texas). Can the antelope situation in Wyoming be so vastly different from that in Utah, California, Nevada, and Texas?

When Wyoming woolgrowers claim—as they have in a Campbell County publication—that they are providing more wildlife for the hunters by killing predators, what real justification do they have? Perhaps the facts are that by overgrazing their own lands and their Federally owned grazing lands, they are in fact reducing the antelope and deer populations that they claim to be enhancing. And now Wyoming woolgrowers have objected to the wild horses grazing in the state because the horses eat what the sheep should have. Do those sheep ranchers ever consider the amount of sheep graze eaten by the rabbits that overpopulate because coyotes are killed off? What will it take to make believers out of the woolgrowers? Why can't they accept fact?

Quoting from the 1964 Leopold Report, Broadbent develops the case against predator control programs even further: "It is the unanimous opinion of this board (Secretary of the Interior Stewart Udall's Advisory Board on Wildlife Management) that control is considerably in excess of the amount that can be justified in terms of *public interest* . . . (my italics). The primary target of predator control in the western United States is the coyote and the main purpose of coyote control is to protect domestic sheep," and "It is traditional for sheepmen to charge nearly all losses to predators." Something close to half of all lamb losses for 1970 were attributed by Wyoming woolgrowers to the predators, primarily the coyote. And finally, "The assertion that native birds and animals are in general need of protection from native predators is supported weakly, if at all, by the enormous amount of wildlife research on the subject conducted in the past two or three decades."

When are we going to start listening to the truth? The Division of Wildlife Services, currently being sued by Defenders of Wildlife and the Sierra Club in one case and by the Humane Society in another, conducts and coordinates predator control programs in every western state. Its avowed three-fold purpose is 1) animal damage control, 2) wildlife enhancement, and 3) monitoring and surveillance. But the animal damage control means preventive control, in most cases before the fact, and indiscriminate control, not merely control of the individual guilty predator(s). The enhancement of wildlife means killing non-game species to protect game species, a practice that frequently upsets the natural balance and leads to further control efforts and mis-management by man—such as the mass rabbit drives in Idaho this past winter and the widespread poison campaigns aimed at rodents.

The monitoring and surveillance program leaves much to be desired. In Wyoming, for example, the DWS cannot tell you how many black-footed ferrets—if any—still live (Utah's DWS can't either, but at least they are conducting a search for the rare mammal: in a ten-square-mile prairie dog town near Monticello in southeastern Utah, DWS observers have found trenches similar to those made by ferrets in South Dakota, their last real stronghold). The ferret, by the way, has been brought to the edge of extinction by poison campaigns aimed at prairie dogs, the basic food of the ferret.

Jack Olson points out in his second Sports Illustrated article in the "Poisoning-Of-The-West" Series the kind of wildlife enhancement program the DWS conducts. In a single year DWS personnel killed 90,000 coyotes, 300 mountain lions, 21,000 bobcats and lynx, 2,800 red wolves, 800 bears, 24,000 foxes, 7,000 badgers, 19,000 skunks, 10,000 raccoons, 1,200 beaver, 7,600 opossums, 6,700 porcupines and others. And the next year livestock losses to predators were higher than ever—according to the estimates.

The Wyoming predator count kill for 1968 was 5,637 coyotes, 3,770 bobcats and lynx, 940 foxes (foxes killed 800 lambs), 151 bears, and a single mountain lion (out of an estimated population of between 50 and 75 in whole state).

In Utah during the fiscal year 1970 the predator kill count included 2707 coyotes, 406 bobcats and lynx, 408 foxes, 110 badgers, 29 cougars (out of an estimated population of over a thousand), and 13 bears. It is interesting to note that while 13 bears were killed by DWS personnel, only two cattle were killed by bears (though bears did take 64 sheep and 66 lambs). The cougars lost 29 of their number to DWS trappers and hunters. They killed only three cattle (plus 160 sheep and 195 lambs). How many sheep are worth one free-ranging mountain lion?

How were these thousands of predators killed? In Utah more than a quarter (27.5%) of all coyotes were killed by denning (dug out of their dens as pups and clubbed or shot or poisoned). Coyote getters accounted for 18.5% of the total number of coyotes killed (no records are available concerning other animals killed by these cyanide guns, which—according to a DWS document—are theoretically capable of killing a person who weighs less than 275 pounds. Jack Olsen reports the death of a 49-year-old Texan as a result of his being shot with a coyote getter in his Poisoning-of-the-West Series in Sports Illustrated.) Traps (17%), aerial shooting (15%) and ground shooting (11%) were all more effective as coyote killing methods than "predacides" (mostly 1080), which killed only 10% of the total coyotes (but who knows how many other creatures?)

Wyoming's kill of coyotes in 1970 breaks down as follows: total kill, 5,475; traps and snares, 417 (7.4%); coyote getters, 1,477 (12.5%); shot from airplane, 1,554 (28.4%); denning, 1,220 (2.3%); taken by dogs, 7. Again, the two percent of coyotes killed by predacides cannot justify the widespread use of poisons.

The fact that poisoning is such a relatively ineffective killer of coyotes and such a totally indiscriminate killer of everything that eats the baits (or ever touches them—you can absorb a lethal dose of 1080 through the skin) raises the question of whether or not poisoning ought to be allowed at all. That's what the Defenders of Wildlife-Sierra Club suit is all about. Land administered by the Forest Service and the BLM belongs to you and me; yet we and our pets and our wildlife are all endangered by the practice of spreading poison baits and coyote getters all over our land to "control" predators who may be guilty of nothing more than killing mice.

Again I ask, who has the right to kill my coyotes on my land so he can raise sheep that destroy my land with overgrazing, and at the same time create an imbalance in the ecosystem that leads to further environmental degradation? When the rodent and rabbit population explodes in the absence of coyotes, we are told that a poison campaign is necessary (or a community rabbit drive), so we pump more poison into the ecosystem, a practice that causes even further environmental degradation. Why do we continue to base our predator control programs

on old wives' tales instead of ecological evidence? On personal prejudice instead of scientific fact?

Wildlife includes all species, predators and prey alike, and as Park Service research biologist Glen Cole points out, "Harmful relationships cannot exist in nature." At the Thirty-sixth North American Wildlife and Natural Resource Conference in Portland in March, Cole said "Previous assumptions which were the basis for artificially regulating ungulates overestimate the regulatory effects of predators." Left to itself in a natural situation, wildlife doesn't need our help; it needs our wisdom and tolerence. But inroads on wildlife habitat such as the Kendall Dam project or the Clark's Fork Canyon Road, both in Wyoming, will destroy our wildlife as surely as 1080 and coyote getters, as surely as the aerial shooting and denning practices we allow in the name of wildlife enhancement.

Domestic livestock is another matter, but it involves the same general principles. We cannot continue to upset the natural ecological relationships by overgrazing or by indiscriminately destroying whole species. Livestock owners should have the right to kill predators that are decimating their herds and flocks, it seems to me, but they should not have blanket authority to kill on mere circumstantial evidence. If they graze their livestock on public lands, they should take their chances with whatever other wildlife may use that public land. (Have you ever counted the coyotes on the National Elk Refuge? Yet we still have elk).

But a better idea than killing predators might be a livestock insurance program that pays livestock owners for their actual losses. Throughout the west predator control programs cost more—even in dollars and cents, but especially in environmental damage—than the actual loss of livestock. Ranchers traditionally overestimate their losses to predators, exaggerate their financial losses to coyotes and eagles and other predators. Would it not make more sense to turn the DWS funds into an insurance program for livestock losses and stop killing the predators unless they become epidemic? And we have learned—though livestock owners rarely listen to the truth about predators—that uncontrolled coyotes don't overpopulate, that predatory species are in fact controlled by the species.

Poisoning, indiscriminate killing of predatory targets as well as many innocent nontarget species, should be ended in Wyoming, and throughout the West. Responsible control of proven livestock killers may make some sense in certain areas at certain times, but the blanket killing of important—to ecological relationships—wildlife species cannot be allowed to continue.

Yellowstone wolves and grizzly bears and eagles—all of them endangered species—are still threatened by 1080 stations outside the park. Those in Montana have been removed from areas adjacent to the park under the direction of Montana DWS Director Norton Miner. But 1080 stations remain on both the Targhee and the Shoshone National Forests, according to Park Service authorities, including one in the Clay Butte area of the Beartooths, in areas where wolves have been reported during the past ten years. Of four wolves known to have existed in the Lamar Valley of Yellowstone a year ago, only one appears to remain at present.

Do we continue to destroy our wildlife through ecological ignorance (we know the facts but we ignore them) or do we put an end to personal-prejudice politics and preserve the integrity of a natural world that has room for man only if man finds his place in that world. Man cannot control the natural world, as much as his ego would like to believe he can. And the more man meddles with nature without attempting to understand the delicate interrelationships, the sooner man will cease to be part of that world. As Aldo Leopold tried to teach us, we must develop an ecological conscience. We must come to understand our role and accept it instead of trying to play God. And we must co-exist with the predators because they play a vital part in our lives.

Few creatures have stirred the human spirit as greatly as the mighty eagles, both the golden eagle that was the symbol of the Roman Empire and the bald eagle that is our own. Fed creatures have stirred the human heart—with both fear and respect—as the wolf, the grizzly bear, the cougar though old wives' tales about these great predators have painted garish pictures of them all. In ancient Europe and in primitive America the fox and the coyote became the epitome of cleverness. We deny our very culture when we insist in destroying these creatures that live by killing, and perhaps we show our own true colors.

THE WIDE WORLD

(By Verne Huser)

What is Yellowstone National Park like when it is first opened to the traveling public in the spring? Snowmobilers have owned the park all winter, roaring around in their noisy machines (more than 16,000 over-snow vehicle visitors in 1970 compared to 267 over-snow foot travelers; snowmobile visitors outnumbered automobile visitors 3,381 to 1,440 during December).

One of the sounds I associate with spring in Yellowstone is the absence of snowmobiles. For a while there is the roar of the snow-removal equipment, then the ever increasing sound of automobiles and even trucks hauling supplies to the in-park tourist facilities.

But there is also the howl of the coyote in the cold quiet night and the winnowing of the Wilson's snipe as it declares its territory in skylark-like flight at dusk. There is the honking of the Canadian geese, the resonant melody of the trumpeter swan, the wild weird rattling of the sandhill crane. If you're lucky, you might even hear the howl of a wolf in the Hayden or Lamar valley or on Cougar Creek.

There is still lots of snow. Snowdrifts may be twelve to twenty feet high even in mid-May, but almost everywhere the snow banks are above the top of a conventional car when the park opens May 1 (from a Land Rover you can just barely see over the roadside snowbanks in most places, but occupants of conventional cars see little except in the thermal areas, especially in the higher country).

And yet, the game is somewhat concentrated by the snow. Buffalo still hover about their winter range near the hot springs as do the elk, and consequently the grizzly bear emerging from their winter dens congregate there too. Since these areas are usually served by roads, the traveling public has a good chance of seeing all three of these species as well as moose and mule deer, coyotes and Canadian geese.

Porcupines waddle about from evergreen to evergreen on the snow or along the waterlogged openings where the snow has just melted. Marmots emerge to sun themselves on the rock piles, and robins stake out their territories in the piney woods, singing until darkness takes over.

It's fun and kind of exciting to wallow about in the winter elements. I saw one father digging a snow cave into the seven-foot bank for his sons to play in, and others bring their sleds and saucers. The snow, for the most part, has long since disappeared at home—usually much lower areas—and the kids haven't had a chance to play in the snow for weeks. Oversnow foot travel has greatly increased in Yellowstone during the past few years (an increase of 2,670% in 1970 over the previous year: 10 to 267), and spring touring has become quite popular in the park. Even as late as July warm-climate visitors to the park thrill at finding snow in shaded pockets near the passes as my brother and I did many years ago coming up from central Texas where we'd rarely seen snow.

But spring storms can block passes and make roads dangerous even in May or June—for that matter, almost any months as in August of '60 and again in August of '68. Rock slides are common, and snow slides are not unusual even in May. Winter weather can be unpleasant and downright dangerous to a family out for a Sunday drive in anticipated spring weather. Changing a flat tire in a short-sleeved shirt with a hungry grizzly bear looking over your shoulder may not be the most pleasant way to go.

Most of the lakes are still frozen over when the roads open, even in such relatively low areas as Mammoth, but as May merges into June they begin to open. A full moon on the ice-covered lakes, on the steaming hot springs, on the flowing streams and snow-bound woods is a sight to behold. Yellow monkeyflowers blooming in the thermal-fed streams as early as the first week of May surprise even the veteran visitor, and glacier lilies follow the receeding snowline with their bright yellow.

Hundreds of elk in small bands—sometimes up to thirty or more—graze the newly-opened meadows. Snowshoe hare hop about the woods in their changing coat. A pine marten watches slyly from behind a log. A black bear yearling perches high in a lodgepole pine while a young grizzly feeds noisily upon an elk carcass by the river nearby. An osprey family rebuilds its nest on a pinnacle in the Grand Canyon of the Yellowstone, and a dipper (water ouzel) sings by the rushing waters.

A grizzly sow with two large cubs—probably two-year-olds—digs for roots and rodents in the Hayden Valley. A huge bull buffalo detours traffic near the mud volcano. A trio of white pelicans feeds in the Yellowstone River while geese and several species of ducks search for nest sites. This is Yellowstone in the spring before the thousands of tourists arrive—relatively few of the tourist accommodations are open yet. And you bring your own picnic lunch instead of waiting in line for poor food at high prices. You worry about running out of gas (some roads aren't open yet—I may have to back track—where was there a service station open?) but you see auto license plates from only a dozen states.

Spring and fall are the times to see Yellowstone for those who live near enough not to be forced to visit only at the height of the summer season. How many people can Yellowstone National Park experience before the people no longer have a Yellowstone experience? Or is the Yellowstone experience the over-crowded scene that many of us know from a visit in July or August? I hope not, and I like to visit the park before everyone else gets there.

WOMEN'S POLITICAL CAUCUS

Mr. HARRIS. Mr. President, it is time that the U.S. Senate, which has been traditionally dominated by men, recognize that the women of this Nation are organizing to obtain a rightful share of the decisionmaking authority of our Government. The National Women's Political Caucus met in Washington, D.C., this past weekend. They were women representing all races, nationalities, economic classes, age groups and political, philosophical, and issue positions. They met to form an organization which will

elect women and push women's priorities—day care, welfare reform, health care, an end to all types of sex and racial discrimination, and an end to the Vietnam war. They rightly intend to bring this priority agenda to the forefront of the Nation's mind.

Mr. President, I ask unanimous consent that the press release issued today by the National Women's Political Caucus concerning its purposes and officers, as well as a list of the conveners of the caucus, a proposed statement of purpose, and statements by Betty Friedan and Congresswoman BELLA ABZUG and Congresswoman SHIRLEY CHISHOLM—all prime movers in this important new effort—be printed in the RECORD at the conclusion of my remarks.

But, Mr. President, mere words and recognition of this historic event are not enough. We in the Senate must do more. We must move with urgency on the priority agenda which this needed new organization has set before us. And we must move at once to pass without further delay, unamended, and unabridged, the equal rights amendment—24 simple words to correct one of the most tragic mistakes of American history, the subordination of the potentialities of women.

We have had a delay of 48 years in the passage of the Equal Rights Amendment. We have had hearings after hearings on this amendment that out of simple justice should be passed without question. I am today contacting each member, Republican and Democrat, of the Senate Judiciary Committee, urging that this measure be reported to the Senate immediately. If for some reason this cannot be done, I intend to offer on the floor of the Senate the Equal Rights Amendment, embodied in Senate Joint Resolution 8 and Senate Joint Resolution 9, which are the same, as an amendment to the first appropriate legislative measure considered by the Senate. I seek the help of all Senators in this vital undertaking.

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

WOMEN'S NATIONAL POLITICAL CAUCUS

More than 300 women from 26 states meeting at the first organizing conference of the National Women's Political Caucus, adjourned late Sunday after a two-day session in which they:

elected a steering committee of 21 women to coordinate a nationwide effort to elect more women to public office and to assure greater participation of "the silenced majority" in the affairs of the nation.

called for similar caucuses to be held in all states to begin planning a full-scale National Women's Political Caucus which will be held "in the Southern or central part of the United States early in 1972."

establish a national registry of women candidates which will list women running for office at all levels of government. This registry will be disseminated to all members of the Caucus to rally support, raise campaign funds and provide a roster of speakers for the candidates.

approved a 20-point program of guidelines for issues of deep concern to women, with emphasis on sexism, racism, violence and poverty. These guidelines were summarized as follows: "We recognize the economic burden of such sweeping social change but we believe that this country's enormous resources could be more than enough. They need only be reordered to pay for life instead of death."

called for the enlistment of women of all political persuasions, economic levels, age groups and racial and ethnic background to recruit and rally behind women candidates who are committed to women's priorities and humanist goals.

urged reform of existing policies of political parties which have excluded women—with the specific demand that women comprise 50% of the delegates to both parties' 1972 national conventions and that women be represented on every convention committee and party committee.

"Great effort was made to explore every viewpoint," Ronnie Feit, of New York, temporary coordinator said. "This meant all-night sessions, impromptu caucuses, and a dedicated and exhaustive effort to consider the wide variety of issues which women face today. I doubt that any similar group of people, holding such disparate views and coming from such varied backgrounds, could have established a going organization in such a short period of time. The miracle is that we got together at all. While we still have many problems to resolve, much was accomplished in mobilizing womanpower for coming elections. There was a spirit of give and take which was gratifying to all of us."

Six workshops presented for consideration of the conference recommendations in such areas as grass roots organizing, candidate criteria and political procedures and strategy.

As an example, the grass roots caucus explored ways to attract the uncommitted woman to political action through common interests such as equal rights, child care centers, welfare rights, equal pay and promotion, as well as demands to local party chairmen to adhere to population percentages of women in determining the criteria of party jobs. Women who had run for public office exchanged their experiences with new voters with fresh ideas.

The NWPC accepted a motion that additional workshops reports will be circulated by mail in the next few weeks.

There were a variety of *ad hoc* caucuses which met separately and reported back their consensus to the plenary session. The NWPC adopted by acclamation the report of the Black Caucus which supplemented the already strong positions of all six workshops against racism and racist candidates.

The attitude of the NWPC was summarized by Rep. Bella Abzug (D.-N.Y.) who stated: "It is certainly not our purpose to replace or supplement a white male middle elite with a white *female* middle class elite."

Conclusions of other *ad hoc* caucuses were also presented including those of a radical caucus, and one concerned with the lack of power of young professional women. The first emphasized the need for women's organizations to resist imitating male hierarchical structures. The second noted that the young, talented women who often do the bulk of the work are too rarely given the recognition and decision-making positions. Both reports were accepted by acclamation.

All viewpoints, serious and otherwise, were explored, including one briefly considered that would require the political parties to pay reparations for their systematic exclusion of women. The money would be used to finance women's campaigns.

ELECTED MEMBERS OF THE POLICY COUNCIL OF THE WOMEN'S NATIONAL POLITICAL CAUCUS

Bella Abzug, Member of Congress (D., N.Y.).

Shana Alexander, Editor-in-Chief, McCall's Magazine.

Virginia Allen, Chairwoman, President Nixon's Task Force on Women's Rights and Responsibilities.

Nikki Beare, Member, Dade County (Fla.) Commission on the Status of Women; President, Dade County NOW.

Joan Cashin, National Democratic Party of Alabama.

Shirley Chisholm, Member of Congress (D., N.Y.).

Mary Clarke, California Women's Strike for Peace.

Myrlie Evers (Mrs. Medgar), Civil Rights Leader (California).

Betty Friedan, Author of *The Feminine Mystique* and Founder of The National Organization for Women (NOW).

JoAnne Evans Gardner, Republican Nominee for City Council, Pittsburgh, Pa., National Organization for Women Board Member.

Elinor Guggenheimer, Former Member, N.Y. City Planning Commission; Chairwoman, N.Y. City Democratic Advisory Council; Pioneer of Child Development Programs.

Fannie Lou Hamer, Civil Rights Leader; candidate for State Senate (Mississippi).

LaDonna Harris, Indian Rights Leader.

Wilma Scott Heide, Chairwoman of the Board of Directors of the National Organization for Women.

Dorothy Height, President, National Council of Negro Women.

Olga Madar, Vice President, United Auto Workers; Precinct Delegate, 13th Congressional District (Detroit, Michigan).

Vivian Carter Mason, Second National President, National Council of Negro Women; Representative of Women for Political Action (Norfolk, Va.).

Midge Miller, Representative, Wisconsin State Legislature.

Paula Page, Director, Women's Center, U.S. National Student Association.

Beulah Sanders, National Welfare Rights Organization, Vice President.

Gloria Steinem, Member, Democratic National Policy Council; Writer.

Four vacancies will be filled later to expand the categories of representation.

CONVENERS OF THE NATIONAL WOMEN'S POLITICAL CAUCUS

(Women supporting the initial organizing effort)

Organizational affiliations listed for identification only:

Bella Abzug, Member of Congress (D. N.Y.).

Shana Alexander, Editor, *McCall's Magazine*.

Virginia Allen, Chairwoman, President Nixon's Task Force on Women's Rights and Responsibilities.

Eleanor Bailey, Manhattan-Bronx Postal Workers Union.

Roberta Benjamin, President, Massachusetts N.O.W.

Barbara Bode, Director, *The Children's Foundation*.

Ruth Clement Bond, Board of Managers and Executive Committee, *Church Women United*.

Betty Boyer, Former President WEAL (Women's Equity Action League).

Priscilla Buckley, Editor, *National Review*.

Carol Burris, Chairwoman, Emergency Committee for the Equal Rights Amendment.

Virginia A. Cairns, Past President, Women's Press Club of N.Y. State.

Kay Camp, President, Women's International League for Peace and Freedom.

Liz Carpenter, Former Press Secretary to Mrs. Lyndon B. Johnson.

Shirley Chisholm, Member of Congress (D. N.Y.).

Kathryn Clarenbach, President, Interstate Association of Commission on the Status of women; Chairwoman, Wisconsin Commission on the Status of Women.

Mary Clarke (California) Women's Strike for Peace.

Susan Cohen, Co-coordinator, Youth Voters Participation of Mass.

Constance Cook, New Yerk State Assemblywoman (R. Ithaca).

Flora Crater, Editor, *The Woman Activist;* Member, Virginia Democratic State Central Committee.

Evelyn Cunningham, Special Ass't. to Gov. Rockefeller and Director, N.Y. State Women's Unit.

Karen DeCrow, Nat'l. Political Action Chairwoman of N.O.W.

Myrlie B. Evers, Civil Rights Leader.

Marian Wright Edelman, Civil Rights Lawyer.

Barbara J. Fife, Democratic New York State Committeewoman.

Barbara Jo Fleischauer, President, Oakmont (Pa.) High School Student Council; Women's Caucus Rep.—White House Conference on Youth.

Ann Foss, American Jewish Congress.

Arvonne S. Fraser, Former State Vice-Chairwoman—Democratic Farmer—Labor Party of Minnesota.

Eleanor Clark French, Member, N.Y. City Commission on Human Rights.

Betty Friedan, Author of *The Feminine Mystique* and Founder of N.O.W.

Francine Du Plessix Gray, Author of *Divine Disobedience.*

Elinor Gugenheimer, Former Member N.Y. City Planning Commission; Founder, Day Care Council.

Dorothy Haener, International Representative—Women's Dept. UAW.

Joyce Hamlin, Secretary Legislative Division, United Methodist Church.

Dorothy Height, President, National Council of Negro Women.

Aileen Hernandez, National President of N.O.W.

LaDonna Harris, Indian Rights Leader.

Elizabeth Janeway, Author, Trustee of Barnard College.

Jean King, Acting Head, Women's Caucus Michigan Democratic Party.

Sarah Kovner, Co-Chairwoman, New Democratic Coalition.

Elizabeth Kuch, Former Commissioner, Equal Employment Opportunities Commission.

Margaret Lawrence, President, Women United.

Ann Lewis, Special Assistant to the Mayor of Boston, Mass.

Jane Galvin Lewis, Program Coordinator—National Council of Negro Women.

Jennifer S. Macleod, Director, *Center for the American Woman and Politics,* Eagleton Institute, Rutgers University.

Ruth Meyers (New York), Women's Strike for Peace.

Midge Miller, Representative, Wisconsin State Legislature.

Ruby Martin, Former Chief of Civil Rights Compliance Office of HEW.

Eleanor Holmes Norton, New York City Commissioner of Human Rights.

Retha Odom, Public Relations Executive, Shell Oil Company.

Paula Page, Director, Women's Center, U.S. National Student Association.

Mary Jane Patterson, Ass't. Director, National Affairs, United Presbyterian Church, U.S.A.

Letty Pogrebin, Author, Public Relations Woman and Columnist for the *Ladies Home Journal.*

Yvonne Price, Executive Ass't., Leadership Conference on Civil Rights.

Sister Mary Joel Reed, President, Alverno College, Milwaukee.

Ramona Ripston, Director of Community Organizing, New York Urban Coalition.

Betty Rollin, Senior Editor, *Look Magazine.*

Beulah Sanders, National Welfare Rights Organization.

Bernice Sandler, Women's Action Program, H.E.W.

Marjorie Schiller, Special Ass't. to the President of the Massachusetts Senate.

Phyllis N. Segal, Georgetown University Law Center; Member, Democratic Women's Task Force.

Gloria Steinem, Member, Democratic Nat'l. Policy Council and Journalist.

Catherine Stratton, Chairwoman Nat'l. YWCA Resource Center on Women; Member, Nat'l. Board YWCA.

Edith Tiger, Director, National Emergency Civil Liberties Committee.

Johnnie Tillmon, President, Nat'l. Welfare Rights Organization.

Edith Van Horn, Community Affairs Division, U.A.W.

Barbara Wells, Dean, Thomas More College of Fordham University.

Anne Wexler, Director, Voting Rights Project, *Common Cause.*

Margaret Xifaras, Massachusetts Democratic State Committeewoman.

PROPOSED STATEMENT OF PURPOSE FOR THE WOMEN'S POLITICAL CAUCUS

We are Republicans, Democrats, and women who have felt no commitment to either party. We are housewives and welfare mothers, professionals and part-time employees, farm and factory workers, students, educators, domestics, scientists and secretaries of every race and every economic level.

And we are all women. We have all experienced second-class and unacceptable treatment in this society. As women, we have all been systematically denied influence or participation in the political process that could right these wrongs.

We are gathering together, therefore, in a Women's Political Caucus. We share these beliefs:

That the self-determination of women, more than half of the country, is much too large a goal to be a partisan issue;

That sexism, racism, and all forms of discrimination must be fought together;

That women—because we have not been conditioned into believing the Masculine Mystique that says identity depends upon victory, violence or the manipulation of other people—can be of special value to the whole country in positions of power;

That the needs and contributions of women can never be felt until we take our rightful place in the running of the country.

The Women's Political Caucus will take action based on these beliefs. We will:

Rally national support for the campaigns of women candidates—federal, state, and local—who declare themselves ready to fight for the needs of women and of all underrepresented groups;

Confront our own party structures, and, when necessary, cross party lines in support of such women candidates;

Disseminate information on filing deadlines and election procedures—city, county, state and federal—for the use of women candidates;

Register new women voters;

Raise women's issues in every election whether or not a woman candidate is available, and publicize the record of male politicians on such issues, so that political aspirants and incumbents of both sexes shall be made to rise or fall on their record as humanists;

Withdraw support of every kind from campaigns and incumbents who do not take concrete steps forward for women—not only by support of the issues, but by putting women in decision-making positions within their staffs and campaigns;

Monitor the selection of delegates to the Presidential Nominating Conventions of both the Republican and Democratic Parties, with the intention of making legal challenge to those delegations with an unrealistic and unacceptable representation of women;

Eliminate or make meaningful the powerless positions to which women have been traditionally consigned by both parties—positions recognized by such prefixes as Co- and Vice-;

Draft and support legislation to meet the needs of women;

Raise women's consciousness of their own political power and concerns, and encourage women in all activities directed at raising the public consciousness of those facts;

Form coalitions with groups sharing similar humanist goals.

The Women's Caucus recognizes that candidates must shape their platforms to meet the needs of their constituencies. We also recognize, however, that women have a clear community of interest, and we therefore put forth the following issues as guidelines to the kinds of concerns we believe women must have *as women,* not as imitators of the traditional male style and male politic;

Equality for women under the law;

Withdrawal from Vietnam—and an end to the arms race and physical violence as the masculine way of resolving conflict—so that our country's resources can be used for human needs;

Repeal of all laws that take away a woman's right to decide her own reproductive and sexual life;

Comprehensive, parent-controlled child development and child care programs, as a matter of right;

Elimination of discrimination against females of all ages in education, and in every institution, public or private;

Enforcement of all existing anti-discriminatory laws, especially Title 7 of the Civil Rights Act;

Fair treatment of working women, including tax deductions for child care, maternity leave, change of the Social Security system to end discrimination against families with working wives, and elimination of the economic and social degradation of women, whether by employers or by unions;

Support of federal and state funds for development of Commissions on the Status of Women to insure equal treatment of women at the state level;

An adequate income for all Americans, based on the Bureau of Labor Statistics' determination of adequacy;

Increase of the minimum wage and expansion of its coverage to include domestics, housewives, farm laborers, and employees of non-profit institutions;

Assurance of adequate shelter to every American, and an end to discriminatory practices against women, or families with women heads, in housing;

And end to hunger and malnutrition for all Americans;

Adequate health care for all Americans;

Comprehensive, community-controlled programs for senior citizens, as a matter of right;

Adaptation of institutions, public and private, to the changing work patterns brought about by the humanizing of both sex roles;

Enactment of all of the recommendations of the Presidential Task Force Report on Women's Rights and Responsibilities, many of which are noted above, and including amendment of the Civil Rights Act of 1964 to prohibit discrimination against women in public education, public accommodations, public facilities and all federally-assisted programs.

We believe that, by taking such actions and pursuing such goals, we will achieve a more just society for all Americans; a humanist world in which no one shall be born into an inferior role because of visible difference, whether of sex or of race.

THE NEXT STEP: WOMEN'S PARTICIPATION—HUMAN LIBERATION

(By Betty Friedan)

The time has come for the women's liberation movement to be transcended by a massive new movement; women's participation in political power. Even more than the 18 year old vote, the women's participation movement could upset all the old political

rules and traditions in 1972 with a new human politics that bosses won't be able to contain nor polls predict.

It was just five years ago in Washington, at the last conference of the President's Commission on the Status of Women before it was disbanded without the power to implements its goals, that some of us met late at night in my hotel room to decide we had to organize what we then called an NAACP for women—the first, and largest women's liberation organization—N.O.W.

Today we meet to take the next decisive step for women, plans for which many of us here have been working on in informal meetings and in long distance phone calls across this nation for some month now—the formation of a new National Women's Political Caucus.

Last August 26, fifty years after winning the vote which we as women have never yet used for ourselves, we discovered how many millions of us there were, marching on the unfinished business of our equality. We do more than march this year. We prepare to take our share of political power: the power which is our right as 53 percent of the voting population of this democracy, and a necessity if our new consciousness of ourselves as people is ever going to be more than talk for most of us.

At an analogous moment in the early 60's, the civil rights movement had to demand blackpower if the rights were to become real for most blacks. Women's participation in political power will change the politics of this nation in 1972 and thereafter, more basically than the black movement or any minority movement or ethnic bloc of the past. Up until now, the politics of our two-party system, the politics of bossism and machines, has been based on manipulation of minorities, often against each other, by the male, white minority with power. What unites women as a majority is the refusal to be manipulated any longer. What unites women across the lines of race, class, generation and man-made party politics is the demand for participation ourselves: our own voice in the big decisions affecting our lives. This will be quite a change from the token role that women have played in American politics until now—the *few* who got beyond the menial chores.

I used to be invited to the White House during the Johnson administration to be on a "women's committee" with other "prominent" women just before elections. But the women were never asked to *speak*, just to have our pictures taken with the President, or, more usually, having tea with the President's wife. Last August, frightened, I guess, by the spectre of all those women marching, the House passed the Equal Rights Amendment which had been bottled up in committee for 47 years; but when the march was over, the Senate quickly took it back even though a majority of Senators had "promised" to sponsor it. President Nixon didn't even want to release the report of his own appointed Task Force on women's rights and responsibilities. He still hasn't done anything about it.

Women, who have done the political housework in both parties, ignored by the very men they elected, know what we in the women's movement have learned trying to get priority or money appropriated or even legislation enforced on issues like child care or abortion or sex discrimination: what we need is political power, ourselves. With men 98 or 99 percent of the House, Senate, the State Assembly, City Hall, women are *outside* the body politic.

The concept of the National Women's Political Caucus has been fleshed out over five months of discussion with women from the different groups and constituencies in this nation who have, over these past few years, begun to work together on social issues. It will be worked out in final form by all of you at this conference. I believe the National Women's Political Caucus will include women who are Democrats, women who are Republicans, women disgusted with both parties and young women turned on to neither. If it succeeds in uniting women to elect women, it will have the power to confront the bosses and the machines in either party, and to change the power structure. If it uses the woman-power that has been used for all the detail work, mimeographing, envelope-addressing, canvassing, door-bell ringing, coffee-klatches, lunches and teas which have helped to elect men—as well as the speeches we have written for men, and the brains we haven't been asked by men to use in the smoke-filled room of party decision-making—to elect women, women will finally have their rightful share of political power. Any woman against any man? Of course not. But certainly a qualified woman should be run against less qualified men. There's been too much nonsense about there being "no qualified women" available to run. Thousands of women have had educations equal or superior to men's in every way. Working women, now 43 percent of the population, have acquired technical and business experience matching or exceeding that of men. All the women who have run men's campaigns and legislative offices have political expertise, and a whole new group of women have qualified themselves for the new politics by leading, outside the party structures, the great movements on social issues.

One rainy night this winter, I went to the suburban five towns area of Hempstead, Long Island to help launch the first women's political caucus at the grass-roots level where the real work, the real decisions and the real organization will have to take place. Yolande Quitman, mother of two teenagers, and a few of her neighbors who had virtually no experience in politics had contacted every women's group: Catholic, Protestant, Jewish, PTA, League of Women Voters, AAUW, students at local colleges, even the women's auxiliary of the Veterans of Foreign Wars. These women were so turned on at the prospect of getting some real political power that the meeting had to be limited to two women from every organization, and still cars were parked for blocks around. They didn't waste time arguing about women's liberation. They made plans to run women for town council, supervisory and regulatory boards to which women had never been nominated before, even in suburbs where women and children formed virtually the entire population. Within three months, they got the first women nominated for the 1971 elections by the regular Democratic Party that now considers them one of the most powerful political groups in the district. Already beginning to search for many more political nominees for '72—judges, convention delegates, etc., etc.,—they have begun a voter registration campaign aiming at women and the 18 years olds of both sexes. If, as the latest census shows, the suburban population is becoming the decisive one in the United States, then the women's participation movement is surely the key to the new politics of suburbia.

The women's liberation movement has crested now. If it doesn't become political it will peter out, turn against itself and become nothing. Can we really make it political? Women old timers with a lifetime on the party fringes worry ". . . Women will never get together to elect other women." . . . "You can't get women to run for anything." Idealistic young radicals turn up their noses at "establishment politics," "women with political ambitions of their own," or electing anybody for anything: "elitism," "ego trip," etc. But the new women in Congress, Shirley Chisholm, Bella Abzug, know it was women who elected them, over the opposition of the professional politicians. Even the most powerful women in Congress today, Martha Griffiths, and Edith Green, were elected without much help from the regular machines and with a lot of help from women across regular party lines.

Such women have increasingly outnumbered the few women who might still say, "I wouldn't vote for a woman senator." Politicians, even the Aunt Toms, will have to realize that the old male machine bosses have become obsolete. Women politicians in office who think that their power rests on being the only woman there are making a serious mistake. Such women will have no more than token power. They will only have real power to change society and to create the conditions all women need when there are many women there.

As we put the caucus together, even women who have made it with "tried and true" political methods realize that the tried may no longer be true or may never work for women. I remember when Edith Green decided not to run for the Senate because she couldn't raise the money to do it. Could the National Women's Political Caucus raise the money women need to run for the Senate or for the State House, or even the Congress or could it provide the equivalent of money? Women and students can be mobilized to go into districts as needed, to augment local political woman power. Women celebrities can speak, write, cut records for women of little fame running for offices in small towns. Perhaps the fairness doctrine can be used to get women candidates equal time on TV and radio with male candidates.

I know that in our meetings here trying to put all these ideas together it may look at first like an impossible job. How can Conservatives, Republicans, Democrats, Radicals, women so disgusted that they want to start a women's party and run a woman for President, agree on what to do and how to do it. But in meetings already held we have come to realize that we don't have to agree with each other on everything, I suggest that the caucus and the candidates in each community will decide on the issues and methods. I submit that it only takes an hour or two or a meeting or two for women who may otherwise be of different political views to realize that the important thing now is unite to get women elected—women who will be committed to the rights and interests of women, and to human priorities. Women do not seek power over men or to use power as men have used it. I believe that women's voice in political decisions will help change our whole politics away from war and toward the critical human problems of our society—not because women are purer or better than men, but because our lives have not permitted us to evade human reality as men have, or to encase ourselves in the dehumanizing prison of machismo, the masculine mystique. Shana Alexander suggests that our slogan should be "Women's Participation—Human Liberation."

I remember once hearing John Kennedy talk about "the political passion." Beginning to understand what he meant organizing the women's movement and doing battle with politicians in Washington, I felt what a shame it is that women are only expected to experience sexual passion, and even that passively. The great philosophers from the Greeks to our own time have said that it is when men exercise that political passion and participate in the decisions that write the ongoing human story that they are most human. It was this condition that defined the free man as opposed to the slave whose work was needed for biological survival but never left a mark behind. That work, sweeping the floor that gets dirty again, cooking the meal that's consumed, has defined women until now as it once defined the slave. It is time to move up from the menial housework of home, office, school, factory and political party. It is time to have a voice in human destiny, to find and use our fullest human power.

It is a remnant of our own self-denigration, the put-down we finally do to ourselves, to think that a woman is "pushy" or "unfeminine" or "elitist" or on an "ego trip" to want to run for political office. It is to be hoped that there are thousands of us sufficiently liberated now to take on the responsibility and demand the rewards of running for political office. It takes courage to emerge from our private hiding place and risk ourselves, expose ourselves, as we must when we enter the political world in our own right. I suspect the great desire we have to do this now goes beyond the issues we care about—the child care centers, abortion rights, equal opportunities in jobs and education, new approaches to marriage and divorce—goes beyond the urgent need women feel with the young for human priorities in our government and is not at all explained by a simple desire for power over others. I think we are finally experiencing, millions of us, the true political passion that means we have liberated ourselves to be human.

The men who made the American revolution and the Constitution that embodied it intended to establish and preserve beyond possible threat the right to political participation. The women's participation movement seeks that right for women, seeks that full humaneness, and would keep it even if all the issues on the current social agenda were won. Whether or not we succeed in electing a hundred women to Congress and to the State Houses in fifty states, or tens of hundreds to city and county offices and party committees, hundreds of thousands, even millions of us will experience the political passion in trying to elect them and in discovering our own unsuspected human political power. It will not be a joke by 1976, the two-hundredth anniversary of our Republic, that a woman might run for President of the United States, for the women's participation movement, the second American revolution, will have peacefully achieved government of, by and for the people who are women as well as men.

OF COURSE WOMEN DARE

(By Congresswoman SHIRLEY CHISHOLM)

Do women dare take an active part in society and in particular do they dare take a part in the present social revolution? I find the question as much of an insult as I would the question, "Are you, as a black person, willing to fight for your rights?"

America has been sufficiently sensitized to the answer whether or not black people are willing to both fight and die for their rights to make the question itself asinine and superfluous. America is not yet sufficiently aware that such a question applied to women is equally asinine and superfluous.

I am, as is obvious, both black and a woman. That is a good vantage point from which to view at least two elements of what is becoming a social revolution; the American black revolution and the women's liberation movement. But it is also a horrible disadvantage. It is a disadvantage because America, as a nation, is both racist and anti-feminist. Racism and anti-feminism are two of the prime traditions of this country.

For any individual, challenging social traditions is a giant step; a giant step because there are no social traditions which do not have corresponding social sanctions, the sole purpose of which are to protect the sanctity of the traditions.

Thus when we ask the question "Do women dare?" We are not asking are women capable of a break with tradition so much as we are asking: "Are they capable of bearing with the sanction that will be placed upon them?"

Coupling this with the hypothesis presented by social thinkers and philosophers that in any given society, the most active groups are those that are nearest to the particular freedom that they desire, it does not surprise me that those women most active and vocal on the issue of freedom for women are those who are young, white, and middle-class, nor is it too surprising that there are not more from that group involved in the women's liberation movement.

There certainly are reasons why more women are not involved. This country, as I said, is both racist and anti-feminist. Few, if any, Americans are free of the psychological wounds imposed by racism and anti-feminism.

A few months ago while testifying before the office of federal contract compliance, I noted that anti-feminism, like every form of discrimination, is destructive both to those who perpetrate it and to their victims: that males with their anti-feminism, maim both themselves and their women.

In *soul on ice*, Eldridge Cleaver pointed out how America's racial and sexual stereotypes were supposed to work. Whether his insight is correct or not it bears close examination.

Cleaver, in the passage "the primeval mitosis", describes in detail the four major roles; there is the white female who is considered to be "ultra-feminine" because ". . . She is required to possess and project an image that is in sharp contrast to . . ." The white male's image as the "omnipotent administrator . . . all brain and no body."

He goes on to identify the black female as "subfeminine" or "Amazon" by virtue of her assignment to the lowly household chores and those corresponding jobs of tedious nature. He sums up the role of the black male as the "supermasculine menial . . . all body and no brain" because he was expected to supply society with its source of brute power.

What the roles and the strange interplay between them have meant to America, Cleaver goes on to point out quite well.

What he does not say and what I think must be said is that because of the bizarre aspects of the roles and the influence that non-traditional contact between them has on the general society—blacks and whites—males and females—must operate almost independently of each other in order to escape from the quicksands of psychological slavery. Each—black male and black female—white female and white male—must escape their own historical trap before they can be truly effective in helping to free others.

Therein lies one of the major reasons that there are not more women involved in the women's liberation movement. Women cannot, for the most part, operate independently of males because they often do not have sufficient economic freedom.

In 1966 the median earnings of women who worked full-time for the whole year was less than the median income of males who worked full-time for the whole year. In fact, white women workers made less than black male workers and, of course, black women workers made the least of all.

Whether it is intentional or not women are paid less than men for the same work, no matter what their chosen field of work. Whether it is intentional or not, employment for women is regulated still more in terms of the jobs that are available to them. This is almost as true for white women as it is for black women.

Whether it is intentional or not, when it becomes time for a young high school girl to think about preparing for her career, her counselors, whether they be male or female, will think first of her so-called "natural" career—housewife and mother—and begin to program her for a field with which marriage and children will not unduly interfere.

That is exactly the same as the situation of the young black or Puerto-Rican who the racist counselor advises to prepare for service-oriented occupations because he does not even think of them entering the professions.

The response of the average young lady is precisely the same as the response of the average young black or Puerto Rican—tacit agreement—because the odds do seem to be stacked against them.

This is not happening as much as it once did—to young minority-group people. It is not happening because they have been radicalized and the country is becoming sensitized to its racist attitudes and the damage that it does.

Women must rebel—they must react to the traditional stereotyped education mapped out for them by the society. Their education and training is programmed and planned for them from the moment the doctor says, 'Mr. Jones, it's a beautiful baby girl!", and Mr. Jones begins deleting mentally the things that she might have been and adds the things that society says that she must be.

That young women (for society begins to see her as a stereotype the moment that her sex is determined) will be wrapped in a pink blanket (pink because that is the color of her caste) and the unequal segregation of the sexes will have begun.

Small wonder that the young girl sitting across the desk from her counselor will not be able to say "no" to educational, economic, and social slavery. Small wonder because she has been a psychological slave and programmed as such since the moment of her birth!

On May 20th of last year I introduced legislation concerning the equal employment opportunities of women. At that time I pointed out that there were three and one-half million more women than men in America but women held only two percent of the managerial positions; that no women sit on the AFL–CIO Council or the Supreme Court; that only two women had ever held cabinet rank and that there were at that time only two women of ambassadorial rank in the diplomatic corps. I stated then as I do now that this situation is outrageous.

In my speech on the floor that day I said:

"It is true that part of the problem has been that women have not been aggressive in demanding their rights. This was also true of the black population for many years. They submitted to oppression and even co-operated with it. Women have done the same thing. But now there is an awareness of this situation, particularly among the younger segment of the population.

"As in the field of equal rights for blacks, Spanish-Americans, the Indians and other groups, laws will not change such deep-seated problems overnight. But they can be used to provide protection for those who are most abused, and begin the process of evolutionary change by compelling the insensitive majority to reexamine its unconscious attitudes."

The law cannot do it for us, we must do it ourselves. Women in this country must become revolutionaries. We must refuse to accept the old—traditional—roles and stereotypes.

We must reject the Greek philosopher's thought, "it is thy place woman, to hold thy peace and keep within doors." We must reject the thought of St. Paul who said "let the woman learn in silence." And we must reject the Nietschzian thought "when a woman inclines to learning, there is something wrong with her sex apparatus."

But more than merely rejecting we must replace those thoughts and the concepts that they symbolize with positive values based on female experience.

A few short years ago if you called most Negroes black it was tantamount to calling them niggers. But now black is beautiful and black is proud. There are relatively few people, white or black, who do not recognize what has happened.

Black people have freed themselves from the dead weight of the albatross of blackness that once hung around their neck. They have done it by picking it up in their arms and

holding it out with pride for all the world to see. They have done it by embracing it—not in the dark of the moon but in the searing light of the white sun . . . They have said "'yes" to it and found that the skin that was once seen as symbolizing their shame is in reality their badge of honor.

Women must come to realize that the superficial symbolisms that surround us are negative. We must begin to replace the old negative thoughts about our femininity with positive thoughts and positive actions affirming it and more.

But we must also remember that that will be breaking with tradition and we must prepare ourselves—educationally, economically and psychologically—in order that we will be able to accept and bear with the sanctions that society will immediately impose upon us.

I am a politician. I detest the word because of the connotations that cling like slime to it but for want of a better term I must use it.

I have been in politics for twenty years and in that time I have learned a few things about the role of women in politics.

