SENATE—*Monday, July 19, 1971*

The Senate met at 11 a.m. and was called to order by Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia.

The Reverend Dr. Horace A. Hamm, pastor, Hillcrest Baptist Church, Morristown, Tenn., offered the following prayer:

Our Father, we thank Thee for Thy every blessing of our life. For this land we seek Thy continued blessings on her highest ideals. We thank Thee for the blessings of life, liberty, and the privilege of representing our fellow man before this great Nation and seek always to give to it our best.

We earnestly and daily seek Thy guidance as we address ourselves to the resolving of great issues and to the fulfillment of great expectations.

We pray today for vision, that we may be seized by grand and noble ideas that enable great men to see beyond the horizon of personal desire. We pray for brotherhood within the family of mankind, that every man may have opportunity of fellowship that inspires and encourages man in unity of purpose.

We pray for peace that we may address ourselves to the manifold needs of our brothers and seek the refinement of Thy great purpose reflected in Thy creation.

In the name of Christ our Lord, we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 19, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, July 16, 1971, be dispensed with.

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

AMENDMENT OF THE MINING AND MINERALS POLICY ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 259, S. 635.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 635) to amend the Mining and Minerals Policy Act of 1970.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 6, line 17, after the word "the," strike out "Secretary." and insert "Secretary, and the Comtroller General or any of his duly authorized representatives shall have access, for the purpose of review and audit, to the supportive books, records, and other pertinent documents maintained by the grantee in the administration of any grant under this act"; and, on page 7, line 23, after the word "the"; strike out "institute" and insert "institutes"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mining and Minerals Policy Act of 1970 (84 Stat. 1876) is amended by adding at the end thereof the following new sections:

"SEC. 3. It is the policy of Congress to support, enhance, and stimulate mining, mineral, metallurgical, ceramic, fuel, scrap recycling, mined land reclamation, underground reservoir utilization, mineral economics, and related environmental research, and the training of an adequate supply of scientists, engineers, and technicians in such fields, by supporting the establishment of an appropriate research and training center in each State.

"SEC. 4. (a) There are authorized to be appropriated to the Secretary of the Interior for the fiscal year 1972 and each subsequent year thereafter sums adequate to provide $100,000 to each of the several States in the first year, $150,000 in the second year, $200,000 in the third year, and $250,000 each year thereafter to assist each participating State in establishing and carrying on the work of a competent and qualified mining, minerals, and related environmental research institute, center, or equivalent agency (hereinafter referred to as 'institute') at one college or university in that State, which college or university shall be the tax-supported school of mines or shall have a college or school of mines, or if there be no college or school of mines or other tax-supported college or university having a department of mining and minerals, then it shall be a college or university established in accordance with the Act approved July 2, 1862 (12 Stat. 503), as amended, entitled 'An Act donating public lands to the several States and territories which may provide colleges for the benefit of agriculture and the mechanic arts', or some other institution designated by act of the legislature of the State concerned: *Provided,* That (1) matching non-Federal funds at least equal to the Federal share are used to support the institute; (2) if there is more than one such college or university in a State, established in accordance with said Act of July 2, 1862 funds under this Act shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to one such college or university designated by the Governor of the State to receive the same, subject to the Secretary's determination that such college or university has, or may reasonably be expected to have, the capability of doing effective work under this Act; (3) two or more States may cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute; and (4) a designated college or university may, as authorized by appropriate State authority, arrange with other colleges and universities within the State to participate in the work of the institute.

"(b) It shall be the duty of each such institute to plan and conduct or arrange for the conduct of competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to mining, mineral, metallurgical, ceramic, fuel, scrap recycling, mined land reclamation, underground reservoir utilization, mineral economics and related environmental research, and to provide for the training of scientists, engineers, and technicians in these fields. Such research, investigations, experiments, and training may include, without being limited to, aspects of the supply and demand for various minerals; conservation and the best use of available supplies of minerals; health and safety in mining; improved methods of mineral extraction and exploration; mineral and mining economics; improved methods of mineral production, extraction, and exploration which will reduce and minimize adverse effects upon the environment; and legal, social, geographic, ecological, national defense, land use, and other considerations to help assure satisfaction of the national needs and requirements, in both the short and long term, for minerals and their products, having due regard to the avoidance of unnecessary and unproductive duplication of research being conducted by agencies of the Federal and State Governments or other institutes receiving support under this Act.

"SEC. 5. (a) There is further authorized to be appropriated to the Secretary of the Interior for fiscal year 1972 and each subsequent year thereafter sums not in excess of the following: 1972, $1,000,000; 1973, $2,000,000; 1974, $3,000,000; 1975, $4,000,000; and 1976 and each succeeding fiscal year, $5,000,000. Such moneys, when appropriated, shall be available to meet the necessary expenses of special mineral resource research projects which would not otherwise be undertaken, and which the Secretary of the Interior has identified as being of high priority in meeting the objectives of this Act.

"(b) The Secretary shall, insofar as it is practicable, utilize the facilities of institutes designated in section 4 of this Act to perform such special research, authorized in subsection (a) hereof, and shall select the institute for the performance of such special re-

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search on the basis of the qualifications of the personnel who will conduct and direct it, the nature of the facilities available in relation to the particular needs of the research project, special geographic, geologic, or climatic conditions within the immediate vicinity of the institute in relation to any special requirements of the research project, and the extent to which it will provide opportunity for training mineral resource scientists, engineers, and technicians.

"SEC. 6. To assure that any institute established under this Act is adequately equipped to perform mineral resource research and to train individuals in the mineral resource fields, the Secretary of the Interior is authorized to make grants to each institute to pay up to 75 per centum of the cost of purchasing equipment, facilities, and library materials. No portion of any such grant shall be applied to the acquisition by purchase or lease of any land or interests therein or the rental, purchase, construction, preservation, or repair of any building. There are hereby authorized to be appropriated not to exceed $5,000,000, annually, to remain available until expended, to carry out the purposes of this section.

"SEC. 7. Sums available to the States under the terms of sections 4, 5, and 6 of this Act shall be paid to their designated institutes at such times and in such amounts during each fiscal year as determined by the Secretary of the Interior, and upon vouchers approved by him. Each institute shall designate an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this Act and shall make an annual report to the Secretary of the Interior on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any of the provisions of this Act during the preceding fiscal year, and of its disbursement, on schedules prescribed by the Secretary. Secretary, and the Comptroller General or any of his duly authorized representatives shall have access, for the purpose of review and audit, to the supportive books, records, and other pertinent documents maintained by the grantee in the administration of any grant under this Act. If any of the moneys received by the authorized receiving officer of any institute under the provisions of this Act shall by action or contingency be found by the Secretary to have been improperly diminished, lost or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

"SEC. 8. No research, demonstration, or experiment shall be carried out under this Act by an institute financed by grants under this Act unless all uses, products, processes, patents, and other developments resulting therefrom, with such exception or limitation, if any, as the Secretary may find necessary in the public interest, be available promptly to the general public. There are authorized to be appropriated such sums as are necessary for the printing and publishing of the results of activities carried out by institutes under the provisions of this Act and for administrative planning and direction, but such appropriations shall not exceed $1,000,000 in any fiscal year.

"SEC. 9. The Secretary of the Interior is charged with administration of this Act, and shall prescribe such rules and regulations as may be necessary to carry out its provisions. He shall furnish such advice and assistance as will best promote the purposes of this Act, participate in coordinating research initiated under this Act by the institutes, encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior and other Federal establishments, and shall act as a central clearinghouse for the results of research conducted by the institutes.

"SEC. 10. The Secretary shall make an annual report to the Congress of the receipts and expenditures and work of the institutes in all States under the provisions of this Act. His report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

"SEC. 11. Nothing in this Act shall be construed to impair or modify the legal relation existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this Act shall in any way be construed to authorize Federal control or direction of education or training at any college or university.

"SEC. 12. As used in this Act, the term 'State' includes the Commonwealth of Puerto Rico."

Mr. ALLOTT. Mr. President, the bill which the Senate is presently considering is one which, in my opinion, should have been enacted at least a decade ago. If we had acted then instead of now, I believe that many of our environmental, mineral supply, and fuels problems would have found their solutions in the research to be conducted under the provisions of this bill.