The major thing that I have learned is that women are the backbone of America's political organizations. They are the letter writers and the envelope-stuffers; the telephone-answers; they are the campaign-workers and organizers. They are the speech writers and the largest numbers of potential voters.

Yet they are but rarely the standard-bearers or elected officials. Perhaps it is in America, more than any other country, that the inherent truth of the old bromide "the power behind the throne is a women" is most readily apparent.

Let me remind you once again of the relatively few women standard-bearers on the American political scene. There are only ten United States Representatives. There is only one Senator and there are no cabinet members who are women. There are no women on the Supreme Court and only a small percentage of lady judges at the Federal Court level who might be candidates.

It is true that at the State level the picture is somewhat brighter just as it is true that the north presents a surface that is somewhat more appealing to the black American when compared with the south. But even though in 1967 there were 318 women in various State legislatures, the percentage is not good when compared with the fact that in almost all fifty States there are more women of voting age than there are men; and that in each State the number of women of voting age is increasing at a greater rate than the number of men. Nor is it an encouraging figure when compared with the fact that in 1966 there were not 318 but 328 women in the State legislatures.

Secondly, I have learned that the attitude held by the high school counselors that I mentioned earlier is a general attitude held by political bosses. A few years ago, a politician remarked to me about a potential young female candidate: "why invest all the time and effort to build up to the gal into a household name when she's pretty sure to drop out of the game to have a couple of kids at just about the time we're ready to run her for mayor?"

I have pointed out time and time again that the harshest discrimination that I have encountered in the political arena is anti-feminism—both from males and brainwashed "Uncle Tom" females.

When I first announced that I was running for the United States Congress last year, both males and females advised me, as they had when I ran for the New York State Assembly, to go back to teaching, a woman's vocation, and leave the politics to the men.

One of the major reasons that I will not leave the American political scene—voluntarily that is—is because the number of women in politics is declining.

There are at least two million more women than men of voting age but the fact is that while we get out the vote we often do not get out to vote. In 1964, for example, 72 percent of registered males voted while only 67 percent of registered females voted. We seem to be a political minority by choice.

I believe that women have a special contribution to make to help bring order out of chaos because they have special qualities of leadership which are greatly needed today. These qualities are the patience, tolerance and perseverance which have developed in many women because of suppression. If we can add to these qualities a reservoir of information about techniques of community action we can indeed become effective harbingers of change. Women must participate more in the legislative process because even with the contributions that I have just mentioned the single greatest contribution that women could bring to American politics would be a spirit of moral purpose.

But unfortunately women's participation in politics is declining as I have noted. Politics is not the only place that we are losing past gains though. Columnist Clayton Fritchey in a column *Woman in Office* noted that "Although more women are working, their salaries keep falling behind men's. Some occupations are (still) closed by law to women. Key property laws favor men. In 1940 women held 45 percent of all professional and technical positions as against 37 percent today."

The decline is a general one. But it is because it is a decline that I believe that the true question is not whether or not women dare. Women have always dared! The question which now faces us is: "Will women dare in numbers sufficient to have an effect on their own attitudes toward themselves and thus change the basic attitudes of males and the general society?"

Women will have to brave the social sanctions in great numbers in order to free themselves from the sexual, psychological and emotional stereotyping that plagues us. Like black people we will have to raise our albatross with pride.

It is not feminine egoism to say that the future of mankind may very well be ours to determine. It is simply a plain fact. The softness, warmth, and gentleness that are often used to stereotype us are positive human values; values that are becoming more and more important as the general values of the whole of mankind slip more and more out of kilter.

The strength that marked Christ, Gandhi, and Martin Luther King was a strength born not of violence but of gentleness, understanding and genuine human compassion.

We must move outside the walls of our stereotypes but we must retain the values on which they were built.

No, I am not saying that we are inherently those things that the stereotypes impute that we are; but I am saying that because of the long-enforced roles we have had to play we should know by now that the values are good ones to hold and I am saying that by now we should have developed the capacity to not only hold them but to also dispense them to those around us.

This is the reason that we must free ourselves. This is the reason that we must become revolutionaries in the fashion of Christ, Gandhi, King and the hundreds of other men and women who held those as the highest of human values.

There is another reason. In working toward our own freedom we can only allow our men to work toward their freedom from the traps of their stereotypes.

We are challenged now as we never were before. The past twenty years; with its decline for women, in employment and government; with the status quo in preparation of young women for certain professions it is clear that evolution is not necessarily always a process of positive forward motion. Susan B. Anthony, Carrie Nation and Sojourner Truth were not evolutionaries. They were revolutionaries, as are many of the young women of today. More women and more men must join their ranks.

New goals and new priorities, not only for this country, but for all mankind, must be set. Formal education will not help us do that, we must therefore depend on informal learning.

We can do that by confronting people with their own humanity and their own inhumanity. Confronting them wherever we meet them—in the church, in the classroom, on the floor of Congress and the State Legislatures, in bars and on the streets. We must reject not only the stereotypes that others hold of us but also the stereotypes that we hold of ourselves and others.

In a speech made a few weeks ago to an audience that was predominantly white and all female I suggested the following if they wanted to create change; "You must start in your own homes, your own schools and your own churches . . . I don't want you to go home and talk about integrated schools, churches or marriages when the kind of integration you are talking about is black with white.

"I want you to go home and work for—fight for—the integration of male and female—human and human. Franz Fanon pointed out in *black skins—white masks* that the anti-Semitic was eventually the anti-feminist. And even further, I want to indicate that all discrimination is eventually the same thing—anti-humanism."

That is my charge to those of you in the audience today whether you are male or female. Thank you.

Economic Justice for Women

(By Congresswoman Shirley Chisholm)

At one time or another we have all used the phrase "economic justice." This afternoon I would like to turn your attention to economic justice for women. Of course this is only an illusory phrase, as it is an undeniable fact that economic justice for American women does not exist.

As I look back over the years of my own lifetime, the transformation in the economic, social and political role we women play in American life has been almost incredible. But we are still quite a long way from anything like equality of opportunity. We are still in a highly disadvantaged position relative to men. This is revealed by our earnings. On the average, women who are full-time, year-round workers receive only about 60% of what men who are similarly employed earn. The median income for full-time, year-round women workers was $3973, compared to $6848 for men. This is somewhat below the official poverty level decreed for a family of four. This reflects the fact that we are all too often paid less for doing the same work; even more it reflects our concentration in the lower-paid, lesser-skilled occupations, and we are steadily losing ground.

Columnist Clayton Fritchy, in *Women in Office*, noted that, "although more women are working, their salaries keep falling behind men's. Some occupations are still closed, by law, to women. In 1940 women held 45% of all professional and technical positions as against 37% today." Among all employed women—not college women alone—82% are clerical, sales, factory and farm workers or in service occupations. 6% of us are teachers in the grammar and high schools and only 7% of us are medical and health workers, college teachers or other professional and technical workers. Just 5% of us are managers, officials or proprietors.

The factors which have narrowed our opportunities are multiple and complex. There are restrictive hiring practices. There is dis-

crimination in promotions. Many myths, which run entirely counter to the facts, maintain that women make poor supervisors, or that they have substantially higher rates of absenteeism and labor tunover. A recent Department of Labor survey revealed that women are more reliable and are absent less frequently than the male population of our labor force. The myth about the unreliability of women is somewhat like the one about women being bad drivers. That one has been disproven lately also by the insurance companies—women pay lower rates.

The claim is often made, and without the slightest justification, that even women with more than adequate training and knowledge lack the ability to assume higher level positions in industry. As the late President Kennedy declared in December 1961, in the opening words of his executive order establishing a commission on the status of women, "These continuing prejudices and outmoded customs act as barriers to the full realization of women's basic rights, which should be respected and fostered as part of our nation's commitment to human dignity, freedom and democracy." When President Nixon's first nomination for the Supreme Court was rejected, it appalled and disturbed me greatly that he did not even consider nominating a woman. Our women have too long been overlooked for positions of importance in policy-making and decision areas.

The under utilization of American women is one of the most senseless wastes of this century. It is a waste our country can no longer afford. David Deith, a financial reporter, wrote that the Swedish national income could be 25% higher if women's labor potential were fully utilized. The standard of living in France would rise 35% if women were as professionally active as men. To my knowledge no comparable studies have been made in the U.S. on women, but Federal reserve board member Andrew Brimmer once estimated that racial bias costs our Nation 20 billion dollars a year and there are five times more women in America than there are blacks.

Meeting the challenge presented by a dynamic, expanding economy in the 70's and beyond, will require that American businesses employ all the financial, material and human resources at its command. We are expected to maintain and improve a high standard of living for a rapidly growing population. We are called upon to meet greater demands for American goods abroad.

The greatest domestic problems of today—poverty in our urban ghettos, inadequate housing, substandard housing, the lack of meaningful rewarding jobs for many thousands of our citizens—are all challenges that the business sector is being asked to take up. At the same time, we must maintain a growing economy in which all can participate.

In mobilizing our resources for the task, we must make sure that none are overlooked, particularly we must train, develop, and use effectively the knowledge and skills of all our people. It is not enough that we talk of the nation's manpower needs; we are going to need "womanpower" as well.

Statistically, the simple, inevitable fact is that America will have to draw upon the whole of her human resources and offer vastly wider opportunities, without discrimination in race or sex, if we are to accomplish these objectives.

The male prejudice against female achievement is usually in a subtle, often unconscious form. Men who would recoil in horror at the thought of being called anti-feminist, who view themselves as impartial, feel no inconsistency in saying the "little woman's" place is in the kitchen, with the kids, etc., etc. When these men are accused of prejudice, they reply that they are being sensitive to the "female character."

When I decided to run for Congress, I knew I would encounter both anti-black and anti-feminist sentiments. What surprised me was the much greater virulence of the sex discrimination. It seems that while many, many Americans still harbor racist emotions, they are no longer based on so-called racial characteristics. Paternalism has to a great extent disappeared from racial bias. But I was constantly bombarded by both men and women exclaiming that I should return to teaching, a woman's vocation, and leave politics to the men.

Like every other form of discrimination, anti-feminism is destructive both to those who perpetrate it and to its victims. Male school teachers, for example, are well aware of this. They have had to fight against both men and women who cast aspersions on their maleness because of their vocation. No one knows how many men have declined careers in teaching jobs they would have enjoyed because of the "female" character of that profession. When one group of society is as oppressed as American women are, no one can be free. Males, with their anti-feminism, maim both themselves and their women.

Like black people, women have had it with this bias. We are no longer content to trade off our minds and abilities in exchange for having doors opened for us by gallant men. While most men laugh jeeringly at the fledgling "women's liberation groups" springing up across the nation, they should know that countless women—including their cohorts, their wives, and their daughters—silently applaud such group's existence. We—American women—are beginning to respond to our oppression. While most of us are not yet revolutionaries, we are getting in tune with the cry of the liberation groups. Women are not inherently passive or peaceful. We're not inherently anything, but human. And like every other oppressed people rising today, we're out for freedom—by any means necessary.

Such is the predicament of all American women; the problem is multiplied for those of us who operate also under racial prejudice. So far most of the feminine revolution has been directed at the problems of professional women whose skills are not recognized or rewarded. However, this very fact that professional ladies have spokesmen who will protest their condition gives them hope of alleviating their suffering. I turn now to the specific dilemma of the black woman.

The feminine revolution has been headed mostly by middle class white professional women aimed toward the higher level jobs. More of our attention should be directed toward those women who comprise the menial working force of our country. Particularly, the black woman, who usually has to find employment as a maid, housekeeper, day worker, cafeteria helper, etc. These women are in dead-end jobs, jobs inherently degrading and humiliating, jobs which barely provide a subsistence existence. Today young women are revolting against this kind of subservient employment. They refuse to take a job which robs them of their self-respect and dignity in exchange for a few dollars. They want the opportunity to prove their worth, to show, both whites and black men that they are women, black women and they are proud.

Most of these black women lack the academic training to compete for professional and white collar jobs. Our society must begin to give them training. But in the meantime, there are definite steps which can be taken now to utilize the talents of black women and to provide them with an income above the poverty line, steps which will eliminate the discrimination on the basis of race and sex.

Some of you may be thinking, "How can she say that this discrimination is so virulent? Isn't she the first black female member of Congress? That proves that the bias isn't really so great." On the contrary, my battle was long, incredibly hard and continual. Because I pushed, I encountered the strongest prejudice of less competent males, both black and white. That I won is a tribute to the women in my neighborhood who are finally saying "no" to the system. They are fed up. And as each day goes by and the awareness of women to our plight grows, there will be more and more women who will say "no."

We live in revolutionary times. The shackles that various groups have worn for centuries are being cast off. This is evidenced by the "developing" nations of the world, which we consider, for the most part, underdeveloped. Countries, such as India, Ceylon and Israel, have women for presidents, prime ministers and in other decision-making positions. American women must stand and fight—be militant even—for rights which are ours. Not necessarily on soapboxes should we voice our sentiments, but in the community and at the polls. We must demand and get day care centers, better job training, more opportunities to enter fields and professions of our choosing and stop accepting what is handed to us.

STATEMENT OF CONGRESSWOMAN BELLA S. ABZUG

Yesterday in Washington, a new political force was born. I was proud to be part of this historic occasion, but I wish to emphasize from the outset that I was only one of the many participants. This is, as you will see, an event which will affect *all* women in this country. It is, as it must be, a grassroot organization.

It is called the National Women's Political Caucus. It was born out of two days and three nights of meetings; out of the diversity represented by women from 26 states, the major political parties, many issue groupings, different ages, races, and economic backgrounds. The purpose of the National Women's Political Caucus is to put women where they belong: in positions of power and responsibility in this country that accurately reflect their 53% of the population.

To do this, the Caucus will encourage support for the campaigns of women candidates—federal, state and local—who declare themselves ready to fight for the needs and rights of women, and of all under-represented groups.

The Caucus recognized that candidates must shape their platforms to meet the needs of their constituencies. At the same time, its strong consensus on the nature of women's issues renewed my conviction that women have a real and definite community of interest.

Therefore, the Caucus decided to adopt guidelines that would reflect this strong sense of direction. Some of these were:

Passage of the Equal Rights Amendment, so that the Constitution of the United States will at last work for women.

An immediate withdrawal from the war in Indochina, but, more than that, an end to the use of physical violence as an acceptable way of resolving conflict.

Enforcement of all existing and proposed anti-discrimination laws, such as Title VII of the Civil Rights Act, and the Equal Pay Act—plus the important addition of a "cease and desist" clause to the EEOC.

Adequate shelter for all Americans, and an end to discrimination against women, especially families with women heads and welfare mothers.

Elimination of the many tax inequities that affect women and children.

Repeal of all laws that affect a woman's right to decide her own reproduction and sexual life.

Fair treatment of working women, including full tax-deductions for child care and

household expenses; maternity leave and voluntary parental leave for childbirth; change of the Social Security System to end discrimination against families with working women; and an end to the social and economic degradation of women, whether by employers or by unions.

All of those and more are women's issues. Some of them—like universally available child care—have already been publically identified. Others are only now being discovered as more and more women enter the work force, and meet a complex system of prejudice and injustice there.

But we are going to work for justice and an end to our second class status, the way all second class groups in this country have done—by becoming a true political power.

Of course the caucus recognized the economic burden, as well as the long and hard struggle that is necessary to produce such sweeping social change. But I believe, as one of our resolutions stated "that this country's enormous resources could be more than enough. They need only to be reordered to pay for life instead of for death."

Women are going to see that this happens.

Women are going to take control of their own lives by taking political power.

THE SNAKE RIVER AND THE FUTURE

Mr. PACKWOOD. Mr. President, nearly a century and a half ago, the famed explorer Capt. Benjamin Bonneville first sighted Hells Canyon. Recording what he saw, he wrote:

> The grandeur and originality of the views presented on every side beggar both the pencil and the pen. Nothing we have ever gazed upon in any other region could for a moment compare with the series of scenes which here at every turn astonished our senses and filled us with awe and delight.

I know how Captain Bonneville felt, because I felt the same way when I rode down the Snake River through Hells Canyon during the Memorial Day recess.

I went to Hells Canyon because I wanted to see, firsthand, that which I had earlier been persuaded must be preserved for future generations of Americans. It was the most inspiring, the most vividly moving experience of my entire life. It convinced me—as nothing before—that we must save the Middle Snake from those who would ravage it. It convinced me that national priorities mean more than trimming the Defense budget. It convinced me that the No. 1 national priority of our age is to insure that the few remaining majestic wilderness areas of the Nation must be preserved.

This is a matter which involves not only all the people of the Northwest but, in a very real sense, all the people of the Nation. And that is why I am gratified so many other Senators have joined me in cosponsoring S. 717, a bill which would establish the Hells Canyon-Snake National River in the States of Idaho, Oregon, and Washington.

The Senator from Nevada (Mr. BIBLE) has informed me that he has scheduled hearings on S. 717 before his Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs for September 16 and 17, 1971.

Mr. President, this is welcome news to the millions of conservationists and fishermen around the Nation who support S. 717, and I join them in applauding Senator BIBLE for his willingness to let us make our case. This is a vital conservation measure.

Before the 4th of July recess, representatives of several conservation organizations contacted me asking if I would be willing to offer S. 717 as a substitute amendment to S. 488 on the floor, and I subsequently sent each Senator a letter indicating my intention to do so. But, I decided not to call it up when I learned that Senator BIBLE had scheduled hearings on S. 717 for the middle of September.

During the time the submitting of the amendment was being considered, I received a number of letters from conservation and fishing groups in support of S. 717. I ask unanimous consent that the letters be printed at this point in the RECORD.

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

LEAGUE OF CONSERVATION VOTERS,
Washington, D.C., June 21, 1971.

DEAR SENATOR: The Senate will soon be asked to vote on S. 488, a bill concerning Hells Canyon on the Snake River.

We urge you to support an amendment by Senator Robert W. Packwood that would establish the Hells Canyon-Snake National River. We regard this as a key environmental vote, and it will be included in the next edition of our chart, "How Your Senators Voted on Critical Environmental Issues".

As reported by the Interior Committee, S. 488 would not guarantee protection of this great free-flowing section of the Snake as it runs through Hells Canyon. It would merely give the semblance of protection while plans for damming the river's last free-flowing waters are drawn up.

The Packwood amendment would move directly to establish the Hells Canyon-Snake National River, administered by the U.S. Forest Service. The area, embracing 700,000 acres, is almost entirely in National Forests and is already earmarked for protection. It would include:

1. The Seven Devils Unit of 314,000 acres bordering Hells Canyon in Idaho.
2. The Imnaha Unit of 350,000 acres bordering Hells Canyon in Oregon.
3. The Snake River Unit of 50,000 acres, including the Snake River, 100 miles of the Salmon River (Idaho), and 40 miles of the Grande Ronde River (Oregon).

The Packwood amendment would protect the rivers and the land within a quarter-mile of the riverbank. It would prohibit dams, which have stilled the river in the upper reaches of Hells Canyon, and which are killing off the famed fisheries of the Snake. It would also prohibit logging and mining, while grazing will be allowed to continue. Acquisition of necessary private lands and easements is authorized up to $10 million.

Conservationists all over the nation care deeply about Hells Canyon, the world's deepest river gorge. Please show them that you also care enough about Hells Canyon to vote for the Packwood amendment to insure its protection. Thank you.

Sincerely,
MARION EDEY, *Chairman.*

OREGON ENVIRONMENTAL COUNCIL,
Portland, Oreg., June 21, 1971.

Hon. ROBERT PACKWOOD,
United States Senate,
Washington, D.C.

DEAR BOB: Attached is a copy of the letter which was sent to all Senators, this date, supporting your amendment to S. 488.

Best regards,
LARRY WILLIAMS,
Executive Director.

OREGON EVIRONMENTAL COUNCIL,
Portland, Oreg., June 21, 1971.

DEAR SENATOR: We are writing to urge your support of a very important amendment which will reach the Senate floor in the next few days, concerning the preservation of the free-flowing Snake River between Oregon and Idaho.

Senator Packwood is sponsoring an amendment to S. 488 which would substitute S. 717 calling for the creation of a Hells Canyon-Snake National River.

Senator Packwood's amendment has gained wide support in Oregon and Idaho. In fact, Oregon's Governor, Tom McCall, had spoken out in favor of the perpetual protection of this River for its recreation and fish and wildlife values. While we do not oppose the establishment of a seven year moratorium on dam construction on the Snake River, we feel that permanent preservation of America's deepest gorge from dam construction is an absolute must; therefore, a seven year delay does not answer the ultimate need.

We urge you to join Senator Packwood and his co-sponsors in supporting the amendment to S. 488 when it reaches the Senate floor.

Sincerely,
LAWRENCE F. WILLIAMS,
Executive Director.

HELLS CANYON
PRESERVATION COUNCIL, INC.,
Idaho Falls, Idaho, June 24, 1971.

Hon. BOB PACKWOOD,
United States Senate,
Washington, D.C.

DEAR BOB: We wish to again state our complete and total support of your efforts to create a Hells Canyon—Snake National River.

We have worked long and hard on this proposal and we think it is the best type of legislation aimed at protecting this unique National treasure. We feel it offers something for all who are concerned about Hells Canyon except those who would alter its natural magnificence for monetary gain.

We regret that our own Senators Church and Jordan have not joined us. We cannot support their Moratorium Bill. This bill will not stop the present commercialization of the waterfront, will not stop the present logging and roading in the adjacent land areas, and it will not stop the present decline of water quality due to mercury contamination, nitrogen supersaturation, and inadequate minimum-allowable flow. It would delay dam construction for a period somewhat longer than the FPC appears to be imposing upon itself.

Although we fully appreciate Senator Church's reasons for not supporting the National River Bill, reasons which he indicates are based wholly on the practicalities of getting things through Congress, we feel the time to preserve Hells Canyon is now.

We are grateful to Frank for first introducing the Moratorium three years ago. At that time, it was a positive move in the direction of saving Hells Canyon. It is not now.

If there is any way at all by which we may assist your efforts, please let us know immediately. We are completely at your service.

Best regards,
PETE HENAULT, *President.*

NATIONAL PARKS AND CONSERVATION ASSOCIATION,
Washington, D.C., June 24, 1971.

Hon. ROBERT W. PACKWOOD,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: Thank you for inviting the comments of the National Parks and Conservation Association on your proposed bill to establish the Hells Canyon-Snake National River, S. 717.

The Association has continuously opposed construction of high dams. We particularly oppose dams that destroy uniquely valuable

natural features, which the Middle Snake truly is. We also feel that there are alternative sources of power that are less damaging to the environment and more efficient than hydro-electric power.

Again, we appreciate the opportunity to comment.

Very truly yours,

Miss LEDLIE L. DINSMORE,
Administrative Assistant for Legislative Information.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C. June 17, 1971.

Senator ROBERT W. PACKWOOD,
United States Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: This is in response to your invitation to comment about the introduction of your bill, S. 717, establishing the Hells Canyon-Snake National River in Idaho and Oregon.

Attached is a copy of a resolution which our organization adopted in an annual meeting at Chicago, Illinois, in 1970. As you can see, our organization hereby endorses the designation of this national river in the area from Homestead, Oregon and the town of Asotin, Washington. We would hope that appropriate segments of the Salmon, Imnaha, and Grande Ronde Rivers would be included in such a national river.

It is our opinion that this segment of the Middle Snake River must be kept free and unencumbered by a dam which would ruin outstanding natural values and create added difficulties to fisheries resources which are already in trouble. This is particularly true of the new nitrogen problems which have arisen in the Columbia River Basin as a result of continued dam building efforts.

The resolution also pointed out that the National Wildlife Federation supports the concepts that a moratorium on dam construction should be declared until a suitable national river plan is authorized and established.

With this view in mind, we compliment you upon the introduction of S. 717 and we hope that it can be considered by the Congress at an early date.

Sincerely,

THOMAS L. KIMBALL,
Executive Director.

PRESERVATION OF SNAKE RIVER

RESOLUTION NO. 25

Whereas, the last remaining unspoiled streach of the Middle Snake River is threatened by several proposals for the construction of hydro-electric dams; and

Whereas, this unspoiled reach of river is featured by spectacular Hells Canyon and other outstanding natural wonders; and

Whereas, the Snake River, together with its tributaries, the Salmon, Imnaha, and Grande Ronde Rivers, constitute the last major remaining habitat for dwindling stocks of salmon, steelhead, and sturgeon in the entire Columbia River drainage; and

Whereas, this area also contains significant and uniquely valuable wildlife habitat; and

Whereas, the unspoiled Snake River offers many important outdoor recreational and educational opportunities;

Now, therefore, be it resolved that the National Wildlife Federation in annual convention assembled in Chicago, Ill., March 20–22, 1970, hereby endorses the designation of a Hell's Canyon-Snake National River in the area from Homestead, Oreg., and the town of Asotin, Wash., and including appropriate segments of the Salmon, Imnaha, and Grande Ronde Rivers, to be administered by the U.S. Forest Service under rules and regulations which permit public hunting and fishing on public lands but prohibit the construction of any dam; and

Be it further resolved that this organization also supports the concept that a moratorium on dam construction should be declared until a suitable national river plan is authorized and established.

FRIENDS OF THE EARTH,
Washington, D.C., June 20, 1971.

Hon. ROBERT W. PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: Friends of the Earth will stand strongly behind your effort to substitute the provisions of S. 717, to establish a Hells Canyon–Snake National River, in place of the moratorium bill, when the question is considered on the Senate floor.

The living river and its wilderness setting need and deserve protection now, instead of further delay and indecision.

We endorse the Packwood Amendment, and will urge the Senate to adopt it.

Sincerely,

GEORGE ALDERSON,
Legislative Director.

THE IZAAK WALTON LEAGUE OF AMERICA,
June 17, 1971.

Hon. ROBERT PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR BOB: We understand that the Senate Interior Committee has reported out S. 488, the Church Moratorium Bill, and S. 432 the Salmon Falls Division, Upper Snake River Project. Further, that the Senate will take these up on the floor next Tuesday, June 22. We appreciate your request for our comments.

Enactment would seriously reduce chances of favorable action on your bill to establish the Middle Snake River as a National River. The conservation-minded public wants the Middle Snake protected and preserved for its great and unique scenic, recreation, fish and wildlife values.

Your intention to offer your national river bill as a substitute for S. 432 makes plenty good sense.

Sincerely,

J. W. PENFOLD,
Conservation Director.

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D.C., June 18, 1971.

Senator BOB PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: This national conservation organization regards your proposal re. the Snake River National Recreation Area as a most constructive plan to assure proper management of the outstanding resource, recreational and scenic values involved.

The current problem of nitrogen supersaturation is evidence of too much single-purpose development of the Columbia River System. Approval of your plan would give recognition to other important public values along a significant, and presently undisturbed, stretch of the river system.

Sincerely,

DANIEL A. POOLE,
President.

WASHINGTON ENVIRONMENTAL COUNCIL,
Seattle, Wash.

SENATOR HENRY M. JACKSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: The Directors of the Washington Environmental Council at a meeting held May 8, 1971 voted to support the passage of Senate Bill 717, "The Hells Canyon-Snake National River Bill" and its House companion bill HR 2429. We support the concepts of the Bill which would preserve the area in its present form. The economic arguments for developments in the area are not adequate justification to destroy the heritage of the canyon, the wildlife habitat and the natural recreational benefits that now exist there.

We strongly urge that hearings be held and that positive action be taken to pass the bill.

Sincerely,

JACK B. ROBERTSON, *President.*

SIERRA CLUB,
Washington, D.C., June 22, 1971.

Hon. ROBERT W. PACKWOOD,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR: The Sierra Club has long favored protection of the Hells Canyon stretch of the Snake River as a *national* river, as embodied in the legislation you introduced, S. 717.

As you know, the Sierra Club was among the intervenors in a Federal Power Commission license proceeding in opposition to granting a license for dam construction in this unique and scenic gorge. Our basic point in that case was that the Hells Canyon area is of greatest value to the nation in its present state, as a natural and scenic treasure possessing unusual recretaional facilities that cannot be duplicated elsewhere. Drowning this canyon country, whose lofty pinnacles form the deepest chasm in the North American continent, would be a national tragedy.

The scenic, recreation, fish, wildlife and wilderness assets involved at Hells Canyon, part of the timeless heritage of all Americans, deserves better than a brief moratorium on dam construction in the area. Therefore, the Sierra Club commends you and the co-sponsors of the amendment proposed to give immediate national river protection to Hells Canyon. The time to save Hells Canyon's terraced cliffs, timbered slopes and untamed waters is now—through adoption of the Hells Canyon-Snake National River amendment you are proposing. With best wishes, I am,

Sincerely,

W. LLOYD TUPLING,
Washington Representative.

THE WILDERNESS SOCIETY,
Washington, D.C., June 23, 1971.

Sen. ROBERT W. PACKWOOD,
6327 New Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: We are pleased to respond to your request concerning our views regarding the Hells Canyon-Snake National River proposal.

For many years now The Wilderness Society in concert with numerous other national and local conservation organizations, has been working diligently to gain a protective federal status for Hells Canyon and adjacent national forest lands. Given the extraordinary quality of the scenic, recreational and wildlife characteristics of this region, it most definitely is in the national interest to assure the permanence of these high qualities by establishment of the Hells Canyon-Snake National River as provided in your Bill S. 717.

Given the strong, widespread national concern to protect Hells Canyon and adjacent lands—built up progressively since 1954—the time has gone by when legislation such as S. 488 to impose a temporary moratorium (even though of seven years duration) on the construction of any dam or other engineering works affecting Hells Canyon is appropriate. The need now is for the Congress to recognize the powerful citizen demand for this national river and to pass the proper legislation as embodied in your S. 717.

We appreciate deeply the vigorous efforts which you and your associates in the Congress have been and are making to establish the Hells Canyon-Snake National River for the benefit of all Americans.

Sincerely,

STEWART M. BRANDBORG,
Executive Director.

ENVIRONMENTAL ACTION,
Washington, D.C., June 18, 1971.

Sen. ROBERT PACKWOOD,
6327 New Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: Environmental Action endorses your amendment to S. 488, to establish the Hells Canyon-Snake National River.

A moratorium at this time, as proposed in S. 488, would merely give renewed hope to those who hope to dam the Snake River long after the justification for such projects has been dismissed.

We particularly object to the act that no hearings were held on S. 488 this session and no public consideration has been given to the establishment of a National River.

We fervently hope that the Senate will move to adopt your amendment to S. 488.

Thank you for your efforts in this vital area.

Sincerely yours,

BARBARA REID,
Legislative Director.

ZERO POPULATION GROWTH,
Washington, D.C.,

Hon. ROBERT W. PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: We understand you plan to offer an amendment to establish the Hells Canyon-Snake National River when S. 488, the Hells Canyon moratorium bill, is considered on the floor next week.

Zero Population Growth strongly endorses this amendment.

The moratorium alone would merely postpone the decision until a time when increased population growth has generated increased pressure to destroy the wilderness qualities of the Snake. We believe that it is time to move directly to preserve this environment. Your amendment would give the area the protection and national recognition it deserves.

Sincerely yours,

CARL POPE.

NATIONAL AUDUBON SOCIETY,
New York, N.Y., June 18, 1971.

Hon. ROBERT W. PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: The National Audubon Society is pleased to respond to your request for our comments on your bill S. 717 to establish the Hell's Canyon-Snake National River.

National Audubon has long supported National River status for the Middle Snake. In the January issue of the Society's magazine, AUDUBON, Boyd Norton commented favorably on S. 717 in an article entitled "The Last Great Dam". It is our view as it is his that we should act now to protect the Middle Snake and Hell's Canyon. The proposal for a moratorium on dam construction to permit further studies, as provided in S. 488, only delays facing up to a decision which has been considered at all levels of government since 1954. We congratulate you on introducing the necessary legislation.

We appreciate your providing us with an opportunity to express our opinion on this matter.

Sincerely,

CHARLES H. CALLISON,
Executive Vice President.

Mr. PACKWOOD. Mr. President, in addition, I received statements from former Secretary of the Interior, the Honorable Stewart Udall, and from the Governor of Oregon, the Honorable Tom McCall. I ask unanimous consent that they be printed at this point in the RECORD.

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

STATEMENT OF STEWART L. UDALL ON HELLS CANYON—SNAKE NATIONAL RIVER

I am one of the many who has altered his value system as a result of the environmental crisis.

We have come a long way in this Nation since engineers first began studying damsites on the Middle Snake, in Hells Canyon. No longer do we build dams simply because they are technically feasible or fit snugly into the outdated cost-benefit economic concepts of yesteryear.

My own position has shifted drastically since I once advocated, as Secretary of the Interior, the construction of a Federal dam on the Middle Snake.

My successors, Secretaries Hickel and Morton, have come out for a preservation solution for the Middle Snake. I applaud their efforts and the position taken by the Governors of Idaho and Oregon who have renounced dams on this stretch of the river and are seeking permanent protection for Hells Canyon.

Congress will soon have an opportunity to decisively settle the fate of Hells Canyon and its wilderness setting by establishing the Hells Canyon-Snake National River.

The alternative—the seven-year moratorium on FPC licensing of dams on the Middle Snake, as proposed in S. 488—would only postpone a decision that should be made right now without further delay.

The National River proposal has bipartisan support. I believe it confirms the national consensus of conservation that has evolved in the last two or three years on this issue. I understand that Senator Packwood intends to offer the National River bill as a substitute for the moratorium bill, which was recently reported out by the Senate Interior Committee.

I hope environment-minded senators of both parties will vote for the Packwood substitute. The issues are clear: we need to move beyond the half-step moratorium approach to decisive action that will give National River status and protection to this magnificent gorge now.

STATEMENT BY TOM MCCALL, GOVERNOR OF OREGON

It is my personal feeling that this stretch of the Snake River that remains free-flowing through Hells Canyon, should be preserved, and I am apposed to further dam construction along the Snake River. The nitrogen problem in this river has given us great concern, and it appears that any correction will cost a tremendous amount of money. Another dam would merely multiply our problems. We should now consider placing this river in the wild river category, and I support Senator Packwood's bill, S. 717, which would establish the Hells Canyon-Snake National River.

Mr. PACKWOOD. Mr. President, only a few days later, I received a copy of a letter dated June 25, 1971, signed by the Governor of Idaho, the Honorable Cecil D. Andrus, the Governor of Washington, the Honorable Dan Evans, and the Governor of Oregon, the Honorable Tom McCall, and addressed to the Honorable John N. Nassikas, Chairman of the Federal Power Commission. Mr. President, this letter manifests their opposition to the construction of another dam on the Snake River. I ask unanimous consent that it be printed at this point in the RECORD.

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

JUNE 25, 1971.

Hon. JOHN N. NASSIKAS,
Chairman, Federal Power Commission,
Washington, D.C.

DEAR MR. NASSIKAS: Since the recent decision by Mr. William Levy again to recommend construction of additional hydroelectric dams on the Hells Canyon reach of the Middle Snake River, we have seriously re-examined our position regarding the future management of the Middle Snake.

We have reached the conclusion that construction of additional dams in Hells Canyon is not in the best interest of the people of the Northwest, nor in the best interest of the nation. It is time that we recognize that Hells Canyon is truly a unique and magnificent national treasure.

The role of hydroelectric power in the Northwest has been vital in bringing a high-quality life to the people of this area. However, by looking at the predicted energy needs of the Northwest for the next decade, we note that the proposed Hells Canyon dams would provide for less than a year of growth. It is interesting to note, in fact, that if all of the dams proposed on the Snake River were built, they would not make a significant dent in the impending power shortage. They would merely postpone the inevitable day of reckoning when we must meet our power needs by other than hydroelectric methods.

We do not feel that the claims of additional recreational benefits provided by the reservoir deserve merit. Certainly, the more than 100 miles of reservoirs already in the upper reaches of Hells Canyon and just as many miles of navigable river downstream offer more than enough recreation of the type that additional reservoirs would provide. Considering the losses that would occur in terms of stream fishing, hunting, jetboating, rafting, backpacking and others, we can only conclude that the recreational benefits of additional dams would be highly negative.

We must also consider the loss of fish due to supersaturation of nitrogen caused by the existing dams. Each year, for centuries, the steelhead and salmon have migrated up the Snake and its tributaries to reproduce, and it now appears they face virtual extinction because of the nitrogen problem. Additional dams in Hells Canyon could eliminate any hope of saving this fishery resource.

We are at that time in the long history of this issue where we can have a part in preserving this national shrine for future generations, or we can have a part in destroying it for all time. Hells Canyon contains great prehistoric and historic value. The area is an archaeological treasure. Unique combinations of plants and wildlife are found there. Most of the vegetation zones in North America are compressed into this small area between the river and the mountain tops. And yet, with all of these irreplaceable values, it has been in constant danger of destruction year after year.

In summary, we feel it is time to seek protection for Hells Canyon and the Middle Snake rather than development.

In this regard, we urge the Federal Power Commission to refuse to grant the license to build additional dams in the middle reach of the Snake River.

Sincerely,

TOM MCCALL,
Governor of Oregon.
DAN EVANS,
Governor of Washington.
CECIL D. ANDRUS,
Governor of Idaho.

Mr. PACKWOOD. Mr. President, I have also received numerous letters of support for S. 717 from fishermen. I ask unanimous consent to have printed at this point in the RECORD letters from

R. P. Van Gytenbeek, executive director of Trout Unlimited; Lewis A. Bell, president of the Federation of Fly Fishermen; Arthur Solomon of Northwest Steelheaders Council of Trout Unlimited; and Steve Raymond of the Federation of Fly Fishermen.

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

TROUT UNLIMITED,
Denver, Colo., April 26, 1971.

Senator BOB PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Thank you very much for the continuing flow of information on your efforts to save Hells Canyon. Needless to say, we greatly applaude your efforts.

Our Northwest Steelheaders Council, which numbers some 4500 people in Oregon, Washington and Idaho, is working on generating public support for your position and stands ready to assist in any other way which you deem necessary.

Keep up the good work and I look forward to meeting you personally in the near future. Until then, I am,

Sincerely,

R. P. VAN GYTENBEEK,
Executive Director.

FEDERATION OF FLY FISHERMEN,
Everett, Wash., March 31, 1971.

Re S. 717 and H.R. 4249—Hells Canyon—Snake National River Bill

Senator ROBERT W. PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: The writer represents a federation of fishermen of some 62 organizations spread in the United States and Canada, representing approximately 14,000 people, of which number approximately 25% live in the States of Idaho, Oregon and Washington.

Each and all of said ones are vitally concerned in the passage of the Hells Canyon—Snake National River Bill to give legal status to the Snake River and its tributaries in order to preserve the same for its recreational potential and its fishery resource.

May I, on behalf of the Federation's members, urgently request that the appropriate committees of the Congress schedule public field hearings on the bill to the end that the same may be voted on by those committees and sent to the houses of Congress for final action in this present session.

The Federation stands ready to do all it can, both within the states mentioned and at the Washington, D.C. level, to aid and assist the members of Congress in the acquisition of information and to assure the expression of public desire that these bills be passed.

May I unequivocally express the opinion that the people of Idaho, Oregon and Washington do not want to lose a viable Snake-Columbia River system and the great assets its fisheries and recreational potential represent to the quality of life in its watershed.

Although vested interests make great clamor for the consumptive utilization of the rivers for their particular purpose, the average citizen desires those rivers' preservation in their present condition for the aesthetic qualities such give to their individual lives.

Yours truly,

LEWIS A. BELL,

NORTHWEST STEELHEADERS COUNCIL
OF TROUT UNLIMITED,
July 2, 1971.

Hon. BOB PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR BOB: I was very pleased to hear that you had solicited from Senator Bible his personal promise to hold hearings September 16 and 17 on your Bill S. 717.

You will be pleased to know that this past weekend I spent four days at a National Board meeting of Trout Unlimited in Wagonwheel Gap, Colorado. It was the unanimous feeling of the National Board that they will support your Bill.

Kindest regards,

ARTHUR SOLOMON,
President.

FEDERATION OF FLY FISHERMEN,
March 12, 1971.

Senator ROBERT PACKWOOD,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR PACKWOOD: I am pleased to be able to inform you that the Executive Committee of the Federation of Fly Fishermen has voted unanimously to endorse Senate Bill 717 to establish the Hells Canyon-Snake National River.

The Executive Committee represents 4,000 individual members and 60 member clubs in 20 states. We have asked our members to notify their own Congressional delegations of their support for S. 717 and its companion measure in the House of Representatives.

We wish you success in your dedicated efforts to win passage of this law. I trust you will let us know if there is anything more we can do to ensure its passage.

We sincerely appreciate your concern for the preservation of Hells Canyon and the Snake River.

Sincerely,

STEVE RAYMOND.

Mr. PACKWOOD. Mr. President, on July 6, I received a letter from the Oregon Wildlife Federation, signed by George Reed, executive director, with which he enclosed copies of resolutions in support of S. 717 and indicating concern over the lethal nitrogen problem caused by dams already in place along the Columbia and Snake Rivers. I ask unanimous consent that Mr. Reed's letter and the attached resolutions be printed at this point in the RECORD.

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

OREGON WILDLIFE FEDERATION,
Portland, Oreg., June 1, 1971.

Senator BOB PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: This is just to keep you up to date on the actions of one of Oregon's organizations regarding some of our natural resources. These Resolutions were acted upon at our recent annual convention in Medford. Those conservationists assembled here from all areas of Oregon for this 3 day meeting were unanimous in their support of these programs and would like to see them implemented and funded to the end these resources can be properly managed in the public interest.

Resolution #5. This Nitrogen Supersaturation problem needs the immediate attention of the many agencies involved at both the State and Federal level and funds to find the answers and correct same.

Resolution #6. We do unanimously support your legislation to preserve this Snake River.

Senator, we were at Lewiston, Idaho when the "Coalition to Save the Snake" was formed under leadership of Jack Hemingway and truly it was a real feeling of satisfaction to see so many people, representing so many organizations, rally behind a single idea, a single piece of legislation, to get the job done. After 14 years of successful pressure from several small groups like the Wildlife Federation of Oregon, Washington and Idaho and the Steelheaders and Izaak Waltonians, it has now blossomed into a concentrated effort of some 35 or 40 organizations. I came away with a feeling, no one will take *no* for an answer, now. Everyone says *yes* we will preserve the Middle Snake as a Wild River. Right on, Senator Packwood, now you do have a lot of support here in the Northwest.

Conservationally,

GEORGE REED,
Executive Director.

RESOLUTION NO. 5—NITROGEN SUPERSATURATION IN COLUMBIA RIVER

Whereas the continuing loss of both downstream and upstream fish migrants in the Columbia River is an outrage against a unique and precious public value of the Columbia River; and

Whereas the high nitrogen supersaturation levels result directly from Snake and Columbia River dam construction;

Now therefore be it resolved the Oregon Wildlife Federation does hereby request that the full capability of the U.S. Corps of Engineers and the U.S. Bureau of Reclamation address themselves to the immediate and satisfactory solution to this urgent and compelling problem.

RESOLUTION NO. 6—SNAKE RIVER—HELLS CANYON NATIONAL WILD RIVER

Whereas the Oregon Wildlife Federation is dedicated to the conservation of our natural resources; and

Whereas the Middle Snake River is our last major Northwest river left in a wild and free flowing state, and as such, is an irreplaceable resource of great scenic and recreational value; and

Whereas Senator Packwood's legislation, Senate Bill 717 asks for National Wild River status for 120 miles of Snake River from Homestead, Oregon downstream to Asotin, Washington and will preclude the building of any hydro projects on this stretch of the Snake,

Now therefore be it resolved by the Oregon Wildlife Federation in Convention assembled in Medford, Oregon, June 20, 1971, Resolution #9 supporting construction of High Mountain Sheep Dam on the Snake River, passed by Oregon Wildlife Federation in Convention assembled in Bend, Oregon, June 12, 1960, is hereby rescinded; and

Be it further resolved we hereby support National Wild River designation for the Middle Snake and will continually support legislation to permanently conserve this portion of the Middle Snake.

Mr. PACKWOOD. Mr. President, the meeting in Lewiston, Idaho, to which Mr. Reed refers in his letter, was a meeting to form the "Coalition to Save the Snake." I ask unanimous consent that a memorandum covering actions taken at that meeting sent to me by Dale Jones, Northwest Coordinator of the Friends of the Earth, and an article from the Sunday, June 27, 1971, Lewiston Morning Tribune, which Mr. Jones refers to in his memorandum, be printed in the RECORD.

Also, I ask unanimous consent to have printed in the RECORD an article entitled "Snake Preservation Drive Slated," written by Jerry McGinn.

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

FRIENDS OF THE EARTH,
San Francisco, Calif., July 2, 1971.

To Senator PACKWOOD.
From Dale Jones, Northwest Coordinator, FOE.
Subject Snake River—Coalition to Save the Snake.

Attached is an article from The Lewiston Tribune which covers the organizational meeting of the Coalition to Save the Snake which was held on June 26th in Lewiston,

48-059 O - 72 - pt. 19 - 7

Idaho. The article is accurate and complete as to what happened at the meeting. The following are the resolutions passed at the meeting.

1. Resolved that we here present form a coalition for the purpose of preventing any further dams on the Snake River and its tributaries from the existing Hells Canyon Dam for the purpose of maximum protection and preservation of anadromous and resident fisheries, game, scenic and wilderness resources in and adjacent to these rivers.

2. Resolved to support and foster pending and future litigation and legislation reasonably calculated to preserve the Snake River and its tributaries downstream from the existing Hells Canyon Dam from further degradation of water quality and exploitation by dams.

3. Resolved to aggressively seek the speedy enactment of Packwood Bill S. 717 and Saylor Bill H.R. 4249 and to have field hearings held thereon in the Pacific Northwest as well as hearings in the Committees of Interior and Insular Affairs of both houses by the Fall of 1971.

DIVERSE GROUPS FORM COALITION TO SAVE SNAKE

(By Bill Hall)

Three dozen organizations from throughout the Northwest formed a coalition at Lewiston yesterday to prevent "any further dams on the Snake River and its tributaries from the existing Hells Canyon Dam down . . ."

The 75 persons present at the Hotel Lewis-Clark, representing organizations ranging from the Sierra Club to commercial salmon fishermen, named the new organization the Coalition to Save the Snake.

They raised $3,470 in cash and pledges in about 10 minutes and said that was merely the beginning on a nationwide effort to finance a drive to protect the Middle Snake and environs from further development.

The delegates elected Jack Hemingway of Sun Valley chairman of the coalition, and the punning new leader declared their cause to be that of coping with "the arrogance of power." Hemingway is an ardent fly fisherman, a conservationist and a member of the Idaho Fish & Game Commission. He is the son of the late writer Ernest Hemingway.