The United States is an enormous consumer of minerals and fuels. The startling truth is that we have consumed more of these resources in the past 10 years than the entire peoples of the world consumed in all previous history. Population growth and increased per capita mineral demands are placing unprecedented pressures upon the Nation's minerals base. The Congress cannot avoid its responsibility to establish policies designed to assure that an adequate supply of mineral commodities are available to our manufacturing industry. A minerals policy that encourages a strong domestic mining industry will assist in developing the capability of supplying these projected needs.

In recognition of these needs, President Nixon in his radio address of October 18, 1968, entitled "A Strategy of Quality: Conservation in the 1970's," called for the establishment of a national minerals policy. The National Mining and Minerals Policy Act of 1970, was signed into law by President Nixon on December 31, 1970.

However, a national minerals policy is only a pious sentiment if it is not implemented, and to implement a policy requires the development of an action program. S. 635 is an important first step in the formulation of an action program, it provides for research and encourages the training of qualified scientists, engineers, and technicians. It is difficult to conceive of any factor more basic to the implementation of any policy than research and qualified personnel, which is the continuing thrust of S. 635.

The wise and efficient use of our mineral resources is a necessary objective for the advancement of technological knowledge in the minerals field, on which in turn, the future of the Nation is dependent. S. 635 would assist in alleviating the severe shortage of trained mineral specialists and engineers by encouraging young people to favorably consider a career in the minerals industry. Today enrollments in mineral technology courses are at an all time low and the number of mining schools declines annually.

Ultimately, we are going to be required to turn to the lower grade ore deposits at very great depths to satisfy our mineral requirements. Such endeavors will require research, both basic and applied. Subsection 4(b) of S. 635 provides for the "conduct of competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to mining, mineral, metallurgical, ceramic, fuel, scrap recycling, mined land reclamation, underground reservoir utilization, mineral economics, and related environmental research."

While it is recognized that all of our mineral requirements cannot be met by domestic sources, improvement of our ability to produce important minerals, domestically, is in the national interest, both from a national security standpoint and from an industrial security standpoint. Recent events in Chile with respect to the nationalization of copper mines serve to underscore this. But greater production of minerals domestically will not be easily achieved, since the minerals industry must compete with all others for the resources of manpower, finances, and the use of land. The achievement of this will rely heavily upon research to develop new and better methods of discovery, mining procedures, and extractive processes. Research, of course, cannot be conducted without trained personnel. It is my firm conviction that the establishment of "mineral institutes," as envisioned by S. 635, will provide a spin-off benefit in attracting young people into careers associated with the minerals field. It is my belief that other general assistance to deserving students has not been utilized to aid students in the minerals field because of a lack of research and educational facilities necessary for ongoing college or departments of mining and minerals. S. 635 seeks to remedy this lack of facilities through annual grants to qualified institutes.

While Assistant Secretary of the Interior Hollis Dole was not able to testify at the hearings on S. 635, he did make this point quite graphically in his statement to the committee on July 9, 1969, when testifying in favor of the National Mining and Minerals Policy Act. Secretary Dole, on behalf of the administration, said:

> In the professional areas of mining and earth sciences, we are facing a crisis. Our colleges and universities are not producing enough graduates in the mineral sciences to meet our expanding needs. In fact, we are losing ground. This year, for example, American universities are graduating a total of only 110 mining engineers, and many of these are foreign students who are returning to their own countries.
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> Equally alarming is the fact that in 1967 only 17 educational institutions had an accredited curriculum in mining engineering.

The median number of seniors was approximately six. There were at the same time 19 graduate programs with a median participation of 8 graduate students and half of these were foreign nationals.

Mr. President, that was the situation in 1969, and our hearing record indicates that the situation has not improved, in fact, if anything, it has worsened.

Willard C. Lacy, head of the Department of Mining and Geological Engineering, University of Arizona, explained the situation in these words:

There are at the present time 17 accredited mining engineering curricula in the United States (including Alaska) that turn out approximately 100 to 125 graduates each year. Ten of these schools are in serious danger of having the mining engineering options eliminated. Of the graduates approximately 25% are foreign students, and only about half of the remainder enter the mining industry as operating mining engineers and mine managers. This leaves an effective output of mining engineers at about 40 to 50 per year.

Dr. Carl F. Lutz, vice president and dean of engineering, South Dakota School of Mines and Technology, pinpointed the situation as it relates to the State of South Dakota in these words:

For the past 18 months, the South Dakota Regents of Higher Education have been developing a master plan for the system. An overriding consideration in this development has been to improve the quality of education through a better utilization of resources brought about by the elimination of unnecessary duplication and the curtailment of high cost programs. A committee studying the academic programs in South Dakota, recommended with respect to mineral related programs, "the low enrollment, high cost programs should be studied as to their need. Perhaps a consolidation or elimination of some of these departments is in order. Geological, metallurgical, and mining engineering, are in this category."

Dr. John F. Elliott, professor of metallurgy, Massachusetts Institute of Technology, summarized the dismal situation at MIT with respect to mining engineering in these words:

The decline in activities in mineral engineering has been particularly dramatic. In 1951 there were 3 faculty and 10 graduate students working in that area, but the numbers are now 1 faculty member and 1 student. This loss is particularly serious because between 1949 and 1955, over 50 people obtained graduate degrees in mineral engineering at M.I.T., and a number of others did postgraduate work in that area.

S. 635 seeks to deal with these problems, and perhaps the best statement of the purpose of S. 635 was provided by Prof. M. D. Hassialis of the Henry Krumb School of Mines, Columbia University, which reads as follows:

The establishment and continued support of institutes for research in the minerals fields marks a turning point in the implementation of the mining and minerals policy of the U.S. Therethrough it will increase the production of trained engineers in these fields; it will attract and hold qualified teachers; it will help to develop knowledge that may increase the economic mineral reserves of the country and thus have an important impact upon our balance of trade; it will contribute importantly to the abilities of the relevant industries to operate more safely, more efficiently and in better harmony with the environment; and finally, by complementing the activities of the Bureau of Mines, it will serve to infuse a new spirit and determination in this agency which has been charged with one of the most important functions, i.e., to promote the development of the mineral resources of the United States.

Mr. President, I strongly urge the enactment of S. 635.

Mr. President, there have been so many outstanding statements presented to the committee in support of this legislation, that I recommend to all those interested to read the hearing record when it is printed.

I have previously inserted some of those statements in the CONGRESSIONAL RECORD and I should like to insert some statements and letters received subsequent to the April 28 hearing, or which were submitted for the record at that hearing. I should like to insert in the RECORD a statement by Dr. E. F. Osborn dated June 25, 1970 entitled "Costs and Means of Financing Mineral Education."

Mr. President, I ask unanimous consent that the statements and letters previously referred to, be printed in the RECORD at this point.

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

MACKAY SCHOOL OF MINES,
UNIVERSITY OF NEVADA,
Reno, Nev., April 23, 1971.

Re: S. 635, To amend the Mining and Minerals Policy Act of 1970.

Hon. GORDON L. ALLOTT,
Senate Subcommittee on Minerals, Materials, and Fuels, Senate Office Building, Washington, D.C.

DEAR SENATOR ALLOTT: A moment's reflection is sufficient to convince a person that there are but two basic and fundamental industries and that all other human economic activity depends upon the satisfactory operation of: (1) the industry involved with living resources; that is agriculture (including forestry, fishing, etc.) and (2) the industry involved with non-living resources; that is the mineral industry. Without either of these industries; which compose the first level of human economic activity; the world, as we know it, ceases to exist and man becomes a wandering animal. Thus it is folly to debate which is more important: agriculture or mineral industry. Other levels of human economic activity are important to the life of our nation but they cannot exist without the first level!

Some hundred years ago Congress recognized that a healthy agricultural industry was necessary to our nation's well-being and by means of the Morrill and other Acts created agricultural research and training institutes throughout America. The results are world famous. Regrettably, research and training institutes for the non-living (earth and mineral) resources were not established at that time. Thus, America, although well-supplied by nature with mineral materials, has paid a heavy price through lack of research and training. The nation that does not consider the economic condition of each of its two basic industries may soon lose its right of free choice in guiding its own future in the world!

The time has come for America to think about its earth and mineral (non-living) resources. The education and research necessary for these resources to be properly extracted and used must be supported and encouraged. Then, and only then, will America know that both of its basic and fundamental industries will be healthy and will contribute to our Nation's safety and well-being.