The coalition approved unanimously by voice vote three resolutions on its purposes, including one pledging members "to aggressively seek the speedy enactment" of the bill sponsored by Sen. Robert Packwood, R-Ore., and Rep. John Saylor, R-Pa. The Packwood-Saylor bill would create the Hells Canyon-Snake National River, an approach that would ban dam construction on the Middle Snake and freeze further development of much of the country on either side of the river.

The resolutions avoided any mention of the bill co-sponsored by Idaho Sens. Len B. Jordan and Frank Church to declare a seven-year moratorium on Middle Snake River dam construction. The Jordan-Church bill would afford no protection to the land on either side of the stream. Several of the delegates indicated privately that they oppose the Jordan-Church approach and do not consider it adequate. And Pete Henault, Idaho Falls, president of the Hells Canyon Preservation Council, read a statement to the gathering in which he said his organization "cannot support" the moratorium bill.

The resolution on the Packwood-Saylor bill called for hearings in the Northwest and at Washington, D.C., "by the fall of 1971."

The coalition formed Saturday also made it plain that a second aim, in addition to preventing further dams on the Middle Snake is to stop construction of Lower Granite Dam west of Lewiston.

The resolutions approved Saturday were accepted by the delegates as individuals, and they were asked to seek formal endorsement by the organizations to which they belong.

The new organization elected four steering committee members in addition to Hemingway and left two steering committee seats vacant with an invitation for one to be filled by a representative of Indian tribes and another by a representative of commercial interests—commercial fishermen, excursion boat operators or similar ventures.

The other four steering committee members elected yesterday are Larry Smith, Spokane, Northwest Steelheaders; Pete Henault of Idaho Falls, president of the Hells Canyon Preservation Council; Brock Evans of Seattle, a representative of the Sierra Club and the Federation of Western Outdoor Clubs, and John A. K. Barker of Lewiston, president of the newly formed Selway-Bitterroot chapter of the Sierra Club. Barker, however, said he views himself primarily as a representative to the new organization of those who live in the back yard of the natural feature the coalition hopes to save.

Hemingway began what amounted to the keynote of the session by reading a letter from Idaho Gov. Cecil D. Andrus and Oregon Gov. Tom McCall to the Federal Power Commission opposing additional dams in Hells Canyon. The two governors said that additional dams on that stretch of the river would not be "in the best interest of the people of the Northwest nor in the best interests of the people of the nation." They said that "recreationally, the benefits of additional dams would be highly negative," and the dams could eliminate "any hope" of saving fish runs.

Hemingway said Washington Gov. Dan Evans is also expected to sign the statement on his return to the state this weekend. He termed the letter "our birthday present."

Hemingway said that the individual organizations opposing Middle Snake dams have gone their own way "and put our own particular needs in the forefront" until now. He called for "one united front."

Lewis A. Bell, Everett, Wash., president of the Federation of Fly Fishermen and presiding officer at the formation meeting of the coalition, declared this "a moment in time when we may have a common interest. In the past we have contended against each other for the furtherance of our own special interests. But there must come a time when we have a common interest—a unity. I think that time has come." Bell termed the new organization "a coalition of diverse groups who have one common interest in saving the Snake. . . . The commercial fishermen and the sport fishermen can continue to fight over who gets the fish—after they're saved," Bell said.

He said there is "reason to believe that men like Bing Crosby, Burl Ives and Arthur Godfrey feel strongly enough about this river to lend themselves to a fund raising drive."

At one point Hemingway appeared to be referring to the choice between the Packwood-Saylor legislation on the one hand and the Jordan-Church bill on the other when he told the delegates that "we must support all legislation which will help our cause, but concentrate on the best and strongest legislation. . . . We must not allow ourselves to be lulled into complacency by legislation which, though it would be a step in the right direction, would be only temporary."

Henault sketched the history of the Packwood-Saylor bill with intermittent criticism of the Jordan-Church bill.

"The way we've been going," Henault said, "we've been losing all the battles to save the Snake. . . . The way we've been doing things just hasn't worked, so we've got to get together."

He said the Packwood-Saylor national river bill would "freeze the status quo. . . . No other piece of legislation would do this." He said a national park would prevent hunting "and probably take out the jet boats," but the national river bill would permit both uses of the area. "The only people we would hurt are those who would exploit the river for monetary gain." He listed dam builders, lumbering operations and mining in that category.

He said a wild river designation would protect the Middle Snake for only a short distance on either side, whereas the national river bill would protect thousands of acres on either side.

He said Packwood has been "working feverishly" to win approval of his bill. Earlier this month the Senate Interior Committee reported the Jordan-Church bill to the floor. He said at that point Packwood indicated he would try to substitute his bill for the Jordan-Church measure.

Henault said that move was necessary because "the Senate gave us no indication that it even knew the Packwood-Saylor bill existed." He suggested that Church and Jordan had stymied the bill's progress. Henault described Jordan's position as wanting a reclamation dam on the stream and Church's as wanting conservation.

Henault said a "fight broke out" and Packwood obtained 22 co-sponsors of his measure, including Sen. Hubert H. Humphrey of Minnesota and Sen. Barry Goldwater of Arizona.

Toward the middle of this past week, Henault said, Church and Jordan began marshaling their forces, "and by Thursday it became evident Senator Packwood's amendment (to substitute his bill for the moratorium) couldn't succeed . . . So on Friday, Senator Packwood agreed to withdraw his amendment . . ." because, Henault said, he had won a promise of hearings on the measure.

Henault added "we have a promise from Senator Church that, if the moratorium hasn't gone any place by the end of the year, he will reconsider his position."

Henault said Packwood "has won a very major victory on our behalf . . . And he needs our support more than ever, because he's in a very controversial spot back there."

The Idaho Falls man said, "I don't think there is any reason to oppose the moratorium. If it passes, it might not hurt the national river bill. . . . But it isn't going to help us either. . . . Certainly if it delays the national river bill it will hurt us."

Thirty-eight groups registered for the Saturday session. Voting was by voice vote so there was no record as to which were participants and which were attending as observers.

However, those who registered for the meeting were the confederated tribes of the Umatilla Reservation, the Yakima Indian Nation, the Lewiston-Clarkston chapter of the Sierra Club, the Spokane chapter of the Sierra Club, Spokane Mountaineers, Montana Sierra Club, Federation of Western Outdoor Clubs, Friends of the Earth, Audubon Society, Oregon Wildlife Federation, National Wildlife Federation, Montana Wildlife Federation, Powder River Sportsmen, Hells Canyon Preservation Council, Washington State Sportsmens Council, Oregon Fish & Game Commission, Idaho Environmental Council, Orofino Chamber of Commerce, Bumble Bee Seafoods, Idaho Outfitters & Guides Board, Clarkston Chamber of Commerce, Oregon Environmental Council, Clatsop Environmental Council, Washington Department of Ecology, U.S. Forest Service, Washington Department of Fisheries, Federation of Fly Fishermen, Trout Unlimited, Washington Flyfishing Club, McKenzie Flyfishers, Lewis-Clark Normal School student body, Clearwater Fly Casters, Salmon & Tuna Packers Assn., Oregon Department of Game, Idaho Wildlife Federation and the Greater Lewiston Chamber of Commerce.

SNAKE PRESERVATION DRIVE SLATED

(By Jerry McGinn)

LEWISTON, IDAHO.—Conservationist groups boasting more broad support than those who put the United States out of the supersonic transport business will launch a campaign

June 26 to save the remaining free-flowing stretch of the Snake River from dams.

Nearly 30 dams impound the flow of the Snake and its tributaries in a thousand-mile staircase of slackwater reservoirs that for some reason not really explained, cannot support fish life in numbers equal to before dam construction and discourages wildlife around them.

To be known as the "Coalition to Save the Snake," its champion in Congress will be Sen. Robert Packwood, R-Ore., who has entered a bill in Congress to make the undammed portion of the Snake, the Hells Canyon area about 85 miles in length, a national wild river.

Supporting Packwood will be the Coalition, comprising an estimated 200 organizations nationwide headed by Trout Unlimited, the Sierra Club and reaching to local sportsmen's groups, historical societies and chambers of commerce.

The group also has the vocal support of former Interior Secretary Walter Hickel and hopes to enlist former Health, Education, and Welfare Secretary John Gardner's Common Cause group and link up with Northern California's Committee of Two Million.

Hickel told an audience in Pocatello, Idaho, on April 24: "All dam construction should be halted on the Snake River. There are areas where the value is greater than just the commercial value, and I think the Snake River is one of those areas."

Heading up the lobby group will be Jack Hemingway, a recent appointee to the Idaho Fish and Game Commission, and perhaps better known as the eldest son of the late novelist, Ernest Hemingway. Coalition headquarters will be in Sun Valley, Idaho, where Hemingway lives.

The rallying point for the group is the words expressed in 1967 by the U.S. Supreme Court when it rescinded a license to construct the High Mountain Sheep Dam in the untamed stretch along the Idaho-Oregon border.

The supreme court asked, "aren't there other criteria than economics (the need for more power, in this case) for determining the fate of wild land not specifically protected?"

A coalition of private and public power concerns has applied for a license to put a dam across the canyon at any of five sites along the river.

A Federal Power Commission examiner recently recommended that a dam be constructed at the Low Mountain Sheep site near the confluence of the Snake and Salmon rivers. The recommendation also contained a provision which said that construction should not begin until September 1974.

The FPC is expected to make a binding ruling on the recommendation sometime in October.

To those who wish to preserve it, Hells Canyon is more than a mere statistic or freak of geology. Compressed within it, from the alpine tundra of the Seven Devils Mountains to the desert environment at river level, are all the life zones of North America.

In wildlife alone, the canyon possesses an amazing variety and quantity—elk, deer, black bear, otter, mink, raccoon, bobcat, cougar and coyote—to name just the major ones.

Some 150 species of birds are found in the canyon, though the precise number doesn't seem to be known. Canada geese and other waterfowl nest along the river in many places and even wild turkeys are seen.

Twenty five species of fish inhabit this section of the Snake, including steelhead and Chinook salmon. And this is one of the last strongholds of the ancient white sturgeon, which thrives only in swift flowing water.

Hells Canyon is nearly 8,000 feet in total depth—6,600 feet at one point from rim to river. It has been said you can take the entire Teton range, its length, breadth and height, and drop into this gorge—and still have room to spare.

Besides the campaign for popular appeal, the Coalition is going after congressmen for commitments. First and foremost on the lists are Sens. Frank Church and Len Jordan of Idaho, both members of the powerful Senate Interior and Insular Affairs Committee, chaired by another Coalition target, Henry M. Jackson, D-Wash.

Church and Jordan have proposed a moratorium on dam building to provide time for additional studies.

"We don't need a moratorium," Packwood said. "We need to start with the premise that no more dams should be constructed and then work from there."

Mr. PACKWOOD. Mr. President, these letters clearly demonstrate that the consensus of opinion among conservationists, sports and commercial fishermen, and Indians, as well as other nonalined Americans across the Nation is that the question of whether or not a dam should be built on the Snake is no longer the prime point of contention. The primary issue is, When do we move to preserve Hells Canyon and the Middle Snake River with its tributaries for all time?

A number of plans have been advanced to use the water of the Snake River and its tributaries. But, in my opinion, in each case, the liabilities far outweigh the benefits.

Many of these liabilities may not even be evident at this time, as was the case of the lethal nitrogen problem resulting from the dams constructed years ago. But it will not be difficult for the Americans of the 21st century to assess the value of this majestic wilderness area set aside for their recreation and enjoyment.

The crucial point is that we can provide power from a hydro dam for only a limited number of people on an extremely limited basis. And we can irrigate only a limited number of acres of land, while at the same time putting more land into soil bank programs because they are over-producing. But the price for this is the complete destruction of one of the greatest natural wonders of the North American continent. I don't believe that the cost equals the residual benefits to be derived. And, as the population grows, and less and less peace and tranquility are available and to fewer people, as our Nation becomes covered with technological and industrial monstrosities, all our children and grandchildren will be left with is the cherished memory of what might have been.

This Congress has the power to make a decision that will preserve this majestic area for generations yet unborn—or a decision that will affect only a few thousand people in a limited area for a limited period of time. May we have the courage to honor our commitment to the future and to make the right decision.

Back many years ago, a distinguished French marshal, Marshal Lyautey, asked his gardener to plant a tree, and the gardener said:

Well, this won't flower for a hundred years.

And the Marshal said:

In that case, plant it now.

That is the way I feel about conservation: It will not come about today, but we ought to get started today, if it is ever going to come.

REMARKS OF NAJEEB E. HALABY, CONCERNING TODAY'S YOUNG PEOPLE

Mr. MOSS. Mr. President, all too often the young people of today are categorized as "radical," "activist," or just "inexperienced." It was refreshing to hear the leader of a major U.S. corporation express concern for today's youth and outline his hopes for utilizing and channeling their talents. I have taken the liberty of summarizing the remarks of Najeeb E. Halaby, president Pan American World Airways, made before the American Club of Paris, June 3, 1971.

Mr. Halaby referred to the young people the world over as the articulate spokesmen of social goals for our society, who fight against the impersonal character of our universities, our corporations and our Government. They are leaders in the ecological movement and in the consumerism campaign. However, Halaby said the new generation unfortunately contains its own set of contradictions. On the one hand they tell us they do not want to get caught up in the daily rat race of a job which helps to expand the GNP. Yet, they ask us to do more to build housing for the poor, upgrade our schools, provide health care for all and a host of other worthy goals. Halaby said:

I think all of their generous and decent instincts need to be channeled into serving society and not just their own whims—because the community of man does have a claim on every member.

He pointed out that Pan Am, like a great many companies in America and elsewhere, has expended a good deal of time and effort trying to reach and understand the needs of the young. Pan Am conducted a series of seminars to explore their attitudes, ambitions and motivations. These studies and surveys have already changed Pan Am's marketing approach. Their approach to international travel is far different from their parents. They are anxious to meet new people, to listen, to learn and to understand cultures other than their own. A recent Stanford Institute research study revealed that the young place high value on such intangibles as self-expression and individualism. They determine their status among their peers not by what they have, but by what they are.

Young people seem to prefer spending a sizable portion of the funds available to them on travel, recreational equipment and the arts—the things that help them develop as individuals instead of impressing the neighbors. There is, moreover, strong evidence that the young will not abandon these preferences as they mature.

Halaby feels airlines ought to be doing a better job of helping young people get out and see the world. He stated:

Our government has not served the airlines or their passengers well, as they foster excessive and wasteful competition of the Atlantic. Pan Am has proposed that we turn this excess capacity to the benefit of young people, by again proposing a Youth Fare of $99 from the East Coast of the United States to any city in Western Europe.

Beyond what business can do, there are a number of ways in which the younger gen-

eration and society at large can be brought into a more meaningful and productive alliance. The idea of a National Youth Service Corps has been suggested in the U.S. and elsewhere.

Halaby would like to see the creation of a broad public service program, voluntary but sponsored by the Government, which would offer young men and women an opportunity to serve in many areas of compelling needs, educational tutoring, environmental preservations, prison work, family planning, health care, rehabilitation of delinquents, and so forth. Such a program would give young people a sense of being needed, which would alleviate some of their feeling of alienation.

Halaby concluded his address with the following thoughts:

We are becoming more and more a global community—in the problems we share, with the youth problem figuring prominently among them; in the overlap of our cultures; in the dissemination of technology and certainly in the increasingly multinational nature of business in this supersonic world. We will need people who can work in more than one country and find a good reception wherever they go. Only youth has the time to prepare for this sort of challenge. Let them start to see the world now and consider how they might serve it.

Because of its length, I have not offered Mr. Halaby's speech in full, but I do recommend it for those who are interested.

DISCIPLES OF NEGATIVISM

Mr. FANNIN. Mr. President, there is a small but vocal element in America determined to heap scorn on their own Nation and its accomplishments. One of the great tragedies is the fact that so many young people seem to be listening to these disciples of negativism.

It would be wonderful if every young person had the chance to hear or read a commencement address given 2 years ago at Pennsylvania State University.

One of Arizona's outstanding publishers, Tom E. Anderson, reprinted the address in the June 24, 1971, issue of his Arizona Record newspaper, which serves Globe, Ariz.

Mr. President, I ask unanimous consent that Mr. Anderson's column be printed in the RECORD.

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

BUILD ON WHAT TWO PREVIOUS GENERATIONS HAVE WROUGHT

(By Tom E. Anderson)

With most graduation (or commencement) ceremonies just completed for the year and with many graduates reflecting on their futures, I think the following address by Dr. Eric A. Walker, president of The Pennsylvania State University will be thought provoking. It was delivered Sept. 11, 1969 to the members of the Penn State graduating class. It is, perhaps, timelier today than it was then.

Ladies and gentlemen of the graduating class and those who got advanced degrees. Let me extend to each of you my personal congratulations and those of the entire University on the degree you have earned today.

This ceremony marks the completion of an important phase of your life. It is an occasion in which all who know you can share in your sense of pride and accomplishment. But no one has more pride in your accomplishment than the older generation. But I am not going to tell that older generation how bright you are. Nor am I going to say we have made a mess of things and you—the younger ones—are the hope of mankind.

I would like to reverse that process. For if you of the graduating class will look over into the bleachers to your left or right, I will reintroduce you to representatives of some of the most remarkable people ever to walk the earth. People you might want to thank on this graduation day. These are people you already know—your parents and grandparents. And, if you will bear with me for five minutes, I think you will agree that a remarkable people they are indeed. Let me tell you about them.

Not long ago an educator from Northwestern University by the name of Bergen Evans, a radio performer known to your parents, got together some facts about these two generations—your parents and grandparents. I'd like to share some of the facts with you.

These—your parents and grandparents—are the people who within just five decades—1919–1969—have by their work increased your life expectancy by approximately 50 per cent—who while cutting the working day by a third, have more than doubled the per capita output.

These are the people who have given you a healthier world than they found. And because of this you no longer have to fear epidemics of typhus, diphtheria, smallpox, scarlet fever, measles or mumps that they knew in their youth. And the dreaded polio is no longer a medical factor, while TB is almost unheard of.

Let me remind you that these remarkable people lived through history's greatest depression. Many of these people know what it is to be poor, what it is to be hungry and cold. And because of this, they determined that it would not happen to you, that you would have a better life, you would have food to eat, milk to drink, vitamins to nourish you, a warm home, better schools and greater opportunities to succeed than they had.

Because they gave you the best, you are the tallest, healthiest, brightest, and probably the best looking generation to inhabit the land.

And because they were materialistic, you will work fewer hours, learn more, have more leisure time, travel to more distant places, and have more of a chance to follow your life's ambition.

These are also the people who fought man's grisliest war. They are the people who defeated the tyranny of Hitler, and who when it was all over, had the compassion to spend billions of dollars to help their former enemies rebuild their homelands. And these are the people who had the sense to begin the United Nations.

It was representatives of these two generations, who through the highest court of the land, fought racial discrimination at every turn to begin a new era in civil rights.

They built thousands of high schools, trained and hired tens of thousands of better teachers, and at the same time made higher education a very real possibility for millions of youngsters—where once it was only the dream of a wealthy few.

And they made a start—although a late one—in healing the scars of the earth and in fighting pollution and the destruction of our natural environment. They set into motion new laws giving conservation new meaning, and setting aside land for you and your children to enjoy for generations to come.

They also hold the dubious record for paying taxes—although you will probably exceed them in this.

While they have done all these things, they have had some failures. They have not yet found an alternative for war, nor for racial hatred. Perhaps you, the members of this graduating class, will perfect the social mechanisms by which all men may follow their ambitions without the threat of force—so that the earth will no longer need police to enforce the laws, nor armies to prevent some men from trespassing against others. But they—those generations—made more progress by the sweat of their brows than in any previous era, and don't you forget it. And, if your generation can make as much progress in as many areas as these two generations have, you should be able to solve a good many of the world's remaining ills.

It is my hope, and I know the hope of these two generations, that you find the answers to many of these problems that plague mankind.

But it won't be easy. And you won't do it by negative thoughts, nor by tearing down or belittling. You may and can do it by hard work, humility, hope and faith in mankind. Try it.

Goodby and good luck to all of you.

That was the message and I cannot think of a single thing I would like to add to it.

REMARKS OF MAYOR RICHARD J. DALEY TO THE U.S. CONFERENCE OF MAYORS ANNUAL CONFERENCE

Mr. HUMPHREY. Mr. President, Mayor Richard J. Daley of Chicago spoke with knowledge and commitment about the problems of the cities and possible actions that our national and local governments can take to help solve these problems. The mayor noted that:

All of us had better become involved in the solutions to the ills of the city because in this urbanized society, we all are part of total economic and social system regardless of political, geographic, and census classifications.

Mayor Daley said that:

Problems of welfare, health, crime, education, housing, employment, environmental control, and transportation are not confined just to the cities, but are increasingly affecting suburban and rural areas as well.

The mayor called for a "bipartisan national urban policy" that would provide the cities with "massive infusion of resources in large blocks, with assurance that these resources will continue; for at least the rest of this century."

It was my privilege to give the keynote speech at this conference, and I want to make it very clear that I also join the mayor of Chicago and his fellow mayors in their call for a national urban policy.

I ask unanimous consent that Mayor Daley's remarks be printed in the RECORD.

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

ADDRESS BY MAYOR RICHARD J. DALEY

Acknowledge: Bishop Howard; Reverend Bright; Mayor Tate; Mayor Lindsay; Distinguished Delegates to this Conference; Fellow Mayors; Ladies and Gentlemen:

Since its first annual meeting 38 years ago, this conference has been an important event because it focuses national attention on the city's viewpoint as expressed by the mayors and other local officials. But more than ever before, the importance of this meeting is not limited to the cities. The issues we are discussing involve directly every citizen no matter where he lives.

Those who think city limits are walls or real barriers are deluding themselves, for they only live in the outer city. In this urbanized society we all are part of total economic and

social system regardless of political, geographic and census classifications.

Problems of welfare, health, crime, education, housing, employment, environmental control, and transportation are not confined just to the cities, but are increasingly affecting suburban and rural areas as well.

Historically the city was the place where the newcomer was welcomed and where he found opportunity for himself, his family and his children. The cities were the place where the immigrants had the opportunity to move up economically and socially.

It was only natural that this process—this upward movement—took place in the city because the essential truth is that cities were—and in my opinion they remain—the primary economic bulwark of the nation—the focal point of its social and cultural activities.

The role of the central city today is the same. The central city must be the innovator and it must still serve as a catalyst for the poor of today—who for the most part do not come from other countries but from within our own national borders.

However, the central city has been steadily losing its capability to effectively carry out its historic role because of rapid changes in our society. Two great wars and a major depression, and an unwanted tragic war, urbanization, accelerated advancements in technology and science and the movement of population have created vastly different conditions.

Much of the deterioration that has taken place in the city occurred during the twenty year period when the depression and wars took a heavy toll of the housing supply and curtailed basic city services and capital improvement programs.

The war years had brought millions of workers into the cities where jobs were available. But when the war ended and building materials were again available, the Federal Housing Administration adopted a mortgage insurance program which in conjunction with a huge, badly planned highway program, aided and abetted uncontrolled suburbanization.

At the same time the F.H.A. ignored the cities where the housing needs were the most critical.

I don't believe the policy was intentional, but its effect was to hasten the flight to the suburbs and to handicap the central cities in providing housing and undertaking long delayed rebuilding and renewal programs.

Meanwhile, the technological revolution increased production while it decreased the need for manpower, particularly of the unskilled worker.

There were neither adequate local resources, nor recognition of the complexity of the problem needed to meet the special requirements of the unskilled workers and their families who had come to the city. There were not sufficient funds for intensified education, for expanded health services, and for the other programs to help newcomers to move up the economic and social ladder.

State legislatures—dominated by rural interests—refused to help the cities.

Mayors turned to the Federal Government. Congress tried to respond to the plight of the cities and perhaps there was no better statement of the national commitment than the 1949 Federal Housing Act. It established as national policy "the goal of a decent home and a suitable living environment for every American family."

There was every reason to anticipate that this goal could be realized because of the tremendous material advances taking place in our society.

The progress and break-throughs which had occurred in the fields of science, technology and communications in the past twenty-five years had been more rapid and far-reaching than the advances which had taken place in the last hundred years. It had always been assumed that as science and technology improved our material and physical world, they would make an equal contribution to the betterment of our environment and our social world.

But instead a critical imbalance between physical and social progress has developed.

And there are many—and particularly the younger generation—who cannot understand how a nation which can send space ships to Mars cannot clear a slum—cannot give every child quality education—cannot erase discrimination and provide full employment.

This is the new dimension to improve the quality of life for every citizen—and to do it right now.

And this new dimension is directly influenced by the change in the economic and social relationships between the central city and its surrounding area. Before the tremendous growth of urbanization, the responsibilities of cities and suburbs could be easily defined. Now the central city is the vital core of a metropolitan social and economic unit. The central city remains the innovator—the catalyst. But, the enormous burden of the responsibility for providing a better life for every citizen must be shared with all the communities which take up the metropolitan area.

Unfortunately the Federal and State governments do not agree with this view. We are witnessing a dual policy by the national administration in regards to low and moderate income housing. The Department Secretary embraces the comprehensive urban concept while the White House disowns it.

What is at issue is whether there is one national policy or two: one for the cities and one for the rest of the country. We cannot respond with integrity to two contradictory Federal policies except to ask one national policy which is equitable to all citizens of our Nation.

I believe that a dual national policy will be rejected. Experience has shown us that attempts to impose one set of standards in the cities and another in the surrounding areas will become as self defeating as the multistandard welfare system.

A double standard will be rejected because it seeks to ignore the reality of urbanization. It will be rejected because it is a negative policy. It jeopardizes those urban programs which cities now have underway to meet the causes of poverty and urban decay.

It will be rejected because the mayors of cities who represent most of the people want to carry on positive programs. It will be rejected because the surge of rising aspirations for a better society is shared by most Americans.

We must also be aware of possible dangers in structuring an equitable revenue sharing program. We all support the principle, but there are honest differences of opinion as to how the program should actually be implemented.

Many of us believe that revenue should be shared primarily on the basis of need. We are deeply concerned that we do not harm those programs which Congress passed specifically to help the cities—such as the model cities program.

There is no reason why revenue sharing should interfere with categorical aid programs and the use of special incentive grants to achieve national objectives in particular program areas. In its report on revenue sharing the President's advisory commission on intergovernmental relations pointed out—

"For years, State governments have made unconditional and categorical grants to local governments without one or the other being impeded. Only the national government—specifically the Congress—has failed to utilize both approaches." It is time that Congress becomes more flexible and adopts those grant in aid approaches which serve best.

In this regard I agree with the intent of the administration's efforts to consolidate certain groups of related programs and to simplify their administration.

I—for one—believe that Federal programs should be audited by Congress but the administrative decisions should remain with the cities. Most of us have the know-how to properly administer programs. Certainly nothing is to be gained by channelling funds through State capitals.

Though the problems of the cities are making progress. We are helping to improve the lot of people.

We are carrying out projects to remove the slums, to provide better education, to expand health care. We in the cities are working to meet our responsibilities. We are mindful that there is much to be done—but we need not be ashamed of what has been accomplished in so short a period of time and with little change in the revenue system available to cities.

Despite the lack of unified direction from Washington and the State Houses, the mayors of cities have not evaded their responsibilities because they are closest to people and have long understood their needs.

In the past, local government was primarily responsible for basic housekeeping services and public works. Now all of us are also concerned with poverty and jobs, with the kind and quality of education, with the welfare of youth and senior citizens, with manpower training and merit employment, with comprehensive health care, with mass transportation, with civil rights and human relations, with housing, conservation, rehabilitation and the renewal of neighborhoods, with the protection of our air and water, and with economic and cultural development.

If you look at the agendas of the annual meetings of this organization during the past two decades, you will find they are increasingly addressed precisely to these programs.

Cities are willing to meet their responsibilities in dealing with these national issues. We are willing to commit a fair share of our scarce local resources to do the job, but the cities cannot be expected to assume the entire burden alone—the mayors have pleaded with the White House, the Congress and State governments to provide the resources necessary for the cities to carry on the vital functions of serving all the people.

Needed is a new and straight-forward *bipartisan* national urban policy that will provide the cities, not with piece-meal programs, confused by administrative edicts—but massive infusion of resources in large blocks, with assurance that these resources will continue for *at least the rest of this century.*

In the past twenty years there has been enough discussion, enough talk and enough debate about the ills of the city.

It is time now to declare a new bill of urban rights for our citizens—a large majority of whom live in cities.

Every family—everywhere in the country has the right to live a good life. To avail themselves of this right, every man and woman has the right to expect employment opportunities commensurate with their talents and skills. And those who cannot work because of infirmities, age or other special conditions have the right to an income sufficient to live in dignity. Every family must have the right to health care for all its members, regardless of ability to pay. Every family must expect as a right a decent home. Every child must have the right to receive a quality education.

These urban rights have been echoed again and again. Franklin Delano Roosevelt spoke of "four essential human freedoms." He listed these as the freedom of speech and expression, of the freedom of every person to worship God in his own way. And he said, "the third is freedom from want—and the fourth is freedom from fear."

He was speaking in world terms and I am speaking in national domestic terms. We

must guarantee these rights of the freedom from want—for every American family—and freedom from fear—from every source which threatens a citizen's tranquility.

We cannot improve life in the cities—or anywhere—unless we have an orderly society which protects the individual. We must have communities that have sufficient order and safety to allow freedom of movement. We must have communities in which people can work, shop, attend school and church, and enjoy leisure, and in which we can associate with our fellow men to achieve common objectives.

In order to have freedom from want there must be opportunity for employment. There is no better way to redress the ills that beset an individual or family than through the independence gained through regular employment. The debasement and loss of dignity that attends unemployment leads to frustration and lack of confidence and destroys the individual. We cannot afford to waste our most precious asset, our human resources, in this way.

As a nation we just cannot tolerate a situation where people cannot get work. We cannot condone any policy—no matter how worthy the objective—that produces a six percent rate of unemployment. If private industry cannot provide jobs then government must fill the gap.

I cannot emphasize enough how strongly I feel that the public service employment bill which has passed both Houses of Congress be signed by the President.

It is a national shame that veterans are returning home from Vietnam to join the jobless. We must provide these men who have served their country with jobs.

In Chicago, in 1968 we initiated a job service for Vietnam veterans and we located this service in city hall so it could get highest priority. In 1969 we were successful in placing 1400 men in jobs. But the recession has seriously hampered our ability to place veterans and last year jobs were only secured for 482 out of 3500 applicants, and during the first five months of this year we have found jobs for only 166 men, although applications are on the rise.

It's a sad commentary on the state of our society when our government can draft men and send them to war but can't mobilize it's resources to give these same men jobs when they return home.

There are avenues for cities to take in order to create new jobs and I am sure many cities, like Chicago, have tapped every resource to attract commerce and industry and to encourage business to remain in the city. Through the Federal Economic Development Act, we in Chicago have created 3,000 jobs in the former stockyards area and a second industrial site will provide 6,000 more jobs.

The government should vastly expand its appropriations for the shared projects where working together with private developers we can make it possible for new industries and commerce to rise in our cities and provide jobs for our residents.

In my opinion there is nothing as important to the solution of the great social issues of our times than jobs! Congress in passing the Emergency Employment Act of 1971 has shown its appreciation of this fact by recognizing that where the private sector cannot assure full employment—Government must become the employer of last resort.

We will discuss many ideas in the few days ahead and we will not always agree on our approaches. But we are as one in the belief that the vitality of cities is essential to the vitality of the Nation.

We are here as spokesman for the people of the cities—the rich—the poor—the middle class—the old—the young—the black—and white. In a sense we are also here to speak for the suburbs for their well-being depends on the strength of the city.

As elected officials, we are the voice of the people and in the next few days let us speak bluntly. We need the understanding and the help of our national leadership. We need bi-partisan support. Let us be sure that when we leave this conference, we have not only expressed deep concern for the people of our country, but that we have presented concrete plans and programs clearly with the intention that they be implemented.

Americans have a strong belief in the effectiveness of local government. They look to us for leadership. I am sure that goals we seek are shared by most of the people of our country. We know that the problems of the cities are not going to be solved tomorrow. We know there will be delays and trying times ahead.

I think it is appropriate to reflect on the words of Sir Thomas More when he was discussing the inadequacies and injustices of the day and how they might be remedied.

"Suppose wrong opinions cannot be plucked up by the roots, and you cannot cure as you wish, vices of long standing yet you must not on that account abandon ship of state and desert it in a storm, because you cannot control the winds. But neither must you impress upon them new and strange language, which you know will carry no weight with those of opposite conviction, but rather you must endeavor and strive to the best of your power to handle all well, and what you cannot turn to good you must make as little bad as you can. For it is impossible that all should be well, unless all men are good, which I do not expect for a great many years to come."

In the words of Sir Thomas More I know that we mayors strive to the best of our power to handle all well.

THE SWAINSBORO FOREST BLADE

Mr. GAMBRELL. Mr. President, we, in Georgia, have always been proud of the tradition of independent, local, weekly journalism, which we have maintained continuously since 1819. These newspapers, through the dedication of their editors and staffs, keep the people of their communities informed on local issues and present a view of life in these smaller towns, that is unavailable in the larger, often impersonal, urban dailies.

One of our Georgia weekly newspapers, the Swainsboro Forest Blade, has been recognized nationally as the Nation's "most excellent weekly newspaper," circulation 3,000 to 6,000. The National Newspaper Association, in making the award to the Forest Blade, cited three outstanding features of the paper:

Its attention-compelling front page, effective use of spot color throughout the paper, its easy-to-read style, with good type faces, text type measure, and use of white space and leading.

They pointed to the "effective use of pictures throughout the paper in a variety of sizes, well-cropped and including pictures of individuals with newsstories. The publication is well departmentalized and reproduction generally makes the paper sparkle."

I am particularly proud of the Swainsboro Forest Blade since it is the hometown paper for my family and we have been among its subscribers for years. My wife, Luck, is a native of Swainsboro, and we have kept up with our friends there through reading the Forest Blade. Emanuel County can well be proud of this local voice.

I congratulate our good friend, the Honorable Bill Rogers, the editor of the Forest Blade, and his fine staff for their achievements, and I wish them many more years of continued success. It is noteworthy that this national recognition came to the Forest Blade for the year 1970–71 in which Bill Rogers served ably as president of the Georgia Press Association.

Mr. President, I ask unanimous consent that the names of the members of the staff of the Forest Blade be printed in the RECORD so that they may receive some measure of the recognition due them.

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

THE FOREST BLADE STAFF

William C. Rogers, editor-publisher; James H. Morgan, publisher; Mrs. Ruby Fagler, executive news editor; Miss Lennis Johnson, social and feature editor; Mrs. Loretta Stone, advertising director; Mrs. Glenda Godbee, advertising layout; Mrs. Jane Stuckey, office manager; Mrs. Joyce Crenshaw, Computer operator; Mrs. Vicki Rogers, editorial assistant; Claude Johnson, maintenance; Howard Henson, photographer; Bill Rogers, Jr., editorial assistant.

THE URBAN PARK SINGERS

Mr. TOWER. Mr. President, recently, the Senate of the State of Texas passed a resolution commending the Urban Park Singers and proclaiming them Texas Ambassadors of Good Will. The Urban Park Singers are a teenage choir from Urban Park Baptist Church in Dallas, Tex. This summer they will be touring the Southern United States giving a number of concerts for the delight of many thousands of people. I bring this outstanding group of young people to the attention of the Senate and ask unanimous consent that the resolution of the Texas Senate be printed in the RECORD.

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

SENATE RESOLUTION No. 1335

Whereas, The future of this nation lies in the potential of our youth; the Texas Senate therefore takes pleasure in bringing recognition to outstanding young people of this State; and

Whereas, A group of more than one hundred teen-agers from the Urban Park Baptist Church are to be commended for their Christian concern for others and for their willingness to become personally involved in the problems of their community, their State and their Nation; and

Whereas, In 1970, this group of teen-age members of the Urban Park Baptist Church in Dallas organized a choir called the Urban Park Singers; they have been called upon to present musical programs at other churches, schools, hospitals, shopping centers and at Love Field; they have presented concerts in Colorado and plan an extensive tour of the Southern States in July of this year; and

Whereas, Although they are known primarily as a choir, their main purpose is to share their knowledge and love of God with the world; they have conducted a Bible school for underprivileged children; they undertook a Christmas toy drive which culminated in a party for some 250 of these children; now, therefore, be it

Resolved, That the Senate of the 62nd Legislature pay highest tribute to the group of outstanding young people who compose the

Urban Park Baptist Church Choir for their sincere and dedicated efforts to live up to the requirements of their Christian ideals; and for their unselfish contributions toward making life happier and more worthwhile for their fellow man; and, be it further

Resolved, That copies of this Resolution be prepared for this choir as an expression of our appreciation to them; and that they be proclaimed Texas Ambassadors of Good Will as they tour the Southern States of America this summer.

MUSEUM OF AFRICAN ART

Mr. HUMPHREY. Mr. President, during the last week in May a series of diplomatic, cultural, and social events in Washington marked the formal reopening of an institution which has had a remarkable development in the last 7 years and which has fulfilled a most important need in our Nation.

The Museum of African Art and its jointly sponsored Frederick Douglass Institute of Negro Arts and History opened in 1964 in the first Washington residence of Frederick Douglass, here on Capitol Hill. The first exhibit was borrowed from art patrons in the area. During these ensuing years the museum has amassed a collection of 3,000 pieces and is one of the major collections of African art in America. The Frederick Douglass Institute has acquired, since 1964, four additional townhouses. Today with a new wing and a completely restored building memoralizing America's most important black historical figure, the museum gives proper recognition, for the first time, among the broad spectrum of public and private museums in the Nation's Capital, to the African aspects of the American heritage.

Mr. President, I have been associated with the museum from its inception and have served as chairman of its board of trustees. The story of its progress and achievements, its program for the future and its educational and social purpose is one that should be told.

The story of the museum is a perfect example of cooperation between the public and private sectors in the national interest. It serves as an inspiration for all who are determined to build a society characterized by mutual respect, social harmony, and opportunity.

The contributions of the British, the French, the Italians, and the Spanish—indeed of most national or cultural groups—to the development of modern society and particularly to the growth of our own Nation have long been recognized and appreciated by most Americans. Not so the cultural antecedents of our black citizens whose origins in the continent of Africa have been obscured in misconception and prejudice.

Until now the specialized knowledge of the social scientist and the art historian have formed little part of public thinking, either among white or black Americans. Due recognition of the legitimacy of African values, social systems, languages, and philosophies has been withheld. The creativity which has produced one of mankind's most expressive and powerful art traditions has been ignored. Such lack of knowledge has, of course, been one of the principal stumbling blocks to the achievement of interracial respect and understanding in America. Most people—black as well as white Americans, ironically—have generally believed that there has been no significant black past; that the African heritage was simply one of savagery and slavery.

Today we are in a position to know better. The Museum of African Art together with the Frederick Douglass Institute has, perhaps more than any other institution in the United States, served to bring this knowledge to public attention.

The events of the week commemorated the completion of a $400,000 building expansion program which provides the museum with additional exhibit halls and an auditorium and lecture hall. To mark the reopening of the museum, Mr. and Mrs. Gaston deHavenon brought their masterpiece collection of African art to Washington. It is considered to be one of the finest collections in the world featuring West and Central African tribal art.

Among the hundreds of guests—black and white—who mingled at the subsequent events, my own impressions were echoed over and over again. One need not be an "art lover" to appreciate the dynamism, the drama, and the beauty of the tribal sculpture of Africa.

The museum came about through the vision and energy of persons who were committed to the idea of fostering interracial respect as a foundation for interracial equality. Our director, Warren Robbins, former Foreign Service officer in the Department of State and the U.S. Information Agency, had learned of the importance of African art and culture during 10 years of assignment in Europe, where he also became aware of the influence of African sculpture on the development of the revolutionary modern art movement of this century, particularly on Picasso. It was Robbins' conviction that if the true sophistication of African art became recognized by the American public, one of the principal roots of prejudice could be demolished. Together we set about to build an institution with this as its goal.

Combining art and civil rights in an educational museum was not an idea that found immediate acceptance in 1964. But with hard work, persistence and a great deal of talking and writing at a time when attitudes were receptive to change in America, an increasing number of persons in public life and in philanthropy gave the fledgling institution both moral and financial support. The museum has an active educational program built around its exhibits and publications, for school children, university students, and the general public alike, not only at the museum but, through extension activities, in other parts of the country. Over the years one of the principal functions of the institute has been to conduct lectures explaining the meaning of African art to school children from Washington and surrounding areas. Over 4,500 groups have toured the museum, most of them public school children and many of them college students. The institute also conducts a lecture program in colleges throughout the United States.

The two principal benefactors of the museum program have been the National Endowment for the Humanities and the Ford Foundation. Each of these agencies, one public, one private, has sought to encourage programs which foster public understanding of the role and contributions of ethnic minorities in American life. Their officials have worked closely with the museum/institute.

Other major support has come from the U.S. Office of Education—under title III of the U.S. Education Act of 1965—from the Samuel H. Kress, Old Dominion, Rockefeller Brothers, Vera G. and Albert A. List, J. M. Kaplan, Eugene and Agnes Meyer and the United States Steel Foundations; and from such private philanthropists as Mr. and Mrs. David Lloyd Kreeger of Washington; Mr. and Mrs. Joseph James Akston, Emil J. Arnold, Mr. and Mrs. Warren Weber, Mr. and Mrs. Gaston deHavenon of New York; the late Mr. and Mrs. Stephen Currier of Virginia; Mr. and Mrs. Carl Freeman of Maryland; the Honorable Frances Bolton of Ohio; Kenneth Noland of Vermont; Mr. and Mrs. Norman Robbins and Mr. and Mrs. Harry Siff of Massachusetts; Michael Rea of Pennsylvania; Mr. and Mrs. G. William Miller of Rhode Island, as well as from a host of other benefactors and patrons from throughout the United States who have recognized the national implications of such an institution and whose farsighted support merits the public expression of appreciation.

Among those associated with myself and Mr. Robbins on the national council and advisory boards of the museum and institute have been such figures as Professors S. I. Hayakawa, Margaret Mead, Benjamin Quarles, Saunders Redding, and Edgar Toppin; former American Ambassadors Hugh Smythe and Franklin Williams; the Novelists Saul Bellow and Ralph Ellison; former Secretary of Health, Education, and Welfare Wilbur Cohen; the Artists Jacob Lawrence, Romare Bearden, Jacques Lipchitz, Chaim Gross, and the late Ben Shahn; Mayor Walter Washington and former District Commissioner John Duncan; Congressmen JOHN BRADEMAS of Indiana, JOHN CONYERS of Michigan, and FRANK HORTON of New York; Mrs. Anne Teabeau, Frederick Weaver, and Joseph Douglass, descendants of Frederick Douglass; the distinguished actor and president of Actors Equity, Frederick Douglass O'Neal, and numerous others. Mrs. Frances Howard and Neal Peterson have been of great assistance to me personally in my own activities in behalf of the museum.

Paralleling the museum's concern with African culture, art, and history, the companion Frederick Douglass Institute has been principally concerned with the contributions made by Afro-Americans to the development and growth of the United States. An historical exhibition, "Afro-American Panorama," highlights the lives of over 50 prominent black Americans, and the institute has already assembled the largest collection in the

United States of paintings and sculpture by 19th century Afro-American artists. Among them, the paintings of Henry O. Tanner and Edward Mitchell Bannister have been reintroduced to the American public, after years of obscurity, through exhibitions sponsored by the institute.

I hope that many of my colleagues will take the opportunity of visiting the Museum of African Art in the Frederick Douglas townhouses at 316–318 A Street, Northeast. I am sure that they will be impressed by the significant contributions being made by this institution to the cause of human understanding.

Mr. President, I ask that excerpts from the prospectus of the museum and the institute be printed in the RECORD along with two newspaper articles from the New York Times and the Christian Science Monitor which marked the occasion of the reopening of the museum.

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

EXCERPTS FROM THE PROSPECTUS OF THE MUSEUM OF AFRICAN ART AND THE FREDERICK DOUGLAS INSTITUTE

BACKGROUND

Purposes and functions

As the only public museum facility in the nation's capital which focuses exclusively on the African and Afro-American facets of the American heritage, the Museum together with the jointly operated Institute functions concurrently on several different levels—local, national and international—for its immediate audiences in metropolitan Washington and as a prototype for other institutions throughout the country.

Locally, it provides a basic educational and cultural resource for Washington's 71% black population, for both the District of Columbia school system (94% black) and the predominantly white public and private suburban schools, and for fourteen area universities and colleges. Academically it constitutes a demonstration project for the proper integration of social science and art materials in an interdisciplinary approach to cross-cultural communication.

On the national level it serves Congressional and federal government staffs directly concerned with African and Afro-American affairs, government training programs, an elite national and international press corps and the large yearly influx of tourists to the nation's capital. For the many small new institutions specializing in black culture as well as for large and established art and history museums attempting to integrate Afro-American heritage materials into their own programs, it provides a model, extending its consultative services also to representatives of city governments, school systems, churches and civic organizations, the press, radio and film and television projects.

On the international level, the museum serves as a "cultural showcase" for the African nations and, as a private adjunct to American diplomatic efforts, it fosters that reciprocity in international cultural exchanges which is required for effective long range political relations.

The museum and social education

Now beyond question is the need for resource materials adequately reflecting the remote but culturally rich African past (with its relevance to modern Western creativity) and the significant contribution of black Americans to the growth of the United States. Until recently, however, there have been no specialized institutions or museums to serve this need. The established art museums of the nation, traditionally preoccupied with the art and artists of the Western world, have largely ignored both the creative traditions of Africa and the achievements of black American artists. In their occasional ventures into these fields, they have placed their emphasis almost wholly on aesthetic content, showing little interest in exploring the social and political implications of such art.

At the same time, historical museums have also failed to demonstrate the significance of African culture in the story of man, or to give proper weight to the contributions made by Afro-Americans in all areas of human accomplishment in this country. These museums have either followed a matter-of-fact anthropological approach to African material which, to laymen unfamiliar with the assumptions of cultural relativism, usually confirms misconceptions about tribal society, or they have provided a general historical survey, emphasizing slavery and its economic aftermath, in which the role of the Afro-American in the development of the United States is dismissed as unimportant.

The Museum and Institute have helped to meet the demand for resources, not merely by disseminating available material, but also by developing a basic educational approach for their presentation. Their combined program has been praised as one of the most effective educational tools developed in the United States to bring to public attention the African and American components of the Afro-American past.