As Dean of one of America's few remaining mineral industry colleges and as Director of one of our most active state bureau's of mines, I sincerely urge you to support the passage of S. 635; which calls for the establishment of mineral resources research and training institutes throughout America.

Most respectfully yours,

VERNON, E. SCHEID,
Dean and Director.

MICHIGAN TECHNOLOGICAL UNIVERSITY,
Houghton, Mich., June 10, 1971.

Senator GORDON ALLOTT,
Washington, D.C.

DEAR SENATOR ALLOTT: I am wholeheartedly in favor of the philosophy and need expressed in the bill, S. 635, which you have introduced into the legislature. The bill provides Federal assistance for research and training in the mineral industries at a number of our nation's colleges and universities. This assistance is imperative to insure the well being of the industry and the country.

The mineral industry of the United States faces a long term production crisis in order to supply a sufficient quantity of fuels and raw materials at a reasonable cost. The new laws regarding environment, health, and safety will increase the cost and technical problems of meeting the demand. In addition, the increased technical problems and attendant costs create a demand for mineral technologists and engineers that present colleges and universities cannot provide.

It is therefore imperative that Mineral Sciences and Technology begin expansion *now*. The minimum time lag in engineering is four years at the B.S. level and six to seven years at the M.S. and Ph. D. level. Most of the research within the university training system is accomplished after the B.S. level. Thus, even though the legislation were to be enacted this year, peak results cannot be obtained for a number of years and most likely will not occur until near the end of this decade.

There is no way to provide instant education and training. The time to begin is *now*. Your bill will provide the means of accomplishing this objective.

Sincerely,

LLOYD O. BACON,
Professor of Geophysics.

SOCORRO, N. MEX., *April 26, 1971.*

Hon. GORDON ALLOTT,
U.S. Senate, Committee on Interior and Insular Affairs, Washington, D.C.

DEAR SENATOR ALLOTT: I would like to submit the following statement in support of S. 635:

The extraction and benefaction of minerals needs the creative reinforcement that has been so overwhelmingly successful in the rest of science and engineering, namely, the financial educational stimulation of the National Science Foundation. This independent reinforcement of creative ideas, as opposed to the purely financial reward in the market place, is needed in the United States and the world with greater urgency than before because:

1. The mining of lower-grade deposits necessitates at present a greater ecological transgression.

2. Population growth has not yet allowed a recycling economy.

Mineral education hithertofore has been isolated from the other educational financial sources because of the existence of the U.S. Bureau of Mines with, at the same time, no consistent educational support policy.

I strongly support aid to mineral education. I firmly believe that this support should be approximately equally divided between:

1. Institute grant-in-aid or department type funding, and

2. Independent research proposal support administered as does the National Science Foundation with anonymous independent peer group review.

Sincerely yours,

STIRLING A. COLGATE,
President and Director of Research.

AMERICAN INSTITUTE OF MINING, METALLURGICAL AND PETROLEUM ENGINEERS,
Houghton, Mich., July 12, 1971.

Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: The Upper Peninsula Section of the American Institute of Mining, Metallurgical and Petroleum Engineers has authorized me, as Chairman of the Section, to express to you the support of the Section and its members for the legislation S. 635, which you have introduced in the 92D Congress to provide essential financial support for education and research for the nation's mineral industry. The Upper Peninsula Section geographically includes the Upper Peninsula of Michigan plus several of the northern counties of Wisconsin. The Section has a membership of approximately 350 engineers and scientists professionally engaged in the mineral industry. The area encompassed has had an active history as a mining district, producing iron ore, copper, limestone, and a variety of other mineral products for over 100 years.

The Section recognizes that maintenance of a flourishing domestic mineral industry is vital to the continued well-being of the nation's economy and security. We also clearly recognize that this industry faces serious problems related to the demands for increased production, the preservation of our environment, and the health and safety of its employees. We are seriously concerned that these problems be solved in a manner acceptable to society and the industry.

We further recognize that solution of the problems facing the mineral industry will require the dedicated efforts of many kinds of scientists and engineers. The university campus affords a unique opportunity for this type of interdisciplinary study and research.

For all these reasons, the members of the U.P. Section are deeply disturbed by the present trend toward elimination of university programs of education and research concerned with the mineral industry. We consider the financial support proposed in Senate Bill S. 635 as absolutely essential if this trend is to be reversed. If the trend is not reversed, if skilled professional people no longer enter the industry in sufficient number, if the necessary research is not done, the industry and our nation can only suffer consequences of immense magnitude. On the other hand, we are convinced that, given adequate Federal support for education and research, the problems facing the industry will be solved.

The Upper Peninsula Section of AIME is grateful for this opportunity to express our concerns and hopes regarding our country's mineral industry, and we deeply appreciate your efforts on behalf of that industry.

Very truly yours,

W. L. FREYBERGER,
Chairman, Upper Peninsula Section of AIME.

DIVISION OF GEOLOGICAL SURVEY AND WATER RESOURCES,
Rolla, Mo., April 12, 1971.

Hon. GORDON ALLOTT,
Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SIR: In my letter of March, 1971, I expressed the desirability of including state geological surveys as designated participants under Sec. 4(a)(4) of S. 635.

After a detailed study of S. 635 and discussions with other state geologists, I have become even stronger in my opinion concerning the active part that state surveys should play in mineral resource research under S. 635. In fact, it is entirely feasible that state geological surveys should be designated as the principal mining, minerals, and related environmental research institutes in those states that support active state geological surveys.

State geological surveys—or their equivalent state agencies—in 49 states and Puerto Rico are the state agencies that have been active in, and concerned with, the nation's mineral resources. This is evidenced by the strong support of the Association of American State Geologists in favor of passage of the Mining and Minerals Policy Act of 1970.

A considerable number of state surveys have subsidized university staff and students engaged in mineral resource investigation. It has seldom been that the universities have assisted the state surveys in such projects. The state surveys are the prime source of data for university requests regarding mineral resource data that are usually supplied (and even tabulated or compiled) at minimal expense to the recipient.

Although Colorado, Missouri, and Nevada are most fortunate in having perhaps the outstanding "schools of mines," there are only some seventeen educational institutions in the United States with accredited mining engineering curriculum.

Many state surveys have a long record of active participation in cooperative programs relating to mineral resources with the U.S. Geological Survey and the U.S. Bureau of Mines. In 1964, during the formative stages of the Water Resource Research Act, the Association of American State Geologists urged "the expansion and acceleration of the program for collection of basic water data by the U.S. Geological Survey; that provision be made for adequate analysis and synthesis of these data; and that adequate liaison with, and *utilization of, existing* water resources agencies in the several states be developed."

I hope that serious consideration be given the thoughts expressed above in your deliberations of S. 635.

Respectfully,

WILLIAM C. HAYES,
State Geologist and Director.

SUMMARY OF STATEMENT BY M. D. HASSIALIS, KRUMB PROFESSOR OF MINING, HENRY KRUMB SCHOOL OF MINES, COLUMBIA UNIVERSITY, GIVEN BEFORE THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, MINERALS, MATERIALS, AND FUELS SUBCOMMITTEE HEARINGS ON BILL S. 635, APRIL 28, 1971

STATEMENT OF M. D. HASSIALIS

The establishment and continued support of institutions for research in the minerals fields marks a turning point in the implementation of the Mining and Minerals Policy of the U.S. Therethrough it will increase the production of trained engineers in these fields; it will attract and hold qualified teachers; it will help to develop knowledge that may increase the economic mineral reserves of the country and thus have an important impact upon our balance-of-trade; it will contribute importantly to the abilities of the relevant industries to operate more safely, more efficiently and in better harmony with the environment; and finally, by complementing the activities of the Bureau of Mines, it will serve to infuse a new spirit and determination in this agency which has been charged with one of the most important functions, i.e., to promote the development of the mineral resources of the United States.

Mr. Chairman and Members of the Subcommittee: Permit me to preface my comments by recording my hearty endorsement of the Bill S. 635. Its avowed purpose of encouraging and supporting research and the training of personnel in the minerals fields are major factors in the implementation of the Mining and Minerals Policy Act of 1970.

I am certain that the increasing need for engineers in the mining and minerals fields which closely parallels the increasing rate of consumption of ores and metals is adequately and convincingly documented by the literature which has been made available to this committee. I have taken the liberty of making available copies of an article which was part of the symposium entitled "Training for A.D. 2000" conducted by "The Mining Magazine" of England. In this article I have attempted to discuss some of the reasons that enrollments in mining, mineral engineering, and extractive metallurgy have failed to respond to increased demands for engineers in those fields. Today I would like to take advantage of the opportunity which has been afforded to me to discuss the role of research in the training of minerals engineers and in advancing knowledge in these fields.

Research which involves students is fundamentally a teaching tool which incidentally develops new knowledge and therethrough new and improved understanding. It is the educational device by means of which the student is weaned from the nourishment of knowledge supplied by his teachers. It is the educational experience whereby he achieves the greatest professional maturity short of the maturity which comes from the practice of his profession in the industrial world. When he embarks upon this experience he is still largely dependent upon his teacher for guidance and knowledge; as he acquires knowledge in the area of his research, he becomes a colleague to his teacher; and finally when he completes his research he becomes in fact the teacher, and his former teacher, the student in the research area. In the course of this experience he has learned to identify problems, analyze these problems into their subsidiary parts, determine the new knowledge that will have to be developed to resolve the subsidiary questions and finally synthesize an answer to the problem under research. He learns to stand on his intellectual feet and he gains confidence in his own abilities. Additionally, and of equal importance, his creativity is unshackled from the psychological bonds most students experience when they are acquiring the knowledge developed by their teachers and predecessors.

Research in the minerals fields is of many types and performed by different groups. The research done by equipment manufacturers—with one or two notable exceptions—is really developmental work. The research done by industry and contracting research institutes is largely "application and testing research." In recognition of this fact and as a remedy thereto, companies have banded together to form organizations—e.g. the American Iron and Steel Institute—to support research for the industry as a whole. The more fundamental and basic research is done largely in the universities and schools of mines, and to some extent in the laboratories of the Bureau of Mines. But the extent of this type of work is woefully small. There are many reasons for this situation. There is an old cliche which says that no two ores are the same and no two mineral properties are identical. Despite its triteness it is true. The result of this is that when a company does research connected with the development and exploitation of a mineral deposit, its efforts are directed more towards the peculiarities of the deposit and the ore. True, the information thus developed will in time add to the totality of knowledge and, in the hands of a researcher interested in the why's and wherefor's and the relationships existing between the variables of the system under study, can serve a very important purpose. But this knowledge is made

available much too slowly, for initially it is classified as company confidential.

The research which is directed at improving our understanding as to how and why things work, though aware of the peculiarities of individual ores and deposits, generalizes these idiosyncrasies. It is this research which will convert the arts of the mineral fields into technologies and ultimately into applied sciences. It is this research for which the support from government and industry amounts to little more than tokenism. If my reading of the intentions of the Bill S. 635 is correct, it is this research which will now be strongly and vigorously supported.

Permit me to make a further distinction. The phrases "fundamental and basic research" have many meanings. Following the end of the second world war a change has taken place in the direction of engineering education. Increasingly it has taken on the aspects of an applied science, and the teachers of these programs have increasingly been recruited from the science fields. The research interests of these teachers is also fundamental and basic research. The problem-orientation of engineering research has waned; it is more "curiosity-oriented." Without mitigating the value of such research, it is my opinion that what the minerals fields need is problem-oriented research—and it is this type of research which should be used to complete the training of minerals engineers if their final degrees are to indicate *professional* attainment.

Another reason for emphasizing the problem-orientation of research in the minerals fields stems from the fact that many of our new ideas represent adaptation of knowledge developed in other fields. Thus the ion-exchange and solvent-extraction processes had their origins in chemical techniques. The adaptation to problems in the beneficiation of uranium ores was made possible by the strong support of U.S.A.E.C. directed at the problem of recovering uranium from low-grade ores. Another adaptation currently taking place is the use of the systems approach and operations research to operations and management in the minerals fields. If equal importance is the use of computer methods in the organization and assimilation of data and ultimately in the automatic control of operations. These and other adaptations are made by problem-oriented research.

Finally I would like to repeat the well-known fact that the U.S. is a have-not nation with respect to its general minerals requirements. It has been said that we have exhausted most of our economic ores. I do not subscribe to this viewpoint. Many mineral deposits exist which are uneconomic under the present price structure and with the present state of our knowledge. It is my conviction that many of these deposits can be made economic by developing more effective mining and beneficiation techniques. Following the first world war, it was said that the U.S. had run out of economic lead ores. When the flotation process was introduced, this situation changed overnite. Today, we are still mining lead ores and producing lead metal. The same is true of the low-grade porphyry copper ores: with the development of very efficient mining methods and beneficiation methods these deposits became economic and today are an important factor in the copper production of the U.S. Additionally, the exploitation of these ores has pointed the way to a new concept, i.e., the viewing of an ore not as a simple metalliferous ore but as a multi-component ore. It should be pointed out that our dependence on imports for many of our minerals requirements is an important factor in the trade-balance of the U.S. These imports have been increasing at an alarming rate. Any effort which can convert uneconomic into economic deposits by the development of new methods and technology is of great national importance; indeed, one might say it is a national imperative.

To summarize, the creation and support of institutes for research in the minerals fields affiliated with educational institutions will have the following beneficial effects:

1. It will improve the recruitment and retention of high-quality teachers.
2. It will attract students to the mineral engineering programs for the governmental support will underline the importance of and opportunities for careers in the minerals industries.
3. It will increase the production of graduates well-trained in the technologies of the minerals fields and capable of independent and creative work.
4. It will accelerate the assimilation and adaptation of knowledge developed in other fields.
5. It will help to increase the economic mineral reserves of the U.S.
6. It will make an important contribution to the balance-of-trade and therethrough to the balance-of-payments of the U.S.
7. It will improve the efficiency and effectiveness of the minerals industries.

Finally, and most importantly, it will go a long way in improving the tarnished image of the minerals industries by showing the people that our government is deeply concerned with one of our most important natural resources and that it intends to do something about it.

THE ENROLLMENT AND EMPLOYMENT PROBLEM OF MINING

(By Prof. M. D. Hassialis) [1]

Declining enrollments in mining curricula and an insufficient supply of engineers to meet the increasing demands of the mining industry, have been the subject of much discussion within academic halls, at professional meetings and in industrial circles. Increasingly these discussions are marked by impatience, frustration and resentment—impatience with the slowness of response of the problem to attempted solutions; frustration because these solutions appear not to be working on a short-time basis; and resentment, particularly on the part of industry, because many of the constructive steps it has taken, only after much profit-and-loss statement searching, have not been followed by appreciative response on the part of enrollees and job applicants.

There is a tendency to approach the situation as another problem in technology or economics in the hope that a few primary causitive factors will be thereby established, which, upon manipulation, will cause the system to move in the direction of increasing enrollments and job applications. Unfortunately the system is far too complex for this type of approach—for it is a human system—and our concern is with the decision-making function of the individuals comprising this system. Probably no two individuals follow the same path in the selection of a profession; furthermore, no two individuals make this choice within identical circumstances; and finally, the decision-making process is nondeterministic for it has an emotional component varying in degree from individual to individual.

Before considering how and when individuals select their professions, it would not be inappropriate to ask: Is there a mining profession? What is it? Is there a need for mining engineers? In view of the topic under discussion these questions would appear to be impertinent. Certainly there is a mining industry. This industry uses many technologies of which mining engineering is but one. However, even a casual examination of the unit operations of mining soon discloses that these operations can be equally well, if not better, performed by other than mining engineers.

Only in the selection of the mining method, and in determining whether and how operating results should modify the mining method, does the mining engineer seem to have a unique role in the technology of mining operations. In the case of open-pit operations, even this role is suffering erosion by civil engineers. The other seemingly unique role of the mining engineer, is the management of mining operations but the assignment of this role is a more consequence of tradition and historical accident than professional training.

Sixty years ago the mining camp was so isolated by lack of communications and transportation that the mining engineer in charge had to be completely self reliant. He had to know how to build roads, run and maintain a power plant, handle all electrical and mechanical problems, service and repair equipment using the materials and tools on hand, supply and house his work force, on occasions serve as dentist, doctor and even as midwife, dispense justice, provide spiritual leadership, and healthy outlets for his men's energies off-time, etc., etc. All of these activities were directed towards a single goal—get the job done and show a profit. Engineering had not yet divided and subdivided into the specialties which exist today. The mining engineer was responsible for all the unit operations of mining.