Interdisciplinary approach

With the goal of helping to re-orient public thinking in both the black and white communities, the Museum's educational approach has been one of *responsible popularization* of scientific, aesthetic and historical insights to supplant traditional misconceptions. Transcending the parochial concepts of narrow academic disciplines, the institution, is committed to the belief that, as the insights of cultural anthropology, linguistics, archaeology, aesthetics and history are absorbed into public thinking, a deeper understanding of African cultural traditions and a corresponding respect for the achievements of the African and Afro-American peoples will be achieved.

In tandem with the Museum, the Frederick Douglass Institute, with an integrated American society as its assumption, serves not only to illuminate the history and art of the Afro-American but also to provide a more flexible instrument with which to deal with broader educational questions.

An interdisciplinary methodology also makes new audience inroads possible. Persons who come to the Museum solely out of interest in art, for example, are exposed to black history as they otherwise might not be. Those interested generally in Afro-American history or particularly in Frederick Douglass are introduced to the creative achievement embodied in African art. This mechanism has also justified the display under one room (though in separate departments) of African sculpture and the works of Afro-American artists which, with few exceptions, bear no particular aesthetic or historical relationship to one another.

In order to serve as an effective instrument of social education, the Museum has striven to achieve the highest standards in exhibition materials and presentation. A unique attempt to illustrate both the universal aesthetic significance and the original tribal meanings of African cultural traditions, the Museum's program avoids both the purely ethnographic approach and an exclusive appeal to a highly sophisticated art audience.

In its education program, the Museum presents African art as a language in plastic form explaining how art works serve functions which are similar in many respects to those of a written language—vehicles for conveying history; instruments for interpreting and enforcing law; teaching aids in the education of young people for adult responsibility; symbols of social cohesion; and sources of spiritual sustenance. A conceptual rather than a representational art form, it conveys meanings for the African as subtle and significant as the written philosophical constructs of Western civilization. Together with the oral tradition of Africa, sculpture constitutes a principal means of communication not only among contemporaneous peoples but also from one generation to the next.

The museum and its constituency

When the Museum was established in 1964, the cultural community and press corps enthusiastically applauded the long overdue representation for Africa among the museums of the nation's capital, which covered all the other principal cultures of man. But the relevance of such a museum to the cause of equal rights and to the black man's quest for human dignity and self-respect was frequently questioned.

Black Americans, products of the same educational system as their white compatriots, accepted the prevailing white myths which for centuries had held the culture of Africa to be inferior, its history barren, and its people "primitive", and the vast majority, finding nothing to be proud of in an African heritage, sought only to dissociate themselves from it. Many white liberals, themselves influenced by the myths they sought to discredit, attempted to shelter blacks from further confrontations with the "shameful" past of savagery and slavery by arguing against what they regarded as a misguided effort to foster pride in Africa among American blacks. They could see no potential role for a museum in providing a foundation for fostering ethnic pride and mutual acceptance between racial groups.

In attempting to fulfill an educational and cultural need in a way consistent with scientific and historical knowledge, the Museum has sought to respond to the volatile social circumstances of the times without compromising professional aesthetic and academic standards. Its illustrative materials are intended to provide a rational perspective for the widely differing audiences which the Museum serves, so that the interest of any single group—black or white, art-oriented or socially motivated, specialized or general, young or old—are not sacrificed to those of another. The Museum's primary responsibility has been to develop its resources and to make them accessible to all to whom they are of interest and value.

PROGRAM ACTIVITIES

The joint program of the Museum and Institute encompasses activities both in the Museum proper and at a variety of other locations. With the new wing recently added to the original Frederick Douglass House, institutional facilities now include twelve exhibition galleries, a 110-seat auditorium, a seminar room and a library housing over 2000 books and periodicals, records, tapes, film strips and photos on African culture and Afro-American art and history. Curatorial space for the accommodation of the Museum's permanent collection of 3000 works has been increased and administrative offices occupy rooms in three townhouses adjacent to the Museum.

Exhibitions

Museum exhibitions, focusing on the traditional art of the tribal peoples and ancient kingdoms of black Africa, include works from the Museum's permanent collection as well as additional art works loaned by private collectors and other museums. In one gallery, examples of 20th century European and American art are juxtaposed with African sculpture to demonstrate African influence on such modern artists as Picasso, Braque, Klee, Modigliani and others.

Exhibitions of the Frederick Douglass Institute include "Afro-American Panorama", a panel exhibition with paintings, photos, sculpture and text highlighting the contri-

butions to the nation's history of 53 black Americans—such figures as Crispus Attucks, the first man to die in the Boston Massacre which began the American Revolution; Matthew Henson who is credited as co-discoverer, with Admiral Peary, of the North Pole; Charles Drew who developed blood plasma, and others.

One gallery is devoted to a re-creation of Frederick Douglass' study with original documents, photographs and personal memorabilia reflecting the life and times of the "father of the civil rights movement."

The Institute's collection of paintings and sculpture by 19th and 20th century Afro-American artists is now the most extensive such collection in the country and includes major works by Henry O. Tanner, Edward Mitchell Bannister, Edmonia Lewis, Joshua Johnston, and Robert Duncanson. An exhibition of its Tanner paintings has completed a nationwide tour of seven major American museums, including those in Cleveland, Philadelphia, Pittsburgh and Detroit.

Education program

Orientation programs have been conducted by the Museum's education department for over 4000 groups, including school classes and summer enrichment programs, civic, church and social organizations, welfare and Labor Department job trainees, university and government training classes, and visiting tourist groups.

In addition, the Museum has carried out teacher training sessions, a pilot curriculum development program in five D.C. high schools, school assembly programs, special activities for handicapped children, African institutes for teachers' colleges, and a lecture series for teachers in which such speakers as S. I. Hayakawa, Alex Haley and Margaret Mead have discussed "Aspects of Inter-Cultural Understanding."

Semester credit courses in African art have been conducted by the Museum staff for Georgetown University, Trinity College and the University of Maryland. In addition, arts and humanities, sociology and history classes from all of the area colleges and universities have met with staff lecturers or held class sessions at the Museum.

Extension programs

More than 300 exhibits, displays, lectures, music programs and workshop sessions have been provided for schools, universities, national conferences, museums, churches and community organizations not only in the Washington-Virginia-Maryland area but also in Connecticut, New York, Illinois, Texas, Michigan, Ohio, Indiana, Wisconsin, North Carolina, Alabama, etc. Collections of African and Afro-American art have been sent by the Museum to Wilberforce and Central State University (Ohio), Bucknell University (Pennsylvania), University of California at San Diego, the University of Massachusetts, Goucher College (Maryland), Elizabeth City College (South Carolina) and Princeton University. An African exhibit has been installed in an artmobile of the Virginia Museum of Fine Arts to tour college campuses and cultural centers in Virginia during 1970–71.

Publications

Curriculum aids produced by the Museum include "Values in Traditional African Art," a 53-slide kit with extensive explanatory material, now being produced by the Encyclopaedia Britannica Educational Corporation; a 24-page catalogue of the "Afro-American Panorama" exhibit; catalogues of Museum exhibitions of African art and the works of Afro-American artists; and miscellaneous brochures and curriculum materials.

Staff training

To help meet the demand for qualified professionals in the fields of African culture and Afro-American art and history, the Museum instructs young staff members, initially for participation in its own programs and ultimately for work elsewhere. The considerable feedback from teachers, school children and other visitors makes possible a laboratory situation in which the young lecturers practice, evaluate and refine their techniques. Eight former staff lecturers now participate in other education programs while other Museum "alumni" have chosen to pursue graduate studies in the African and Afro-American fields.

Consultative services

A major portion of staff time is devoted to consultative services for cultural and educational representatives from throughout the country. Other museums frequently call upon the staff of the Museum of African Art for help in planning, researching or installing exhibits of African art. In addition hundreds of written requests for advice and materials are received from all over the country.

The Museum also regularly provides information and materials for officials of the White House, Peace Corps, AID, OEO, USIA, VOA, Commerce and State Departments. American ambassadors and other foreign service officers regularly visit the Museum prior to assignments and monthly lectures are given to Foreign Service Institute classes.

Congressional staffs often call upon the Museum for assistance in replying to constituents' requests. The Museum also assisted the Hon. James Scheuer (NY) in drafting legislation for a Negro History Commission.

Television and media

Educational television programs originating at the Museum have been used in both syndicated ETV programming and in closed-circuit broadcasts to schools. Consultative services and materials are also used both in numerous local commercial television programs and by national networks, e.g. CBS' five-part series "Of Black America," "Camera Three", NBC's "Today Show," etc. Museum resources are also utilized by documentary film companies.

The Museum has received thousands of column inches in coverage by national press and magazines, and is frequently the subject of feature articles in art, history, education, museum and international relations journals.

FUTURE PLANS AND PROGRAMS

Having completed the first, organizational phase of its development, the Museum/Institute will focus its attention during the next period upon strengthening its institutional base and increasing its program effectiveness, both as a resource for the Washington area and as a national prototype.

A. $1,000,000 five year grant awarded in 1970 by the National Endowment for the Humanities from combined public and private sources provides funding for a portion of the Museum/Institute's operational and program needs, but ongoing sources of regular income must be generated to match this grant in keeping with the development program outlined.

Discussions are underway to bring to the Museum one of the country's major private collections of African sculpture. The acquisition of such a collection, which would make the Museum the outstanding center for the display and study of African art in the country, will depend upon the institution's ability to raise an endowment adequate to guarantee its proper conservation and protection in perpetuity.

The possibility of affiliation with a university or consortium of universities is under consideration.

Future program emphasis will be upon refining and projecting the basic educational approach that has been developed. Comprehensive permanent and specialized temporary exhibitions at the Museum proper will serve as the basis for a series of traveling displays of African sculpture. Three representative collections are being prepared for circulation to art museums, universities, community organizations and educational institutions. In addition, small portable exhibits, photo-panel displays, slide packets and publications are projected as part of the Museum's program to extend its services beyond its immediate audience. Afro-American materials will also be made available to other institutions. Greater use of educational and commercial television outlets will be made as a means of reaching a greater audience.

The staff training program will be expanded to encompass two or more full-scale training fellowships for Museum interns and efforts will also be made to create such opportunities for African nationals who plan museum career work in their own countries.

[From the New York Times, June 13, 1971]

SOMEBODY IS DOING SOMETHING RIGHT

(By John Canaday)

The opening of the new wing of the Museum of African Art in Washington is the latest chapter in a seven-year success story that could warm the cockles of the chilliest heart. Not that it is a spectacular story. Its appeal, rather, is in its quietness. Instead of fireworks and high jinks it offers proof that a group of déclassé virtues such as faith, tact, and a willingness to work hard can still set you on the course from rags to riches, or at least from modest beginnings to temporary solvency.

Late last April the museum received a million-dollar grant from the National Endowment for the Humanities, the largest grant ever made by that organization, on a matching funds basis that includes $300,000 from the Ford Foundation (which had contributed $250,000 in 1967); $60,000 from the Samuel H. Kress Foundation, also an earlier supporter of the museum; $40,000 from Mr. and Mrs. David Lloyd Kreeger, after whom the museum's new wing is named; $25,000 each from the Rockefeller Brothers, Albert List and J. M. Kaplan Foundations, and $10,000 from the Eugene and Agnes Meyer Foundation.

"The only trouble is, everybody thinks we're rich now," said Warren M. Robbins, the director and the creator of the museum. But with the achievements of its shoestring years as evidence, the safe assumption is that the museum will continue to do a job that will attract the rest of the funds necessary for its operation over the next five, the period for which the NEH grant was made.

Mr. Robbins' museum grew from his plans, early in the 1960's, for a personally sponsored exhibition of African art that would stress its power as a form of cross-cultural communication rather than its purely anthropological or purely esthetic character. These plans were interrupted—or, more accurately, given more ambitious dimensions—when he had an opportunity to purchase one of a row of houses on Capitol Hill that had been occupied by Frederick Douglass, whose career as abolitionist, journalist and statesman makes him a hero among American Negro leaders, and whose life was at least as romantic as the fictional career of the Douglass in Scott's "Lady of the Lake" whose name was adopted by this nameless son of a Negro slave and an unidentified white man.

Mr. Robbins formed the Museum of African Art and the tandem Frederick Douglass Institute of Negro Arts and History as a non-profit educational venture to be supported entirely by grants and contributions, and set about to placate those blacks who held racist objections to a white man's heading such a project, and those members of the residential neighborhood who objected to the intrusion of a public museum.

The success of the museum's interracial services (and the skill of its interracial staff)

have soothed black and white antagonisms, and architectural tact has allayed the fears of Capitol Hill residents. The original townhouse and three adjacent ones also acquired by the museum and institute have been treated with respect, and the new wing is invisible from the street.

Even the wing, which includes exhibition galleries and a small auditorium, maintains the essentially residential character that is one of the museum's most appealing qualities. For its opening, Mr. Robbins managed to get the collection of Mr. and Mrs. Gaston de Havenon of New York, which has never before been shown to the public, and has installed it as both a didactic and an art exhibition that will remain on loan through the summer.

Isolated one after another in spotlighted areas, the spectacular pieces are played up visually as pure works of art, while inconspicuous explanatory labels give the gist of their reason for being as manifestations of the various African cultures that produced them. There are 250 pieces altogether, and yet the installation is so judicious that the rooms, relatively small and quite low-ceilinged, never look crowded. The collection itself is dazzling, and the exhibition has been given a sumptuous catalogue.

Like most ventures that grow so quickly into solid success, Mr. Robbins' is the result of the triple coincidence of the right person with the right idea at the right time—to which could be added the right place. Public interest in African art and public concern over racial problems, coincidental but unrelated circumstances of the early 1960's, were given common purpose. And of all large American cities, Washington was the one where the purpose was most appropriate and its fulfillment is still most needed.

As for what this purpose is, I would like to emphasize the point that it is the only program I know of that, dedicated to black art, holds no hint of condescension to black people. The degrading business of patronizing black artists simply because they are black, whether or not they are good; the ridiculous contention that the art of tribal Africa, dead in Africa itself, is viable in imitation as an expression of black America; the other pacifiers offered by conscience-smitten white men and sometimes demanded by misled black men, mutually trying to alleviate a dreadful situation—none of this has anything to do with the program of the Douglass Institute and its Museum of African Art. Under Mr. Robbins direction they have been set on course to achieve their stated aim—"to replace racial myths with accurate information concerning the African and Afro-American facets of the American heritage." That way a contribution to understanding lies.

[From the Christian Science Monitor, June 4, 1971]

AFRICAN ARTS: MUSEUM ON THE MOVE

(By Roderick Nordell)

WASHINGTON.—It was the first time I'd had an interview interrupted by a kiss. The latter was bestowed on the bearded cheek of Gaston de Havenon by a woman who had fairly bounded past the Afro-haired receptionist saying she just had to do it because the de Havenon collection of African art was so wonderful.

To think that Mr. de Havenon "never wanted to show" his collection. Now he had decided to put some 250 works on display for the first time since he began amassing them 15 years ago, because he had found the right place in the enlarged and renovated Museum of African Art, which reopened to the public here this week.

His reason was that this museum, which seeks to become a prototype for others throughout the United States, is "not only showing African art just for people to look at African art" but is "educational and cultural" as well.

Mr. de Havenon, recalling his own initiation into the field, feels it is important to dispel myths about African art through understanding its sophistication and its primary "functional" rather than "artistic" purpose. He applauds the growing recognition of African art as "not any more a primitive art—it is just art."

The museum addresses itself to both black and white Americans by clarifying African art in the double context of the "significance of African culture in the history of man" and the "contribution of Afro-Americans to the growth of the United States."

The expansion of the museum, including the addition of a small auditorium, will facilitate programs that have already involved more than 4,000 visiting groups (mostly school classes) among 350,000 visitors or participants in extension programs in Washington and other parts of the country.

This is all since 1964, when director Warren M. Robbins founded the museum in the first Washington home of abolitionist Frederick Douglass, unobstrusively located among the residences of "A" Street on Capitol Hill. Mr. Robbins, a former cultural attaché in the United States diplomatic service, is credited with an initial single-handed effort that has kept growing and now reached a peak with a $1 million grant from the National Endowment for the Humanities and several private sources—all to be matched as part of a five-year development program.

Civil-rights pioneer Douglass continues to be honored with an upstairs room in 19th-century style and with the museum's companion organization, the Frederick Douglass Institute, which administers a collection of works by Afro-American artists. Three town houses have been added to his original one, plus the new wing designed by Robert Nash.

As compared with a couple of years ago, there is a new feeling as one looks past exquisite items on display toward the beginnings of a sculpture courtyard, with greenery and a thatched roof hinting at the art's original setting.

Though some of the display cases do not seem sufficiently lighted, the solid colored walls, in various earth and harvest tones, provide handsome backgrounds for the mostly wooden masks and other figures. On the brink of the reopening, Mr. Robbins talks of preview events—a reception by Secretary of State William Rogers for African ambassadors on the eighth anniversary of the Organization of African Unity, May 24; another the next night held by Sen. Hubert Humphrey, chairman, and other members of the museums board of trustees; another last Saturday afternoon for members, friends, community representatives, and others.

In one gallery, taking photographs for a national publication, a man explains he got so interested in the museum during a previous visit that he became a volunteer worker for it. His son, he says, is somewhere around, too.

It is easy to share their enthusiasm in the midst of the de Havenon exhibition:

The brass BaKota reliquary figures, gleaming abstract faces on open-diamond bases, against dark walls. The great beaked Senufo "porpianong" (hornbill) figures from the Ivory Coast. The marvelously subtle pattern on a granary door. The delicate ironwork displayed in a bed of white pebbles. Small brass castings set jewellike in a black illuminated case. A fierce-faced little ivory sculpture. The fine graduations of color in a mask from Upper Volta. Many hints of those possible "derivations and parallels" to 20th-century Western art which the museum makes explicit in a room using some of the 3,000 works from its permanent collection to dramatize comparisons with Picasso, Klee, and other modern masters.

To return to that kiss-punctuated interview with Mr. de Havenon, he told how his friendships with artists "opened for me my vision to appreciate art." Born in Tunis, traveling between the United States and France during a business career in perfumes and cosmetics, he came to know avant-garde art. Artists introduced him to African art. Through photographer Eliot Elisofon he bought his first African art, a mask from the Fang tribe, with simplifications "like a Brancusi head."

Though the art is "functional"—serving as masks, headdresses, fetishes, or other designated uses—an artist carried out his assignment in his own way. But he became known only to the secret societies, for example, who needed his work for their ceremonies. He didn't sign his work, but some works can be identified as being from the same hand—"each one of the tribes has great artists."

To illustrate the freedom of approach, Mr. de Havenon took me to a wall of Bambara headdresses, all representing antelopes but all different. They ranged from the reasonably realistic to an abstraction looking roughly like a sickle moon with antennae on a zig-zag pedestal. Each artist "created the way he feels an antelope must look."

Visitors have until Oct. 3 to count the ways.

SCALPING THE FIRST AMENDMENT, PART II

Mr. MOSS. Mr. President, the mental processes of the Nixon administration must surely be ranked as one of the wonders of Western civilization. To illustrate, I invite Senators to join me in a tour of the administration's logic in approaching the profound questions of the public's right to know the truth and the role of the media as the conduit of truth in a democracy.

I am not at all sure that I understand each convolution, but one principle appears firmly affixed in the White House firmament: The public is entitled to know the truth—but not all the truth. The public is entitled to know those truths which the administration decides are good for the public—such as secrets leaked by high administration officials to friendly columnists. But other secrets, including those which are secrets only because public knowledge of the facts would cause embarrassment, evidently are sealed off from public scrutiny, unless of course the embarrassment would occur to someone the administration would like to embarrass. In any event, the principle is clear; or is it?

Let me illustrate: Broadcasters may tell truths about Vietnam, the Pentagon, migrant worker camps, ghettos, the White House, unless the truths are embarrassing to respectively, the President, the Secretary of Defense, corporate farmers, administration economists charged with responsibility for producing rosy predictions, and the Republican National Committee.

The administration is very concerned that newspapers and broadcasters "tell it like it is." The vice president, Herb Klein, Mrs. Mitchell, and other learned interpreters of the first amendment insist that columnists and news commentators are allergic to the truth. As between Mrs. Mitchell and Walter Cronkite, I think I know where I would place my money if I had to select that version

which most closely approximates objective reporting. But be that as it may, no one can fault the administration for insisting that the media tell it like it is, at least that portion that the administration would permit it to tell.

Now, the Federal Trade Commission has dutifully heeded the White House call for more truth in media. Several weeks ago the Commission announced that henceforth advertisers will be required to substantiate advertising claims. The Commission said in effect to national advertisers:

If you're going to make claims about your product, then the public is entitled to know that your claims are based upon fact.

And here is the puzzling part. Instead of welcoming what appeared to be a furtherance of the administration's zeal for truth, the President's director of communications inexplicably turned around and beat the Trade Commission over the head:

I decry this type of operation.

Mr. Klein said:

It is a move against the free press and should be opposed by both the print and broadcast media as a step which can lead in a changing world to changing regulations which would be to the detriment of the free press.

Well, what can one say about an administration which will defend to the death the freedom of soapmakers to stretch the truth a little bit, while professing so deep a concern for truth in broadcasting and reporting.

I do not want to be unfair. It may be that the administration is perfectly consistent. Its spokesmen, after all, do appear to stand foursquare for secrecy, whether bureaucratic or corporate, foursquare against the public's right to know whether it be the whole truth about Vietnam or the saccharine siren-song of sweetened breakfast cereals.

I suppose in his secret dreams, Herb Klein contemplates the happy prospect of a quiet evening of television, without any bothersome news or public affairs programs on Vietnam and the problems of the cities, just an endless, succession of detective stories and family comedies interspersed, of course, with lots and lots of unfounded commercials.

ADDRESS BY SECRETARY OF THE INTERIOR MORTON

Mr. PROUTY. Mr. President, on July 1, 1971, Secretary Rogers C. B. Morton of the Department of Interior spoke briefly at the opening of the Departmental Survey on Coal Mine Health and Safety.

I believe that Secretary Morton's remarks help to put into perspective the criticism which has been leveled at the administration of the 1969 Coal Mine Health and Safety Act.

Mr. President, I ask unanimous consent that the text of Secretary Morton's speech be printed in the RECORD.

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

REMARKS OF ROGERS C. B. MORTON

This morning we are opening a series of meetings pursuant to our announcement in the Federal Register of June 25 regarding coal mine health and safety. We hope the input and testimony we will receive will be of real assistance to the Department. This information will be carefully evaluated in the compilation of our report to the Congress concerning Departmental responsibilities and activities as defined in the Coal Mine Health and Safety Act of 1969.

At the outset, may I express my personal thanks for the time and effort contributed by all the participants in this and subsequent meetings. Our common goal is to improve the health and safety for more than 140,000 men working in the coal mines of the United States.

First, let us review the current situation in the industry. Over the years, the coal mining industry has been the most accident prone and the source of more fatalities than any other major industry in America. Between 1954 and 1969, there were 5,553 fatalities and 207,988 injuries resulting from accidents in coal mines. This does not include any measure of the deterioration of individual miner's health due to working conditions on the job.

One of the early legislative proposals of this Administration was the Coal Mine Health and Safety Act, which was signed into law by President Nixon in December of 1969.

A good measure of our current effort to improve health and safety in mines is drawn from the funding level of the current program compared to that of former years. For example, in fiscal year 1968, the Bureau of Mines Budget for health and safety was $10,777,485. The request for fiscal year 1972 by the Bureau is for $71,075,000.

Since the Act became law, the Bureau of Mines has increased its inspector force from 300 to 1,090. These men are now either working actively in mines inspection or are undergoing an extensive training program which will give us a fully trained inspector force by the end of this year.

Since January of this calendar year, the Bureau has conducted 11,011 inspections, has cited 32,201 violations, and has levied 38,000 fines totaling $4,800,000. This compares with 2,408 notices of violations made by the Bureau for the full year of 1968.

The Coal Mine Health and Safety Act of 1969, then, marks a threshold as we enter a new era of action to reduce the hazards which confront the men who work in our mines.

During the six-month period from January through June of 1971, the Bureau recorded 98 fatalities which was the lowest number of fatalities recorded in any comparable period since the Bureau started accumulating these records.

Though this is an improvement, there is still a long way to go, and we do not accept the current accident rate as satisfactory.

Most accidents which occur in coal mines can be placed into two categories: One—accidents which are caused by conditions in the mines which the operator of the mine can control, and two—accidents which are caused by carelessness or failures on the part of the miner himself.

We will strive to attain the highest possible level of health and safety by continuing to improve the standards and practices in both categories. By working with management and supervisory personnel within the mining industry and through constant and vigilant inspection, we can and we must eliminate those conditions which cause accidents of the first category.

Through education and training programs carried out in cooperation with the unions, management, other employee groups, and the individual miner himself, we must to the limit of our resources do all that is feasible to reduce the accidents and fatalities of the second category. In other words, we must help the miner help himself.

These two approaches cannot be separated—nor can one be sacrificed for the other.

Significantly, education for the individual miner has parallel thoughout American industry, in many agencies of government, and by such public spirited organizations as the National Safety Council. For example, the Federal Aviation Administration has carried on for years a pilot safety program that has been implemented by associations, by fixed base airport operators, and training schools and by pilots themselves. Major industry throughout the country constantly conducts training seminars and safety education programs for their workers.

The coal mining industry, with its hundreds of operating entities must depend on help from the Bureau of Mines in this effort. There are many small operators who do not have the expertise or the resources to carry out comprehensive education and training programs for the people who must work in the hazardous environment of underground mines. I can report to you that the Bureau of Mines is currently reviewing several methods by which it can best render this service.

If a single miner's life is saved as a result of better safety education and a better understanding of the hazards and risks, the program definitely is a worthwhile investment.

We are equally determined to join with management in a comprehensive effort not only to help them comply with the law, but to enforce compliance as well.

Specifically—despite dramatic improvement in the control of respirable dust—we are still vitally concerned with this area and methane gas levels in the mines as well.

We will also seek to improve existing engineering standards for roof support and for coal extraction. We are encouraging the development of safer and better mining technology. As innovative methodology becomes available, we will do all possible to insure its use in the mining industry.

Dr. Osborn, Director of the Bureau of Mines, will present before this meeting a detailed account of the Bureau's plans for carrying out its mission and its responsibilities to the miners of America.

We appeal to those interested parties to address themselves via this meeting, to ways and means with which this great government agency can better serve its constituency. We invite your comments; we solicit your criticisms; we appreciate your ideas.

We want your complete objectivity—partisan politics has nothing to contribute to the life and health of the miner.

I can say without equivocation that the Administration, the Department of the Interior and the Bureau of Mines are fully committed to the health and safety of the men who work in the coal mines of America. We fully understand the importance of this industry to the Nation's welfare. We are confident that the mining industry in America will make a meaningful contribution to the standard of living of future generations.

Again, I wish to express my sincere and personal appreciation to all of you and to all of those who will participate in these important meetings as they take place.

A PROPOSAL FOR THE PRESIDENT

Mr. McGOVERN. Mr. President, it is a shame that Mr. Nixon is so totally protected from the world at large. Surrounded as he is by all those advisers in the White House, the President apparently has lost touch with what most Americans face every day.

Just once, Mr. Nixon should do his family's shopping. Just once and he would have a totally new view of what is happening in this country today.

He should plan a simple meal for four, push his cart through the lanes of any

supermarket, and he would understand how devastating inflation has become and how his own inaction is crippling every wage earner in the Nation today.

Four tomatoes—59 cents.
A head of lettuce—59 cents.
Five ears of corn—59 cents.
A small chicken—$1.50.
One quart of milk—35 cents.
One pound of coffee—79 cents.
One loaf of bread—27 cents.
One pound of substitute butter—39 cents.

For just those eight items, Mr. Nixon would pay out, as every wage earner must, $5.03, and that would cover just 1 day's dinner for a family of four. Add to that some minimal shopping to cover the balance of the day's eating, and a few items of basic necessity—toilet paper, soap, a light bulb, perhaps—and the bill reaches the $10 mark.

Now for a man earning, as Mr. Nixon does $200,000 a year plus expenses, that perhaps does not seem like very much money. But what I am asking Mr. Nixon to do is to put himself in the place of the wage-earner who earns, as so many do, between $60 and $100 a week.

For that person, the trip to the supermarket has been a devastating experience. Those 10 or 15 minutes in the supermarket, picking out carefully the 10 items or so to supply a minimally good meal have taken more than a day's pay after taxes and other deductions.

That is what we have reached in the Nation today. It takes for tens of thousands of Americans an entire day's pay to feed a family of four, for just one night. And what, I wonder, does the family of six or eight or 10 do? What happens to them?

That is why it is so critically important for the President to escape the cloister of the White House for an hour and spend it in a supermarket.

Then, perhaps, when faced with a decision about the extension of a food stamp program, or the restoration of funds for a summer feeding program for hungry children, or for the immediate wage and price freeze we all know we need, Mr. Nixon would finally have some basic information on which to base a decision.

For 2½ years now he has sat in the White House and for 2 years the cost of those four tomatoes and that one small chicken have mounted steadily as has the number of poor and hungry people all across the Nation. Yet, farm prices remain stagnant and farmers, too, are caught in the cost-price squeeze.

If just once Mr. Nixon could come down to the level of the people he governs, he might finally realize what is happening and then finally take the action that is so desperately needed.

I realize it is an investment of an hour in the life of a very busy man, but it is perhaps the best investment he can make if he sincerely has the interest of all of the people at heart.

THE DRUG CRISIS IN THE UNITED STATES

Mr. HARTKE. Mr. President, the fight against drug abuse is a costly and complex effort. It requires a total national commitment of crisis proportion.

While there are thousands of separate efforts underway throughout the Nation—many of them pioneering and successful—I am afraid that these efforts are not adequate to meet the challenge.

In a recent study conducted by the measurement and research center of Purdue University, 71 percent of the high school students surveyed reported that they would know where to get illegal drugs, as compared with 48 percent in 1969; and 32 percent of the students think that half or more of their student body has tried marihuana or a narcotic drug at least once.

Heroin addiction has been increasing at an alarming rate. Responsible estimates indicate that there are 250,000 heroin addicts and perhaps an equal number of users who are not yet addicted. What is needed is a well-financed and highly coordinated national attack on the drug problem. Despite all of our talk, and all of the sincere efforts now underway, this massive commitment has not yet been made.

Mr. President, recently an editorial appeared in the New York Law Journal calling for another Manhattan project to solve the Nation's drug problem. The editorial was written by Jerry Finkelstein, publisher of the New York Law Journal and chairman of the New York City-County Democratic Committee. I ask unanimous consent that the editorial be printed in the RECORD.

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

NEEDED: ANOTHER "MANHATTAN" PROJECT TO SOLVE NATION'S DRUG PROBLEM

(By Jerry Finkelstein)

Attention: President Nixon, All Leaders of Government and the Bar.

During World War II a secret project whose code name was "Manhattan" tackled every conceivable angle so that the United States could produce the atom bomb. After the war, Congress established the Atomic Energy Commission whose sole function is to study and develop new uses for the atom—and these studies have been conducted on an all-encompassing basis by all academic disciplines.

Similarly, when the United States embarked upon its space program, the National Aeronautics and Space Administration was set up to oversee the program. It was charged with every aspect of the nation's program, using not only engineers, but astronomers and historians, manufacturers and others who could contribute to every minute area of study.

Drug abuse has long since become a scourge that threatens the national character and fabric. No segment of our society is immune from the impact of this deadly plague. Our children at all levels of school have been infected. It is the major cause of soaring crime rates that undermine security in our homes and streets and parks. It has corroded the morale and discipline of our armed forces in Vietnam. It takes a huge toll out of the business activity in terms of absenteeism and poor employee performance. It clogs our court calendars.

It is tragic that a crisis of such magnitude has not stimulated a national response on the level of the "Manhattan Project" or NASA. If we had recognized the need for this approach three years ago, or five years ago, or ten years ago, perhaps there might not be a drug problem today. If the best brains of the nation were used to study the drug abuse problem—not only chemists, but educators, physicians, psychologists and psychiatrists, sociologists, clergy, attorneys and judges, legal enforcement agents and any other conceivable group that could shed light on the subject, perhaps today we might know whether marijuana is safe to use or not, or if it leads to the "hard stuff." If the nation had undertaken the massive response to the drug problem as it did to the atom and space, perhaps today there would not be a debate as to whether or not marijuana should be legalized. Nothing less, in our judgment, but this massive undertaking will put an end to drug addiction.

This same observation can be applied to methadone and other aspects of the drug abuse problem. Programs for treatment and rehabilitation of addicts and education programs to prevent addiction are inadequately financed and uncoordinated. But more important, we are full of half-truths and ignorance in our nimble approaches to solving the problem.

What is urgently needed is a strongly financed, well-coordinated mobilization of the nation's resources to develop a comprehensive program to put an end to this national disaster and disgrace. Such a program should accelerate our research, to telescope the work which has not been done in the past five or ten years, so we may save our people and our nation.

The United States has attacked so many difficult problems—from polio to the atom—and found solutions through massive injections of money and talent. Drug abuse is more of a problem and should be approached in the same manner—not through some piecemeal program with miniscule funding. It requires a broad scope—from legislation to treaties with other nations—so no stone is left unturned.

The drug problem is a challenge which must be faced by the members of the American Bar Association. Drug and drug-related cases jam the courts and impede the legal profession's work. As civic and community leaders, members of the Bar can play a decisive role in prodding into action the White House, Congress, Governors and Legislatures to provide the initiative and financing needed to put an end to this major threat to our nation.

It is true that the White House has recognized the problem, and called the nation's attention to the dimensions of the national tragedy, but it has not attacked drug abuse in depth.

It is equally surprising that no "Mr. Anti-Narcotics" has emerged like a Nader in the consumer protection field.

The time is long since past for us to talk about drugs, and hope it will blow away. It won't! It could eventually lead to the destruction of the civilization we have built and come to know.

Leadership taken by the Bar in mobilizing our national resources in this effort would be in the noblest traditions of the profession.

HUGH O'BRIAN YOUTH FOUNDATION

Mr. HUMPHREY. Mr. President, I have recently returned from a visit to Cape Kennedy where I was privileged to participate in a very unique and rewarding learning experience. I want to share some of my impressions with you while they are still fresh in the hopes that more of you will take part in similar adventures.

Unfortunately we hear a lot more these days about gaps than we do about

bridges. The "generation," "understanding," and "communication" gaps seem to generate more attention than the vitally important efforts that are made to bridge those gaps in our society. For a few hours at the Cape I hope I was able to bridge all three of those gaps—in communication, in understanding, and in generation when Hugh O'Brian asked me to provide a keynote for a very select group of young men at his annual youth seminar. This year, as in 1970, the subject was "Space" and the cosponsor was NASA. The challenging audience was made of a group of high school sophomores, one from each State in the Union, selected by the National Association of Student Councils through the cooperation of the National Association of Secondary School Principals. In addition, youthful representatives from Belgium, Canada, Germany, Iran, Italy, Mexico, Netherlands, Taiwan, the United Kingdom, and Yugoslavia were present to provide the seminar with a theme of "International Cooperation in Space."

This was a challenging audience of future leaders. After the formal part of my presentation we held a stimulating question-and-answer session for nearly an hour. These were fine young men with healthy and alert young minds that produced relevant and stimulating questions. I enjoyed them immensely. I encourage you to accept similar opportunities. It keeps you young—at least in spirit.

I must give special recognition to my good friend Hugh O'Brian, actor, producer, and public servant who is using his marvelous opportunity as a well-known personality to help us encourage, develop, and guide our youth, our greatest natural resource, into responsible and constructive social activity. Hugh is well aware that 98.7 percent of America's young people are law respecting, constructive citizens though they seldom, if ever, make the headlines. Hugh wants to pat these young men on the back and let them know that there is also a reward for being a responsible citizen. I applaud this attitude and this activity. I wish there were a lot more Hugh O'Brians with similar motivations and constructive youth seminars all over the Nation—all over the world for that matter.

During the summer of 1970, Hugh O'Brian filmed the entire week-long seminar, the stimulating "rap sessions" and the once-in-a-lifetime tour of the Kennedy Space Center. In addition to Hugh and the young participants there were personal appearances by Alan Shephard and the Apollo 14 crew, Astronauts "Rusty" Schweickart and Walter Cunningham, Senator CHARLES PERCY, of Illinois, Brig. Gen. "Chappie" James, of the Defense Department, Dr. George Mueller and Dr. Thomas Paine, former high ranking NASA officials responsible for the Apollo program and many others.

The best of this historic motion picture coverage has been assembled into an exciting 60-minute TV special called "Tomorrow Is Now" which I urge you to see. You will be able to participate in the youth space seminar with Hugh O'Brian and share the kind of firsthand experience with the space age generation that I have just recently been privileged to experience.

The Hughes TV network has arranged for a nationwide showing of this timely documentary in most major cities on the 23d of July at 7:30 p.m. The time and date may vary in some areas during those countdown days prior to the Apollo 15 launch. I urge you to be on the lookout for "Tomorrow Is Now." Here in Washington the program will be aired for viewing by the area public audience on July 25 on WMAL–TV for 1 hour starting at 5 p.m. EDT.

LEAD POISONING

Mr. KENNEDY. Mr. President, although lead poisoning has been with us before the Greeks and Romans first described the symptoms, the problem has often been ignored by physicians and public health officials. An article by Dr. J. Julian Chisolm, Jr., in the February issue of Scientific American brings into clear focus the serious nature of lead poisoning and suggests rational approaches toward a solution.

In the course of our field hearings with the Health Subcommittee of the Senate, I have had the opportunity to hear firsthand from a number of extremely effective witnesses on the need for a greater effort against lead paint poisoning—the mothers of children who have been poisoned by chips of leaded paint. Modern technology is capable of preventing lead poisoning. Last year, Congress passed the Lead Based Paint Poisoning Prevention Act. We know the difficulties we have had in obtaining adequate funding for the act, and articles like that of Dr. Chisolm are an important part of the record we are making to persuade the administration that a greater effort is needed.

Dr. Chisolm cites cases of lead poisoning from improperly lead-glazed earthenware. He recommends a thorough testing of earthenware and a reevaluation of its use for food and drink. Whiskey drinkers who drink lead contaminated moonshine are also exposed to lead poisoning, as are industrial workers in small-scale industries where exposure to lead is not controlled. Attention is now being called to the increasing concern over lead pollution in the air, particularly due to gasoline.

However, by far the most serious impact from lead poisoning occurs in young children who live in dilapidated housing in urban slums and swallow chips of leaded paint, plaster and putty. The risk of permanent damage is very great and can take a number of different forms such as mental retardation, convulsive disorders, cerebral palsy, or blindness. In addition to such brain damage, acute lead poisoning can lead to anemia and possible kidney disfunction.

Dr. Chisolm discusses one city's approach to the problem. Baltimore has an absolute rule that any child who has suffered from lead poisoning is not returned to his family until all hazardous sources of lead have been eliminated. In this way the risk of permanent brain damage has been reduced to 25 percent, compared with the virtual 100 percent rate for children allowed to return to the dangerous environment.

Dr. Chisolm's main recommendation is for a vigorous screening program in populations of children living in cities which are areas of high risk. Discovery of an abnormal amount of lead in a child's blood stream would lead to an examination of the child's home, followed by corrective action.

The tragic fact is that lead poisoning could be stopped and severe damage to young children could be prevented. What is needed is a large scale program of detection and remedial action. A program that would mobilize the already existing technology and apply it on a national level.

I ask unanimous consent that Dr. Chisolm's article entitled "Lead Poisoning" be printed in the RECORD.

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

LEAD POISONING

(By J. Julian Chisolm, Jr.)

(NOTE.—Figures referred to are not printed in the RECORD.)

Lead has been mined and worked by men for millenniums. Its ductility, high resistance to erosion and other properties make it one of the most useful of metals. The inappropriate use of lead has, however, resulted in outbreaks of lead poisoning in humans from time to time since antiquity. The disease, which is sometimes called "plumbism" (from the Latin word for lead) or "saturnism" (from the alchemical term), was first described by the Greek poet-physician Nicander more than 2,000 years ago. Today our concerns about human health and the dissemination of lead into the environment are twofold: (1) there is a need to know whether or not the current level of lead absorption in the general population presents some subtle risk to health; (2) there is an even more urgent need to control this hazard in the several subgroups within the general population that run the risk of clinical plumbism and its known consequences. In the young children of urban slums lead poisoning is a major source of brain damage, mental deficiency and serious behavior problems. Yet it remains an insidious disease: it is difficult to diagnose, it is often unrecognized and until recently it was largely ignored by physicians and public health officials. Now public attention is finally being focused on childhood lead poisoning, although the difficult task of eradicating it has just begun.

Symptomatic lead poisoning is the result of very high levels of lead in the tissues. Is it possible that a content of lead in the body that is insufficient to cause obvious symptoms can nevertheless give rise to slowly evolving and long-lasting adverse effects? The question is at present unanswered but is most pertinent. There is much evidence that lead wastes have been accumulating during the past century, particularly in congested urban areas. Increased exposure to lead has been shown in populations exposed to lead as an air pollutant. Postmortem examinations show a higher lead content in the organs of individuals in highly industrialized societies than in the organs of most individuals in primitive populations. Although no population group is apparently yet being subjected to levels of exposure associated with the symptoms of lead poisoning, it is clear that a continued rise in the pollution of the human environment with lead could eventually produce levels of exposure that could have adverse effects on human health. Efforts to control the dis-

semination of lead into the environment are therefore indicated.

The more immediate and urgent problem is to control the exposure to lead of well-defined groups that are known to be directly at risk: young children who live in dilapidated housing where they can nibble chips of leaded paint, whiskey drinkers who consume quantities of lead-contaminated moonshine, people who eat or drink from improperly lead-glazed earthenware, workers in certain small-scale industries where exposure to lead is not controlled. Of these the most distressing group is the large group of children between about one and three to five years of age who live in deteriorating buildings and have the habit of eating non-food substances including peeling paint, plaster and putty containing lead. (This behavior is termed pica, after the Latin word for magpie.) The epidemiological data are still scanty: large-scale screening programs now in progress in Chicago and New York City indicate that between 5 and 10 percent of the children tested show evidence of asymptomatic increased lead absorption and that between 1 and 2 percent have unsuspected plumbism. Small-scale surveys in the worst housing areas of a few other cities reveal even higher percentages.

There is little doubt that childhood lead poisoning is a real problem in many of the older urban areas of the U.S. and perhaps in rural communities as well. Current knowledge about lead poisoning and its long-term effects in children is adequate to form the basis of a rational attack on this particular problem. The ubiquity of lead-pigment paints in older substandard housing and the prevalence of pica in young children indicate, however, that any effective program will require the concerted and sustained effort of each community. Furthermore, the continued use of lead-pigment paints on housing surfaces that are accessible to young children and will at some future date fall into disrepair can only perpetuate the problem.

Traces of lead are almost ubiquitous in nature and minute amounts are found in normal diets. According to the extensive studies of Robert A. Kehoe and his associates during the past 35 years at the Kettering Laboratories of the University of Cincinnati the usual daily dietary intake of lead in adults averages about .3 milligram. Of this, about 90 percent passes through the intestinal tract and is not absorbed. Kehoe's data indicate that the small amount absorbed is also excreted, so that under "normal" conditions there is no net retention of lead in the body. In addition the usual respiratory intake is estimated at between five and 50 micrograms of lead per day. These findings must be reconciled with postmortem analyses, which indicate that the concentration of lead in bone increases with age, although its concentration in the soft tissues is relatively stable throughout life. The physiological significance of increasing storage in bone is not entirely clear, but it has caused considerable concern. It is quite clear that as the level of intake of lead increases, the rate of absorption may exceed the rate at which lead can be excreted or stored in bone. And when the rates of excreation and storage are exceeded, the levels of lead in the soft tissues rise. Studies in adults indicate that as the sustained daily intake of lead rises above one milligram of lead per day, higher levels of lead in the blood result and metabolic, functional and clinical responses follow. The reversible effects abate when the rate and amount of lead absorbed are reduced again to the usual dietary range.

As far as is known, lead is not a trace element essential to nutrition, but this particular question has not been adequately examined. Some of the adverse effects of lead on metabolism have nonetheless been studied in considerable detail. These effects are related to the concentration of lead in the soft tissues. At the level of cellular metabolism, the best-known adverse effect of lead is its inhibition of the activity of enzymes that are dependent on the presence of free sulfhydryl (SH) groups for their activity. Lead interacts with sulfhydryl groups in such a way that they are not available to certain enzymes that require them. In the living organisms, under most conditions, this inhibition is apparently partial. Inhibitory effects of lead on other aspects of cellular metabolism have been demonstrated in the test tube. Such studies are preliminary. Most of the effects reported are produced with concentrations of lead considerably higher than are likely to be encountered in the tissues of man, so that speculation about such effects is unwarranted at this point.

The clearest manifestation of the inhibitory effect of lead on the activity of sulfhydryl-dependent enzymes is the disturbance it causes in the biosynthesis of heme. Heme is the iron-containing constituent that combines with protein to form hemoglobin, the oxygen-carrying pigment of the red blood cells. Heme is also an essential constituent of the other respiratory pigments, the cytochromes, which play key roles in energy metabolism. The normal pathway of heme synthesis begins with activated succinate (produced by the Krebs cycle, a major stage in the conversion of food energy to ways observed before the onset of symptoms of lead poisoning, and the presence of either is therefore important in diagnosis.

The enzyme that catalyzes ALA metabolism is ALA dehydrase. A number of investigators, including Sven Hernberg and his colleagues at the University of Helsinki and Abraham Goldberg's group at the University of Glasgow, have studied the extent to which varying levels of lead in the blood inhibit ALA-dehydrase activity in red blood cell preparations in the laboratory. They have shown a direct relation between the concentration of lead in blood and the activity of the enzyme. Moreover, they find that there seems to be no amount of lead so small that it does not to some extent decrease ALA-dehydrase activity; in other words, there appears to be no threshold for this effect. If that is so, however, one would expect to see a progressive increase in the urinary excretion of the enzyme's substrate, ALA, beginning at very low blood-lead levels. This does not seem to be the case. Stig Selander and Kim Cramer in Sweden, correlating blood-lead and urine-ALA values, found that the first measurable increase in urine ALA is observed only after blood lead rises above approximately 30 micrograms of lead per 100 milliliters of whole blood. The apparent inconsistency between the effect of lead on the activity of an enzyme in the test tube and the accumulation of the enzyme's substrate in the body might be explained by the presence of an enzyme reserve. This hypothesis is consistent with the functional reserve exhibited in many biological systems.