With the perfection of planes, helicopters, radio and other means of transportation and communication, the isolation of the mining camp has virtually disappeared. It is difficult to imagine a problem arising for which a specialist and/or a specialised piece of equipment cannot be delivered at the camp site within 48 hours. In fact, each camp has its resident specialists who have taken over the detailed responsibilities previously assumed by the mining engineer. With the diminution of isolation, accountability for the mining operation has increased. Whereas previously the operation was reviewed yearly, or at best half-yearly, today accountability is at least a monthly affair. With these and other inroads on his time, the mining engineer withdrew somewhat from direct operations. In so doing, he assigned responsibility therefore and established management controls to keep him informed and in overall charge.

Today his job is essentially one of concerting the activities of various specialists responsible for the different mining operations. In the performance of his job he will be dealing with specialists in geology, ground control, ventilation, explosives, surveying, mechanical, electrical and civil engineering, communications, etc. He need not be a specialist in each of the areas in order to manage their effective coaction but he should know enough to deal intelligently with these areas. But this type of generalised knowledge could equally well be possessed by other than a mining engineer. Only insofar as his training provides the breadth of background implied above can it be said that the mining engineer is uniquely qualified. Certainly, not all mining engineers reach this level of responsibility for the overall management of a mine. Some remain at the lower levels of management and at still lower levels which may be more accurately described as operational levels. As has already happened in other fields of engineering, the operational levels are being manned increasingly by skilled technicians, and the mining engineer who stays at this level is actually under-employed.

As to the need for "mining engineers" there is no question that such need exists today and will increase in the future. This need exists at both levels, *i.e.*, the operational and administrative or management levels. In broad terms and without differentiation between metals, the annual rate of consumption of ores and their derivative metals will practically double by the end of this century. Some authorities believe this may be

[1] Henry Krumb School of Mines, New York.

an understatement for such consumption is proportional not only to population growth but also to increased standards of living. Considering the fact that the great majority of the earth's population has a very low standard of living compared to the small minority and that the reduction in the standard-of-living gap should be a primary geopolitical goal, the above estimate of future consumption may well be an underestimate. But this increase in consumption implies an increase in demand for "mining engineers"; not necessarily the same percentage increase, for hopefully, improvements in techniques and efficiency should increase the units of production per engineer.

DIVERGING TRENDS

We see, therefore, a rising demand curve for 'mining engineers' which practically doubles by the end of the century. Conversely, if we examine the supply curve of graduating mining engineers this shows a steady decline which reaches zero output by the mid-eighties if we are brash enough to extrapolate this curve. What has produced this state of affairs? Why do not our young people elect mining as a professional option? The reasons are so many, varied and individualistic that it is not possible to discuss them in a systematic manner.

For some ten years the author made a recruitment circuit of the New York metropolitan area. He spoke glowingly of the interesting and exciting opportunities in mining, mineral engineering and metallurgy. Yet in ten years it is doubtful whether his efforts were instrumental in deciding more than 4 to 6 youngsters to enter these fields. The obvious conclusion is that the speaker was ineffective. However, a comparison of notes with other speakers of unquestionable talents in the art of transferring their convictions to their audiences, showed similar, poor yields.

During this period and subsequently, by listening to young people and particularly older people, it was possible to first glimpse, then more clearly see, mining as the general public views it. To them it is an unclean, unhealthy, unsafe, unremunerative, unimaginative and unstimulating activity—in mod language, it is an un-profession. Who hasn't seen in the movies or on the front pages of his newspaper or on a TV screen, a miner emerging from a hoist cage, lunch-pail in hand, a short stubby pipe grimly clenched between teeth, a miner's light on his hard hat, with blackened or begrimed face setting off white eyes and giving to the general countenance the haunted look of a man emerging from the mysterious nether regions? Obviously a picture of man engaged in a dirty business who has just undergone a soul-searing experience.

Who has not heard of silicosis? Who has not heard of tales of mysterious ailments afflicting miners from breathing the insupportable dank fectors of the underground? Who has not guiltily thrilled to the unfolding drama of a mine disaster reported in all its gruesome details? By now the script is standard; there are only variations on the theme. The grieving wives and mothers keeping vigil at the headframe; the hush of expectancy as the cage comes into view; the reported tappings of trapped men which keep hope alive; the step-by-step descriptions of heroic men braving noxious fumes and falling rock to rescue trapped companions—this is the stuff that legends are made of. Who has not run the gamut of emotions from pathos to exhilaration as we vicariously react to these accounts from the safety and comfort of our armchair? Certainly it is a dangerous business.

The public's view of remuneration and rewards in mining is mixed. One extreme is dominated by the picture of a forlorn group of miners waiting at the employment office; the other extreme is composited of tales of fabulous wealth amassed within a short time by people whose names have passed into history. However, this extreme is tainted by the suspicion that such rapid acquisition of wealth could only have been achieved by devious, dishonest and indecent means. Spanning these extremes is the view that mining is a feast or famine business. The more knowledgeable still recall that a mere decade ago, graduating mining engineers were having difficulty in being employed while simultaneously their older colleagues were being laid off after years of service. They also recall that starting salaries offered to new graduates were substantially less than in other engineering fields. Certainly there is no history of steady employment at competitive salaries comparable to the situation in other engineering fields.

ART OR SCIENCE?

Another picture of the mining industry held by knowledgeable and even sophisticated people, is that though mining is one of the oldest engineering professions, it is still fundamentally an art using methods and techniques not vastly different from those described by Agricola. True, there have been modifications resulting from the introduction of steel, explosives, electrical power and the like, but the methods are all too similar to those used by the Egyptians, the Greeks and the Romans. They see little difference between the continuous ore conveyors of the Roman-operated mines in Iberia and the modern bucket elevators. Whereas the Romans used a continuous rope, we use a continuous belt of leather or articulated metal units; whereas the Romans used reed baskets tied to the rope, we use metal scoops riveted to the belt; whereas the Romans used animal or human power, we use electrical power as the motivating force. They see in this only the improvements resulting from the availability of a wider choice of improved materials of construction and from new energy sources but no improvements in methods as a result of new solutions to old problems.

Financial analysts evaluating different industries are quick to point out that research expenditures, if existent, are woefully small regardless of the yardstick used when compared to the more progressive such as the electronic, petroleum and chemical industries. It has also been noted that improvements follow, with a nearly unit correlation coefficient, a shrinkage in the margin of profit resulting from increased labour and material costs. This is not the picture of an aggressive, imaginative industry continuously striving for self-improvement but rather of an industry content to preserve the *status quo* and making advances in technology only when forced to.

In encapsulated form, this is the image the general public sees of our industry. We know it is a badly distorted image suffering from spherical and chromatic aberrations. Though badly delineated and highly coloured there is enough truth in it that when we attempt refutation we are inevitably led to the defensive phrase: "Yes, but —". Whether this image is true or false is irrelevant; what matters is that it is the view of the general public and to the extent it influences the decisions of young men in their selection of a profession, it must be taken seriously.

How and when do youngsters make up their minds as to their choice of a profession? How and to what extent is their decision affected by the general public's view of mining? It is not possible to give responsible answers to these questions. With all the studies being made and supported by federal, state or foundation funds, it is unfortunate that none has been undertaken to elucidate the processes involved in career selection. This would be of immeasurable value to parents, schools, government and industry. And the results would be applicable to all fields. Most of us know of at least one youngster, who at the age of 10–12 knows precisely what he wants to study and the career he intends to follow. This is usually a youngster with one-sided maturity and highly polarised interests. Similarly we know of many more cases of young men, of more balanced maturity who, even at the midpoint of their undergraduate years, are still undecided as to what they want to do. These are often highly intelligent young men of broad interests and great capability.

THE CAREER DECISION

The author has often had qualms of conscience and serious misgivings about the educational system which tends to force these young men to make a decision. What is striking is that the decision-making process is neither wholly rational or conscious. In many conversations spanning many years a pattern seems to have emerged. The facts, real or imagined, which have been acquired are used in the logical argument given to arrive at a wish which is then elevated to the status of a logical conclusion. It is interesting to note that when new facts are introduced or old "facts" are corrected, the adduced argument varies but the conclusion remains the same. Obviously the wish, which is the conclusion, has been arrived at by other than external, logical means. For all we know the decision to become a mining engineer may be nothing more than a wish to escape parental influence. Since mining offers the opportunity to work in some far-off place, it is not the young man's decision to remove himself from the parental orbit, it is the requirements of his profession.

One of the most popular misconceptions is that remuneration plays a vital role in the decision-making process. Perhaps, but in the writer's experience, he has never seen a case where this was even a minor, much less a major factor in the decision. It has been used as an *ad hoc, ex post facto* argument to validate a negative decision but even casual inquiry soon discloses the more potent and major reasons therefor. With students, who made their decision and who were graduating at a time when job opportunities were few and starting salaries were correspondingly low, remuneration did play an important part in deciding some of these men in turn to other fields. Four of the writer's best students never practised their chosen professions of mining and mineral engineering but chose, upon graduation, to seek employment in other industrial fields. Remuneration was part of the reason for their defection; lack of foreseeable future opportunities was the more important reason.

It should be recognised by industry that improving starting salaries to make them competitive with those in other engineering fields may have little effect on the decision-making process, which takes place anywhere between the ages of 12–21; only a continuous history of competitive salaries may have much effect. In any event, immediate results must not be expected for the lag time is anywhere from 7–10 years. Such action can affect and minimise the defections from the ranks of the graduating mining engineers.

PROFESSIONAL OBSOLESCENCE

Of equal importance in minimising defections upon graduation and thereafter, is to alter the time-honoured methods of 'in-company training'. To start a mining engineer on a muck pile so that he may learn the difference between a left-handed and a right-handed shovel is certainly by now an archaic management practise. To deny to this engineer, until he has suffered professional obsolescence, the opportunity to apply in the company's interests, the new and exciting techniques to which he has been exposed in his training, is to frustrate his initiative and emasculate his creativeness. In the case of overseas and remote-area assignments, it should be made clear that this is not relegation to Siberia and that opportunities for ad-

vancement within the central corporate structure do exist.

Another misconception often voiced by industrial representatives is that mining curricula are outmoded and somehow inadequate. Whether valid or not, this criticism does serve the useful purpose of reminding educators that they must continuously strive to improve and update their offerings. In general, a study of these programmes over recent past history will disclose substantive changes resulting from the inclusion of recently developed information and techniques, *e.g.*, rock mechanics, operations research methods, econometrics, chemical mining, computer methods, etc. The real danger is that, in trying to include these innovations, the more conventional requirements may be sacrificed. Another danger is that a graduate so trained may find that his industry does not and is not ready to use this more advanced technology and as a result disillusionment sets in. In any event, it is doubtful that either the tiro mining engineer or his counsellers use the mining curriculum as a pro or con argument in the selection of his profession—it may be used in selecting the school where he carries out his studies.

To use that irritating and overworked term of the ad men, the basic problem confronting the mining industry is its image. Unqualified though the writer is to offer constructive suggestions as to how this image may be improved, it is apparent that a massive effort will have to be mounted and sustained to correct this image. If successfully done, the beneficial consequences of attracting capable people into the industry will be overshadowed by the industry's improved relations with state and federal governments and above all, with the public at large.

COMMENTS OF THE AMERICAN CERAMIC SOCIETY WITH RESPECT TO S. 635

A BILL TO AMEND THE MINING AND MINERALS POLICY ACT OF 1970

(By William J. Smothers)

The following is an analysis of Senate Bill 635 to amend the Mining and Minerals Policy Act of 1970 based upon the experience and information available to The American Ceramic Society.

The American Ceramic Society has approximately 7,500 members, drawn from all areas of ceramic interest. It is the premiere publishing agency for scientific and esoteric ceramic-related data in the world. Through two monthly technical publications and several monographs published annually and some twelve national meetings each year the Society serves to record and disseminate the findings of the research and development of the members and contributors of its eleven Divisions, namely: Basic Science, Cement, Ceramic-Metal Systems, Design, Electronics, Glass, Materials and Equipment, Nuclear, Refractories, Structural Clay Products, and White Wares. Through two classes of membership the Society also makes use of some 1700 registered, professional ceramic engineers of the National Institute of Ceramic Engineers and the some 250 ceramic engineering and science educators through The Ceramic Educational Council.

The engineering and science community, to which the information disseminated by the Society is related, is engaged in the development and production of non-metallic minerals and subsequent processing into a variety of products with an annual value of some 15 billion dollars. There is no standard by which to judge the additional value of the contributions to society made by the educators, scientists, artisans, government employees and others whose participation in ceramic activity and development is not included in industrial production statistics.

The ceramic industry is a basic one in that its products are essential to all industries which employ high temperature processes, for example, the primary and secondary metals industries; electric power, both from fossile fuels and nuclear energy; petroleum and petrochemical; fine and heavy chemicals; and many others, including the ceramic industry itself. The structural clay products, glass, and cement divisions of the industry produce a wide variety of products essential to the construction industry. The ceramic insulators, ferromagnetics, ferroelectrics, piezoelectrics, phosphors, and dielectrics of the electronic ceramic division of the industry are essential to this nation's electronics industry, including the computer industry. The glass division supplies the optical industry a wide variety of lenses, prisms, filters, and optical fibers. Ceramic materials serve unique roles in this nation's nuclear, space, and defense programs.

The prevailing deficiencies in this nation's ceramic research and development and training of ceramic engineers and scientists have been documented in the 1969 report of the National Academy of Sciences compiled by the Panel on Nonmetallic Minerals of the Committee of Mineral Science and Technology, a document with which the members of the Senate Interior and Insular Affairs Committee is certainly knowledgeable. The American Ceramic Society is cognizant of the findings and recommendations of this most comprehensive study. Our national commitments of manpower, monies and materials over the past two decades to the nuclear, space, and numerous defense projects has served to deprive the ceramic industries and educational programs of the resources essential to sustaining this nation's past prominence in this basic technology. As a consequence the ceramic industry in this country cannot manufacture dinnerware, floor and wall tile, some electronic ceramics, optical glass, some specialized refractories and processing equipment in competition with products offered by foreign manufacturers. The plate and flat glass industry in this country has in the past five years acquired through license arrangements the complete technology for the float glass process, as developed by a British manufacturer, in an effort to provide a domestic supply of these glass products competitive in price and quality with that offered by foreign manufacturers.

There are other and increasing numbers of examples of declining ceramic technology which have an immediate and long term consequence upon our economy and security which should be of national concern. To reverse this trend there must be a significant increase in the education of ceramic engineers and scientists and funding for research and development. The data presented in Figure 10, page 34 of the National Academy of Science report *Nonmetallic Materials, see* attachment I, depicts the annual production of academic degree candidates in ceramics for the twenty-year period from 1947–1967, as developed from enrollment data compiled annually by the Statistics Committee of the Society's Ceramic Educational Council. In this twenty-year period the thirteen accredited ceramic engineering and eleven ceramic science departments in the country awarded some 6,000 degrees. However, inasmuch as those earning graduate degrees were recipients of two or three of the degrees awarded, the number of individuals educated during this period was only some 4,500. In the five-year period subsequent to the last year included in attachment I, the annual reports of the Ceramic Educational Council indicate that some 800 additional individuals have earned one or more degrees in the field, thus, bringing the total since 1947 to some 5,300.

A survey published in the March issue of the *Bulletin* of the Society indicates that approximately 5% of the total graduates are in the armed forces and some 16% are engaged in activities unrelated to the field, such that of the 5,300 awarded degrees in the past quarter century only some 4,200 remain associated with the field through employment in industry, government, or education. This number indicates that there is only one technically-trained ceramist per 140 employees in the ceramic industry, which number is well below the average in other basic industries. The survey cited above also indicates that only 18% of the 4,200 graduates active at this time, or some 750 individuals, are engaged in research and development. Of these, some 300 are employed in government and education such that on the average there is no more than one trained ceramist engaged in research and development per eight industrial organizations processing ceramic materials.