Almost all the information we have on the effect of lead on the synthesis of heme comes from observations of red blood cells. Yet all cells synthesize their own heme-containing enzymes, notably the cytochromes, and ALA dehydrase is also widely distributed in tissues. The observations in red blood cells may therefore serve as a model of lead's probable effects on heme synthesis in other organ systems. Even so, the degree of inhibition in a given tissue may vary and will depend on the concentration of lead within the cell, on its access to the heme synthetic pathway and on other factors. For example, J. A. Millar and his colleagues in Goldberg's group found that ALA-dehydrase activity is inhibited in the brain tissue of heavily lead-poisoned laboratory rats at about the same rate as it is in the blood. When these workers used amounts of lead that produced an average blood-lead level of 30 micrograms per 100 milliliters of blood, the level of ALA-dehydrase activity in the brain did not differ significantly from the levels found in control rats that had not been given any added lead at all. It is now established experimentally that lead does interfere with heme synthesis in tissue preparations from the kidney, the brain and the liver as well as in red cells but the concentrations of lead that may begin to cause significant inhibition in these organs are not yet known.

Only in the blood is it as yet possible to see a direct cause-and-effect relation between the metabolic disturbance and the functional disturbance in animals or people. In the blood the functional effect is anemia. The decrease in heme synthesis leads at first to a decrease in the life-span of red cells and later to a decrease in the number of red cells and in the amount of hemoglobin per cell. In compensation for the shortage, the blood-forming tissue steps up its production of red cells; immature red cells, reticulocytes and basophilic stippled cells (named for their stippled appearance after absorbing a basic dye) appear in the circulation. The presence of stippled cells is the most characteristic finding in the blood of a patient with lead poisoning. The stippling represents remnants of the cytoplasmic constituents of red cell precursors, including mitochondria. Normal mature red cells do not contain mitochondria. The anemia of lead poisoning is a reversible condition: the metabolism of heme returns to normal, and the anemia improves with removal of the patient from exposure to excessive amounts of lead.

The toxic effect of lead on the kidneys is under intensive investigation but here the story is less clear. In acute lead poisoning there are visible changes in the kidney and kidney function is impaired. Again the mitochondria are implicated: their structure is visibly changed. Much of the excess lead is concentrated in the form of dense inclusions in the nuclei of certain cells, including those lining the proximal renal tubules. Robert A. Goyer of the University of North Carolina School of Medicine isolated and analyzed these inclusions and found that they consist of a complex of protein and lead. He has suggested that the inclusions are a protective device: they tend to keep the lead in the nucleus, away from the vulnerable mitochondria. Involvement of the mitochondria is also suggested by the fact that lead-poisoned kidney cells consume more oxygen than normal cells in laboratory cultures, which indicates that their energy metabolism is affected.

Kidney dysfunction, apparently due to this impairment in energy metabolism, is expressed in what is called the Fanconi syndrome: there is an increased loss of amino acids, glucose and phosphate in the urine because the damaged tubular cells fail to reabsorb these substances as completely as normal tubular cells do. The excessive excretion of phosphates is the important factor because it leads to hypophosphatemia, a low level of phosphate in the blood. There is some evidence that, when phosphate is mobilized from bone for the purpose of maintaining an adequate level in body fluids, lead that is stored with relative safety in the bones may be mobilized along with the phosphate and enter the soft tissues where it can do harm. The effect of acute lead poisoning on the kidney can be serious but, like the effect on blood cells, it is reversible with the end of abnormal exposure. Furthermore, the Fanconi syndrome is seen only at very high levels of lead in blood (greater than 150 micrograms of lead per 100 milliliters of blood) and only in patients with severe acute plumbism.

In the central nervous system the toxic effect of lead is least understood. Little is known at the metabolic level; most of the

information comes from clinical observation of patients and from postmortem studies. Two different mechanisms appear to be involved in lead encephalopathy, or brain damage: edema and direct injury to nerve cells. The walls of the blood vessels are somehow affected so that the capillaries become too permeable; they leak, causing edema (swelling of the brain tissue). Since the brain is enclosed in a rigid container, the skull, severe swelling destroys brain tissue. Moreover, it appears that certain brain cells may be directly injured, or their function inhibited, by lead.

The effects I have been discussing are all those of acute lead poisoning, the result of a large accumulation of lead in a relatively short time. There are chronic effects too, either the aftereffects of acute plumbism or the result of a slow buildup of a burden of lead over a period of years. The best-known effect is chronic nephritis, a disease characterized by a scarring and shrinking of kidney tissue. This complication of lead poisoning came to light in Australia in 1929, when L. J. J. Nye became aware of a pattern of chronic nephritis and early death in the state of Queensland. Investigation revealed that Queensland children drank quantities of rainwater that was collected by runoff from house roofs sheathed with shingles covered with lead-pigmented paint. In 1954 D. A. Henderson found that of 352 adults in Queensland who had had childhood lead poisoning 15 to 40 years earlier, 165 had died, 94 of chronic nephritis. Chronic lead nephropathy, which is sometimes accompanied by gout, is also seen in persistent, heavy moonshine drinkers and in some people who have had severe industrial exposure. In all these cases, however, the abnormal intake of lead persists for more than a decade or so before the onset of nephropathy. Most of the patients have a history of reported episodes of acute plumbism, which suggests that they have levels of lead in the tissues far above those found in the general population. Furthermore, there is the suspicion that factors in addition to lead may be involved.

The other known result of chronic overexposure to lead is peripheral nerve disease, affecting primarily the motor nerves of the extremities. Here the tissue damage appears to be to the myelin sheath of the nerve fiber. Specifically, according to animal studies, the mitochondria of the Schwann cells, which synthesize the sheath, seem to be affected. Various investigators, including Pamela Fullerton of Middlesex Hospital in London, have found that conduction of the nerve impulse may be impaired in the peripheral nerves of industrial workers who have had a long exposure to lead but who have no symptoms of acute lead poisoning.

These findings and others raise serious questions. It is clear that a single attack of acute encephalopathy can cause profound mental retardation and other forms of neurological injury that is permanent. Similarly, in young children repeated bouts of symptomatic plumbism can result in permanent brain damage ranging from subtle learning deficits to profound mental incompetence and epilepsy. Can a level of absorption that is insufficient to cause obvious acute symptons nevertheless cause "silent" brain damage? This question remains unanswered, in part because of the difficulty in recognizing mild symptons of lead poisoning in children and in part because the experimental studies that might provide some answers have not yet been undertaken.

Classical plumbism—the acute disease—is seen today primarily in children with the pica habit. Before discussing these cases in some detail I shall briefly take up two other current environmental sources of lead: earthenware improperly glazed with lead and lead-contaminated alcoholic beverages.

Michael Klein and his colleagues at McGill University recently reported two cases of childhood lead poisoning, one of which was fatal, that they traced to an earthenware jug in which the children's mother kept a continuously replenished supple of apple juice. The slightly acidic juice was leaching lead out of the glaze, the thin layer of glassy material fused to the ceramic surfaces of the jug. The investigators thereupon tested 117 commercial earthenware food and beverage containers and 147 samples made with 49 different commonly used glazes in the McGill ceramics laboratory. Excessive amounts of lead—more than the U.S. maximum permissible amount for glazes of seven parts per million—were leached out of half the vessels. (The maximum permissible amount should probably be reevaluated, since past methods of testing have not taken account of such variables as the quantity of the food or beverage consumed, its acidity, the length of time it is stored and whether or not it is cooked in the pottery.) As the McGill report points out, the danger of poisoning from lead-glazed pottery has been rediscovered periodically since antiquity. The Greeks knew about the danger but the Romans did not; they made the mistake of storing wine in earthenware. James Lind, who in 1753 recommended lemon or lime juice as a preventive for scurvy, also warned that the juices should not be stored in earthenware jugs. Now the index of suspicion has fallen too low: one physician poisoned himself recently by drinking a cola beverage (and 3.2 milligrams of lead) every evening for two years from a mug his son had made for him. Do these cases represent isolated occurrences? How many other people are similarly exposed? Clearly the first step is the testing of earthenware and a reevaluation of its fabrication and use for food and drink.

In the manufacture of moonshine whiskey, lead solder is used in the tubing of distillation units. Moreover, discarded automobile radiators that contain lead often serve as condensers. Lead is therefore found in most samples of confiscated moonshine. Lead encephalopathy, nephritis with gout and other lead-related conditions have been reported in moonshine consumers, largely in the southeastern part of the U.S. The problem of diagnosis is complicated by the fact that the symptoms of acute alcoholism and acute lead poisoning are similar in many ways. (Again there is a historical record. The McGill report noted that the Massachusetts Bay Colony forbade rum distillation in leaded stills in 1723 in an effort to prevent "dry gripes," an intestinal condition. In 1767 Sir George Baker blamed "the endemic colic of Devonshire" on the use of lead-lined troughs in the making of apple cider.)

Childhood lead poisoning in the U.S. is seen almost exclusively in children of preschool age who live in deteriorated housing built before 1940 (when titanium dioxide began to replace lead in the pigment of most interior paints). The causative factors are commonly a triad: a dilapidated old house, a toddler with pica and parents with inadequate resources (emotional, intellectual, informational and/or economic) to cope with the family's needs. The three factors interact to increase the likelihood that the child will eat chips of leaded paint. A chip of paint about the size of an adult's thumbnail can contain between 50 and 100 milligrams of lead, and so a child eating a few small chips a day easily ingests 100 or more times the tolerable adult intake of the metal! In one study conducted some years ago at the Baltimore City Hospitals and the Johns Hopkins Hospital, Harold E. Harrison and I found that the average daily fecal excretion of lead by children with severe plumbism was 44 milligrams. In a group of normal unexposed children we found a daily fecal lead excretion of less than .2 milligram of lead. In other words, pica for leaded paint results in genuinely massive exposures. And when the abnormal intake ceases, it may be several months or years before blood-lead levels return to normal.

The repeated ingestion of leaded-paint chips for about three months or longer can lead to clinical symptoms and eventually to the absorption of a potentially lethal body burden of lead. During the first four to six weeks of abnormal ingestion there are no symptoms. After a few weeks minor symptoms such as decreased appetite, irritability, clumsiness, unwillingness to play, fatigue, headache, abdominal pain and vomiting begin to appear. These, of course, are all quite nonspecific symptoms, easily ignored as behavior problems or blamed on various childhood diseases. In a few weeks the lassitude may progress to intermittent drowsiness and stupor; the vomiting may become persistent and forceful; brief convulsions may occur. If the exposure to lead continues, the course of the disease can culminate abruptly in coma, intractable convulsions and sometimes death.

This picture of fulminating encephalopathy is commonest in children between 15 and 30 months of age; older children tend to suffer recurrent but less severe acute episodes and are usually brought to the hospital with a history of sporadic convulsions, behavior problems, hyperactivity or mental retardation. The symptoms tend to wax and wane, usually becoming more severe in summer. (Some 85 percent of all lead-poisoning cases are reported from May through October. This remarkably clear seasonal pattern is still not understood. It may be due at least in part to the fact that the ultraviolet component of sunlight increases the absorption of lead from the intestine.)

The symptoms of even acute encephalopathy are nonspecific, resembling those of brain abscesses and tumors and of viral and bacterial infections of the brain. Diagnosis depends, first of all, on a high level of suspicion. To make a positive diagnosis it is necessary to show high lead absorption as well as the adverse effects of lead. This requires the measurement of lead in blood and other specialized tests. Mild symptoms may be found in the presence of values of between 60 and 80 micrograms of lead per 100 milliliters of blood. As the blood-lead level rises above 80 micrograms the risk of severe symptoms increases sharply. Even in the absence of symptoms, in children blood-lead levels exceeding 80 micrograms call for immediate treatment and separation of the child from the source of lead.

Treatment is with potent compounds known as chelating agents (from the Greek *chêlé*, meaning claw): molecules that tend to bind a metal atom firmly, sequestering it and thus rendering it highly soluble [see "Chelation," by Harold F. Walton; SCIENTIFIC AMERICAN, June, 1953]. Chelating agents remove lead atoms from tissues for excretion through the kidney and through the liver. With chelating agents very high tissue levels of lead can be rapidly reduced to levels approaching normal, and the adverse metabolic effects can be promptly suppressed. Initially two agents are administered by injection: EDTA and BAL. (EDTA, or edathamil, is ethylenediaminetetraacetic acid; BAL is "British Anti-Lewisite," developed during World War II as an antidote for lewisite, an arsenic-containing poison gas.) After the lead level has been reduced another agent, d-penicillamine, may be administered orally as a followup therapy.

Before chelating agents were available about two-thirds of all children with lead encephalopathy died. Now the mortality rate is less than 5 percent. Unfortunately the improvement in therapy has not substantially reduced the incidence of brain damage in the survivors. Meyer A. Perlstein and R. Attala of the Northwestern University Medical School found that of 59 children who devel-

open encephalopathy, 82 percent were left with permanent injury: mental retardation, convulsive disorders, cerebral palsy or blindness. This high incidence of permanent damage suggests that some of these children must have had recurrent episodes of plumbism; we have found that if a child who has been treated for acute encephalopathy is returned to the same hazardous environment, the risk of permanent brain damage rises to virtually 100 percent. In Baltimore, with the help of the Health Department and through the efforts of dedicated medical social workers, we are able to make it an absolute rule that no victim of lead poisoning is ever returned to a dangerous environment. The child goes from the hospital to a convalescent home and does not rejoin his family until all hazardous lead sources have been removed or the family has been helped to find lead-free housing. Cases of permanent brain damage nevertheless persist. It appears that even among children who suffer only one episode, are properly treated and are thereafter kept away from lead, at least 25 percent of the survivors of lead encephalopathy sustain lasting damage.

Clearly, then, treatment is not enough; the disease must be prevented. Children with increased lead absorption must be identified before they become poisoned. Going a step further, the sources of excessive lead exposure must be eliminated.

Baltimore has taken a "case-finding" approach to these tasks. Free diagnostic services were established by the city Health Department in the 1930's. Physicians took advantage of the services, and increasing numbers of cases were discovered. Since 1951 the removal of leaded paint has been required in any dwelling where a child is found with a blood-lead value of more than 60 micrograms. The number of cases reported each year rose for some time as diagnostic methods and awareness improved, but recently it has leveled off. In order to reach children before they are poisoned, however, more is required than case-finding; what is needed is a screening program that examines entire populations of children in high-risk areas of cities. Chicago undertook that task in the 1960's. Last year New York City inaugurated a new and intensive screening program in which children are being tested for blood lead in hospitals and at a large number of neighborhood health centers; an educational campaign has been launched to bring lead poisoning and the testing facilities to public notice. As in Baltimore, a blood-lead finding of more than 60 micrograms results in an examination of the child's home. If any samples of paint and plaster contain more than 1 percent of lead, the landlord is ordered to correct the condition by covering the walls with wallboard to a height of at least four feet and by removing all leaded paint from wood surfaces; if the landlord does not comply, the city undertakes the work and bills him. Before the new program was begun New York was screening about 175 blood tests a week; by the end of the year it was doing about 2,000 tests a week. Whereas 727 cases of lead poisoning were reported in the city in 1969, last year more than 2,600 were reported. As Evan Charnev of the University of Rochester School of Medicine and Dentistry has put it, "the number of cases depends on how hard you look."

Screening is complicated by technical difficulties in testing both children and dwellings. The standard dithizone method of determining blood lead requires between five and 10 cubic centimeters of blood taken from a vein—a difficult procedure in very small children—and the analysis is time-consuming. What is needed is a dependable test that can be carried out on a drop or two of blood from a finger prick. A variety of approaches are now being tried in several laboratories in order to reach this goal; as yet no microtest utilizing a drop or two of blood has been proved practical on the basis of large-scale use in the field. Several appear to be promising in the laboratory, so that field testing in the near future can be anticipated. As for the checking of dwellings, the standard method is laborious primarily because it requires the collection of a large number of samples. Several different portable instruments are under development, including an X-ray fluorescence apparatus that gives a lead-content reading when it is pointed at a surface, but these devices have not yet been proved reliable in the field.

Since World War II the incidence of lead poisoning (usually in the form of lead palsy) among industrial workers, which was once a serious problem, has been reduced by various control measures. The danger is now limited primarily to small plants that are not well regulated and to home industries.

There is increasing concern over environmental lead pollution. Claire C. Patterson of the California Institute of Technology has shown that the levels of lead in polar ice have risen sharply since the beginning of the Industrial Revolution. Henry A. Schroeder of the Dartmouth Medical School has shown that the burden of lead in the human body rises with age, and that this rise is due almost entirely to the concentration of lead in bone. Although man's exposure to lead in highly industrialized nations may come from a variety of sources, the evidence points to leaded gasoline as the principal source of airborne lead today. These observations have occasioned much speculation. It is nonetheless clear that a further rise in the dissemination of lead wastes into the environment can cause adverse effects on human health; indeed, concerted efforts to lower the current levels of exposure must be made, particularly in congested urban areas.

At the moment there is no evidence that any groups have mean blood levels that approach the dangerous range. Some, however, do have levels at which a minimal increase in urinary ALA, but nothing more, is to be expected. This includes people whose occupation brings them into close and almost daily contact with automotive exhaust. These observations emphasize the need to halt any further rise in the total level of exposure. A margin of safety needs to be defined and maintained. This will require research aimed at elucidating the effects of long-term exposure to levels of lead insufficient to cause symptoms or clear-cut functional injury. With regard to respiratory exposure, it is still not clear what fraction of the inhaled particles reaches the lungs and how much of that fraction is actually absorbed from the lung. Still another important question is the storage of lead in bone. Can any significant fraction of lead in bone be easily and quickly mobilized? If so, under what circumstances is it mobilized? There are more questions than answers to the problems posed by levels of lead only slightly higher than those currently found in urban man. Much research is required.

With regard to childhood lead poisoning, however, we know enough to act. It is impermissible for a humane society to fail to do what is necessary to eliminate a wholly preventable disease.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time allotted for the transaction of routine morning business has expired. Morning business is closed.

NEGOTIATING CONFERENCE CONCERNING THE PRICES OF WHEAT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A resolution (S. Res. 136) requesting a negotiating conference in reference to the prices of wheat.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPARKMAN. Mr. President, the matter before the Senate is Senate Resolution 136, introduced by the distinguished Senator from Wyoming (Mr. McGEE). It is very short and I think needs very little explanation. It merely expresses the sense of the Senate that the President should take appropriate steps at the earliest possible date to convene a negotiating conference, "with a view toward the negotiation of provisions relating to the prices of wheat and the rights and obligations of members in respect to international trade in wheat."

It is contemplated that this will be accomplished pursuant to the terms of article 21 of the Wheat Trade Convention of the International Wheat Agreement which provides as follows:

ARTICLE 21

Prices and Related Rights and Obligations

In order to assure supplies of wheat and wheat flour to importing members and markets for wheat and wheat flour to exporting members at equitable and stable prices, the Council shall at an appropriate time examine the questions of prices and related rights and obligations. When it is judged that these matters are capable of successful negotiation with the objective of bringing them into effect within the life of this Convention, the Council shall request the Secretary-General of UNCTAD to convene a negotiating conference.

Mr. President, Senate Resolution 136 was ordered reported favorably by both the ad hoc subcommittee on the International Wheat Agreement, of which I am chairman, and then by the Committee on Foreign Relations.

I may say, Mr. President, that in the course of the hearings, it was brought out that the grading of wheat and the minimum and maximum prices thereon had been omitted from the action of the conference because they were not able at that time to arrive at a proper grading and at the price standards which should be set. During the course of the subcommittee's hearings, administration witnesses testified that if they had been able to arrive at suitable pricing arrangements they would have done so. In order to meet the recommendations and overcome the objections of a great majority of the wheat producers of this country, it was decided that we should recommend that this resolution be adopted by the Senate concurrent with the recommendation for ratification of

the International Wheat Agreement itself.

Consequently, the distinguished Senator from Wyoming (Mr. McGEE) submitted Senate Resolution 136. I believe that I am safe in saying that a great majority of the wheat growers are in favor of it and if it is adopted they will be in favor of the wheat agreement. Thus, I feel strongly that we should agree to the resolution prior to taking action on the wheat agreement itself.

I may say, in a letter from the State Department we were told that, and I am quoting from it, unlike earlier wheat agreements, the 1971 convention does not include provisions on prices or purchase and supply commitments. This came about principally because of the inability of the trading countries to agree on reference wheats for the setting of minimum and maximum prices. Major changes in the Canadian grading system introduced uncertainties in the trading relationship among the several top quality wheats which were candidates for reference wheats, and the conference decided that progress on establishing new minimum and maximum prices and related supply and purchase obligations must await the establishment and the testing in trade of the new Canadian system.

The new agreement, however, envisages the possibility of convening an international conference to negotiate reference wheats, price obligations, and other substantive provisions at a future date during the life of the agreement.

The provisions for administering the Wheat Trade Convention are much the same as for the current convention with one exception. Even though there are no price provisions, conference participants felt strongly that the function of keeping the international wheat market under continuous review should be maintained. Therefore, a new Advisory Subcommittee on Market Conditions was established. The new subcommittee is charged with continuous review of the international wheat markets, particularly the prices at which various wheats are being offered. If the subcommittee detects signs of market instability, which would include abnormal price fluctuations of one or more wheats, it will report immediately to the executive committee.

Now, Mr. President, what we are doing through this resolution is to request the President that he provide for such a meeting at the earliest practicable time in order that these matters might be reviewed and, if found workable at that time, that they be made a part of the wheat agreement.

Mr. McGEE. Mr. President, the background on the resolution has just been developed by my colleague from Alabama. He makes one point that concerns many of us, that whenever we go into negotiation, we never can get all that we want, we never can get all the equity we feel is required. But we negotiated in good faith. We negotiated in good faith on this in the month of February, for a great many days, but because of the many complexities involved, it was impossible to arrive at some rather substantive agreements, such as the basing points and the like that help to protect the American wheatgrower in the international wheat market. These are matters which have been basic considerations of the American wheatgrower for a great many years. During the years in which we have failed in those aspects, it has been a considerable problem for the American wheatgrower, because he has to survive on a very high cost domestic market economy, and yet he has to compete in a very low cost world market.

We felt it was imperative, therefore, that there be the maximum of effort made, through agreement, to protect the American wheat grower from the uncertainties and often the certain lower prices that otherwise tend to dominate the world market. For those reasons we felt it would be helpful if, as we could enter into this new International Wheat Agreement armed with an expression of interest from the Senate that this was important to the American wheat grower—and we are actually one of the largest of all those who participate in the Wheat Agreement—that it would strengthen the hands of our negotiators when this whole question is reopened.

My resolution provides that we will try again, at the earliest possible moment after ratifying the new International Wheat Agreement, to negotiate minimum and maximum prices. I believe it will be helpful if the Senate endorses the concept of protecting the American wheat grower through negotiations with other members of the International Wheat Community. And because this fell short of the hopes of a great many of our wheat people in February, we are simply urging that they reinstitute this effort and continue to work at it.

Article 21 of the treaty makes it an item for the agenda almost constantly. So this changes nothing in the treaty itself. It does not alter the treaty in any way.

However, we do think it would be worthwhile to adopt a simple resolution indicating our moral support to the efforts of the American members of the International Wheat Council to try to arrive at some firmer understanding, particularly with the Canadians, in regard to a fixed base point for the designation of a preference wheat and other understandings with regard to the export and import of wheat commodities.

It is with that in mind that we have stressed the relevance of this resolution which should be passed in advance of the International Wheat Agreement. It would simply represent the endorsement of this approach by the Senate.

One of the advantages that this simple resolution would have would be that it would achieve a rare moment in the terms of negotiating history, for all farm members in this country are on the same side at the same time. That is pretty rare. One of the farmer's weaknesses has been that continually throughout history we have the farmer who has to deal with the money market for his loans and with the manufacturing markets for his machinery, all of whom are united on how they want to negotiate the prices. However, when it comes to the farm problems, we find farmers with differing viewpoints.

Nevertheless, all known agricultural groups in this country have united with enthusiasm behind the new International Wheat Agreement. For that purpose alone, I would certainly recommend that the Senate vote in the affirmative on Senate Resolution 136.

Mr. BURDICK. Mr. President, approval of the resolution before us, Senate Resolution 136, is of tremendous importance to the wheatgrowers of this country and especially to the farmers of North Dakota, the second largest wheat exporting State.

Last year, almost 153 million bushels of wheat were produced in North Dakota, 11 percent of the total U.S. wheat crop. Twenty-six cents of every dollar of the State's cash receipts from farm marketings in fiscal 1969–70 were derived from foreign sales. Wheat and flour are by far the most important items in North Dakota's exports. Between 1965–66 and 1969–70, North Dakota boosted its exports of wheat and flour by 19 percent, valued at an estimated $155.4 million.

Therefore, it is imperative that every effort be made to assure our wheat producers a fair price for export wheat. U.S. growers simply cannot afford to grow wheat that has to be sold at a world dumping price as a weapon in a price-cutting war.

I therefore hope that the Senate will approve Senate Resolution 136 and that this will result in a negotiating conference arranged by the International Wheat Council at the earliest possible date in order to reach agreement on provisions relating to the prices of wheat and the rights and obligations of the importing and exporting countries.

The United States has been a partner in international agreements regarding trade in wheat since the first International Wheat Agreement was ratified by the U.S. Senate in 1949. These treaties represented an attempt to establish international amity and equity at the neogiating table rather than the alternative of unrestrained price-cutting competition. This country should take the leadership in continuing this kind of international understanding. Approval of Senate Resolution 136 today will clearly show the intent of the Senate that this be done.

Mr. AIKEN. Mr. President, I was a member of the subcommittee of the Senator from Alabama (Mr. SPARKMAN), which considered the matter of U.S. membership in the International Wheat Agreement and also the International Food Convention.

I felt that it was very important that the United States make provisional application for membership in this organization before the deadline of midnight June 17. That was done. And I appreciate the fact that the chairman of the subcommittee, the Senator from Alabama, took pains to have a meeting to make sure it would be done at that time to keep us from losing our membership in the International Wheat Agreement.

The United States and Canada together have over half of the total membership votes in this organization. However, if we did not continue as a member of the organization, Canada could have

conceivably been outvoted by the other members.

The pending resolution is supported, as I understand it, by two farm organizations—the Farmers Union and the National Farmers Organization. It is opposed by the American Farm Bureau Federation.

The Wheat Agreement and the Food Convention together are supported, I understand, by the three major wheat grower associations of this country. Their witnesses appeared before the committee.

Mr. President, if I may go back a moment to 1967, that was when the last International Wheat Agreement was approved by the Senate and the United States became a member. It developed that this agreement, which had a provision for minimum pricing in it and criteria to be used for that purpose, was a failure because most of the countries paid very little attention to the minimum pricing arrangement.

The agreement which our Secretary of Agriculture signed, I think on April 14, does not have any provision in it for minimum prices. The principal reason for that is a change in the Canadian pricing and grading plan which makes it impossible to have any effective minimum pricing in the agreement.

If it develops that the Canadian plan works out, criteria will then be provided. Article 21 of the agreement would make it possible for minimum pricing then to be considered.

The McGee resolution states in effect that even if we approve the wheat agreement, we still do not approve it because we feel that there should be a provision for minimum pricing in the agreement if we adopt such a resolution.

This resolution requires the President to request a pricing conference "at the earliest possible date." No date is possible for a long time, probably not during the life of the 92d Congress. And no one knows for how much longer because the Canadian system will not have been fully developed and operable by that time.

Mr. President, I was not in attendance at the meeting of the subcommittee which reported this resolution to the full committee favorably because I was attending a meeting of the Joint Committee on Atomic Energy which seemed more important at the time.

I must admit I was not present when the full committee voted to report the resolution because I was entertaining in my office, on official business, an Ambassador from a country whose relations with the United States are very important. Had I been present I would have suggested that the word "feasible" or "practicable" would have been preferable to the word "possible" in the resolution.

As a matter of fact, the resolution cannot be effective anyway, and if by any stretch of the imagination the time came when it could be effective, the language already in the agreement would take care of that situation.

I hope that any action the Senate takes on the resolution will not be misunderstood by other countries because I feel we are all in agreement that a workable international wheat agreement is desirable, if possible. We have much to gain and nothing to lose.

I might point out that the International Food Convention was incorporated with the wheat agreement in this treaty agreement which we will vote on after the resolution is disposed of.

Mr. President, I have simply tried to make a statement of fact. I am a little surprised that more Members from the wheat States are not here this morning but I believe they fully understand that this resolution will not put them out of business if it passes, and it will not do much for them, either.

Mr. YOUNG. Mr. President, wheat represents our biggest dollar export of any farm commodity. Total agricultural exports are now $7.2 billion, or approximately $2 billion more than they were 2 years ago.

The United States is facing a serious problem now. We have a trade deficit with the rest of the world which is having a critical impact on our economy. If it were not for the huge export of farm commodities, we would indeed be in deep trouble.

There are two major reasons why wheat leads our exports of all farm commodities in dollar value. The first is that we produce a better quality of wheat than any country in the world with the exception of Canada. Second, our farmers receive less than half of what farmers in Common Market countries receive for their wheat. Unfortunately, there is no way under the present system whereby our farmers can take advantage of the high wheat prices, not only in common market countries, but in many other wheat deficit countries.

Mr. President, there is no world price for wheat established in the marketplace as was the case many years ago when free trade in the Liverpool market established world prices. The price of wheat trading in world markets today is, in a large measure, established by the two principal wheat exporting nations, the United States and Canada. The price at which Canada offers its wheat for sale to foreign countries is established every morning by the Canadian Government. Our export price of wheat is established by the Department of Agriculture every afternoon at 3:30. Other wheat exporting nations follow a similar practice.

Mr. President, it is very important that wheat exporting nations, particularly the United States and Canada, have a close working relationship in establishing export prices to prevent price wars that would be disastrous for this country, particularly our farmers.

For many years the International Wheat Agreement and later the International Grains Arrangement aided substantially in making possible a fairly close working relationship between the United States and Canada, as well as some other wheat exporting nations.

Mr. President, the International Wheat Agreement which we are considering today can be helpful in making possible very much needed increased exports of wheat and preventing price cutting among the exporting nations. There is really nothing very compulsory about this agreement, but the important thing is that it provides a forum through which wheat exporting nations can discuss their problems and establish a competitive export price. I view this forum where exporters get together by far the most important aspect of this Wheat Agreement.

Mr. President, the McGee resolution would be an improvement in the International Wheat Agreement now pending before the Senate. I can see no way that it could adversely affect grain prices, and it would at least offer some encouragement for wheat exporting nations to get together and establish a more positive and, hopefully, a better export wheat pricing structure.

Mr. President, I hope the McGee proposal is agreed to.

Mr. MILLER. Mr. President, while the resolution pending before the Senate on its face may seem to be a rather simple one, there are some deep implications involved. It harks back to the 1968 action of the Senate in ratifying the International Grains Arrangement which contained therein provisions which fixed prices on wheat, which I take it would be the subject matter of the negotiating conference provided for by the current resolution.

Maybe some of my colleagues have forgotten what happened back in those days. I would like to read what I said in the CONGRESSIONAL RECORD, volume 114, part 13, page 16936. I said on that date:

> Mr. President, now pending before the Senate is the proposed International Grains Arrangement. It is a treaty consisting of two parts; the Wheat Trade Convention and the Food Aid Convention.
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> The Wheat Trade Convention, as the committee report points out, essentially replaces the previous International Wheat Agreement of 1962 as extended by agreement in 1965, 1966, and 1967, with expiration scheduled on July 31, 1968. It differs from the previous International Wheat Agreement in that it establishes a minimum-maximum price range for major export wheat types. The minimum price for U.S. No. 2 Hard Red Winter wheat would be $1.73 per bushel f.o.b. gulf ports; the maximum price would be $2.13. The minimum would be about 20 cents per bushel above the level provided under the old International Wheat Agreement.
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> An article by Norman H. Fischer, staff reporter of the Wall Street Journal, published in the paper on May 27, notes that domestic wheat prices have dropped to near 26-year lows; that a leading grade of ordinary protein hard winter wheat was priced around $1.51 per bushel in Kansas City—down 20 cents from a year ago and down 10 cents in just the last 4 months. Mr. Fischer observes that even after adding shipping costs from Kansas City to gulf ports, an exporter could buy this wheat for 15 cents per bushel under the minimum price of $1.73 under the proposed new Wheat Convention. Under the new Wheat Convention, a foreign buyer would have to pay the $1.73 minimum, and the U.S. Federal Government would pocket the 15 cents per bushel differential.
>
> According to an article appearing in the January 30 issue of the Journal of Commerce a high USDA official acknowledged that U.S. exporters would be subject to a tax—in the amount of this differential—to be paid to the Commodity Credit Corporation.
>
> The present world price being what it is—some 15 cents per bushel at U.S. gulf ports under the proposed Wheat Trade Convention minimum—it is understandable why some of the proponents might feel that this convention would tend to bolster the low price of wheat. However, as I have pointed out, the differential would not go to the wheat farmer but to the Commodity Credit Corporation.

Worse yet—and this is of the greatest importance—a guaranteed increase over the low world market price would assuredly prove an incentive to other countries producing wheat less efficiently than the United States to produce more wheat, with serious implications to our own exports of wheat. Either they will produce more wheat to make up for their own domestic deficit, to avoid paying the higher minimum price, thus reducing the amount we will export to them, or, if their domestic supplies are adequate and they are exporting countries, they will produce more wheat for export to compete with our own exports. The proponents of the treaty have not produced any evidence to rebut this statement. U.S. exports of wheat for the current fiscal year will total approximately 750 million bushels—half our expected domestic crop of 1.5 billion bushels. Accordingly, it can readily be seen how vital it is to maintain and, if anything, increase our wheat exports

According to Mr. Fischer's article, many grain analysts believe 1968–69 exports could decline to 650 million bushels or less—quite apart from the ratification or rejection of the pending proposed treaty. With U.S. wheat carryover stocks on June 30 of this year forecast at around 545 million bushels—up 120 million bushels from a year ago—analysts expect that the carryover on June 30, 1969, could rise another 100 million bushels just from increased domestic production. This is expected notwithstanding the 13-percent reduction in wheat allotments for the 1968 crop because of favorable weather. As Mr. Fischer points out, a Government advisory group has recommended a 15-percent further reduction for 1969 allotments which would result in harvested acreage of 49 million—down 9 million acres from 1967.

Weighing these prospects, I cannot see any basis for optimism that, in the face of increasing carryover stocks, there will be improvement in domestic prices just because of an increase in the minimum world price under the proposed treaty. And these carryover stocks would be further aggravated by reductions in our exports. With all due respect, the proponents of the treaty have not been able to satisfy me on this point. They say that higher minimum prices will add to farm income and will serve the national interest by improving our balance-of-payments position. But they neglect to point out what I have already pointed out—that the differential will go to the Commodity Credit Corporation and not to the wheat farmer in the form of higher prices; and they overlook the fact that a drop in our exports would have an unfavorable impact on our balance-of-payments position.

If anyone has any doubts over what I have said about the danger to our exports of wheat, they should understand that the Common Market, which levies very high duties on imports of grains from the United States, has announced a policy of self-sufficiency in grain production. They cannot produce nearly as efficiently as we can, but they subsidize their grain farmers heavily and use the import duties on our grains as a source of funds to pay the subsidies. Of course, we argue that this is bad economics and means higher prices for the Common Market consumers, but our arguments have fallen on deaf ears. As pointed out by the Foreign Relations Committee's report on page 3, the United States, during the negotiations on the International Grains Arrangement, had three essential objectives. One of these was assured access to the markets of importing countries—especially the Common Market. But because of its inward-looking, protectionist, uneconomic decision strive for self-sufficiency, the Common Market rejected our request for assured access. With this rejection went one of the pillars on which the proposed Wheat Trade Convention was to be based. The objective of assured access was to protect our wheat farmers' exports, and the failure of our negotiators to achieve it during the Kennedy round means that the proposed Wheat Trade Convention places our wheat farmers' exports in jeopardy.

Let it be made clear that ratification or rejection of this proposed treaty has nothing to do with the tariff reductions arrived at during the Kennedy round of negotiations. At page 20 of the hearings on the proposed treaty, Ambassador William Roth testified that the proposed treaty is "in effect a self-balancing entity and stands on its own feet. If it were not ratified by the United States, if it did not, in effect, come into being, the Kennedy round itself would be untouched."

The other part of the proposed treaty is the Food Aid Convention. Proponents of the treaty say that this establishes a valuable principle in international cooperation in food aid responsibility to needy nations; that it will substantially benefit hungry nations. However, the principle has long been established by the Food and Agricultural Organization of the United Nations, which for over 20 years has been doing increasingly effective work in helping improve the diets of people in hungry nations through international cooperation. The statement that this Convention will substantially benefit hungry nations completely overlooks the fact that there is nothing in the proposed convention to indicate that contributions under it would be in addition to that already being furnished. Our negotiators did, indeed, seek to increase the overall assistance being given needy nations, but their efforts were unsuccessful. Of the major contributors other than the United States now—Canada, Australia, EEC, United Kingdom, and Japan, only Japan would have to make any substantial changes and these would be in the form of shifts from cash loans to cash grants.

As I have said many times over the past year, the Kennedy round of negotiations represented a sellout of American agriculture. The proposed International Grains Arrangement was proffered as a "plus" for agriculture growing out of the negotiations, but on the basis of the analysis I have presented to the Senate, its appears to be a "minus" and in no way whatsoever an offset against the failures of the Kennedy round insofar as American grain farmers are concerned. Accordingly, I shall vote against ratification.

That is what I said on June 12, 1968.

On June 13, the next day, during continued debate on the treaty, I said this, as appears in the CONGRESSIONAL RECORD, volume 114, part 13, page 17183:

Mr. President, yesterday, during my colloquy with the Senator from Alabama (Mr. SPARKMAN), who is managing the bill, we had some discussion about the point that I had made in my statement that present world prices were substantially under the minimum price that would be established by the pending treaty. My colleague from Alabama read into the record a number of sales transactions with Japan, all of which were substantially above the minimum price. I asked my colleague from Alabama at the time whether or not they were prices delivered in Japan or f.o.b. prices here in the United States, and I believe that the response was that they were f.o.b. prices in the United States.

Since that time I have had an opportunity to look into this question, and I must advise my colleague from Alabama, with all due respect, that the figures he gave yesterday are prices delivered in Japan—c.i.f. prices, cost-insurance-freight—and that those prices would therefore be about 23 to 24 cents above the f.o.b. price here in the United States. That is the price we are talking about.

I have here the Grain Market News for May 31, 1968, published by the Grain Division of the United States Department of Agriculture, which sets forth, on page 2, the transaction prices on May 29 of this year. It shows that the gulf price for No. 1 Hard Winter wheat, which would be approximately 1 cent above the gulf price for No. 2 Hard Winter wheat, was $1.62. This is 11 cents below the minimum price under the treaty that is pending.

I may say further I am advised that from May 29, the rate of this transaction, through June 5 the price had dropped to $1.54, which is 19 cents below the minimum under this treaty, which is exactly the point I was making in my statement yesterday.

I have in my hand a message from Kansas City, dated June 12, under the Reuters News dateline, which reads as follows:

"The Agriculture Department's Commodity Office here today bought a further 835,000 bushels of No. 2 or better grade hard winter wheat from U.S. traders for export donation to Tunisia. The purchase—

Which was made on June 12—

was made from 1.54⅜ dollars to 1.54⅝ dollars per bushel f.o.b. Gulf ports for June 20 to July 20 shipment."—

Nineteen cents under the minimum that would be established under this treaty.

It was very important, Mr. President, for me to bring up that information because, as I pointed out, with all deference to the Senator from Alabama (Mr. SPARKMAN), who is managing the bill, the information he had proffered the day before was erroneous. The point I was making was that under the treaty, the treaty minimum price would be 15 to 20 cents above the world price, and if that was guaranteed, that would mean that those countries producing wheat not as efficiently as the United States would be given an incentive to increase their production, not only to provide for their own self-sufficiency, but also to export in competition with us. Either way, the U.S. wheat farmer would find his exports cut down.

Then, Mr. President, on July 11, after the treaty had been ratified, I said this to the Senate, in the CONGRESSIONAL RECORD, volume 114, part 16, page 20933:

Mr. President, on June 13, this U.S. Senate considered, and voted to ratify, the International Wheat Trade Convention. I opposed the ratification because I believed that this international commodity agreement for wheat would require a U.S. export tax on wheat, restrict U.S. wheat exports, depress U.S. wheat prices, reduce net income of U.S. wheat farmers.

In my opinion, a deceptive myth was created concerning the IWTC—the illusion that, by an international agreement to increase export prices to a level substantially above the market price, the American farmer would somehow receive a higher price for his production.

At that time, I tried to make clear that my analysis indicated that the increased price would not go to the farmer but would, in fact, be an artificial price arrived at by the application of an export tax—sometimes euphemistically described as an "inverse subsidy."

I believe it is important for the Senate to note the events which have occurred subsequent to our action to ratify this ill-conceived treaty. The Secretary of Agriculture on the day after ratification proceeded to calculate the export taxes which would be required to implement the IWTC. For example, on June 17, the announcement was made that U.S. exporters would be required to pay the following export taxes for the "privilege" of exporting U.S. wheat:

[Cents per bushel]

	Gulf	East coast	West coast
Hard Red Spring	7	8	[1] 14
Hard Red Winter	18	18	1
Soft and other	24	24	0

[1] Export subsidy.

What has been the effect on U.S. wheat prices? On June 13, July wheat futures at Chicago were $1.30 per bushel; on July 8, July wheat futures closed at $1.24½—a 5½-cent drop. The situation at the Kansas City market was similar. On June 13, July futures in Kansas City closed at $1.38 per bushel; on July 8, July wheat futures closed at $1.31—a 7-cent drop.

In the first full week after the establishment of export taxes, sales of U.S. wheat dropped to 182,792 tons—less than one-third of the tonnage sold in the previous week. As a matter of fact, in just 2 weeks time U.S. wheat sales had dropped from 602.495 tons to 182,792 tons. Unfortunately, the bad news does not stop here.

The announcement of wheat export taxes has caused the drastic reduction in bookings of future wheat exports. In the first full week after the export taxes were announced, only 1.9 million bushels of wheat were booked for export. This compares to over 13.7 million bushels just 2 weeks previously. The conclusion is inescapable—U.S. wheat exports have gone down, and the facts indicate that they will continue to go down unless the current policy is changed.

While we were assured that U.S. wheat would be kept competitive on the world market, what has been the response of the Secretary of Agriculture with respect to this dismal export situation that has been created over the past 2 to 3 weeks? Wheat export taxes will be increased. For example, the export tax on Hard Red Winter wheat at the gulf and east coast ports has been increased by 3 cents to 21 cents per bushel; and for our soft wheats, the export tax is now 28 cents—4 cents above the June 17 level.

The U.S. Department of Agriculture forecasts a U.S. wheat harvest in excess of 1.5 billion bushels. Yet we are restricting U.S. wheat exports. This will cost the wheat farmer dearly. Ratification of the International Wheat Trade Convention was a tragic mistake.

Then, Mr. President, we waited for a year, and came in here on July 18, 1969, and here is what I pointed out to the Senate then, in the CONGRESSIONAL RECORD, volume 114, part 15, page 20113:

Mr. President, the International Grains Arrangement should be subjected to an immediate review and evaluation.

If such a review results in recommendations to withdraw from the agreement or that it should be amended, then there should be no hesitation in doing so.

In simple terms, the International Grains Arrangement, as ratified by the Senate on June 13 a year ago, is bust. My warnings to the Senate at the time have been borne out.

We were assured at the time that U.S. wheat would be kept competitive in the world market. The reverse has been true. The International Grains Agreement has influenced the loss of price competitiveness in our world wheat market. The organizations which supported the IGA—Great Plains Wheat, Inc., Western Wheat Associates, U.S.A., Inc., and National Association of Wheat Growers—all now admit that their support was misplaced. To quote from a speech by Carl Dumler, president of the Great Plains Wheat, Inc.:

"In fact, we have had to price below the IGA minimum in order to make sales. And we have lost sales because of this noncompetitiveness."

We were assured at the time that our wheat exports would not suffer. But they have. U.S. wheat exports are more than one-third lower than at the same time last year.

I warned at the time of ratification—and I said so—that the agreement would require a U.S. export tax on wheat. Within a few days after ratification, export taxes were applied. And they have ranged from 21 cents to 17 cents a bushel since. In fact, if a Wall Street Journal article of July 15 is accurate—and I have no reason to doubt it—we will soon be engaged in what would amount to an export subsidy war with other nations. The quote from the article:

"The U.S. will pay substantial wheat export subsidies, ranging up to $50 million a year or more, if other wheat-exporting nations don't act soon to adjust their prices upward."

The article takes note of this fact:

"The Common Market countries already are subsidizing export wheat sales and this [the U.S. threat] would mean they would have to increase their subsidy payments to maintain their sales volume."

These sets of circumstances, fueled by growing wheat surpluses, have resulted in depressing U.S. wheat prices and reduced net income of our wheat farmers.

Several meetings of officials of the leading wheat exporting countries have occurred in recent months, the last as late as last Friday. All were called to probe the problem. All have resulted in vague communiques, expressing concern and the need for corrective action.

Our interests have clearly been prejudiced under provisions of article 21 of the International Grains Arrangement.—

I might say, Mr. President, that it is under article 21 that the resolution proposes action—

This article clearly sets out that in such a case the matter should be brought to the attention of the International Wheat Council. If the Council doesn't provide the relief—and two-thirds of the votes cast by the exporting countries and two-thirds of the votes cast by the importing countries are required for a decision granting relief—then the United States may withdraw from the arrangement at the end of the crop year by giving written notice.

Mr. President, such action is clearly indicated.

I ask unanimous consent that the Wall Street Journal article, entitled "United States Threatens To Pay Wheat Export Subsidy Near $50 Million a Year," be printed in the RECORD.

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

UNITED STATES THREATENS TO PAY WHEAT EXPORT SUBSIDY NEAR $50 MILLION A YEAR—HARD-LINE POSITION SEEKS TO GET OTHER NATIONS TO MOVE SOON TO ADJUST THEIR PRICES UPWARD

WASHINGTON.—The U.S. will pay substantial wheat export subsidies, ranging up to $50 million a year or more, if other wheat-exporting nations don't act soon to adjust their prices upward, a Government source disclosed.