These data should evidence adequately the reason for our lag in ceramic technology; however, the annual national expenditure for nonmetallic mineral research and development is another obvious contributor. The previously cited National Academy of Sciences report provides a survey of such expenditures in 1966 by industry, government, and educational institutions, which was little more than 1% of the total value of ceramic products manufactured in that year. By any criteria, this annual rate of expenditure is grossly inadequate to sustain the technological progress of any basic industry. The excellent analysis of the contributions to the open technical literature in the field, as summarized in Table 9, page 37, of the National Academy of Sciences report, clearly evidences the consequences of this limited R&D investment in that U.S. contributions to the technical literature declined from 32.2% of the total in 1951 to 21.1% in 1963, while those of the USSR increased from 12.5% to 41.8% over this twelve-year period. Unfortunately, the quality or significance of the findings reported in the literature cannot be assessed from such an analysis, but there is a clear consensus within our engineering and scientific community that this aspect of our research and development activity is of equal or possibly greater concern.

There is, of course, a direct relationship between the number of students educated in the field and that portion of the annual R&D expenditure available to the universities. The National Academy of Sciences' Panel on Nonmetallic Materials estimated this expenditure in 1966 at $5 million, of which $2.7 million was administered by 24 institutions participating in the Society's enrollment survey. For these latter institutions this level of funding provided an average annual expenditure of approximately $7,400 per student enrolled in graduate programs, which was but half the accepted national norm of $15,000 per engineering or science student for that year.

Recent projections for the growth in the demand for nonmetallic mineral resources in the decade ahead give cause for further concern for the future of ceramic technology in this country. Domestic production of some nonmetallic minerals is currently inadequate to fulfill demand. New exploration techniques must be developed to increase the known reserves of these minerals and improved techniques must be developed for beneficiating known deposits which in their natural state lack the degree of purity to meet current requirements.

The manufacture of all ceramic materials requires one or more high temperature processes which consume significant quantities of energy, largely derived from natural gas or electric power. The efficiency of few of these processes has been examined at any time in the recent past, and with the ever mounting demands for energy and growing

concern for the consequence of combustion products upon air quality and in turn the ecology, all present high temperature processing systems should be carefully studied and research and development initiated for the design and study of new systems with greater thermal efficiency.

Inasmuch as the future of ceramic technology in this country is dependent upon the future availability of trained personnel, The American Ceramic Society is very interested in the intent and provisions of S. 635 for the following specific reasons:

(1) Ceramic engineering, as one of the several disciplines comprising the broad field of mineral engineering education, has long been neglected in this country with the consequence that in the past decade some institutions have terminated programs in the discipline and others are currently threatened.

(2) The on-going ceramic engineering programs have offered upward to one hundred years of service to industry and government and their faculties have the dedication, technical competence, and capacity to contribute to the implementation of the intent of S. 635.

(3) This legislation could serve to evidence to the general public a national concern for the many problems confronting the country in the management of its natural resources, particularly to the young people of this country who must be encouraged to consider career opportunities in one of the mineral engineering fields, if this country is to regain its former technological preeminence in this field.

(4) The revitalization of academic research and development, as intended by the institutes to be established through the provisions of this legislation, would serve to strengthen the total academic programs in all mineral engineering disciplines, and an important secondary benefit of the research and development activities of the institutes would be the increase in trained manpower to fill the needs of industry, government and education.

COST AND MEANS OF FINANCING MINERAL ENGINEERING EDUCATION

(By E. F. Osborn)

I have been asked to talk about the cost and financing of mineral engineering education. Perhaps more in keeping with the national situation would be a talk on the high cost to the Nation of our neglect of proper financing of mineral engineering education. Many of our more dismal headlines relate to mineral resource problems—headlines about mine disasters, oil spills, acid mine water, air pollution, and so on. These spectacular troubles are only a part of the serious difficulties that we find engulfing the mineral industries; and these difficulties are related to the almost unbelievable neglect in universities of mineral engineering education.

The mineral engineering fields are those that have to do with the extraction and primary production of mineral resources, and in general with use of the underground. The mineral engineering fields in universities are essentially synonymous with the fields which our recent National Academy committee report[1] referred to as mineral science and technology. The spectrum of these and related fields is shown on Figure 1. We do not include the geological sciences on the left, but would include geological engineering; and do not include most of what is known as materials science and solid state physics on the far right. The fields as popularly known therefore are mining, mineral processing, extractive metallurgy, ceramics, fuel science and engineering, geological engineering, and I would also include mineral economics.

I	II	III	IV	V	VI
Exploration	Production of raw materials	Beneficiation of raw materials	Extraction and production of metals. Primary processing of minerals for nonmetallic uses. Processing and conversion of fuels.	Fabrication of materials with specific composition and structure	Properties and uses of materials
		Mineral science and technology			
Geological sciences				Materials science	

Figure 1.—Steps in the utilization of mineral-based materials for commerce.

COMPARISON OF ENROLLMENT IN MINERAL ENGINEERING AND IN COMPARABLE AGRICULTURE CURRICULUMS—TOTAL OF 2D, 3D, AND 4TH YEAR ENROLLMENTS, THE PENNSYLVANIA STATE UNIVERSITY, FALL 1969

Curriculum	Enrollment	Curriculum	Enrollment
Ceramic science	37	Wood science	10
Fuel science	10	Food science	5
Mining engineering	30	Agricultural engineering	30
Metallurgy	43	Horticulture	44
Petroleum and natural gas	45	Agronomy	43
Mineral economics	54	Agricultural economics	26

Fig. 2.—Penn State enrollment data.

The problems associated with mineral production must certainly be quite well known to this group. Included among these, and very obvious to the public, are those for example that have to do with coal mining. In my State of Pennsylvania we have almost unbelievably extensive pollution of streams by acid water draining from abandoned coal mines. About 40 of these mines are burning underground and in some cases the surface is subsiding and cracks opening. The lack of adequate technology in mining seems matched in the petroleum production industry where we are told we can expect oil spill disasters on an annual basis.

Then there is the serious matter of meeting our ever increasing requirements for mineral products, as other nations are becoming more industrialized and are competing for the same materials. Alarming is the fact that to meet the Nation's increasing mineral products requirements, we depend more and more on foreign sources, many of which cannot be considered as reliable long range sources. The net value of mineral imports over exports has tripled in the last decade; in 1966 imports were valued at 6.7 billion dollars and exports at 3.4 billion dollars. I believe that it is mainly the technology that we are running out of in America rather than mineral resources.

Mineral engineers not only deal with mineral production but are involved in every type of use of the continental crust. They have the knowledge and experience with respect to the underground "environment," and as engineers must be held responsible for the wise use of the underground. This responsibility is becoming more and more important as we increasingly use the underground for storage and disposal of materials of all kinds: solids, liquids, and gases. Such use must be on a planned basis, regionally as well as locally, to avoid serious contamination and at the same time to make maximum use of the underground. Yet the knowledge needed for this planning is not available nor is it in the process of being obtained on the scale needed.

The threat of serious pollution of the underground, jeopardizing future water supplies or the use of underground zones for other purposes in the future, is from many sources, but principally from: (1) the leachate draining into the underground water system from landfill garbage and trash disposal operations, (2) poisonous fluids being injected under high pressure into underground zones, escaping and possibly causing widespread crustal contamination, and even causing surface pollution as these fluids more and more frequently are found to be erupting at the surface, (3) radioactive wastes which are increasing rapidly in amount and are being buried in some cases without the thorough knowledge of the geology required for the full and needed assessment of the safety factors involved, (4) leakage from buried storage tanks and pipe lines, contaminating drinking water supplies and even seeping into basements of homes.

At the same time that we have a national crisis on our hands because of mineral resource problems and underground pollution dangers, it is an almost incredible fact that the very fields of university education and research dealing with these problems are being phased out at our education institutions. With a little thought on the situation, one realizes that there is a connection. Without the basic education and research, we are bound to be in trouble. With a weak educational base, the technology will be weak.

In contrast to our mineral resources, agricultural resources have been taken seriously. Federal and matching State funds have continually supported education and research on agricultural resources at a university in each State since the first Hatch Act of 1887. As a consequence, we have continually trained the experts we need in these fields at the many excellent colleges of agriculture in the country, and through research and extension programs have put into effect efficient production and conservation programs with respect to agricultural crops, forests, soils, wildlife, watershed management, etc. We in the U.S. can be very thankful for the wisdom exhibited by Congress, first in creating the land grant colleges, and then 83 years ago in providing funds to establish and continually maintain the State agricultural experiment stations.