It's possible that the subsidies would be paid to exporters, dealers or others to permit them to quote lower export prices.

The U.S. position wasn't spelled out in the communique issued here last Friday at the close of two days of world wheat-price discussions by representatives of the European Common Market, the U.S., Canada, Australia and Argentina. But a U.S. official said the Common Market delegation, in particular, got the message, and it's expected there will be some follow-up development in Brussels this week on the "corrective action" mentioned in the communique.

The threat by the U.S. to put on wheat export subsidies would be felt most strongly by the Common Market countries (Belgium, France, Italy, Luxembourg, the Netherlands and West Germany). They already are subsidizing export wheat sales and this would mean they would have to increase their subsidy payments to maintain their sales volume, particularly since Canada also probably could be counted on to lower its export wheat sales prices.

The official International Grains Agreement minimum price for key grades of U.S. wheat is $1.60 a bushel, at Gulf ports.

The word on the hard line taken by U.S. officials in these talks apparently didn't surface sooner because the negotiators had agreed to say nothing beyond the text of the communique at the time it was made public.

U.S. officials concede that nearly all major wheat-exporting nations that were parties to the International Grains Agreement that came into force on July 1, 1968, have been undercutting the treaty's minimum export prices for wheat. In recent months, a Washington official said, price cutting by France and Australia especially had been hurting U.S. and Canadian sales.

The communique issued by the major wheat-exporting nations said only that they had reviewed current world prices and recognized "distortions," and that "corrective action" would be taken by some exporting countries to bring prices into a proper competitive relationship.

For France, the major wheat-exporting country within the Common Market, to adjust its export pricing practices would require some policy decisions within the Common Market as a whole, U.S. officials said. A higher export price for French wheat presumably would involve additional costs to the Common Market for its agricultural price supports.

It's understood that Australia, represented in the wheat talks by John McEwen, deputy prime minister, who also is his country's minister of trade and agriculture, also may adjust its wheat export selling practices to avoid undercutting U.S. and Canada or competitive varieties.

The price-cutting competition among major wheat exporters is traceable, U.S. sources say, to the prospect that the current world surplus isn't likely to disappear for "a year or two."

In the wheat negotiations here last week, there apparently wasn't any effort to reach agreement on lowering of the price floors in the International Grains Agreement for all the big exporting countries. That's something "we may have to take up later," a U.S. official said.

U.S. VISIBLE GRAIN SUPPLY

Chicago—U.S. visible grain supply, according to the Chicago Board of Trade (in bushels, thousands omitted)

	Week ended July 11, 1969	Change from week ago	Year ago
Wheat	195,188	+22,908	161,264
Corn	90,732	−16	79,475
Oats	35,319	+1,687	19,060
Rye	6,922	+201	5,353
Barley	25,022	+2,782	14,276
Soybeans	33,449	−793	12,764
Grain sorghums	31,638	−261	32,312

Mr. BUCKLEY took the chair as Presiding officer.

Mr. MILLER. Mr. President, about that time, a noteworthy comment was made by the Honorable J. D. Anthony, Australian Minister for Primary Industry at the time I received this (now Deputy Prime Minister) concerning what happened under the International

Grains Arrangement. This is what he said:

What has happened is that France has increased her sales at the expense of Canada and the United States. At the same time, the Australian Wheat Board has taken full advantage of its favorable position under the I.G.A. and has been very vigorous and successful in its marketing. As a result—and there is no doubt about this—Australia has gained more than her traditional share of the world market. While this has been happening, countries who are not parties to the I.G.A.—particularly the Soviet Union and East European countries—have been expanding their sales at prices out of line with I.G.A. prices.

I have here a letter dated July 9, 1971, signed by Clarence D. Palmby, Assistant Secretary for International Affairs and Commodity Programs, of the U.S. Department of Agriculture, addressed to the distinguished Senator from Pennsylvania (Mr. SCOTT), the minority leader of the Senate, in which he states:

DEAR SENATOR SCOTT: Senate Resolution 136 proposing it is the sense of the Senate that the President should request the International Wheat Council at the earliest possible date to request the Secretary General of UNCTAD to convene a price negotiating conference under Article 21 of the 1971 International Wheat Agreement could be embarrassing to the United States Government and weaken the United States position in any future negotiations with other countries. Article 21 of the Agreement provides for the Council to request a negotiating conference whenever it is judged that matters related to prices and rights and obligations can be successfully negotiated. The meaning of Article 21 is quite clear and requires no reinforcement.

As shown by the enclosed figures, the market price received by farmers for wheat is clearly related to the quantity of wheat exported. The rigid pricing provisions of the 1967 International Grains Arrangement hampered the ability of the United States to export wheat. Wheat exports during the first year of the IGA plummeted to 544 million bushels compared with an annual average of 791 million bushels during the previous three years. Wheat exports have risen since the IGA pricing provisions were set aside in mid-1969. The IGA listed prices for 13 separate classes of wheat from 8 origins with basing points all in the U.S. Gulf. It was impossible to translate the offer prices of the other countries to meaningful prices at the U.S. Gulf. Only the United States was hampered by the basing point provisions. An international agreement with such rigid and inflexible provisions as those in the IGA are not in the interests of the United States as an exporter of wheat.

In closing, he shows that for fiscal year 1969, we exported 544 million bushels, and the average price received by our farmers was $1.24. That, I might say, is in comparison with an average of 791 million bushels for each of the previous 3 years.

For fiscal 1970, we exported 606 million bushels. The average price received by farmers was $1.24.

For fiscal year 1971, we got up to 735 million bushels. The average price received by farmers was $1.36.

So, even with the IGA pricing provisions having been suspended in 1971, with 735 million bushels, we were not back to where we started, a 791-million-bushel average for the 3 years previous to the ratification—the tragic ratification—of the IGA.

Mr. President, on August 4, 1969, I pointed out to the Senate some further developments. In the CONGRESSIONAL RECORD, volume 115, part 16, page 21966, I said this:

Mr. President, the world wheat situation has now turned into a crisis of chaotic proportions, a condition of which I have been repeatedly warning ever since the Senate, over my opposition, ratified the International Grains Arrangement. The facts are these: World wheat trade has shrunk 30 percent during the past 12 months due largely to the International Grains Arrangements, which forced the United States to tax its wheat exports by specifying increased world wheat trading prices. Not only has this encouraged foreign wheat production to abnormal levels, particularly in other exporting nations, but because of technicalities contained in the fine print of the agreement, the United States does not compete effectively in any market of the world against French and Australian wheat. This results in a drastic loss of business, a reduction in foreign exchange earnings, piling up surpluses, and most importantly, a depression in the farm wheat economy. Domestic farm wheat prices recently went to a 27-year record low.

The reason is this:

The United States now taxes exports of Hard Winter ordinary wheat by 20 cents per bushel at Gulf ports. The ECC currently pays a subsidy of about $1.67 per bushel to export wheat. The U.S. export price last Thursday, July 31, f.o.b. gulf ports was $1.55 per bushel, while on the same day the equivalent computed price for EEC wheat was $1.15 per bushel. In other words, U.S. wheat was made 33 percent more expensive than EEC wheat because of the loopholes in the International Grains Arrangement. If we are going to export wheat in the face of such a situation, prices must be lowered.

Now, I ask, when, in the annals of world commerce, has the leading trading country in such an important commodity as wheat thrown away its markets by export taxation, and refused to grant an export subsidy of just 10 percent of its primary competitors export subsidy in order to be competitive, preserve its traditional markets, and strengthen a faltering economy?

This is the heritage the Nixon administration received from the previous administration and its ill-conceived negotiation and support of the International Grains Arrangement. Those who are complaining the loudest about the lowering of prices to keep our export trade from being catastrophically reduced seem to be the ones who supported ratification of the International Grains Arrangement, but I have not heard them admit their mistake and call for withdrawal from the arrangement.

I have just been advised today that our good neighbor to the south, Ecuador, has bought 50,000 tons of wheat—its total annual wheat import requirement—from Russia. U.S. pricing policy has sent a Latin American neighbor to a different supplier.

The crisis is here, and the time is now to demand that U.S. wheat be kept fully competitive in world markets. Immediate action is required to prevent a complete debacle in U.S. wheat export trade which will drastically impair the wheat market for U.S. farmers. I repeat my statement of July 18 that the United States should give notice of its intention to withdraw from the International Grains Arrangement.

Now, Mr. President, I am not one to say, "I told you so," but I fought against the ratification of that treaty very, very hard. My good friend from Alabama was occupying the same chair that he occupies today, and he and a great many other colleagues did not believe. That is all right. But what I had to say came true. I would ask that they believe me today.

The administration's position is this: I am quite confident that regardless of whether we have a Democratic or a Republican administration, the Department of Agriculture wants to improve prices for wheat farmers and wants to improve the export of wheat. I do not think there is any partisanship in that. When we have the assurance from the administration that they will engage in negotiations with other countries in an effort to improve the prices of our exports of wheat, I think that we should take them at their word.

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

Mr. MILLER. I yield.

Mr. YOUNG. I have been following the Senator's speech closely, and I am wondering whether the Senator is advocating lowering export prices on wheat as a means of helping the farmer. As the Senator well knows, our export prices are less than half what consumers have to pay in Common Market countries. If I understood the Senator correctly, he is advocating a lower price as a means of increasing exports; is that correct?

Mr. MILLER. I am not doing that. I would regret that there would be any implication of that kind. I pointed out at the time we ratified the International Grains Arrangement that the fixed prices for those countries that would be involved in the treaty were about 20 cents above the world price. This was paraded before members of the Senate as being an opportunity to increase the price of wheat to the American wheat farmer. But I warned then that what this would do would be to encourage those countries not producing so efficiently as United States wheat farmers can produce to engage in further production, which is exactly what they did. Then, in addition to that, there were the imperfections and the fine print items in the treaty which enabled some countries, especially those in the transportation area, to underbid us and to undercut us. And then this was all compounded further by the fact that the Soviet Union and other countries not involved in the treaty came in and underbid and undercut us.

Mr. YOUNG. During the period the Senator speaks of, when exports were higher 2 or 3 years ago, that was when Russia had its severe drought for 2 years and purchased wheat from us. We no longer are selling them wheat. So I cannot see how increasing the price of a bushel of wheat or lowering it would make much difference when our wheat prices are much less than they were. Canada sets its price on exports for wheat every morning, and we set our export price every afternoon at 3:30. All the other exporting nations have a government export price. So it is beyond me to see how giving our farmers lower prices will help exports.

Mr. MILLER. Does the Senator recall what the amount of the exports we made

to the Soviet Union was during those years?

Mr. YOUNG. I do not recall exactly, but I believe around 200 million bushels.

Mr. MILLER. Around 200 million bushels?

Mr. YOUNG. Right.

Mr. MILLER. Let me say to my good friend the Senator from North Dakota that, given even the 200 million bushels, it would not make up for the differential we lost in the first year of ratification of the treaty from the average of the first 3 years.

Mr. YOUNG. In the meantime, we sharply increased the export of wheat to Japan. They have gone pretty much to a wheat diet. They are a big wheat consumer now.

Mr. MILLER. May I say to my friend from North Dakota, if he is interested in good wheat prices, as is every Member of the Senate, if he will look at the record, for fiscal year 1969 we only exported 554 million bushels and the average price received by the American wheat farmer was $1.24. For the fiscal year 1970, we only exported 606 million bushels and the average price received by the American wheat farmer was $1.24.

For fiscal year 1971, during which time, of course, the treaty provisions were suspended, we go up to 735 million bushels of exported wheat, at an average price received by the American wheat farmer of $1.36.

Therefore, I believe that the proof is in the eating. The American wheat farmer could care less how they get it but what is important is that they get the improved price which occurred in 1971, but it went down in 1969 and 1970 under the treaty.

Mr. YOUNG. That was largely because of the increased world demand, was it not? Was it not largely because of the world demand? There was a surplus in the United States and we got the surplus down only about 2 years ago.

Mr. MILLER. The Senator is familiar with the fact that the Senate and the House have not been standing still with respect to our own domestic situation, so far as the wheat farmer is concerned. I think it is due in no small measure to the personal efforts of the Senator from North Dakota on the Agriculture Committee that our domestic program is more responsible than anything else for improvement in the total take-home pay of our wheat farmers, more than is attributable to improvement in export prices. So I must say that we can look at the decline in exports that occurred under this, and I predicted it. We have figures that show that. Another thing is the fact that France came along and is now a self-sufficient wheat producer. That was their common agricultural policy and it still is, whereas before then they had been deficient. What made them interested was the fact that the additional wheat prices, under the amendment in the treaty, would give them enough extra money so that they could try, in effect, to be self-sufficient, instead of preserving their market for efficiently produced U.S. wheat.

The sum of this is that the resolution is unnecessary. For one thing, it flies in the face of what happened under the International Grains Arrangement which became, to use the word of one of the articles I referred to, "chaotic." The administration has evidenced its interest in negotiating the agreements, where they are indicated, without the necessity of having to convene a negotiating conference which could go through the same trials and tribulations we went through before.

We got burned once. Let us not get burned again. The export situation for wheat and the price the farmer is receiving for his wheat is better than it was, much better than it was, when this agreement was in effect. With an administration that indicates its intention to improve the grain prices for all farmers, I think the resolution should be rejected.

I know that there is good faith behind it. There was the utmost good faith behind the arguments for the ratification of the treaty by some of the treaty organizations whom I have mentioned. We had members from the Great Plains Wheat Association and other associations recommending that we vote to ratify the treaty, and the Senate ratified it.

Within a year, those organizations were indicating that their trust in that treaty had been misplaced. Of course, it has been misplaced. Let us not misplace our trust again in a resolution which, I do not believe, will be at all helpful. If anything, they have indicated that it would hurt their bargaining power and might have a tendency to cause us to live through the same sad days the wheat farmers and exporters lived through during the time of our previous international trade agreement when the fixed price was in effect.

Mr. President, I yield the floor.

Mr. SPARKMAN. Mr. President, I will take just a few moments. I have listened with a great deal of interest to the very forceful argument of the Senator from Iowa.

There are two things I want to mention. One is that the chairman of the committee, the Senator from Arkansas (Mr. FULBRIGHT), referred this matter to the Committee on Agriculture and Forestry for comments. The distinguished Senator from Iowa is the ranking minority member of that committee. I read from a letter we received. It is addressed to the chairman. It reads:

> Thank you very much for your kindness and courtesy in asking for the views of the Committee on Agriculture and Forestry concerning the proposed International Wheat Agreement, 1971.
>
> This matter was brought to the attention of members at our regular meeting on June 16, 1971, and representatives of the Department of Agriculture briefed the Committee on the proposal at that time.
>
> After full discussion and consideration of both the Wheat Trade and Food Aid Conventions of the International Wheat Agreement, 1971, I was authorized, as Chairman, to indicate to you that this Committee has no objection to its ratification.
>
> With every good wish, I am
>
> Sincerely,
>
> HERMAN E. TALMADGE, *Chairman.*

The Senator from Iowa read a letter from the Assistant Secretary of the Department of Agriculture regarding this matter. The Assistant Secretary of Agriculture and his associates testified before our committee and called our attention to the fact that article 21 was put into the agreement in order to make it possible to negotiate on the prices of grains.

Mr. President, I ask unanimous consent that a letter from the Department of State be printed at this point in the RECORD:

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

> DEPARTMENT OF STATE,
> *Washington, D.C., July 9, 1971.*
>
> Hon. J. W. FULBRIGHT,
> *Chairman, Committee on Foreign Relations, U.S. Senate,*
> *Washington, D.C.*
>
> DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of June 18, 1971 asking for coordinated Executive Branch comments on Senate Resolution 136, requesting the Secretary General of UNCTAD to convene a negotiating conference as provided in Article 21 of the International Wheat Agreement.
>
> The United States has consistently supported the inclusion of price provisions, and the attendant rights and obligations, in all wheat and grains agreements since 1949 and attempted to include a provision not harmful to the United States in the current IWA 1971 when it was negotiated earlier this year. Unfortunately it was not possible in the course of these negotiations to reach agreement on the reference wheat or wheats, which forms the basis for price provisions in these agreements. No participating country was willing to offer one of its wheats as the sole reference wheat, and major changes in the Canadian grading system introduced uncertainties in the trading relationships among the several wheats which could have been used jointly as references. Without a reference wheat, it was not possible to enter into negotiations on prices, although informal discussions revealed important differences in the initial positions of the various members. Given the impasse over the reference wheat, but at the same time recognizing that virtually all participants wanted price provisions in the new agreement, the Conference added Article 21 to the 1971 Wheat Trade Convention to assure that the International Wheat Council would at the appropriate time request the Secretary General of UNCTAD to convene another negotiating conference. In so doing, the Conference recognized that the solution of the question of the reference wheats must await the establishment and testing in trade of the new Canadian system.
>
> We as well as other members are in agreement with the purport of S. Res. 136, that price provisions and the related rights and obligations be incorporated in the new Agreement. We do not believe, however, that the resolution is needed to accomplish this objective, since Article 21 already enjoins the IWC to keep under review the possibility of a new conference throughout the life of the agreement. Based on experience, we expect the question of a new conference to be on the agenda of each meeting of the Council, beginning with the forthcoming November meeting.
>
> Furthermore, the Senate resolution could be interpreted as minimizing the problem of the reference wheat, which proved insoluble in the months of preparatory work before the Geneva Conference and in the Conference itself. The resolution is therefore likely to create a misunderstanding of the US position as it implies that we now see a way of overcoming this problem before

the new Canadian wheats have been thoroughly tested in trade. This is not the case, and any conference based on such a misunderstanding would have little chance of success. Failure of a new conference to settle on a reference wheat, which is crucial to the price issue, would seriously damage prospects for further negotiations as well as the whole framework of international wheat cooperation which has been built up since 1949. In these circumstances we believe the next negotiating conference must be approached very carefully by all concerned. The proposed Resolution does not appear to be consistent with such an approach.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

Mr. SPARKMAN. Mr. President, this letter is in reference to Senate Resolution 136.

It states in part:

The United States has consistently supported the inclusion of price provisions, and the attendant rights and obligations, in all wheat and grains agreements since 1949 and attempted to include a provision not harmful to the United States in the current IWA 1971 when it was negotiated earlier this year. Unfortunately it was not possible in the course of these negotiations to reach agreement on the reference wheat or wheats, which forms the basis for price provisions in these agreements. No participating country was willing to offer one of its wheats as the sole reference wheat, and major changes in the Canadian grading system introduced uncertainties in the trading relationships among the several wheats which could have been used jointly as references. Without a reference wheat, it was not possible to enter into negotiations on prices, although informal discussions revealed important differences in the initial positions of the various members. Given the impasse over the reference wheat, but at the same time recognizing that virtually all participants wanted price provisions in the new agreement, the Conference added Article 21 to the 1971 Wheat Trade Convention to assure that the International Wheat Council would at the appropriate time request the Secretary General of UNCTAD to convene another negotiating conference. In so doing, the Conference recognized that the solution of the question of the reference wheats must await the establishment and testing in trade of the new Canadian system.

We as well as other members are in agreement with the purport of S. Res. 136, that price provisions and the related rights and obligations be incorporated in the new Agreement.

Again he calls attention to the fact that article 21 provides for negotiating these matters at the proper time and states that it virtually recognizes that it will be on the agenda of the council at any and all times.

All Senate Resolution 136 does is to recognize the practice that was recognized by the negotiators in the conference. It simply expresses our hope that the President will initiate action as soon as practicable to convene a conference in order that these provisions can be discussed. That is what is anticipated in the conference.

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

Mr. SPARKMAN. I yield.

Mr. MILLER. Mr. President, might I ask the date of that letter.

Mr. SPARKMAN. The date of the letter is July 9, 1971. It is signed by Mr. David Abshire, assistant secretary for congressional relations.

Mr. MILLER. Mr. President, I guess what the Senator is pointing out is that we have divergent views between two agencies of the Government.

Mr. SPARKMAN. The Senator is correct. I simply offer this letter in reply to the letter read by the Senator from Iowa.

Mr. MILLER. Mr. President, probably this would not be the first time this has happened. However, I point out that the date of July 9 to which the Senator refers is the same date appearing on the letter I have referred to from the Assistant Secretary of Agriculture for International Affairs and Commodity Programs.

Mr. SPARKMAN. Mr. President, I recognize that. However, I want to point out that I did not read the opening paragraph. I believe that I should. It reads:

The Secretary has asked me to reply to your letter of June 18, 1971 asking for coordinated Executive Branch comments on Senate Resolution 136, requesting the Secretary General of UNCTAD to convene a negotiating conference as provided in Article 21 of the International Wheat Agreement.

That says that it represents the coordinated comments of the executive branch on this particular resolution. I do not see how we can have a stronger statement of views than that.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. SPARKMAN. I yield.

Mr. MILLER. Mr. President, it is quite obvious that while the Secretary had asked for coordinated views, he had not received them because on the same date that the letter is dated, we have a letter from the Assistant Secretary of Agriculture for International Affairs and Commodity Programs stating different views.

Mr. SPARKMAN. I can assure the Senator that he did receive the coordinated views.

Mr. MILLER. I wish to ask my colleague from Alabama which department has more interest, more direct interest in the exports of wheat and the welfare——

Mr. SPARKMAN. I am not taking any sides as far as executive departments are concerned but I do say that this letter, written on behalf of the Secretary of State, states that it represents the "coordinated comments of the executive branch on Senate Resolution 136."

Mr. McGEE. Mr. President, to reinforce the point under discussion, and remembering that the Senator from Iowa has very eloquently developed the administration's position—namely, that they want this body to adopt the new International Wheat Agreement—I wish to point out that article 1(d) of the Wheat Trade Convention of 1971 states that one of the objectives of the convention is:

To provide a framework, in conformity with Article 21 of the present Convention, for the negotiation of provisions relating to the prices of wheat and to the rights and obligations of members in respect of international trade in wheat.

Now, listen to the wording in my resolution which states that we urge them to convene this negotiating conference—

With a view toward the negotiation of provisions relating to the prices of wheat and to the rights and obligations of members in respect to international trade in wheat.

We put that language in deliberately because our whole thrust was not to separate it from the negotiation of the Internaitonal Wheat Agreement but rather to endorse the efforts under the International Wheat Agreement. That is the thrust of the resolution.

I say to my friend from Iowa that we are really stating the same thing in both of these instances. There is not that much difference even in the separation of the resolution from the treaty.

It is for this body to lend its moral support to the efforts that did not quite succeed before but are ready to be undertaken again at the earliest opportunity, and we want them to know we are with them in this regard.

Mr. SPARKMAN. Mr. President, the Senator is correct. I believe we had just about as strong a representation as we could have had from the people who grow the wheat in the United States. All of them were in favor of a Wheat Agreement, but they wanted to have the backing of the Senate behind them in their desire to see that the objectives set out there and embodied further in article 21 were carried out. That is the purpose of the resolution.

Mr. MILLER. Mr. President, will the Senator yield

Mr. SPARKMAN. Yes, but before I yield may I just make a further point. I failed to read the concluding paragraph of the State Department's letter. It states:

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

That is the office we used to call the Budget Bureau and they have let it be known that it is consistent with the administration's policy.

Mr. MILLER. I wish to say to my friend from Alabama that I do not recall he read this part of the letter from the State Department to which he previously referred. I am referring to the statement on page two of the letter which reads:

We as well as other members are in agreement with the purport of S. Res. 136, that price provisions and the related rights and obligations be incorporated in the new Agreement. We do not believe, however, that the resolution is needed to accomplish this objective, since Article 21 already enjoins the IWC to keep under review the possibility of a new conference throughout the life of the agreement. Based on experience, we expect the question of a new conference to be on the agenda of each meeting of the Council, beginning with the forthcoming November meeting.

That would not leave the impression that the State Department is asking the Senate to approve this resolution. In fact, they say "We do not believe it is needed."

Mr. SPARKMAN. That is right.

Mr. MILLER. That is the essence of

the remarks from the Assistant Secretary of Agriculture. Let me read again what he said:

> It could be embarrassing to the United States Government and weaken the U.S. position in any future negotiations with other countries.

In other words, what he is asking is that we not go on record in support of this resolution, but leave it up to the administration to work this out; and as the Secretary of State indicated the item will probably be on the agenda of the council at the next meeting. So what is the purpose behind the resolution?

I was trying to point out how deadly and unfortunate action by the council could be to the wheat farmers of the country. I do not think any administration wants to be trapped into that again. We ratified the treaty in the Senate. It was unfortunate. They will try to work out some agreement in the council in future meetings. They know what section 21 calls for.

I suggest to my friend from Alabama that the letters from the two agencies are not incompatible at all.

Mr. SPARKMAN. I do not regard it as a necessity, but these people who grow wheat and who are interested in it want to feel they have the endorsement of the Senate in backing up the provisions that are set forth in the agreement itself in two places, first, in the objectives, and, second, in article 21, which was written in for the purpose stated. We are not requiring the President to do this; we are passing a sense of the Senate resolution to the effect that we believe he ought to get the conference back together as soon as it is feasible to do so.

Mr. MILLER. I wish it were just that simple. Possibly if the Senator from Wyoming and a few of us could sit down for a few moments we might modify the language a little more. The language is not quite the way the Senator from Alabama has put it. It would put the Senate on record that the President should request the International Wheat Council——

Mr. SPARKMAN. Yes.

Mr. MILLER. At the earliest possible date——

Mr. SPARKMAN. Yes.

Mr. MILLER. When is that? Is it tomorrow?

I think the time is very important. Why should I, as a Member of the Senate, say, "Mr. President, I request you tomorrow to get on the telephone and make a request of the International Wheat Council for a conference"?

Mr. SPARKMAN. We heard the testimony of Mr. Palmby. As a matter of fact, this agreement was not submitted to the Senate until June 2. Mr. Palmby and an associate came by my office on June 14 and talked to me about it. That was the first time I ever knew there was a deadline, just a few days ahead, on this agreement where we either had to join or we had to declare our intent to join.

I wish to tell the Senator there was opposition in our ad hoc subcommittee to giving them permission without going through all the hearings that we ought to have in order to let them meet the deadline; but they wanted it so desperately that we did it at a time when the wheat producers were begging us to extend the hearings so they might get their people in from far away places to testify.

When we gave permission, reluctantly, to let them go ahead and meet that deadline by depositing a declaration of provisional application, it was done, I believe, with full understanding that we were going to have additional hearings in order to let the people who produce the wheat come in and have their say. Those people, if I recall correctly, were unanimous in asking that this resolution go through in conjunction with the agreement.

I want to say, in all conscience, that I do not appreciate the letter from Mr. Palmby, after he, in our subcommittee, told us that they had hoped to get these pricing provisions in but they did not have the time and here they were at the deadline when they felt they had to do something.

Against opposition in the subcommittee, we voted to let them deposit a declaration of provisional application, but at the same time we said we are going to give the people who go out into the field and produce the wheat an opportunity to be heard. We heard them. I think it was clearly understood that this resolution would be a part of it.

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

Mr. McGEE. Mr. President, I wonder if the Senator will yield so I may respond to the Senator from Iowa?

Mr. SPARKMAN. Yes; I am glad to yield to the Senator from Wyoming, who was active in the subcommittee, and I ask him to state whether or not I have correctly stated the case.

Mr. McGEE. The chairman is eminently correct in his statement of the case and of the situation in which we found ourselves. We tried to work out a compromise that would be satisfactory to everyone involved, and a part of that compromise was the resolution because of that special circumstance. But we put in the resolution—and I call this to the attention of the Senator from Iowa—the special phrase that urges the President to request the International Wheat Council, at the earliest possible date—not next Tuesday, as the Senator said he or someone else might have sugggested, or next week, or next month, but at the earliest possible date. We did this with the full knowledge that we could not impose something, and should not try, in a case like this. But we thought we should take cognizance of the contingencies of the international climate at the time and of the commitment that the American negotiators had already taken under article 21, which is in the agreement.

For that reason, rather than specify a time, and in order not to aggravate the bind in which the Department of Agriculture found itself, we included the words, deliberately, to respect the President's options and the impact of the Executive judgment in this particular instance. Then we finished the resolution with the exact words from article 1 of the Wheat Trade Convention itself.

That is how this matter was drawn. I really fail to see the reason for all the fuss about this. It is precisely what the International Wheat Council set out to do. It is precisely what the International Wheat Agreement proposes to do. It leaves to the President the option to determine. Nothing is mandatory in it at all. It simply expresses the hope that the battle which was not sucessfully resolved during the negotiations last February might be resumed in a gentlemanly way and bring about negotiations in order to better protect the American wheat grower. The total basis for the resolution was to unite support behind the International Wheat Agreement.

Is the Senator from Iowa opposed to the pending International Wheat Agreement now?

Mr. MILLER. No, not at all.

Mr. McGEE. The Senator is going to support the International Wheat Agreement?

Mr. MILLER. I do not know of anyone who is going to oppose it.

I would like to make it very clear that each Senator has on his desk two items. One item is the International Wheat Agreement of 1971, which is in the nature of a treaty and requires ratification, and we have an agreement to vote on it sometime this afternoon by record vote. I do not know of any Senator who is opposed to it. I do not know of any Senator on the Committee on Agriculture and Forestry who is opposed to it. We discussed this matter at a meeting of the Committee on Agriculture and Forestry and authorized the chairman of the committee, the Senator from Georgia (Mr. TALMADGE), to send to the Foreign Relations Committee our comments supporting the treaty. I do not know of anybody in the administration who is opposed to it.

That is not what I have been talking about. I have been talking about the resolution, Senate Resolution 136, sponsored by my friend from Wyoming, which is the other item on our desks.

I appreciate what the Senator has just said about this resolution and his thinking behind it. It may be that we can confer here together, possibly in a few moments, and work out a little better language. The Senator from Wyoming, like the Senator from Iowa, has no particular pride in technical language in any document, I know.

If I may have the attention of the manager of the treaty, do I understand a point he was making was that this short period of time for the consideration of the International Wheat Agreement somehow or other had anything to do with getting prices in the agreement? I do not think so, because the treaty was negotiated without the prices in it, and I understand all the committee had to do was consider the treaty. By implication I thought he may have suggested that some of the farmers or industry people wanted to be heard in opposition to the treaty.

Mr. SPARKMAN. Not at all. May I say to the Senator from Iowa that perhaps a week before we had the first hearing I had a letter from the chairman of our committee saying that he

wanted to appoint a subcommittee to handle this matter, and he wanted me to be chairman. In the letter he gave the names of the Members he would appoint to serve with me. The ink was hardly dry on my reply to the chairman stating I would be glad to do it when Mr. Palmby, and I believe Mr. Worthington, came to my office and told me at that time about the jam they were in. We did not get them into that jam. On the 15th, which was the earliest date we could get the subcommittee together, we held a hearing. I want to read the statement I made at that time, when they were telling us how urgent it was that we report this matter out immediately, or at least that we give them the privilege of depositing a declaration of provisional application, as they were able to do under article 24. Here is the statement that I made:

Let me say one thing that may not be relevant as far as this ratification is concerned. This wheat agreement was opened for signature in Washington as early as March 29. It was signed by the Secretary of Agriculture on April 14, but it was not submitted to the President until May 21. The President transmitted it to the Senate on June 2. Not until yesterday—

That was the day before they came by—

did I know there was any hurry about this agreement.

When they explained to me that there was, I said, "I will call the subcommittee together tomorrow," and we did it.

This is not the first time we have been confronted with a situation like this. I don't quite understand the reasons for the delay. This puts us in the position of being virtually forced to act quickly. I am not opposed to it, but we ought to give interested people a chance to be heard.

Witnesses were notified immediately, and we had people from Missouri, Kansas, Washington State, and from a dozen different wheat-producing States who said they wanted to testify. But they said they could not possibly get there in order to testify, and here we were, being urged to report this agreement out of the committee.

I said to them, "We ought to give interested people a chance to be heard."

Finally, I suggested that we authorize them to go ahead and make a provisional application under article 24 of the agreement, and, as I say, there was opposition in the subcommittee to that. We felt that we ought not to take any action until we had heard from these people who produced the wheat.

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

Mr. SPARKMAN. However, the majority of the subcommittee decided to go ahead and give them the privilege of giving their notice of adherence—a conditional adherence, of course, subject to the final ratification—but that would give them the right to participate in the meeting of the International Wheat Council which was held in London during the week of June 21. As has been pointed out by the able Senator from Vermont, the United States and Canada have a majority of the votes under the terms of the agreement, but Canada standing alone could be outvoted by the other members. If we had a right to participate, then we could protect our interests.

The way I regard it, we more or less traded on that idea. The resolution was before us at that time, and everyone knew that it was, and that it was going to be considered. Later we had 2 days of hearings on the 17th and the 29th. We had additional witnesses, and these were the people from out in the Senators' State, from Wyoming, from Missouri, from Kansas, from Washington, and from several other States which produce wheat, and they were most insistent that we pass the resolution along with the wheat agreement. Now, I am carrying out what I consider more or less a promise that was made at that time, with the full knowledge and understanding of the Department of Agriculture.

Mr. MILLER. Mr. President, may I say to my friend from Alabama that I would not for one moment suggest or imply any criticism of the way his committee has operated in this matter. I can understand how he would be concerned over the short period of time allowed for the hearings. But he has already clarified that, and from what he had to say I doubt that there would have been any witnesses appearing before the committee in opposition to this pending treaty.

That being so, I do not understand why there would have been a great amount of concern over the opportunity to appear for hearings. It is too late to negotiate a change in the treaty; the treaty has already long since been negotiated. There is not anything the Senator's committee can do about it except possibly put on a reservation to the resolution of ratification, and I do not know that there are any reservations that can be connected with this treaty. I do not think there was ever any consideration of a reservation to the treaty.

Mr. SPARKMAN. This is not a reservation. We discussed the idea of putting this on as an understanding with the treaty. But we decided that the treaty ought to go through clean, and my honest thinking was the best we could do was express the sense of the Senate that the President act as soon as he practically could in order to do what they would have done had the conditions been right for it.

I want to make it clear that our committee has not been responsible for any of the delay. We acted promptly, and we acted according to their wishes, except as to the resolution, and certainly with their knowledge and understanding that we were going to push the resolution. I think, in all fairness, there ought not to be objection at this hour to that resolution.

Mr. MILLER. Mr. President, as I have said, there is no implication, and never has been, of any criticism regarding the operations of the committee which the distinguished Senator from Alabama has directed. If I could have the attention of the Senator——

Mr. SPARKMAN. Yes.

Mr. MILLER. The point is this: His committee had a short period of time to consider the treaty.

Mr. SPARKMAN. We had no time, virtually.

Mr. MILLER. Well, it apparently had enough time to get the hearings printed.

Mr. SPARKMAN. Let me state——

Mr. MILLER. The committee could have——

Mr. SPARKMAN. That we had the hearings on the earliest possible date we could get the subcommittee together and get any witnesses there at all. That was on June 15, and we had to act before midnight on June 17. We went on and gave them that permission, even though there were some who objected to it.

Mr. MILLER. I do not want to belabor this point, though I have said this three times: There is no criticism whatsoever of the way the committee operated. The point that I think has been missed here is that what the committee had before it was pretty much what we had before, except without the pricing provisions which led to the previous one becoming a chaotic, tragic mistake.

I am not saying that the previous treaty, if it had had some different pricing mechanisms in it, might not have worked out well. I am only saying that the way it was worked out, with the pricing provisions it had in it, it turned out to be a tragic mistake.

Mr. SPARKMAN. That would be a matter for the conscience of Senators.

Mr. MILLER. We do not want to have it happen again, and apparently some of the other countries do not want it to happen again.

Mr. SPARKMAN. There is nothing——

Mr. MILLER. Without the pricing provisions in it, apparently they have let the council work out the provisions in it by separate negotiations; is that not so?

Mr. SPARKMAN. There is nothing in this agreement contrary to that resolution.

Mr. MILLER. Nothing in it except that we wonder what it is doing there. The administration is very much aware of this; in fact, we had our negotiators participating in drawing up this treaty in the first place.

Mr. SPARKMAN. They wrote section 21 in right along the line that this resolution has been drawn. This is the mildest thing we could have done: Just a simple resolution expressing the sense of the Senate, in keeping with what the representatives of the Department of Agriculture and the negotiators told us that we had in mind anyway.

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

Mr. SPARKMAN. Just one other thing, if I may, while I am on my feet.

On June 17—remember, this is the last day they had—I wrote this letter:

JUNE 17, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: As Chairman of the Ad Hoc Subcommittee on the International Wheat Agreement of the Foreign Relations Committee, which consists of Senators Church, Symington, McGee, Aiken, Cooper and Pearson, I wish to inform you that the Subcommittee met in executive session this afternoon and decided to approve the deposit of a declaration of provisional application of the International Wheat Agree-

ment pursuant to the provisions of Article 24 of the Wheat Trade Convention and Article IX of the Food Aid Convention.

Sincerely yours,

JOHN SPARKMAN,
Chairman, Ad Hoc Subcommittee on the International Wheat Agreement.

They got their application filed before midnight, and they are currently in good standing, able to carry on and do everything necessary just as if we had already recommended ratification of the treaty. They did it knowing that we had Senate Resolution 136 before us and that most likely we would report it.

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

Mr. SPARKMAN. I yield.

Mr. McGEE. I think that perhaps this is the point we are missing here, and I say to the Senator from Iowa, who just asked: "Why Senate Resolution 136, in view of the language in it?"

The answer to that is this: Because of the short time the subcommittee had and the urgency of putting them in business on the new wheat agreement. On 2 days' notice, to meet the deadline, we worked out the compromise that involved Senate Resolution 136 to avoid the delays that otherwise would have been entailed on the part of members of the subcommittee and on the part of other witnesses who wanted to be heard in the short time that suddenly was available to us.

This was honestly a part of a package that was worked out to expedite getting the treaty in action provisionally, without delay, and leading to its approval on the floor this afternoon. It was in that context that Senate Resolution 136 was introduced and reported. It was changed to conform to the intent of the treaty so that it did not do violence to the time factor, to executive authority, or to the ultimate intention of the ratification of the International Wheat Agreement. But it was a part of the understanding, rather than having more hearings, rather than having a longer set of committee sessions to move it, in order to meet the deadline. The deadline was met at the request of the executive branch and we tried to accommodate. But a part of that accommodation was Senate Resolution 136. That is why it was made a part of the pending business today.

Mr. MILLER. I appreciate the Senator from Wyoming giving us that explanation, although I must say that I see no reason why the Senate cannot ratify this treaty, and 30 days from now or 60 days from now, if we are unhappy about the lack of momentum on the part of the administration, the Senator's resolution, No. 136, would be just as valid as it is now.

What apparently has happened here is that the committee had short notice on which to get the clearance of the treaty. Apparently, some people wanted to be heard on it. It was too late for them to do anything about pricing provisions. That was all out of the treaty; it was the way the treaty was negotiated. The most the committee might have done would have been to have the committee report contain an understanding of some kind.

But here is a resolution which, in effect, says to the President, "Now that we have this treaty, we want you to go over there and request the council to set up a conference as soon as possible."

I do not know why we need to have something like that in conjunction with the treaty.

I do not recall ever voting to ratify a treaty in the Senate when we accompanied it with some kind of resolution saying, "We want the President to do this right away," or something like that. I do not remember ever doing that. We usually give the executive branch a reasonable opportunity to take some action under the treaty; and if they do not take action that we think is proper, every once in a while we may come out with a resolution. I see that as being standard operating procedure.

But the Senator from Wyoming suggests that this is a package deal, that we go on record to say to the President, "we want you to get moving on this right away," and then we soften it a little.

I hope we can work on the language problem a little. If no one wants the floor at this time, I should like to put in a quorum call.

Mr. McGEE. In connection with the Senator's hesitation or objection on this resolution, I hope he will bear in mind why it was decided to allow the executive branch to keep the wheat agreement in operation provisionally, and thus avoid any interruptions. A part of that agreement was this resolution. It is not separable in that sense. We cannot consider the resolution 30 days from now, because it was one of the conditions that enabled us to get the votes to report the International Wheat Agreement out of the committee. Otherwise, it would not have come out of the committee.

Mr. MILLER. If the Senator is saying that certain members of that committee said, "we will be pleased to vote to send the treaty to the Senate for ratification, but we are not going to do it unless you put out a resolution which says that it is the sense of the Senate that the President get moving on it—"

Mr. McGEE. I wish we had time to read all the record of both the committee hearing and the committee markup. But what it said was that many felt that before we even ratify the treaty a great many details about the treaty should be spelled out. We did not have time for all that. In the interest of trying to cooperate—perhaps we should not have cooperated—it might have been a mistake. Perhaps we should have blocked the treaty at that point and let it come out later. Perhaps we should not have tried to work out an understanding on this. We tried it, and this was part of what was worked out as the package arrangement. It was expected that this resolution would cover the feelings of a great many who would go along and close ranks and unite, hopefully, a hundred percent behind the ratification of the treaty by this body.

But it was designed to remove a roadblock that could have delayed the agreement for an indefinite period of time. It was in that interest that this came out.

So again I appeal to the Senator from Iowa to look at it in the context that produced it. It was not envisaged as something with the farmer per se. It was something that came out of the sudden development in terms of the approval of the committee that was asked on short notice because of other inadvertent circumstances.

Mr. MILLER. I appreciate the Senator's explanation, and I am sure it is an honest one.

I cannot understand any members of the committee saying, in effect, "We are not going to get this treaty out for the Senate to ratify on a timely basis unless you are going to put out a resolution which makes it the sense of the Senate that the President is going to take some action as soon as possible under the treaty."

Mr. McGEE. That resolution was the product of negotiation of a good many hours in order to remove the elements that did not belong in it. With all apologies, this was the best we could do to move toward the time to meet the deadline imposed on the preceding treaty arrangements in an attempt to cooperate. That is why it is here today. All have testified that it is seemingly harmless. It was simply a part of the technique for expediting it. It has no other mandatory provisions. It has no commands to the Executive. It respects the Executive's good judgment in moving on this. But it was the only way we could have broken the deadlock in the committee and moved it out, and this is a part of that agreement.

Mr. MILLER. I must say to the Senator from Wyoming that in my 11 years in the Senate, I have never heard of a treaty coming before the Senate with such a stipulation in effect being placed on it.

The Senator from Alabama is a long time member of the Committee on Foreign Relations. Has he ever heard of a treaty reported by the Foreign Relations Committee with such a package deal, to be accompanied by a sense of the Senate resolution that the President start taking action under the treaty right away?

Mr. McGEE. Let me say to my good friend from Iowa that I have only been on the committee a few years and I do not remember getting a treaty submitted to us that we had to dispose of in 2 days. It came late.

Mr. SPARKMAN. That is exactly what I was going to say. I have never known a treaty to be submitted to us when we had only a couple of days to meet a deadline.

Mr. MILLER. If that is the case, perhaps this should be taken up with the Chief Executive; that we will ratify the treaty but we want to warn the Chief Executive that it is the sense of the Senate that he had better get the treaties up here sooner. That would make sense. But coming out with a resolution accompanying a treaty before the Senate even votes on it is something which, in effect, says that the President is to take action under the treaty right away. I never heard of such a thing. I do not know of anyone else in the Senate who has been around here a lot longer than I have who has ever seen a treaty come out with that kind of deal attached to it. I fail to see why it happens on this one. In any event, I appreciate the explanation made by my friend from Wyoming.

Mr. President, if the distinguished Senator from Alabama (Mr. SPARKMAN) will permit me, I should like to put in a quorum call at this time. Is that all right with my friend from Alabama?

Mr. SPARKMAN. May I say that I am supposed to be presiding over an executive session of a committee which I have recessed until 3:30 p.m. today. I certainly hope to be able to get to that meeting to work on a bill which is another hurry-up job.

Mr. MILLER. I will do the best I can. I have an obligation to another Member of the Senate to put in a quorum call because he wishes to speak.

Mr. SPARKMAN. The administration has a bill which they have urgently requested we get out during this executive session at 3:30, and I would like to get over there to that meeting to work on it. But, certainly, the Senator may suggest the absence of a quorum.

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

The PRESIDING OFFICER (Mr. BUCKLEY). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPARKMAN. 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. McGEE. Mr. President, we have before this body Senate Resolution 136 which I submitted after President Nixon referred the new International Wheat Agreement of 1971 to the Senate Foreign Relations Committee for consideration. My resolution asks the President to hold further negotiations on this treaty.

I introduced this resolution after becoming very concerned that this agreement, which has been recommended to the Senate for approval, does not include any provisions relating to the prices at which the signatory nations agree to import and export wheat. Moreover, the agreement also fails to include the designation of reference wheat, basing points, or definition of importers' and exporter's obligations. As nearly as I can understand it, the agreement as it now stands is a mere statement of the good intentions among the major wheat traders of the world. The disturbing aspect of such a toothless agreement is that it does not come to grips with the problems of the wheat trade—problems which inspired the original wheat agreement more than 20 years ago and which have kept it alive all these years.

I have become concerned about the operation of the International Grains Arrangement of 1967, which expired on June 30 of this year. The Committee on Foreign Relations has, over the past year, received numerous inquiries from farmers and farm organizations relating to their concern for the operation of that treaty. These individuals and organizations, as well as the committee, have been disappointed that the last treaty had not lived up to the expectations we had for it when the Senate approved its ratification 3 years ago.

I was concerned over the reported unilateral price cutting that was going on in violation of the terms of that agreement. I was also concerned over the seeming reluctance of the United States to adhere to the provisions of the agreement, by failing to insist that the violations of the agreement be presented before the Prices Review Committee.

In light of the violations which occurred under the expired agreement, I was stunned that the International Wheat Agreement of 1971 was completely devoid of any safeguards whatsoever for the American farmers.

We were told, Mr. President, that several factors combined to prevent the inclusion of provisions for price, basing points, and other vital elements in the agreement. We were told that most of the 3-week period during the February negotiations was spent on trying to reach agreement on a reference wheat and a basing point. Neither the United States nor Canada wanted their wheat or shipping points so designated. Compromises such as an average of the collective reference wheats or combinations of wheats also failed to find approval among negotiators in large part perhaps because U.S. representatives were not given proper instructions. There were reports that our negotiators offered such a low-price minimum that it dampened the prospects for success at a very early stage in the proceedings.

Reports from a recent conference of the International Federation of Agriculture Producers, where representatives of more than 40 nations attended, indicate that broad agreement exists for renewing efforts to negotiate meaningful pricing provisions. They recognize that international commodity agreements without minimum price features are little more than statements of good faith. An agreed range of price movement with an established minimum price would help to stabilize the world market and protect all concerned.

In light of this evidence, I feel this agreement, as it now stands, is a hollow and meaningless document. Trade negotiations and agreements are the only proper route to expanding trade, not a trade war. And that is exactly what we will have—a trade war—unless adequate provision is made for very vital sections of this agreement. This would result in unstable wheat prices and uncertainty for the American farmer.

It is difficult to conceive that our Government has abandoned the sensible approaches to international trade in wheat that past agreements made possible for over 20 years. But that is the assumption one must make in light of the sense of urgency on the part of the administration to gain quick ratification of this document.

I am hopeful the Senate as a whole shares my concern for American agricultural interests. I am hopeful this concern will be expressed through the passage of my resolution asking the President to request, through the International Wheat Council, further negotiations aimed at reaching agreement on pricing provisions which the new wheat agreement now totally lacks.

Adoption of Senate Resolution 136 by the Senate would demonstrate the sense of urgency with which the Senate views negotiations with signatory nations aimed at reaching agreement on international wheat prices and related matters. Passage of this resolution would strengthen the hands of our negotiators. I urge its adoption.

Mr. TOWER. Mr. President, although I strongly support the International Wheat Agreement of 1971, it appears that Senate Resolution 136 would do nothing to strengthen the position of the U.S. Government in future negotiations establishing wheat markets and/or wheat supplies. The 1967 International Grains Arrangement hampered the ability of the United States to export wheat and therefore affected the price our farmers received. Figures released by the U.S. Department of Agriculture indicate that during the period the IGA was in force, wheat exports dropped to 544 million bushels, while during the 3 previous years the annual average wheat export was 791 million bushels. Since setting aside the IGA requirements in mid-1969, wheat exports have risen.

My foremost concern is that of the wheat farmer and the price he will receive for his wheat production. I realize the futility of raising wheat to sell for a $1.25 per bushel on the market while at the same time paying in excess of the market price to produce it. However, I feel that article 21 of the International Wheat Agreement of 1971 provides the necessary provisions for the establishment of improved wheat markets, and I am confident that the administration will exercise every possible measure to assure the Nation's farmers an equitable price for their commodity. I therefore must oppose any provision that will impose rigid and inflexible regulations on trade agreements, thereby hampering our Nation's ability to maintain a foreign market for farm products.

Mr. McGEE. Mr. President, the Senator from Iowa and I have worked out the language in Senate Resolution 136 that we find mutually acceptable. It involves the substitution of one word and the addition of another word, as follows: On line 3 of the resolution, the word "possible" would be changed to the word "practicable", which coincides with the legislative background explained by the chairman of the committee and by me in terms of the intent of the committee in reporting the resolution. Then, on line 7 of the resolution we would add the word "suitable" in front of the word "provisions" so the phrase would read: "with a view toward the negotiation of suitable provisions."

Mr. President, I ask unanimous consent that those two changes may be incorporated in the resolution.

The PRESIDING OFFICER. Is there objection to the amendments? The Chair hears none, and the amendments are agreed to.

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

Mr. McGEE. I am glad to yield.

Mr. MILLER. May I add a few words to the Senator's explanation?

One of the problems we have had, as was pointed out earlier in the debate this

afternoon, was that the rights and obligations of members under the previous treaty were not really carried out in the best sense of the term. We found undercutting in the way of transportation to the detriment of the United States. We found undercutting by way of transportation differentials. There were other means which all contributed to a most unsatisfactory condition as far as the American wheat farmers are concerned.

I think the resolution underscores that we expect suitable provisions for the American farmer to be worked out. I think it better accords with the intention of the Senate.

Mr. SPARKMAN. Mr. President, I have an amendment at the desk which I ask be considered at this time.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page five, after the numeral "21" insert the words "of the Wheat Trade Convention."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

Mr. SPARKMAN. Mr. President, has the amendment proposed by the Senator from Wyoming been acted on?

The PRESIDING OFFICER. That amendment was agreed to by unanimous consent.

The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. JACKSON. Mr. President, the Senate today will act on two matters of major importance not only to the wheat farmers of my State, but to those in every wheat-producing State in the Nation.

Earlier this year a new international wheat agreement was finalized in Geneva where over 50 nations were represented. There are some basic weaknesses, however, in the new wheat agreement which presently lacks provisions related to pricing matters such as reference wheat, basing points, and minimum and maximum prices. The lack of these important provisions is distressing to many farmers who feel that without pricing provisions the agreement is meaningless. Mr. Eugene Moos, the highly competent president of the National Association of Wheat Growers, and a resident of the State of Washington, was in attendance at the negotiations and worked hard in an advisory capacity to seek such provisions. Following the conference, Mr. Moos said:

> That the new International Wheat Agreement does not meet all expectations . . . but can, nevertheless, act as a highly useful harmonizing influence until such time as a more purposeful agreement can be worked out.

Because I feel that the IWA does provide a useful forum to discuss international wheat trade, I will vote later today for Senate ratification of the treaty.

I wish to emphasize, however, that although I regret that minimum and maximum prices, reference wheat, and basing point provisions were not made a part of the agreement, this does not mean our Government should merely accept this agreement as the best which can be obtained under the circumstances. I feel it is incumbent upon our Government to reconvene a negotiating conference at the earliest appropriate time to discuss these important provisions. I want it made clear that I do not see any reason why such a negotiating conference should jeopardize the IWA. In fact, it should strengthen the agreement by making it more meaningful and by providing a means to stabilize the international wheat market.

With over 50 percent of the wheat produced in the Nation entering into international trade, I view it as essential to seek agreement on minimum and maximum prices. At a time when the U.S. farmer is facing a widening "credit gap" in rural America he must be provided protection when wheat is produced for international trade, lest he end up facing bankruptcy. In my own State of Washington, last year the wheat crop was valued at $149 million, of which approximately 80 percent was shipped abroad. With such reliance on the international trade, the importance of pricing provisions is evident.

Two other points which I hope can be resolved at a new negotiating conference are: First, the reference wheat question which if resolved would serve to give added meaning to the minimum and maximum wheat prices; and, second, the basing point matter.

The International Wheat Agreement is one of the most important agricultural matters which will confront the U.S. Senate in the 92d Congress. I sincerely hope that the agreement which we will presumably ratify later today will be strengthened in the near future through agreement on the aforementioned points in an effort to protect our farmers and to stabilize world wheat markets.

Mr. KENNEDY. Mr. President, I would like to express my support for the pending resolution, Senate Resolution 136, as modified, as a companion to Senate approval of the International Wheat Agreement.

I am pleased that this legislation has moved so rapidly and so effectively through the Senate. Senator McGEE introduced Senate Resolution 136 on June 15. The Foreign Relations Committee held 2 days of hearings on the resolution and on the International Wheat Agreement. On July 8, the Foreign Relations Committee favorably reported both the resolution and the agreement for Senate approval.

The resolution was introduced to correct a serious omission of our negotiators—and the negotiators from other nations—when the International Wheat Agreement was formulated in Geneva earlier this year. The present agreement, unlike the International Grains Arrangement of 1967 that preceded it, has no provisions on minimum and maximum prices for application to wheat sold in export markets.

Without such pricing provisions, as well as related provisions on "reference wheats" and "basing points" that can make the price guarantees fully effective, the International Wheat Agreement raises numerous problems for agricultural producers, and especially for exporters. It does the farmer little good if he must sell his export wheat at prices below his costs of production. And, over one-half of the wheat produced by American farmers is sold in export markets.

Senate Resolution 136 is designed to remedy this weakness in the International Wheat Agreement. It would express the sense of the Senate that the U.S. representatives in the negotiations should use their influence to bring about a new negotiating session as soon as possible in order to include pricing provisions in the International Wheat Agreement. The resolution is in full accord with the agreement itself, since article 21 of the agreement specifically contemplates the convening of a new negotiating conference to deal with such questions.

I am confident, Mr. President, that adoption of Senate Resolution 136 will in no way jeopardize the operation of the International Wheat Agreement itself. Indeed, the resolution can lead to a strengthening of the agreement through appropriate amendment. In the meantime, the agreement can be fully operative among the signatory nations.

I am pleased to support Senate Resolution 136, and I urge the Senate to approve it.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution (S. Res. 136), as amended, was agreed to, as follows:

Resolved, That it is the sense of the Senate that the President should request the International Wheat Council, at the earliest practicable date, to request the Secretary General of UNCTAD to convene a negotiating conference as provided in article 21 of the Wheat Trade Convention of the International Wheat Agreement, concluded at Geneva on February 20, 1971, with a view toward the negotiation of suitable provisions relating to the prices of wheat and to the rights and obligations of members in respect to international trade in wheat.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate go into executive session to consider Calendar No. 6 on the Executive Calendar.

The motion was agreed to.

INTERNATIONAL WHEAT AGREEMENT, 1971

Without objection, the Senate, as in Committee of the Whole, proceeded to consider Executive F (92d Congress, 1st session) International Wheat Agreement, 1971 which was read the second time, as follows:

INTERNATIONAL WHEAT AGREEMENT, 1971

PREAMBLE

The United Nations Wheat Conference, 1971,

Considering that the International Wheat Agreement of 1949 was revised, renewed or

extended in 1953, 1956, 1959, 1962, 1965, 1966 and 1967,

Considering that the provisions of the International Grains Arrangement 1967, consisting of the Wheat Trade Convention, on the one hand, and the Food Aid Convention, on the other, will expire on 30 June 1971 and that it is desirable to conclude an Agreement for a new period,

Has agreed that this International Wheat Agreement 1971 shall consist of two separate legal instruments:

(a) the Wheat Trade Convention 1971, and

(b) the Food Aid Convention 1971,

and that either the Wheat Trade Convention, 1971 or both the Wheat Trade Convention, 1971 and the Food Aid Convention, 1971, as appropriate, shall be submitted for signature, ratification, acceptance or approval, in conformity with their respective constitutional procedures, by the Governments represented at the United Nations Wheat Conference, 1971 and by the Governments of States party to the Wheat Trade Convention of the International Grains Arrangement 1967.

WHEAT TRADE CONVENTION, 1971

Part I—General

ARTICLE 1

Objectives

The objectives of this Convention are:

(a) To further international co-operation in connection with world wheat problems, recognizing the relationship of the trade in wheat to the economic stability of markets for other agricultural products;

(b) To promote the expansion of the international trade in wheat and wheat flour and to secure the freest possible flow of this trade in the interests of both exporting and importing members, and thus contribute to the development of countries, the economies of which depend on commercial sales of wheat;

(c) To contribute to the fullest extent possible to the stability of the international wheat market in the interests of both importing and exporting members; and

(d) To provide a framework, in conformity with Article 21 of the present Convention, for the negotiation of provisions relating to the prices of wheat and to the rights and obligations of members in respect of international trade in wheat.

ARTICLE 2

Definitions

For the purposes of this Convention:

(1) (a) "Council" means the International Wheat Council established by the International Wheat Agreement 1949 and continued in being by Article 10;

(b) "Member" means a party to this Convention or a territory or a group of territories in respect of which a notification has been made pursuant to paragraph (3) of Article 28;

(c) "Exporting member" means a member listed in Annex A;

(d) "Importing member" means a member listed in Annex B;

(e) "Territory" in relation to an exporting or importing member includes any territory in respect of which the rights and obligations of that member under this Convention apply under Article 28;

(f) "Executive Committee" means the Committee established under Article 15;

(g) "Advisory Sub-Committee on Market Conditions" means the Sub-Committee established under Article 16;

(h) "Grains" means wheat, rye, barley, oats, maize and sorghum;

(i) "Wheat" includes wheat grain of any description, class, type, grade or quality and, except where the context otherwise requires, wheat flour;

(j) "Crop year" means the period from 1 July to 30 June;

(k) "Bushel" means in the case of wheat sixty pounds avoirdupois or 27.2155 kilogrammes;

(l) "Metric ton", or 1,000 kilogrammes, means in the case of wheat 36.7431 bushels;

(m):

(i) "Purchase" means a purchase for import of wheat exported or to be exported from an exporting member or from other than an exporting member, as the case may be, or the quantity of such wheat so purchased, as the context requires;

(ii) "Sale" means a sale for export of wheat imported or to be imported by an importing member or by other than an importing member, as the case may be, or the quantity of such wheat so sold, as the context requires;

(iii) Where reference is made in this Convention to a purchase or sale, it shall be understood to refer not only to purchases or sales concluded between the Governments concerned but also to purchases or sales concluded between private traders and to purchases or sales concluded between a private trader and the Government concerned. In this definition "Government" shall be deemed to include the Government of any territory in respect of which the rights and obligations of any Government ratifying, accepting, approving or acceding to this Convention apply under Article 28;

(n) Any reference in this Convention to a "Government represented at the United Nations Wheat Conference, 1971" shall be construed as including a reference to the European Economic Community (hereinafter referred to as the EEC). Accordingly, any reference in this Convention to "signature" or to the "deposit of instruments of ratification, acceptance or approval" or "an instrument of accession" or a "declaration of provisional application" by a Government shall, in the case of the EEC be construed as including signature or declaration of provisional application on behalf of the EEC by its competent authority and the deposit of the instrument required by the institutional procedures of the EEC to be deposited for the conclusion of an international agreement.

(2) All calculations of the wheat equivalent of purchases of wheat flour shall be made on the basis of the rate of extraction indicated by the contract between the buyer and the seller. If no such rate is indicated, seventy-two units by weight of wheat flour shall, for the purpose of such calculations, be deemed to be equivalent to one hundred units by weight of wheat grain unless the Council decides otherwise.

ARTICLE 3

Commercial Purchases and Special Transactions

(1) A commercial purchase for the purposes of this Convention is a purchase as defined in Article 2 which conforms to the usual commercial practices in international trade and which does not include those transactions referred to in paragraph (2) of this Article.

(2) A special transaction for the purposes of this Convention is one which includes features introduced by the Government of a member concerned which do not conform to usual commercial practices. Special transactions include the following:

(a) Sales on credit in which, as a result of government intervention, the interest rate, period of payment, or other related terms do not conform to the commercial rates, periods or terms prevailing in the world market;

(b) Sales in which the funds for the purchase of wheat are obtained under a loan from the Government of the exporting member tied to the purchase of wheat;

(c) Sales for currency of the importing member which is not transferable or convertible into currency or goods for use in the exporting member;

(d) Sales under trade agreements with special payments arrangements which include clearing accounts for settling credit balances bilaterally through the exchange of goods, except where the exporting member and the importing member concerned agree that the sale shall be regarded as commercial;

(e) Barter transactions:

(i) which result from the intervention of governments where wheat is exchanged at other than prevailing world prices, or

(ii) which involve sponsorship under a government purchase programme, except where the purchase of which results from a barter transaction in which the country of final destination was not named in the original barter contract;

(f) A gift of wheat or a purchase of wheat out of a monetary grant by the exporting member made for that specific purpose;

(g) Any other categories of transactions, as the Council may prescribe, that include features introduced by the Government of a member concerned which do not conform to usual commercial practices.

(3) Any question raised by the Executive Secretary or by any exporting or importing member as to whether a transaction is a commercial purchase as defined in paragraph (1) of this Article or a special transaction as defined in paragraph (2) of this Article shall be decided by the Council.

ARTICLE 4

Recording and Reporting

(1) The Council shall keep separate records for each crop year:

(a) for the purposes of the operation of this Convention, of all commercial purchases by members from other members and non-members and of all imports by members from other members and non-members on terms which render them special transactions; and

(b) of all commercial sales by members to non-members and of all exports by members to non-members on terms which render them special transactions.

(2) The records referred to in the preceding paragraph shall be kept so that records of special transactions are separate from records of commercial transactions.

(3) In order to facilitate the operation of the Advisory Sub-Committee on Market Conditions under Article 16, the Council shall keep records of international market prices for wheat and wheat flour and of transportation costs.

(4) In the case of any wheat which reaches the country of final destination after resale in, passage through, or trans-shipment from, the ports of a country other than that in which the wheat originated, members shall be the maximum extent possible make available such information as will enable the purchase or transaction to be entered in the records referred to in paragraphs (1) and (2) of this Article as a purchase or transaction between the country of origin and the country of final destination. In the case of a resale, the provisions of this paragraph shall apply if the wheat originated in the country of origin during the same crop year.

(5) The Council may authorize purchases to be recorded for a crop year if:

(a) the loading period involved is within a reasonable time up to one month, to be decided by the Council, before the beginning or after the end of that crop year; and

(b) the two members concerned so agree.

(6) For the purpose of this Article:

(a) members shall send to the Executive Secretary such information concerning the quantities of wheat involved in commercial sales and purchases and special transactions as the Council within its competence may require, including:

(i) in relation to special transactions, such detail of the transactions as will enable them to be classified in accordance with Article 3;

(ii) in respect of wheat, such information as may be available as to the type, class, grade and quality, and the quantities relating thereto;

(iii) in respect of flour, such information as may be available to identify the quality

of the flour and the quantities relating to each separate quality;

(b) members when exporting on a regular basis, and such other members as the Council shall decide, shall send to the Executive Secretary such information relating to prices of commercial and, where available, special transactions in such descriptions, classes, types, grades and qualities of wheat flour as the Council may require;

(c) the Council shall obtain regular information on currently prevailing transportation costs, and members shall to the extent practicable report such supplementary information as the Council may require.

(7) The Council shall make rules of procedure for the reports and records referred to in this Article. Those rules shall prescribe the frequency and the manner in which those reports shall be made and shall prescribe the duties of members with regard thereto. The Council shall also make provision for the amendment of any records or statements kept by it, including provision for the settlement of any dispute arising in connection therewith. If any member repeatedly and unreasonably fails to make reports as required by this Article, the Executive Committee shall arrange consultations with that member to remedy the situation.

ARTICLE 5

Estimates of Requirements and Availability of Wheat

(1) By 1 October in the case of Northern Hemisphere countries and 1 February in the case of Southern Hemisphere countries, each importing member shall notify the Council of its estimate of its commercial import requirements of wheat in that crop year. Any importing member may thereafter notify the Council of any changes it may desire to make in its estimate.

(2) By 1 October in the case of Northern Hemisphere countries and 1 February in the case of Southern Hemisphere countries, each exporting member shall notify the Council of its estimate of the wheat it will have available for export in that crop year. Any exporting member may thereafter notify the Council of any changes it may desire to make in its estimate.

(3) All estimates notified to the Council shall be used for the purpose of the administration of this Convention and may only be made available to exporting and importing members on such conditions as the Council may prescribe. Estimates submitted in accordance with this Article shall in no way be binding.

ARTICLE 6

Consultations on Market Conditions

(1) If the Advisory Sub-Committee on Market Conditions, in the course of its continuous review of the market under paragraph (2) of Article 16, is of the opinion that a situation of market instability has arisen or threatens imminently to arise, or if such a situation is called to the Advisory Sub-Committee's attention by the Executive Secretary on his own initiative or at the request of any exporting or importing member it shall immediately report the facts concerned to the Executive Committee. The Advisory Sub-Committee shall in so informing the Executive Committee give particular regard to those circumstances which have brought about, or threaten to bring about, the situation of market instability, including price fluctuations. The Executive Committee shall meet within five market days to review the situation and to consider whether it would be possible to arrive at mutually acceptable solutions.

(2) The Executive Committee shall, if it considers it appropriate, inform the Chairman of the Council who may convene a session of the Council to review the situation.

ARTICLE 7

Disputes and Complaints

(1) Any dispute concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of any member which is a party to the dispute, be referred to the Council for decision.

(2) Any member which considers that its interests as a party to this Convention have been seriously prejudiced by actions of any one or more members affecting the operation of this Convention may bring the matter before the Council. In such a case, the Council shall immediately consult with the members concerned in order to resolve the matter. If the matter is not resolved through such consultations, the Council shall consider the matter further and may make recommendations to the members concerned.

ARTICLE 8

Annual Review of the World Wheat Situation

(1) (a) In the furtherance of the objectives of this Convention as set forth in Article 1, the Council shall annually review the world wheat situation and shall inform members of the effects upon the international trade in wheat of the facts which emerge from the review, in order that these effects be kept in mind by these members in determining and administering their internal agricultural and price policies.

(b) The review shall be carried out in the light of information obtainable in relation to national production, stocks, consumption, prices and trade, including both commercial and special transactions of wheat.

(c) Each member may submit to the Council information which is relevant to the annual review of the world wheat situation and is not already available to the Council either directly or through the appropriate organization in the United Nations system including the United Nations Conference on Trade and Development (UNCTAD) and the Food and Agriculture Organization of the United Nations (FAO).

(2) In carrying out the annual review, the Council shall consider the means through which the consumption of wheat may be increased, and may undertake, in co-operation with members, studies of such matters as:

(a) factors affecting the consumption of wheat in various countries, and

(b) means of achieving increased consumption, particularly in countries where the possibility of increased consumption is found to exist.

(3) For the purposes of this Article, the Council shall take into account work done on grains by UNCTAD and the FAO and by other intergovernmental organizations, in order to avoid duplication of work, and may, without prejudice to the generality of paragraph (1) of Article 20, make such arrangements regarding co-operation in any of its activities as it considers desirable with such intergovernmental organizations and also with any Governments of Members of the United Nations or of the specialized agencies not party to this Convention which have a substantial interest in the international trade in grains.

(4) Nothing in this Article shall prejudice the complete liberty of action of any members in the determination and administration of its internal agricultural and price policies.

ARTICLE 9

Guidelines Relating to Concessional Transactions

(1) Members undertake to conduct any concessional transactions in wheat in such a way as to avoid harmful interference with normal patterns of production and international commercial trade.

(2) To this end members shall undertake appropriate measures to ensure that concessional transactions are additional to commercial sales which could reasonably be anticipated in the absence of such transactions. Such measures shall be consistent with the Principles of Surplus Disposal and Guiding Lines recommended by the FAO and may provide that a specified level of commercial imports of wheat, agreed with the recipient country, be maintained on a global basis by that country. In establishing or adjusting this level full regard shall be had to the commercial import levels in a representative period and to the economic circumstances of the recipient country, including, in particular, its balance-of-payments situation.

(3) Members, when engaging in concessional export transactions, shall consult with exporting members whose commercial sales might be affected by such transactions, to the maximum possible extent before such arrangements are concluded with recipient countries

(4) The Executive Committee shall furnish an annual report to the Council on developments in concessional transaction in wheat.

Part II—Administration

ARTICLE 10

Constitution of the Council

(1) The International Wheat Council, established by the International Wheat Agreement 1949, shall continue in being for the purpose of administering this Convention with the membership, powers and functions provided in this Convention.

(2) Each exporting and importing member shall be a voting member of the Council and may be represented at its meetings by one delegate, alternates, and advisers.

(3) Such intergovernmental organizations as the Council may decide to invite to any of its meetings may each have one non-voting representative in attendance at those meetings.

(4) The Council shall elect a Chairman and Vice-Chairman who shall hold office for one crop year. The Chairman shall have no vote and the Vice-Chairman shall have no vote while acting as Chairman.

ARTICLE 11

Power and Functions of the Council

(1) The Council shall establish its Rules of Procedure.

(2) The Council shall keep such records as are required by the terms of this Convention and may keep such other records as it considers desirable.

(3) The Council shall publish an annual report and may also publish any other information (including, in particular, its annual review or any part or summary thereof) concerning matters within the scope of this Convention.

(4) In addition to the powers and functions specified in this Convention the Council shall have such other powers and perform such other functions as are necessary to carry out the terms of this Convention.

(5) The Council may, by two-thirds of the votes cast by the exporting members and two-thirds of the votes cast by the importing members delegate to any of its committees or to the Executive Secretary the exercise of powers or functions other than those relating to the budget and assessment of contributions contained in paragraphs (2) and (3) of Article 19. The Council may at any time revoke such delegation by a majority of the votes cast. Any decision made under any powers or functions delegated by the Council in accordance with this paragraph shall be subject to review by the Council at the request of any exporting or importing members made within a period which the Council shall prescribe. Any decision in respect of which no request for review has been

made within the prescribed period shall be binding on all members.

(6) In order to enable the Council to discharge its functions under this Convention, the Council may request, and members undertake to supply, such statistics and information as are necessary for this purpose.

ARTICLE 12

Votes

(1) The exporting members shall together hold 1,000 votes and the importing members shall together hold 1,000 votes.

(2) The votes to be exercised by the respective delegations of exporting members on the Council shall be those specified in Annex A.

(3) The votes to be exercised by the respective delegations of importing members on the Council shall be those specified in Annex B.

(4) Any exporting member may authorize any other exporting member, and any importing member may authorize any other importing member, to represent its interests and to exercise its votes at any meeting or meetings of the Council. Satisfactory evidence of such authorization shall be submitted to the Council.

(5) If at any meeting of the Council an exporting member or an importing member is not repersented by an accredited delegate and has not authorized another member to exercise its votes in accordance with paragraph (4) of this Article, and if at the date of any meeting any member has forfeited, has been deprived of, or has recovered its votes under any provisions of this Convention, the total votes to be exercised by the exporting members shall be adjusted to a figure equal to the total votes to be exercised at that meeting by the importing members and redistributed among exporting members in proportion to their votes.

(6) Whenever any country becomes or any member ceases to be a party to this Convention, the Council shall redistribute the votes within either Annex A or Annex B, as the case may be, proportionally to the number of votes held by each member listed in that Annex.

(7) No exporting or importing member shall have less than one vote and there shall be no fractional votes.

ARTICLE 13

Seat, Sessions and Quorum

(1) The seat of the Council shall be London unless the Council decides otherwise.

(2) The Council shall meet at least once during each half of each crop year and at such other times as the Chairman may decide, or as otherwise required by this Convention.

(3) The Chairman shall convene a session of the Council if so requested by (a) five members or (b) one or more members holding a total of not less than 10 per cent of the total votes or (c) the Executive Committee.

(4) The presence of delegates with a majority of the votes held by the exporting members and a majority of the votes held by the importing members prior to any adjustment of votes under Article 12 shall be necessary to constitute a quorum at any meeting of the Council.

ARTICLE 14

Decisions

(1) Except where otherwise specified in this Convention, decisions of the Council shall be by a majority of the votes cast by the exporting members and a majority of the votes cast by the importing members, counted separately.

(2) Each member undertakes to accept as binding all decisions of the Council under the provisions of the Convention.

ARTICLE 15

Executive Committee

(1) The Council shall establish an Executive Committee. The members of the Executive Committee shall be not more than four exporting members elected annually by the exporting members and not more than eight importing members elected annually by the importing members. The Council shall appoint the Chairman of the Executive Committee and may appoint a Vice-Chairman.

(2) The Executive Committee shall be responsible to and work under the general direction of the Council. It shall have such powers and functions as are expressly assigned to it under this Convention and such other powers and functions as the Council may delegate to it under paragraph (5) of Article 11.

((3) The exporting members or the Executive Committee shall have the same total number of votes as the importing members. The votes of the exporting members on the Executive Committee shall be divided among them as they shall decide, provided that no such exporting member shall have more than 40 percent of the total votes of those exporting members. The votes of the importing members on the Executive Committee shall be divided among them as they shall decide, provided that no such importing member shall have more than 40 percent of the total votes of those importing members.

(4) The Council shall prescribe rules of procedure regarding voting in the Executive Committee and may make such other provision regarding rules of procedure in the Executive Committee shall require the same majority of votes as this Convention prescribes for the Council when making a decision on a similar matter.

(5) Any exporting or importing member which is not a member of the Executive Committee may participate, without voting, in the discussion of any question before the Executive Committee whenever the latter considers that the interests of that member are affected.

ARTICLE 16

Advisory Subcommittee on Market Conditions

(1) The Executive Committee shall establish an Advisory Sub-Committee on Market Conditions consisting of technical representatives of not more than five exporting members and of not more than five importing members. The Chairman of the Advisory Sub-Committee shall be appointed by the Executive Committee.

(2) The Advisory Sub-Committee shall keep under continuous review current market conditions and shall report to the Executive Committee as provided in Article 6. The Advisory Sub-Committee shall, in the exercise of its functions, take into account any representations made by an exporting or importing member.

(3) Any member which is not a member of the Advisory Sub-Committee may participate in the discussion of any question before the Advisory Sub-Committee whenever the latter considers that the interests of that member are affected.

(4) The Advisory Sub-Committee shall advise in accordance with the relevant Articles of this Convention and on such other matters as the Council or the Executive Committee may refer to it, including such matters as the Council may refer to it under Article 21 of this Convention.

ARTICLE 17

Secretariat

(1) The Council shall have a Secretariat consisting of an Executive Secretary, who shall be its chief administrative officer, and such staff as may be required for the work of the Council and its Committees.

(2) The Council shall appoint the Executive Secretary who shall be responsible for the performance of the duties devolving upon the Secretariat in the administration of this Convention and for the performance of such other duties as are assigned to him by the Council and its Committees.

(3) The staff shall be appointed by the Executive Secretary in accordance with regulations established by the Council.

(4) It shall be a condition of employment of the Executive Secretary and of the staff that they do not hold or shall cease to hold financial interest in the trade in wheat and that they shall not seek or receive instructions regarding their duties under this Convention from any Government or from any other authority external to the Council.

ARTICLE 18

Privileges and Immunities

(1) The Council shall have legal personality. It shall in particular have the capacity to contract, acquire and dispose of movable and immovable property and to institute legal proceedings.

(2) The status, privileges and immunities of the Council in the territory of the United Kingdom shall continue to be governed by the headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Wheat Council signed at London on 28 November 1968.

(3) The Agreement referred to in paragraph (2) of this Article shall be independent of the present Convention. It shall however terminate:

(*a*) by agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Council, or

(*b*) in the event of the seat of the Council being moved from the United Kingdom, or

(*c*) in the event of the Council ceasing to exist.

(4) In the event of the seat of the Council being moved from the United Kingdom, the Government of the member in which the seat of the Council is situated shall conclude with the Council an international agreement relating to the status, privileges and immunities of the Council, its Executive Secretary, its staff and representatives of members at meetings convened by the Council.

ARTICLE 19

Finance

(1) The expenses of delegations to the Council and of representatives on its Committees and Sub-Committees shall be met by their respective Governments. The other expenses necessary for the administration of this Convention shall be met by annual contributions from the exporting and importing members. The contribution of each such member for each crop year shall be in the proportion which the number of its votes bears to the total of the votes of the exporting and importing members at the beginning of that crop year.

(2) At its first session after this Convention comes into force, the Council shall approve its budget for the period ending 30 June 1972 and assess the contribution to be paid by each exporting and importing member.

(3) The Council shall, at a session during the second half of each crop year, approve its budget for the following crop year and assess the contribution to be paid by each exporting and importing member for that crop year.

(4) The initial contribution of any exporting or importing member acceding to this Convention under paragraph (2) of Article 25 shall be assessed by the Council on the basis of the votes to be distributed to it and the period remaining in the current crop year, but the assessment made upon other exporting and importing members for the current crop year shall not be altered.

(5) Contributions shall be payable immediately upon assessment. Any exporting or importing member failing to pay its contribution within one year of its assessment shall forfeit its voting rights until its contribution is paid, but shall not be relieved

of its obligations under this Convention, nor shall it be deprived of any of its rights under this Convention unless the Council so decides.

(6) The Council shall, each crop year, publish an audited statement of its receipts and expenditures in the previous crop year.

(7) The Council shall, prior to its dissolution, provide for the settlement of its liabilities and the disposal of its records and assets.

ARTICLE 20

Co-operation With Other Intergovernmental Organizations

(1) The Council may make whatever arrangements are appropriate for consultation or co-operation with the United Nations and its organs, in particular UNCTAD, and with the FAO and such other specialized agencies of the United Nations and intergovernmental organizations as may be appropriate.

(2) The Council, bearing in mind the particular role of UNCTAD in international commodity trade, will, as it considers appropriate, keep UNCTAD informed of its activities and programmes of work.

(3) If the Council finds that any terms of this Convention are materially inconsistent with such requirements as may be laid down by the United Nations or through its appropriate organs and specialized agencies regarding intergovernmental commodity agreements, the inconsistency shall be deemed to be a circumstance affecting adversely the operation of this Convention and the procedure prescribed in paragraphs (2), (3) and (4) of Article 27 shall be applied.

ARTICLE 21

Prices and Related Rights and Obligations

In order to assure supplies of wheat and wheat flour to importing members and markets for wheat and wheat flour to exporting members at equitable and stable prices, the Council shall at an appropriate time examine the questions of prices and related rights and obligations. When it is judged that these matters are capable of successful negotiation with the objective of bringing them into effect within the life of this Convention, the Council shall request the Secretary-General of UNCTAD to convene a negotiating conference.

ARTICLE 22

Signature

This Convention shall be open for signature in Washington from 29 March 1971 until and including 3 May 1971 by Governments of countries party to the Wheat Trade Convention 1967 and by Governments represented at the United Nations Wheat Conference, 1971.

ARTICLE 23

Ratification, Acceptance, Approval

This Convention shall be subject to ratification, acceptance or approval by each signatory Government in accordance with its respective constitutional procedures. Instruments of ratification, acceptance or approval shall be deposited with the Government of the United States of America not later than 17 June 1971, except that the Council may grant one or more extensions of time to any signatory Government that has not deposited its instrument of ratification, acceptance or approval by that date.

ARTICLE 24

Provisional Application

Any signatory Government may deposit with the Government of the United States of America a declaration of provisional application of this Convention. Any other Government eligible to sign this Convention or whose application for accession is approved by the Council may also deposit with the Government of the United States of America a declaration of provisional application. Any Government depositing such a declaration shall provisionally apply this Convention and be provisionally regarded as a party thereto.

ARTICLE 25

Accession

(1) Any Government represented at the United Nations Wheat Conference, 1971, or the Government of any country party to the Wheat Trade Convention 1967 may accede to the present Convention until and including 17 June 1971, except that the Council may grant one or more extensions of time to any Government which has not deposited its instrument by that date.

(2) After 17 June 1971, any Government invited to the United Nations Wheat Conference, 1971, may accede to the present Convention upon such conditions as the Council considers appropriate by two-thirds of the votes cast by exporting members and by two-thirds of the votes cast by importing members.

(3) Accession shall be effected by deposit of an instrument of accession with the Government of the United States of America.

(4) Where, for the purposes of the operation of this Convention, reference is made to members listed in Annex A or B, any member the Government of which has acceded to this Convention on conditions prescribed by the Council in accordance with this Article shall be deemed to be listed in the appropriate Annex.

ARTICLE 26

Entry Into Force

(1) This Convention shall enter into force among those Governments that have deposited instruments of ratification, acceptance, approval or accession as follows:

(*a*) On 18 June 1971 with respect to all provisions other than Articles 3 to 9 inclusive and Article 21, and

(*b*) On 1 July 1971 with respect to Articles 3 to 9 inclusive and Article 21,

if such instruments of ratification, acceptance, approval or accession, or declarations of provisional application have been deposited not later than 17 June 1971 on behalf of Government representing exporting members holding at least 60 per cent of the votes set out in Annex A and representing importing members holding at least 50 per cent of the votes set out in Annex B.

(2) This Convention shall enter into force for any Government that deposits an instrument of ratification, acceptance, approval or accession after 18 June 1971 in accordance with the relevant provisions of this Convention on the date of such deposit, except that no part of it shall enter into force for such a Government until that part enters into force for other Governments under paragraph (1) or (3) of this Article.

(3) If this Convention does not enter into force in accordance with paragraph (1) of this Article, the Governments which have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application may decide by mutual consent that it shall enter into force among those Governments that have deposited instruments of ratification, acceptance, approval or accession.

ARTICLE 27

Duration, Amendment and Withdrawal

(1) This Convention shall remain in force until and including 30 June 1974. However, if a new agreement covering wheat is negotiated as envisaged by Article 21 and enters into force before 30 June 1974, this Convention shall remain in force only until the date of entry into force of the new agreement.

(2) The Council may recommend an amendment of this Convention to the members.

(3) The Council may fix a time within which each member shall notify the Government of the United States of America whether or not it accepts the amendment. The amendment shall become effective upon its acceptance by exporting members which hold two-thirds of the votes of the exporting members and by importing members which hold two-thirds of the votes of the importing members.

(4) Any member which has not notified the Government of the United States of America of its acceptance of an amendment by the date on which such amendment becomes effective, may, after giving such written notice of withdrawal to the Government of the United States of America as the Council may require in each case, withdraw from this Convention at the end of the current crop year, but shall not thereby be released from any obligations under this Convention which have not been discharged by the end of that crop year. Any such withdrawing member shall not be bound by the provisions of the amendment occasioning its withdrawal. If any member satisfies the Council at its first meeting following the effective date of the amendment that its acceptance could not be secured in time by reason of constitutional or institutional difficulties and declares its intention to apply the amendment provisionally pending acceptance of that amendment, the Council may extend for such member the period fixed for acceptance until these difficulties have been overcome.

(5) If any member considers that its interests are prejudiced by operation of this Convention, it may state its case to the Council and the Council shall, within thirty days, examine the matter. If the member concerned considers that notwithstanding the Council's intervention its interests continue to be prejudiced, it may withdraw from this Convention at the end of any crop year by giving written notice of withdrawal to the Government of the United States of America at least ninety days prior to the end of that crop year, but shall not, thereby, be released from any obligations under this Convention which have not been discharged by the end of that crop year.

(6) Any member which becomes a member State of the EEC during the currency of this Convention shall notify the Council, and the Council shall within thirty days consider the matter with a view to negotiating with that member and the EEC an appropriate adjustment of their respective rights and obligations under this Convention. The Council shall have power, in such circumstances, to recommend an amendment in accordance with paragraph (2) of this Article.

ARITCLE 28

Territorial Application

(1) Any Government may, at the time of signature or ratification, acceptance, approval, provisional application of or accession to this Convention declare that its rights and obligations under this Convention shall not apply in respect of one or more of the territories for the international relations of which it is responsible.

(2) With the exception of territories in respect of which a declaration has been made in accordance with paragraph (1) of this Article, the rights and obligations of any Government under this Convention shall apply in respect of all territories for the international relations of which that Government is responsible.

(3) Any member may, at any time after its ratification, acceptance, approval, provisional application of or accession to this Convention, by notification to the Government of the United States of America, declare that its rights and obligations under this Convention shall apply in respect of one or more of the territories regarding which it has made a declaration in accordance with paragraph (1) of this Article.

(4) Any member may, by giving notification of withdrawal to the Government of the United States of America, withdraw from this Convention separately in respect of one or more of the territories for whose internatitonal relations it is responsible.

(5) When a territory to which this Con-

vention extends under paragraphs (2) and (3) of this Article subsequently attains independence, the Government of that territory may, within ninety days after the attainment of independence, declare by notification to the Government of the United States of America that it has assumed the rights and obligations of a party to this Convention.

(6) For the purposes of the redistribution of votes under Article 12, any change in the application of this Convention in accordance with this Article shall be regarded as a change in participation in this Convention in such a manner as may be appropriate to the circumstances.

ARTICLE 29

Notification by Depository Government

The Government of the United States of America as the depositary Government shall notify all signatory and acceding Governments of each signature, ratification, acceptance, approval, provisional application of, and accession to, this Convention, as well as each notification and notice received under Article 27 and each declaration and notification received under Article 28.

ARTICLE 30

Certified Copy of the Convention

As soon as possible after the definitive entry into force of this Convention, the depositary Government shall send a certified copy of this Convention in the English, French, Russian and Spanish languages to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. Any amendments to this Convention shall likewise be communicated.

ARTICLE 31

Relationship of Preamble to Convention

This Convention includes the Preamble to the International Wheat Agreement, 1971.

IN WITNESS WHEREOF the undersigned, having been duly authorized to this effect by their respective Governments have signed this Convention on the dates appearing opposite their signatures.

The texts of this Convention in the English, French, Russian and Spanish languages shall all be equally authentic, the originals being deposited with the Government of the United States of America, which shall transmit a certified copy thereof to each signatory and acceding Government and to the Executive Secretary of the Council.

ANNEX A.—*Votes of exporting members*

Australia	100
Argentina	100
Bulgaria	5
Canada	280
European Economic Community	100
Greece	5
Kenya	5
Mexico	5
Spain	5
Sweden	10
United States of America	280
Union of Soviet Socialist Republics	100
Uruguay	5
Total	1,000

ANNEX B.—*Votes of importing members*

Algeria	14
Austria	1
Barbados	1
Bolivia	5
Brazil	71
Ceylon	17
China	19
Colombia	8
Costa Rica	3
Cuba	2
Denmark	1
Dominican Republic	1
Ecuador	3
El Salvador	2
European Economic Community	152
Finland	2
Guatemala	3
India	34
Indonesia	7
Iran	2
Ireland	7
Israel	5
Japan	178
Kingdom of the Netherlands [1]	1
Korea, Republic of	16
Kuwait	3
Lebanon	9
Libya	5
Malta	2
Mauritius	2
Morocco	10
Nigeria	7
Norway	14
Pakistan	16
Panama	2
Peru	25
Portugal	18
Saudi Arabia	10
South Africa	10
Switzerland	16
Syria	5
Trinidad and Tobago	4
Tunisia	5
Turkey	4
United Arab Republic	65
United Kingdom	183
Vatican City	1
Venezuela	29
Total	1,000

[1] With respect to the interests of Netherlands Antilles and Surinam.

For Algeria:
_____ _____

For Argentina:
PEDRO E. REAL May 3*rd*, 1971

For Australia:
J. PLIMSOLL 29 April 1971

For Austria:
GRUBER April 28, 1971

For Barbados:
_____ _____

For Belgium:
WALTER LORIDAN May 3, 1971

For Bolivia:
A. S. DE LOZADA 3 de mayo de 1971

For Brazil:
_____ _____

For Bulgaria:
_____ _____

For Canada:
M. CADIEUX. May 3, 1971

For Ceylon:
_____ _____

For the Republic of China:
MARTIN WONG. April 27, 1971

For Colombia:
_____ _____

For Costa Rica:
_____ _____

For Cuba:
D ROHAL-ILKIV 27. VI. 1971

For Denmark:
HANS J. CHRISTENSEN Mai—1971

For the Dominican Republic:
_____ _____

For Ecuador:
C. MANTILLA—0 5/3/71

For El Salvador:
_____ _____

For the European Economic Community:
L G RABOT May 3, 1971

For Finland:
_____ _____

For France:
CHARLES LUCET May 3*rd*, 1971

For the Federal Republic of Germany:
ROLF PAULS May 3, 1971

For Greece:
_____ _____

For Guatemala:
_____ _____

For India:
L. K. JHA 3rd May 1971

For Indonesia:
_____ _____

For Iran:
_____ _____

For Ireland:
_____ _____

For Israel:
MOSHE MEIRAV April 28, 1971

For Italy:
EGIDIO ORTONA May 3, '71

For Japan:
N. USHIRA April 30, 1971

For Kenya:
_____ _____

For the Republic of Korea:
DONGJO KIM May 3rd, 1971

For Kuwait:
_____ _____

For Lebanon:
_____ _____

For Libya:
_____ _____

For Luxembourg:
JEAN WAGNER May 3, 1971

For Malta:
_____ _____

For Mauritius:
_____ _____

For Mexico:
_____ _____

For Morocco:
_____ _____

For the Kingdom of the Netherlands:
R. B. VAN LYNDEN May 3*d* 1971

For Nigeria:
_____ _____

For Norway:
ARNE GUNNENG May 3, 1971

For Pakistan:
A HILALY 30 April 1971

For Panama:
J A DE LA OSSA 3 May 1971

For Peru:
F BERCKEMAYER 3 May 1971

For Portugal:
VASCO VIEIRA GARIN 30*th* April 1971

For Saudi Arabia:
IBRAHIM AL-SOWAYEL April 27, 1971
[Romanization]

For South Africa:
_____ _____

For Spain:
ARGUELLES 3–V–1971

For Sweden:
HUBERT DE BESCHE May 3, 1971

For Switzerland:
F. SCHNYDER 3 May 1971

For the Syrian Arab Republic:
RAFIC JOUÉTAJI 1st May 1971

For Trinidad and Tobago:
_____ _____

For Tunisia:
S EL GOULLI 4–30–71

For Turkey:
_____ _____

For the Union of Soviet Socialist Republics:
_____ _____

For the United Arab Republic:
_____ _____

For the United Kingdom of Great Britain and Northern Ireland:
CROMER April 26th, 1971

For the United States of America:
CLIFFORD M. HARDIN April 14, 1971

For Uruguay:
_____ _____

For the Vatican City State:
LUIGI RAIMONDI April 30, 1971

For Venezuela:
_____ _____

FOOD AID CONVENTION, 1971

ARTICLE I

Objective

The objective of this Convention is to carry out a food aid programme with the help of contributions for the benefit of developing countries.

48-059 O - 72 - pt. 19 - 9

ARTICLE II

International Food Aid

(1) The countries parties to this Convention agree to contribute as food aid to the developing countries wheat, coarse grains or products derived therefrom, suitable for human consumption and of an acceptable type and quality, or the cash equivalent thereof, in the minimum annual amounts specified in paragraph (2) below.

(2) The minimum annual contribution of each country party to this Convention is fixed as follows:

	Metric tons
Argentina	23,000
Australia	225,000
Canada	495,000
European Economic Community	1,035,000
Finland	14,000
Japan	225,000
Sweden	35,000
Switzerland	32,000
United States of America	1,890,000

(3) For the purpose of the operation of this Convention, any country which has signed this Convention pursuant to paragraph (2) of Article VI or which has acceded to this Convention pursuant to paragraph (2) or (3) of Article VIII shall be deemed to be listed in paragraph (2) of Article II together with the minimum contribution of such country as determined in accordance with the relevant provisions of Article VI or Article VIII.

(4) The contribution of a country making the whole or part of its contribution to the programme in the form of cash shall be calculated by evaluating the quantity determind for that country (or that portion of the quantity not contributed in grain) at US $1.73 per bushel.

(5) Food aid in the form of grain shall be supplied on the following terms:

(*a*) sales for the currency of the importing country which is not transferable and is not convertible into currency or goods and services for use by the member country; [1]

(*b*) a gift of grain or a monetary grant to be used to purchase grain for the importing country; or

(*c*) sales on credit with payment to be made in reasonable annual amounts over periods of twenty years or more and with interest at rates which are below commercial rates prevailing in world markets,[2] on the understanding that food aid in the form of grains shall be supplied to the maximum extent possible on the terms indicated in sub-paragraphs (*a*) and (*b*) above.

(6) Grain purchases shall be made from participating countries.

(7) In the use of grant funds, special regard shall be had to facilitating grain exports of developing member countries. To this end priority shall be given so that not less than 35 per cent of the cash contribution to purchase grain for food aid or that part of such contribution required to purchase 200,000 metric tons of grain shall be used to purchase grains produced in developing member countries.

(8) Contributions in the form of grains shall be placed in f.o.b. forward position by donor countries.

(9) Countries parties to this Convention may, in respect of their contribution to the food aid programme, specify a recipient country or countries.

(10) Countries parties to this Convention may make their contribution through an international organization or bilaterally. However, in accordance with the recommendation made in paragraph (3) of resolution 2682 (XXV) of the United Nations General Assembly, they shall give full consideration to the advantages of directing a greater proportion of food aid through multilateral channels and shall place special emphasis on using the World Food Programme.

[1] Under exceptional circumstances an exemption of not more than 10 per cent may be granted.

[2] The credit sales agreement may provide for payment of up to 15 percent of principal upon delivery of the grain.

ARTICLE III

Food Aid Committee

(1) There shall be esablished a Food Aid Committee whose membership shall consist of the countries listed in paragraph (2) of Article II of this Convention and of the other countries that become party to this Convention. The Committee shall appoint a Chairman and a Vice-Chairman.

(2) The Committee may, when appropriate, invite representatives of the secretaries of other international organizations whose membership is limited to Governments that are also Members of the United Nations or its specialized agencies to attend as observers.

(3) The Committee shall:

(*a*) Receive regular reports from member countries on the amount, content, channelling and terms of their food aid contributions under this Convention;

(*b*) Keep under review the purchase of grains financed by cash contributions with particular reference to the obligation in paragraph (7) of Article II concerning purchase of grain from developing participating countries.

(4) The Committee shall:

(*a*) Exchange the way in which the obligations undertaken under the food aid programme have been fulfilled;

(*b*) Exchange information on a regular basis on the functioning of the food aid arrangements under this Convention, in particular where information is available, on its effects on food production in recipient countries. The Committee shall report as necessary.

(5) For the purposes of paragraph (4) of this Article the Committee may receive information from recipient countries and may consult with them.

ARTICLE IV

Administrative Provisions

The Food Aid Committee as set up according to the provisions of Article III shall use the services of the Secretariat of the International Wheat Council for the performance of such administrative duties as the Committee may request, including the processing and distribution of documentation and reports.

ARTICLE V

Defaults and Disputes

In the case of a dispute concerning the interpretation or application of this Convention or of a default in obligations under this Convention, the Food Aid Committee shall meet and take appropriate action.

ARTICLE VI

Signature

(1) This Convention shall be open for signature in Washington from 29 March 1971 until and including 3 May 1971 by the Governments of Argentina, Australia, Canada, Finland, Japan, Sweden, Switzerland and the United States of America and by the European Economic Community and its member States, provided that they sign both this Convention and the Wheat Trade Convention, 1971.

(2) This Convention shall also be open for signature, on the same conditions, to countries signatories of the Food Aid Convention 1967 which are not enumerated in paragraph (1) of this Article, provided that their contribution is at least equal to that which they agreed to make in the Food Aid Convention 1967.

ARTICLE VII

Ratification, Acceptance or Approval

This Convention shall be subject to ratification, acceptance or approval by each signatory in accordance with its constitutional or institutional procedures, provided that it also ratifies, accepts or approves the Wheat Trade Convention, 1971. Instruments of ratification, acceptance, approval or conclusion shall be deposited with the Government of the United States of America not later than 17 June 1971, except that the Food Aid Committee may grant one or more extensions of time to any signatory that has not deposited its instrument of ratification, acceptance, approval or conclusion by that date.

ARTICLE VIII

Accession

(1) This Convention shall be open for accession by the European Economic Community and its member States or by any other Government referred to in Article VI, provided the Government also accedes to the Wheat Trade Convention, 1971 and provided further that in the case of Governments referred to in paragraph (2) of Article VI their contribution is at least equal to that which they agreed to make in the Food Aid Convention 1967. Instruments of accession under this paragraph shall be deposited not later than 17 June 1971, except that the Food Aid Committee may grant one or more extensions of time to any Government that has not deposited its instrument of accession by that date.

(2) The Food Aid Committee may approve accession to this Convention, as a donor, by the Government of any Member of the United Nations or its specialized agencies on such conditions as the Food Aid Committee considers appropriate.

(3) If any such Government, which is not referred to in Article VI, wishes to apply for accession to this Convention between the close of the period fixed for signature and the entry into force of this Convention, the signatories of this Convention may approve accession on such conditions as they consider appropriate. Any such approval and conditions shall be as valid under this Convention as if this action had been taken by the Food Aid Committee after the entry into force of this Convention.

(4) Accession shall be effected by deposit of an instrument of accession with the Government of the United States of America.

ARTICLE IX

Provisional Application

The European Economic Community and its member States and the Government of any other country referred to in Article VI may deposit with the Government of the United States of America a declaration of provisional application of this Convention, provided they also deposit a declaration of provisional application of the Wheat Trade Convention, 1971. Any other Government whose application for accession is approved may also deposit with the Government of the United States of America a declaration of provisional application. The European Economic Community and its member States as well as any Government depositing such a declaration shall provisionally apply this Convention and be provisionally regarded as parties thereto.

ARTICLE X

Entry Into Force

(1) This Convention shall enter into force for the European Economic Community and its member States and for those Governments that have deposited instruments of ratification, acceptance, approval, conclusion or accession as follows:

(*a*) on 18 June 1971 with respect to all provisions other than Article II; and

(*b*) on 1 July 1971 with respect to Article II, provided that the European Economic Community and its member States and all Governments listed in paragraph (1) of Article VI have deposited such instruments or a declaration of provisional application by 17 June 1971 and that the Wheat Trade Con-

vention 1971 is in force. For any other Government that deposits an instrument of ratification, acceptance, approval, conclusion or accession after the entry into force of the Convention, this Convention shall enter into force on the date of such deposit.

(2) If this Convention does not enter into force in accordance with the provisions of paragraph (1) of this Article, the Governments which by 18 June 1971 have deposited instruments of ratification, acceptance, approval, conclusion or accession or declarations of provisional application may decide by mutual consent that it shall enter into force among those Governments that have deposited instruments of ratification, acceptance, approval, conclusion or accession, provided that the Wheat Trade Convention, 1971 is in force, or they take whatever other action they consider the situation requires.

ARTICLE XI

Duration

This Convention shall be effective for a three-year period from the date of the entry into force of Article II of this Convention.

ARTICLE XII

Notification by Depositary Government

The Government of the United States of America as the depositary Government shall notify all signatory and acceding parties of each signature, ratification, acceptance, approval, conclusion, provisional application of, and accession to, this Convention.

ARTICLE XIII

Certified Copy of the Convention

As soon as possible after the definitive entry into force of this Convention, the depositary Government shall send a certified copy of this Convention in the English, French, Russian and Spanish languages to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. Any amendments to this Convention shall likewise be communicated.

ARTICLE XIV

Relationship of Preamble to Convention

This Convention includes the Preamble to the International Wheat Agreement, 1971.

IN WITNESS WHEREOF the undersigned, having been duly authorized to this effect by their respective Governments or authorities, have signed this Convention on the dates appearing opposite their signature.

The texts of this Convention in the English, French, Russian and Spanish languages shall all be equally authentic. The originals shall be deposited in the archives of the Government of the United States of America, which shall transmit certified copies thereof to each signatory and acceding party.

For Argentina:
PEDRO E. REAL May 3*rd*, 1971
For Australia:
J. PLIMSOLL 29 April 1971
For Belgium:
WALTER LORIDAN May 3, 1971
For Canada:
M. CADIEUX May 3, 1971
For Denmark:
———— ————
For the European Economic Community:
L. G. RABOT 3 Mai 1971
For Finland:
———— ————
For France:
CHARLES LUCET May 3*rd*, 1971
For the Federal Republic of Germany:
ROLF PAULS 3 May 1971
For Italy:
EGIDIO ORTONA May 3, 1971
For Japan:
With a reservation to Article II
N. USHIBA April 30, 1971
For Luxembourg:
JEAN WAGNER May 3, 1971
For the Kingdom of the Netherlands:
R. B. VAN LYNDEN May 3*rd*, 1971
For Norway:
———— ————
For Sweden:
HUBERT DE BESCHE May 3, 1971
For Switzerland:
F. SCHNYDER 3 mai 1971
For the United Kingdom of Great Britain and Northern Ireland:
———— ————
For the United States of America:
CLIFFORD M. HARDIN April 14, 1971

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification.

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

The clerk will read the resolution of ratification.

The legislative clerk read as follows:

Resolved, (Two-thirds of the Senators persent concurring therein), That the Senate advise and consent to ratification of the International Wheat Agreement, 1971, which was open for signature in Washington from March 29 through May 3, 1971.

Mr. SPARKMAN. Mr. President, the United States has been a party to a number of international wheat agreements concluded periodically since 1949. The 1971 agreement, which is currently pending before the Senate, consists of two parts: First, the Wheat Trade Convention and second, the Food Aid Convention. A summary of the major provisions of both of these conventions is contained in the report of the Committee on Foreign Relations and the President's message submitted to the Senate on June 2. Both of these documents are on the desk of each Senator.

As has been pointed out the 1971 agreement differs from previous international wheat agreements in that the Wheat Trade Convention does not contain provisions on maximum and minimum prices or purchase and supply obligations. According to the administration, these provisions could not be negotiated "principally because the trading countries were unable to agree on a reference wheat or wheats owing mainly to an impending reform of the Canadian grading system."

As I stated earlier, however, Senate Resolution 136, which was just approved, expresses the sense of the Senate that the President should seek to convene a conference for the purpose of negotiating provisions relating to wheat prices and the rights and obligations of members in respect to international trade in wheat. This is in keeping with article 1 of the Wheat Trade Convention which specifies that one of the objectives of the Convention is to provide a framework, in conformity with article 21, for conducting such negotiations.

Mr. President, in view of the fact that the Senate has just passed Senate Resolution 136, I hope it will now vote to give its advice and consent to ratification of the International Wheat Agreement without further delay.

Mr. President, of course every Senator knows there will be a rollcall vote on the treaty. I believe every Senator understands it and I have no desire to debate it further. I hope we can proceed to a vote.

Mr. McGOVERN. Mr. President, for many years there were no objections to wheat agreements as they were considered by the Senate. However, in the spring of 1968 several grain handler organizations began to make their opposition clear. They appeared before the Senate Foreign Relations Committee to protest the International Grains Arrangement which had just been negotiated in 1968.

The International Grains Arrangement provided for a minimum price for U.S. No. 2 Hard Red Winter Wheat at $1.73 per bushel, f.o.b. Gulf ports with the maximum price for this wheat at $2.13 per bushel. These prices averaged about 20 cents per bushel higher than the International Wheat Arrangement which expired on June 30, 1968. The increase was enticing to wheat producers.

A Prices Review Committee was to set prices for wheat not specifically mentioned in the International Grains Arrangement. This committee was also authorized to adjust minimum prices in the event of changes in the competitive conditions. This was a step forward because previous agreements did not provide for a life committee or a price review procedure.

Because the International Grains Arrangement of 1968 was considered to represent a careful balance between the interests of our farmers and our processors and traders, it was reported favorably out of the Senate Foreign Relations Committee and passed the Senate by a 62 to 21 vote. But the higher price range and the greater improved procedures for arriving at agreement triggered an attack from the grain trade, led by the Grain and Feed Dealers Association. And as the IGA became effective, the grain trade increased the tempo of its attack and became more effective. Even though President Nixon and Prime Minister Trudeau both promised in April of 1969 to strengthen prices under the IGA, international traders soon began to break the IGA minimum prices. Our Government took no action to stop the violations. There was no move to convene the Prices Review Committee to try to correct this price cutting. Indeed, USDA officials were actually explaining the need for price cutting. This was not unusual, it appears in retrospect, since Assistant Secretary of Agriculture Clarence Palmby was one of the key critics of the IGA while he was in the employ of the Feed Grains Council.

It should be pointed out that the interests of the grain trade differ from those of the producers. This has been historically the case. But producers are upset, and rightly so, by what appears to be the dominance of the grain trade in our international agriculture trade policies.

Sound international rules for the wheat trade are an integral part of the domestic wheat price support program. Those who would do away with meaningful price provisions in the International Wheat Agreement would also deny producers the protection of price support programs. These advocates of no mean-

ingful price provisions make their aims clear when they urge the Common Market nations to do away with their farm programs. These antics occur in the face of the apparent decision of the Common Market's Common Agricultural Policy to pursue a program geared to keep 12 to 14 percent of the population engaged in farming. Similarly, the United States, also out of political and economic considerations has programs to protect the primary producer.

The proper route to expanding trade is not trade war, but trade negotiations and agreements. For the foreseeable future, vast differences in agricultural policy will continue to exist. All a trade agreement does is to attempt to resolve these differences in an effort to permit nations to trade where otherwise it would not be possible.

In defiance of world agricultural opinions, price provisions have been all but eliminated. The negotiations are most significant.

The International Grains Agreement, which ended June 30, had 14 reference wheats. These wheat varieties were to determine the price of all wheats. Three of the wheats were from Canada, three from the United States, and the rest from other countries. The United States gulf coast was the basing point for shipping.

At the Geneva talks, the United States made it clear it wanted no part of an IGA-type agreement. It was suggested the number of U.S. wheat and U.S. basing point allowed too little flexibility. The United States agreed to two "reference wheats"—Manitoba No. 1 Northern at Thunder Bay and No. 1 Heavy D.N.S. 15.5 percent at Duluth. However, Canada pointed out D.N.S. 15.5 percent was not listed internationally and consequently was not significant in trade. Nor was Manitoba No. 1 because under the new Canadian grading system it would not be traded after August 1, 1971. But the choice of reference wheat was not the real problem. It was generally known that the United States was not interested in a minimum above $1.55 for Manitoba No. 1 Northern. This was 40 cents a bushel under the 1962 agreement.

This was, of course, too low for the Canadians.

The failure to get a meaningful International Wheat Agreement is a matter of grave economic concern for wheat growers. I do not subscribe to the administrations view that the agreement before the committee was "the best we can get."

Such a position would be justified only if the objective is to bring an end to a meaningful and effective wheat agreement. That position could be justified only if there is a callous disregard to the economic welfare of wheat growers who have benefited in the past from higher, firmer and more stable prices, domestically and internationally.

I favor Senate Resolution No. 136. It would put the Senate on record for the kind of wheat agreement that has traditionally served to protect domestic producers from low and fluctuating prices in the international market for wheat.

Mr. President, unless we make it clear to the President that he seek additional negotiations, the International Wheat Agreement will be meaningless. We will have nothing more than an agreement to discuss, not a directive from this body to negotiate a meaningful agreement.

Unless this body goes on record in favor of Senate Resolution 136, I cannot support the International Wheat Agreement because, without the resolution, it would be a step backward in our efforts to bring order out of a chaotic situation and a meaningful floor for our farm producers.

Mr. MOSS. Mr. President, I want to express my support for Senate Resolution 136, which was introduced by Senator McGEE June 15.

Senator Resolution 136, and the International Wheat Agreement were favorably reported by the Foreign Relations Committee July 8.

This sense of the Senate resolution would call upon our representatives to the IWA to work for additional of minimum and maximum price provisions to the agreement at the earliest possible time.

Pricing provisions must be added to the IWA, along with provisions on reference wheats, basing points and related matters that can make the price floors fully effective.

This is a pocketbook issue for wheat farmers of Utah and other States of this Nation. Wheat producers know that, unless the IWA contains price guarantees, it is virtually meaningless. Farmers know that it does them little good to sell more wheat abroad unless they get an adequate price for it. In fact, unless the price is high enough to give them a return above costs, wheat exports do them no good at all.

With the farm parity ratio now at 70, the lowest it has been since the Great Depression, we must do whatever we can to strengthen farm income.

During 1970, wheat farmers in the States of Utah, Idaho, Oregon, and Washington produced a total of approximately 181 million bushels of soft white wheat. Of this, 125 million bushels, or about 65 percent, went into export markets. Because of the large percentage of wheat that is exported, the minimum price provision in the IWA is particularly crucial to this area. Without the guarantee of a reasonable and fair price, it means little to the producer to maintain export markets.

The wheat farmer cannot be sustained unless he gets a fair price for his produce. And that is why the price guarantees in the IWA must be restated. The minimum price provision in the agreement is in effect an extension of the U.S. domestic price support program to wheat sold in international trade.

Mr. President, Senate Resolution 136 is a step toward better prices and income for our wheat producers. We should adopt the resolution without delay.

Mr. DOLE. Mr. President, the price a Kansas farmer receives for his wheat is greatly affected by the amount of wheat exported by the United States. There are other factors, but exports are vitally important to the incomes of America's wheat producers for, even if a farmer has a good crop when the export market is not active, he will receive a lower price for his grain than he would in a good export year.

The past 3 years serve as a good illustration of this relationship between exports and prices. In this period we have seen exports increase from 544 million bushels to 735 million bushels, and the average price received by farmers in my State increased from $1.19 in 1969 to $1.39 this year.

FARMERS RECEIVE 78 PERCENT

Mr. President I would point out that $1.39 per bushel is certainly not a fair return to the farmer. It costs that much just to produce a bushel of wheat, and if it were not for the Government certificate payment farmers receive for the domestic portion of their production, they would not be able to survive. However, the price increase which results from expanded wheat exports is certainly an important consideration, and our farmers deserve the benefit policy or program that may improve their net incomes.

If we are to reach our goal of $10 billion in agricultural exports in the decade of the 1970's, we need all the export incentives we can create.

RECORD EXPORTS

This past year we reached a record $7.2 billion in agricultural exports. And if we are to continue to expand our exports, we must be prepared to compete in the expanding overseas market. To assure a maximum competitive position, we need the flexibility provided in the new International Wheat Agreement. It will allow us to pursue every feasible course in our discussions with foreign governments regarding means to stimulate and expand wheat markets for our U.S. farm families.

IGA UNSATISFACTORY

In the past we were not satisfied with the International Grains Agreement. It was far too restrictive, and only provided limits on our export positions which competitive nations turned to their advantages. In contrast with the IGA the new International Wheat Agreement provides the flexibility we need to compete actively with all wheat-producing nations. It still provides that when such matters as classes of wheat, points of origin, and other disputed terms might be successfully negotiated, the Wheat Council may reconvene to attempt to establish firmer guidelines.

After several weeks of discussions at last winter's wheat council meetings, it became obvious that these matters could not be resolved, thus, the agreement was drafted to include article 21 providing for future negotiations.

RESOLUTION COULD HAMPER

Our past experience of trying to deal within the unsatisfactory terms of the IGA, has shown that further negotiations would not be successful at this time. It certainly would be embarrassing and would weaken the U.S. position in future negotiations if the resolution offered by the Senator from Wyoming were adopted

and the Wheat Council were requested to reconvene as soon as possible.

Passage of the proposed resolution would place U.S. negotiators at future Wheat Council meetings at a severe disadvantage. By having requested further negotiations, the United States could then be committed to arbitrate at a later time and, therefore, be dealing from weakness at that later date. But if we were to wait until the Canadians have an opportunity to determine some other wheat than Manitoba No. 1 as the basis for classes of wheat and also allow pending trade arrangements in Europe to be concluded, several nations would be in a position to agree to negotiate again.

Mr. President, I know that the proponents of this resolution are sincere in their desire to improve the price of wheat. Since Kansas is the largest wheat-producing State in the Nation, I am just as concerned that the wheat farmers receive better prices.

Mr. President, the wheat farmers of Kansas and the Nation need the ratification of the International Wheat Agreement, but I urge my colleagues to give our wheat producers the consideration they deserve by rejecting the pending resolution which calls for further price negotiations at this time.

While wheat prices are far from the prices our farmers deserve, they have increased as exports have expanded. To assume that the agencies and the departments which brought about this increased export activity would not utilize the provisions of article 21 to institute further negotiations on prices in the near future would be erroneous and hazardous to our future export position.

While I share the desire of the Senator from Wyoming for higher wheat prices, it is apparent that passage of this resolution could restrict future negotiations and thereby have a result which would be the opposite of what is intended.

Mr. PEARSON. Mr. President, with a view to receiving the advice and consent of the Senate to ratification, President Nixon has transmitted to this House a copy of the 1971 International Wheat Agreement. The agreement is in two parts, the Wheat Trade Convention and the Food Aid Convention, covered by a common preamble.

The Special Subcommittee on the International Wheat Agreement, of which I have the honor to be a member, has considered carefully the provisions of this agreement in 2 days of public hearings, and in executive session. Pursuant to the recommendation of the Special Subcommittee, the Committee on Foreign Relations now proposes that the Senate consent to ratification of this agreement.

The United States has been a party to the International Wheat Agreement of 1949 and all succeeding agreements. For the first time, however, wheat producers participated in all phases of the negotiations which led to formulation of the 1971 agreement. Representatives of the National Association of Wheat Growers, the Great Plains Wheat, Inc., and the Western Wheat Associates USA, Inc. sat in on the negotiations.

Mr. President, there can be no question that U.S. wheat producers have a vital interest in orderly world wheat trade. Approximately 57 percent of all U.S. wheat is produced for export.

While wheat farmers receive 100 percent of parity on domestic production, as guaranteed by Congress, they must depend upon successful supply management programs and orderly international trade in wheat for a reasonable price for more than half their production.

THE INTERNATIONAL GRAINS AGREEMENT OF 1967

The 1967 International Grains Arrangement, predecessor to the agreement which we consider today, established 14 reference wheats, and established minimum prices for these wheats in international trade. Contemplating a possible period of world grain scarcity, the 1967 agreement also established maximum prices above which the reference wheats ought not to be sold in international commerce.

About 2 months after the 1967 agreement entered into force, at least one exporting nation began to sell under the minimums. Soon major exporters were selling premium wheats as lower grades. The 1967 price "floors" were a shambles within 18 months. Emergency meetings were held in London in June 1969, to determine what action—if any—ought to be taken to restore wheat prices to a level more nearly consistent with negotiated minimums. A ministerial meeting was held in Washington on July 10–11, 1969, to discuss further the drop in world wheat prices during the period of oversupply. By August 1969 a price war was underway. All exporting countries including the United States were selling under the negotiated minimums of the 1967 agreement.

Through a series of understandings reached by exporting countries, as members of the Wheat Council, relative stability in world wheat trade has been enjoyed in recent months. During the 1969 price war, the United States met competition from other exporters by lowering its selling price. And other exporting nations, when faced with U.S. pricing at competitive levels, withdrew from mutually destructive systems of exorbitant export subsidies. Thus the current market is relatively strong.

MINIMUMS NOT NEGOTIATED

Mr. President, the 1971 International Wheat Agreement does not contain provisions on maximum and minimum prices or purchase and supply obligations. These provisions could not be negotiated because the exporting nations could not agree on a reference wheat or wheats. And agreement was not reached primarily because Canada was then implementing a major reform in its grain grading system. The new Canadian system will alter traditional trading relationships among the top quality wheats which are natural candidates for reference wheats.

Because U.S. negotiators were committed to eventual reference wheats and reasonable minimum prices, article 21 was drafted to include the following language:

In order to assure supplies of wheat and wheat flour to importing members and markets for wheat and wheat flour to exporting members at equitable and stable prices, the Council shall at an appropriate time examine the questions of prices and related rights and obligations. When it is judged that these matters are capable of successful negotiation with the objective of bringing them into effect within the life of this Convention, the Council shall request the Secretary-General of UNCTAD to convene a negotiating conference.

Article 21, in my view, contemplates negotiated minimum prices and reference wheats "when these matters are capable of successful negotiation." The earliest possible time that meaningful minimums may be negotiated, of course, is after the new Canadian grading system is fully operational. Wheat producers recognize that they are at a disadvantage if their wheats alone are reference wheats—and Canadian participation in world wheat trade is such that no minimum schedule would be adequate or effective without Canadian wheats.

SENATE RESOLUTION 136

Mr. President, after careful consideration the Committee on Foreign Relations has reported favorably Senate Resolution 136, which calls upon the President to request, at the earliest possible time, a negotiating conference with a view toward the negotiation of provisions relating to the prices of wheat. This resolution expresses the commitment which Senators of our committee view ought to be made in behalf of our wheat producers.

But this resolution does not reflect a lack of faith in the U.S. team which negotiated the agreement before the Senate today. Nor does this resolution tie the hands of U.S. negotiators in the future. Clearly this resolution expresses an urgent hope that minimum prices may be negotiated "at the earliest possible time," but this resolution does not command the United States to commit itself to a system of reference wheats, shipping points, or minimum prices which will work to the disadvantage of U.S. wheat farmers.

Senate Resolution 136 has as its unspoken premise the notion that negotiated minimums and reference wheats will be of benefit to our producers. Thus the U.S. team must maintain flexibility, and insure that any negotiated rigidity in world wheat trade—such as minimum pricing provisions—will in fact work effectively for stronger prices.

Mr. President, I support both the agreement and Senate Resolution 136. Article 21 expresses the view that minimums should be established when they are "capable of successful negotiation." And the resolution expresses the view that they should be established at the "earliest possible time." Both these views should be respected by the administration as it continues to work for orderly world trade in wheat.

The price wars suffered under the IGA of 1967 should be avoided at all costs.

Mr. MONTOYA. Mr. President, today the Senate faces an issue that will have a direct bearing on the well-being of the American farm community. Farmers in this country are not doing well now; the index of farm prices has slipped to 70, the lowest level since the depression. At

a time like this, we should expect every action taken to be in the direction of alleviating the plight of farmers, yet we are asked today to make a decision regarding a very inadequate agreement on international wheat marketing.

The International Wheat Agreement before the Senate today does not contain any minimum price level. This means that a fundamental barricade against the extreme harm done to farmers by wildly fluctuating prices has been removed. Past agreements have contained minimum price levels to avoid such disastrous consequences. We can thank the distinguished Senator from Wyoming (Mr. McGEE), for coming to the aid of the wheat farmers in this country by introducing Senate Resolution 136, which instructs the administration to go back to the conference table as soon as possible to negotiate specific price levels. The adoption of Senate Resolution 136 would make the adoption of the International Wheat Agreement much more palatable than the agreement would be by itself.

Though I would prefer to have price levels set in the present agreement. I am willing to support the compromise now forged by the introduction of the McGee resolution to accompany the agreement. This arrangement is better than leaving international wheat trading completely adrift while a new agreement is negotiated.

The International Wheat Agreement consists of two parts: the Wheat Trade Convention. and the Food Aid Convention. As article 1 of the Wheat Trade Convention indicates. a major objective of this treaty is to further international cooperation in connection with world wheat problems. The basic factor in relation to cooperation and expansion of international trade is stability. And the means of guaranteeing stability in trade of wheat are price stabilization provisions.

Mr. President, it is very important to the people of my State of New Mexico that the new IWA be as strong as possible in its protection of wheat farmers.

During the 1970 crop year, New Mexico farmers planted 184,000 acres of winter wheat, from which was harvested 5.5 million bushels of wheat. The total value to farmers of the 1970 wheat crop in New Mexico was almost $14 million.

With the addition of Senate resolution 136, this treaty takes on real meaning for wheat farmers in New Mexico and the other wheat-producing States. For in the interest of economic stability, it is essential that minimum and maximum price provisions, along with acceptable basing points of shipment and reference wheats, be implemented. We can thus avoid the threat of price wars which do damage to not only the wheat producers, but also the spirit of international cooperation.

To those who claim that we should rely upon free trade and the supply and demand nature of a world price, the only reply necessary is a call to reality. There is no world price for wheat because factors other than unfettered enterprise enter into the international sphere of trade. Political maneuvering, to some extent, guides the tactics of world trade. Markets exist under frameworks of law, property rights, wealth distribution, and economic conditions. Justice and order are best served in world trade by well-defined guidelines and accessible mechanisms for negotiation.

Without these price stabilization measures, both the farmer and taxpayer in America will suffer. When the price of wheat sold abroad is below the price in the United States, the Government must pay the difference in the form of an export subsidy. The wider the difference, the greater the subsidy. In a free-trade situation, there would be no safeguards against prices dipping so low as to cause exorbitant subsidy costs—at the taxpayers expense. These mounting costs could endanger the farm subsidy program which is so important to the welfare of producers and consumers in our country.

So, Mr. President, it is with the knowledge that a clear majority of the other nations involved also desire these price stabilization provisions and the firm conviction that the Senate Resolution 136 makes this International Wheat Agreement a benefit to our domestic wheat producers that I recommend approval of this treaty.

I also believe, Mr. President, that it is the obligation of this administration to insure compliance by the United States with the provisions of the International Wheat Agreement. Any violations of treaty conditions, as have happened in the past, must be rectified with enthusiastic cooperation and support for the worthy goals of this international commitment.

I urge consent to this treaty.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification?

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 Indiana (Mr. BAYH), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr PASTORE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Virginia (Mr. SPONG) and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from Hawaii (Mr. INOUYE), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Indiana (Mr. BAYH), and the Senator from Rhode Island (Mr. PASTORE) would each vote "yea".

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from New York (Mr JAVITS) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Tennessee (Mr. BAKER) is detained on official business.

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) would each vote "yea".

[No. 137 Ex.]

YEAS—78

Aiken	Ervin	Miller
Allen	Fannin	Montoya
Allott	Fong	Moss
Anderson	Fulbright	Nelson
Beall	Gambrell	Packwood
Bellmon	Goldwater	Pearson
Bennett	Gravel	Pell
Bentsen	Griffin	Percy
Bible	Harris	Prouty
Boggs	Hart	Proxmire
Brock	Hartke	Randolph
Buckley	Hollings	Roth
Burdick	Hruska	Saxbe
Byrd, Va.	Hughes	Schweiker
Byrd, W. Va.	Humphrey	Scott
Cannon	Jackson	Smith
Case	Jordan, Idaho	Sparkman
Chiles	Kennedy	Stennis
Cook	Magnuson	Stevenson
Cotton	Mansfield	Symington
Cranston	Mathias	Taft
Curtis	McClellan	Thurmond
Dole	McGee	Tower
Eagleton	McGovern	Weicker
Eastland	McIntyre	Williams
Ellender	Metcalf	Young

NAYS—0

NOT VOTING—22

Baker	Hatfield	Pastore
Bayh	Inouye	Ribicoff
Brooke	Javits	Spong
Church	Jordan, N.C.	Stevens
Cooper	Long	Talmadge
Dominick	Mondale	Tunney
Gurney	Mundt	
Hansen	Muskie	

The PRESIDING OFFICER (Mr. BUCKLEY). On this vote, the yeas are 78 and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's consent to the resolution of ratification.

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

LEGISLATIVE SESSION

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

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

AUTHORIZATION FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE TO HAVE UNTIL 6 P.M. TODAY TO FILE A REPORT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the

Committee on Labor and Public Welfare may have until 6 p.m. today to file its report on S. 1747, one of the so-called health and manpower bills.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. FANNIN when he introduced Senate Joint Resolution 129 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ROSTOW WOULD ADVISE SAME VIET POLICY

Mr. BYRD of Virginia. Mr. President, I note the headline in the Washington Daily News of today which reads "Rostow Would Advise Same Viet Policy." The news article deals with the Vietnam views of Walt W. Rostow, the chief architect of the Johnson administration Vietnam policy.

My attention was attracted to that headline because over the weekend while looking through my desk I found a speech which I had made about another Rostow on March 15, 1968, more than 3 years ago.

The other Rostow was Hon. Eugene V. Rostow, who was Under Secretary of State for Political Affairs and as such was one of the principal advisers on President Johnson's Vietnam policy.

Mr. Eugene V. Rostow as Under Secretary of State appeared at a committee meeting on March 15, 1968. I put this question to Mr. Rostow:

In your judgment, is U.S. involvement in a long war in Vietnam advantageous to the Soviet Union?

Mr. Rostow answered categorically with one word—"No." Mr. President, to me that was rather fantastic. The reason I put that question to Mr. Rostow was because I thought it was important that Congress and the American people know the determined policy and strategy regarding the Vietnam war.

I put that question to most every important civilian who came before the Armed Services Committee of the Senate, those civilian leaders of the Government who had a major role to play in determining the Vietnam policy. I must say that most were not as frank as Mr. Rostow. But under persistent questioning in committee, I usually obtained from them, whether they were high civilians in the Defense Department or in the State Department, in essence the same response, that they did not consider U.S. involvement in a long war in Vietnam to be advantageous to the Soviet Union.

I notice in my speech of March 15, 1968, I commended Mr. Rostow for his candor, I stated I admired his frankness, and that he is an honorable, able, and hard-working official, but I expressed at that time complete disagreement with his judgment and nothing has happened since then that caused me to change my view.

To me U.S. involvement in a long war is purely advantageous to the Soviet Union. I stated in the Senate on March 15, 1968, that if our policymakers do not recognize that then how in the world are we ever going to bring this war to an early conclusion.

Mr. President, that was during the administration of President Johnson. In January 1969, Richard Nixon came to the White House and President Nixon almost immediately reversed that policy. Since then the thinking in the White House from the President on down has been that it is important to bring this war to a conclusion. I certainly agree with that view.

I think it is vitally important that the Vietnam war be brought to a conclusion and I think the facts show that President Nixon during the relatively short time he has been President and Commander in Chief of our Armed Forces has made progress toward disengaging the United States from Vietnam.

The President has been condemned from time to time for not doing more faster. I think it is important that we recognize the facts. The fact is that when he became President 540,000 Americans were in Vietnam. During the intervening period President Nixon has brought back to this country 60 percent of the American forces. In other words, he has reduced the number of American personnel involved in Southeast Asia by 60 percent. All of us would like to have the number reduced by a greater percentage than that but I feel it is important that President Nixon, who came to office faced with a very difficult situation, has, in my judgment, made progress in disengaging American personnel from Southeast Asia. So I am pleased today to commend him for what he has done and I hope he will continue to expedite the withdrawal of American troops.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

(The remarks of Mr. BYRD of Virginia when he introduced Senate Joint Resolution 130 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

The PRESIDING OFFICER. The Senator from Michigan is recognized.

(The remarks of Mr. GRIFFIN when he introduced S. 2258 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of the routine morning business with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection it is so ordered.

MODIFICATION OF ORDER FOR RECOGNITION OF SENATORS ON WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for recognition of Senators on Wednesday be altered from the previous order entered today, so as to provide that on Wednesday, immediately following the recognition of the two leaders under the standing order, the distinguished junior Senator from Georgia (Mr. GAMBRELL) be recognized for not to exceed 15 minutes, and that he be followed by the following Senators in the order stated, each to be recognized for not to exceed 15 minutes: Messrs. ALLOTT, BROCK, BUCKLEY, DOLE, ROTH, and MOSS.

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

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon the completion of the orders recognizing Senators on Wednesday next, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 1 p.m.

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

ORDER FOR ADJOURNMENT UNTIL 11 A.M., WEDNESDAY, JULY 14, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 a.m. on Wednesday next.

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

ORDER FOR CONSIDERATION OF OVERRIDING PRESIDENTIAL VETO ON S. 575 ON WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at 1 p.m. on Wednesday next, the Senate proceed to the consideration of the question of overriding the President's veto of the accelerated public works bill, S. 575.

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

LIMITATION OF DEBATE ON WEDNESDAY NEXT ON OVERRIDE OF PRESIDENTIAL VETO ON S. 575

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that de-

bate on the question of overriding the Presidential veto of S. 575 be limited to 2 hours, the time to be equally divided between and controlled by the senior Senator from West Virginia (Mr. RANDOLPH) and the senior Senator from Kentucky (Mr. COOPER).

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

ORDER FOR VOTE ON OVERRIDE OF PRESIDENTIAL VETO ON S. 575 AT 3 P.M. ON WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on overriding the President's veto of S. 575 occur at 3 p.m. on Wednesday.

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

ORDER FOR CONSIDERATION OF H.R. 9270, MAKING APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE, ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday, July 15, 1971, at the conclusion of the period for the transaction of routine morning business the Senate proceed to the consideration of H.R. 9270, the bill making appropriations for the Department of Agriculture, that the time on that bill be limited to 2 hours, the time to be equally divided between and controlled by the Senator from Wyoming (Mr. MCGEE) and the Senator from Nebraska (Mr. HRUSKA), and that time on any amendment thereto—with the exception of a possible amendment dealing with subsidy limitations—be limited to one-half hour, the time to be equally divided between the mover of the amendment and the manager of the bill (Mr. MCGEE); and that in the case of the exception, any amendment dealing with subsidy limitations, the time be limited to 1 hour, the time to be equally divided between the mover of the amendment and the manager of the bill (Mr. MCGEE).

Mr. GRIFFIN. Mr. President, reserving the right to object, could it be understood that this agreement would not automatically waive any possible points of order and that amendments which would be offered would have to be germane?

Mr. BYRD of West Virginia. Under the standing rule, a point of order can be raised against any amendment that is not germane to an appropriation bill. If the Senator would like to have the Gordian knot tighter, we could specify that no amendment not germane be received, but under the standing rule a point of order can be made against an amendment to an appropriation bill that is not germane.

Mr. GRIFFIN. Because it is an appropriation bill. I thank the Senator.

Mr. BYRD of West Virginia. I thank the distinguished assistant Republican leader.

I ask unanimous consent that Senators in control of time on H.R. 9270, the bill making appropriations for the Department of Agriculture, may allot time therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objections, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, is that satisfactory to the Senator from Michigan?

Mr. GRIFFIN. I understand that under the rule, points of order would be received and available against amendments that are not germane.

Mr. BYRD of West Virginia. The able Senator is correct.

Mr. President, I further ask unanimous consent that, with respect to amendments to H.R. 9270, the bill making appropriations for the Department of Agriculture, time on the amendment to be offered by the Senator from Indiana (Mr. BAYH) dealing with subsidy limitations be limited to 2 hours, the time to be equally divided between and controlled by the mover of the amendment and the manager of the bill.

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

Mr. GRIFFIN. Mr. President, that would be with the understanding that if there were other amendments dealing with subsidy ceilings, there would be 1 hour on each.

Mr. BYRD of West Virginia. One hour; yes. I thank the distinguished assistant Republican leader.

ORDER FOR CONSIDERATION OF H.R. 9417, DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1972, ON FRIDAY, JULY 16, 1971—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Friday, July 16, at the close of the period for the transaction of routine morning business, the Senate proceed to the consideration of H.R. 9417, a bill making appropriations for the Department of the Interior and related agencies; that time on that bill be limited to 2 hours, to be equally divided between and controlled by the distinguished senior Senator from Nevada (Mr. BIBLE) and the distinguished senior Senator from Illinois (Mr. PERCY); that time on any amendment be limited to 30 minutes, to be equally divided between the mover of such amendment and the manager of the bill (Mr. BIBLE).

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

The unanimous-consent agreement reads as follows:

Ordered, That on Wednesday, July 14, 1971, at 1:00 p.m. the Senate proceed to reconsider the Public Works Acceleration Bill—the veto message (S. 575) with debate thereon limited to 2 hours to be equally divided and controlled by the Senator from West Virginia (Mr. Randolph) and the Senator from Kentucky (Mr. Cooper), with the vote to occur at 3 p.m.

Ordered further, That on Thursday, July 15, 1971, following the morning business the Senate proceed to the Agriculture-Environmental Appropriation Bill (H.R. 9270) with debate thereon limited to 2 hours to be equally divided and controlled by the Senator from Wyoming (Mr. McGee) and the Senator from Nebraska (Mr. Hruska). *Provided*, that time on any amendment thereto shall be limited to 30 minutes to be equally divided and controlled by the mover of the amendment and the manager of the bill with the exception of an amendment which may be offered by the Senator from Indiana (Mr. Bayh) concerning subsidy limitations on which time will be 2 hours. Any other amendment on the subsidy limitations will be limited to 1 hour under the same conditions. *Provided further*, that time may be allotted from the bill to any amendment.

Ordered further, That on Friday, July 16, 1971, following the morning business the Senate proceed to the consideration of the Interior Appropriation Bill (H.R. 9417) with debate limited thereon to 2 hours to be equally divided and controlled by the Senator from Nevada (Mr. Bible) and the Senator from Illinois (Mr. Percy). Provided that time on amendments be limited to 30 minutes to be equally divided and controlled by the mover of the amendment and the manager of the bill. (July 12, 1971).

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

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

PROGRAM FOR WEDNESDAY, THURSDAY, AND FRIDAY

Mr. BYRD of West Virginia. Mr. President, the program for Wednesday, Thursday, and Friday, insofar as it can be determined, is as follows:

The Senate will convene on Wednesday at 11 o'clock 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: Senators GAMBRELL, ALLOTT, BROCK, BUCKLEY, DOLE, ROTH, and MOSS.

Following the recognition of Senators under the orders aforementioned, there will be a period for the transaction of routine morning business, with statements limited therein to 3 minutes, the period not to extend beyond 1 o'clock p.m.

At 1 o'clock p.m. the Senate will proceed to the consideration of the question whether to override the President's veto on S. 575, the Public Works Acceleration Act. Debate will be controlled, with time limited to 2 hours, equally divided, a vote to occur at 3 o'clock. Under the Constitution, a rollcall vote is mandatory.

It is likely that the Senate will then proceed to the consideration of one or both of the two health manpower bills, S. 934 and S. 1747, with rollcall votes probable.

On Thursday the Senate will proceed to the consideration—following comple-

tion of the transaction of routine morning business—of H.R. 9270, a bill making appropriations for the Department of Agriculture, with time limited thereon to 2 hours and the time on amendments limited to one-half hour, to be equally divided, with the exception of any amendment dealing with a ceiling on subsidies, in which case there will be a time limitation of 1 hour on such amendment, to be equally divided. Two hours will be allotted on an amendment to be offered by Mr. BAYH dealing with a limitation on subsidies. Rollcall votes are expected.

Also on Thursday, the Atomic Energy Commission authorization may be considered.

Senators should be on notice that the Senate may proceed also on Thursday to a reconsideration of the vote on Senate Resolution 100, to provide additional employees for the Veterans' Committee, and a rollcall vote can, I think, be anticipated thereon.

To repeat, with respect to Thursday, I think it can safely be said that there will be at least one rollcall vote, certainly on the passage of the bill making appropriations for the Department of Agriculture, and there likely will be votes on amendments thereto. There may be a vote on the AEC authorization. A rollcall vote can be anticipated on any motion to reconsider the vote on Senate Resolution 100.

As for Friday, upon the completion of the transaction of routine morning business, the Senate will proceed to the consideration of H.R. 9471, a bill making appropriations for the Department of the Interior. Time will be limited thereon to 2 hours, and an agreement has been entered limiting the time on any amendment to 30 minutes.

A rollcall vote can be expected on the passage of that appropriation bill.

Also on Friday it is anticipated that the Senate may proceed to the consideration of the bill making appropriations for HUD and space sciences, and also the bill making appropriations for the Departments of State, Justice, and Commerce, in the event of which there will certainly be a rollcall vote on passage of either or both of those appropriations bills, in accordance with past practice. Moreover, if the AEC authorization is not taken up on Thursday, it may be taken up on Friday, with a possible rollcall vote thereon.

Additionally, if the Senate has not disposed on Thursday of the motion to reconsider Senate Resolution 100, which has to do with additional employees for the Veterans' Committee, the Senate may proceed to consider that matter on Friday, with an expected rollcall vote thereon.

So there will be at least one rollcall vote, in all likelihood, on Friday, and an extremely good possibility of more than one rollcall vote that day.

In recapitulation, there will be one or more rollcall votes on Wednesday, one or more rollcall votes on Thursday, and one or more rollcall votes in sight for Friday.

Does the distinguished assistant Republican leader have any question or any statement to make at this time?

Mr. GRIFFIN. No.

ADJOURNMENT UNTIL 11 A.M. WEDNESDAY, JULY 14, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. on Wednesday next.

The motion was agreed to; and (at 4 o'clock and 43 minutes p.m.) the Senate adjourned until Wednesday, July 14, 1971, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 12, 1971:

U.S. DISTRICT COURTS

Paul Benson, of North Dakota, to be a U.S. district judge for the district of North Dakota, vice Ronald N. Davies, retiring.

Spencer M. Williams, of California, to be a U.S. district judge for the northern district of California, a new position created by Public Law 91–272, approved June 2, 1970.

DEPARTMENT OF THE INTERIOR

John W. Larson, of California, to be an Assistant Secretary of the Interior, vice Carl L. Klein, resigned.

DEPARTMENT OF TRANSPORTATION

Benjamin Oliver Davis, Jr., of Virginia, to be an Assistant Secretary of Transportation, vice Willard J. Smith, resigned.

MISSISSIPPI RIVER COMMISSION

Maj. Gen. Charles Carmin Noble, xxx-xx-x... xxx-... Army of the United States (brigadier general, U.S. Army), for appointment as a member and President of the Mississippi River Commission, under the provisions of section 2 of an act of Congress approved June 28, 1879 (21 Stat. 37) (33 U.S.C. 642).

HOUSE OF REPRESENTATIVES—*Monday, July 12, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let the beauty of the Lord our God be upon us: And establish Thou the work of our hands; yea, the work of our hands establish Thou it.—Psalms 90: 17.

O God and Father of us all, who hast set us in families, and families in communities, and communities in cities, we lift our hearts to Thee praying that Thou wouldst bless our families, our communities, and our cities, strengthening every noble endeavor, stimulating every honest enterprise, and supporting every true way that leads to a greater life together in our beloved country.

Grant that we in this Chamber may be men and women of faith and courage who see above the strife of the present age and beyond the strain of these difficult days a better way of life for all our people, and may we work for it with a zeal that never ceases building on earth a brotherhood of men, based on a brotherhood of work and permeated by a brotherhood of faith.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1828. An Act to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is a District of Columbia Day. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

AMENDING UNIFORM COMMERCIAL CODE WITH RESPECT TO WAREHOUSEMEN'S LIEN

Mr. HUNGATE. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 6968) to amend the Uniform Commercial Code of the District of Columbia to make a warehouseman's lien for charges and expenses in relation to household goods stored with him effective against all persons if the depositor of the goods was the legal possessor, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 28: 7–209(3) of the Uniform Commercial Code (D.C. Code, sec. 28: 7–209(3)) is amended by inerting "(a)" immediately after "(3)" and by adding at the end thereof the following:

"(b) A warehouseman's lien under subsection (1) on household goods for charges and expenses in relation to the goods is also effective against all persons if the depositor was the legal possessor of the goods at the time of deposit. The term 'household goods' means furniture, furnishings, or personal effects used by the depositor in a dwelling."

Mr. HUNGATE. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of H.R. 6968 is to amend the Uniform Commercial