In the case of our mineral resources we have had no such foresight. Support of mineral resources education and research has been sorely neglected. As one result, we find that one-third of the Nation's university departments for education and research in mining engineering closed their doors during the

[1] "Mineral Science and Technology: Needs, Challenges and Opportunities." A report by the Committee on Mineral Science and Technology of the National Academy of Sciences—National Academy of Engineering—National Research Council, Washington, D.C., 1969.

five year period 1962–1967, despite an increasing demand for mining engineers. Comparable departments in colleges of agriculture such as entomology, plant pathology, horticulture, poultry science, agronomy, etc., continue throughout the United States to carry on strong programs aimed at solving the problems and keeping the United States at the forefront in agriculture science and technology. These agriculture programs have also sparked the so-called "Green Revolution" which is so vital to developing nations. This is all possible because of a farsighted national policy providing among other things, continuing Federal and State appropriations to the agricultural colleges.

The declining state of mineral engineering education in our universities is not primarily because of cost but is because of a lack of interest in support of these by Federal and State governments.

Let us look briefly at some cost figures that I have obtained for disciplines at Penn State. This type of figure is calculated different ways at different institutions, but within a university, valid comparisons can be made among curricula. For the fall term of 1969, the cost per unit of instruction in mineral engineering was $16.70; in agriculture, $17.71; and in all other engineering, $19.67. The unit cost was thus actually less for mineral engineering than for agricultural fields averaged, or for other engineering averaged.

And so if it is not cost, why are mineral engineering curricula being phased out?

One reason is that support of graduate and research programs in these fields has been very small. They have simply missed out on funding by Federal agencies. Agriculture has the U.S. Department of Agriculture, but mineral engineering has the U.S. Bureau of Mines. The Bureau of Mines has, as we know, steadfastly maintained through the years its policy of no support of education and research programs in universities. Many fields of engineering have received good support of their graduate and research programs from other Federal agencies, especially DOD, AEC and NASA, but not mineral engineering.

The three extractive mineral engineering fields of mining, extractive metallurgy and petroleum engineering are notable for their relatively low level of funding of the graduate and research programs. This was emphasized in our recent National Academy report where the following statement appears (p. 77): "The total Federal support of graduate and research programs reported for mining, extractive metallurgy, and petroleum engineering was only $1.2 million a year in the fall of 1967. In these programs there was a total of 261 Ph.D. candidates and 467 M.S. candidates. The Federal support of graduate students in these fields is thus less than $2,000 per student per year. This compares with $6,000 of Federal support per graduate student per year in chemistry." [2] According to a recent NSF report, "On the average approximately $1 million in Federal funds is associated with the award of seven doctorates in science and engineering," [3] or approximately $140,000 of Federal funds per doctorate. In mining and petroleum where there are now granted about 20 Ph.D. degrees per year in each field, the Federal contribution per degree is only about $15,000. Or in other words, per Ph.D. degree granted, mineral engineering receives only about one-tenth as much Federal support as the *average* for Ph.D.'s in science and engineering in this country. On any basis, graduate programs in mineral science and engineering receive comparatively little Federal support.

This lack of funding and absence of strong graduate and research programs as compared with other engineering, or with agriculture, or with most of science is one reason that mineral engineering departments have looked anemic and have disappeared.

Another reason is that university administrators tend to put great weight on the small number of students in some of the mineral engineering departments when compared with other engineering and science fields. This comparison I maintain is not a fair one.

Mineral engineering, dealing with the Nation's non-renewable resources, should be compared with agricultural fields which of course deal with our renewable resources. Agriculture departments, such as agronomy or plant pathology, continue whether or not there is a large group of students. Note in Figure 2 the comparison of total 2nd, 3rd and 4th year enrollments in mineral engineering and in agriculture at Penn State University. The agriculture fields of entomology and plant pathology, incidentally, have no undergraduates at all—only graduate programs.

The curricula in agriculture are supported because of their importance to the Nation. Strong faculty groups exist in these fields at the college of agriculture here at Ohio State and at Penn State and at a university in every State. With a college of agriculture in every State, despite low enrollments enough students are turned out, and we have the specialists being produced on an adequate scale. Broad spectrum research on the Nation's agricultural problems is a continuing activity.

In my view there is no question as to the appropriate manner of financing or of the cost of mineral engineering education and research. We have learned how to finance the agricultural resources fields. Let us simply do what we know how to do well—support mineral engineering as we support agriculture. Annual appropriations for this purpose should be provided to the land grant college, or to some other designated institution in each State. We have made a start in this direction with the Water Resources Research Act of 1964.

Every State has important, essential mineral resources—sand, gravel, building stone, water, industrial minerals, etc., and in addition may have one or more of metallic ores, petroleum, natural gas or coal. Every State must sooner or later have problems of landfill locations for trash disposal and other problems where pollution of the underground is a serious threat. A strong mineral engineering program in a university in each State is an educational base of extreme need and importance. Crash programs are needed to take care of some of the worst situations, but for the long run it is essential that the education base be built up to provide the specialists and the fundamental knowledge to anticipate and handle the mineral resource and underground problems of this Nation.

I have estimated that about $25 million per year is what is needed in Federal funds, and this will be matched by State funds, to build up and maintain viable mineral engineering groups at an educational institution in each State, as well as to support graduate and research programs on mineral problems in other institutions. This I am convinced is what is needed.

Those of us who appreciate the critical need for the knowledge and the specialists in mineral engineering, and who recognize the requirement for sound practices in mineral resources conservation and in utilization of the underground, must strive to reverse the deteriorating trend in mineral engineering education. I have pointed out that there is a way to do this. The cost in dollars is not high. The cost to the country will be increasingly great, however, as we continue to delay in adequately supporting education and research in the mineral resource fields.

ADDITIONAL COSPONSOR

Mr. ALLOTT subsequently said: Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor of S. 635, a bill to amend the Mining and Minerals Policy Act of 1970.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–266), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of Senate bill 635 is to support, enhance, and stimulate mining, mineral, metallurgical, ceramic fuel, scrap recycling, mined land reclamation, underground reservoir utilization, mineral economics, and related environmental research, and the training of an adequate supply of scientists, engineers, and technicians in such fields, by supporting the establishment of an appropriate research and training center in each State. This will be achieved through matching grants, subject to appropriation by the Congress, and commencing in the first year at a level of $100,000 per State, going to $150,000 in the second year, $200,000 in the third year, and leveling off at $250,000 in the fourth year and subsequent years. Such matching grants are for the purpose of assisting each participating State in establishing and carrying on the work of a competent and qualified mining, minerals, and related environmental research institute or center.

NEED

In the 91st Congress, the National Mining and Minerals Policy Act of 1970 was enacted into law (Public Law 91–631). Any policy requires the creation of implementing mechanisms, and S. 635, which amends the National Mining and Minerals Policy Act of 1970, is an important first step in formulating an action program to provide for research and training of qualified scientists, engineers, and technicians.

As Senator Gordon Allott, author of the National Mining and Minerals Policy Act of 1970 and of S. 635, observed when reporting the Minerals Policy Act:

As we permit our Nation to become more and more dependent upon foreign sources for minerals important to our industry and security, we tend to lose the ability to find and produce these minerals domestically. Our dependence tends to encumber our foreign policy and limit our freedom of movement within the family of nations. In my opinion, it is in the long-term national interest that our ability to domestically produce important mineral commodities be improved and maintained.

The best hope for achieving this objective is through technological advancement in methods of finding, mining, and processing available resources. Radically new approaches may be necessary to achieve this, and research is the logical path to new technology. Our continued progress depends upon it. As Dr. Lee A. DuBridge, Director of the Office of Science and Technology, pointed out in his report to the committee on this legislation:

"* * * Increased productivity through adaptation of new technology has been the

[2] Chemistry: Opportunities and Needs, NAS–NRC Publication 1292, National Academy of Sciences—National Research Council, Washington, D.C., 1965, p. 168.

[3] "The Dynamics of Academic Science—A Degree Profile of Academic Science and Technology and the Contributions of Federal Funds for Academic Science to Universities and Colleges." National Science Foundation Report No. 67–6.

established road to progress in this country in industry generally and has resulted in a standard of living for the U.S. worker second to none. I believe that the minerals industries can also expect to participate in an improved standard of living, but we must devote a great effort to the need for better technology in order to meet our future needs. Certainly a congressional declaration of policy to that effect—as is contemplated by S. 719—would be a useful step in that direction."

The alarming trend within the universities of the United States of discontinuing and closing the doors on departments for education and research in mining engineering, was made evident in the authoritative 1969 report of the Committee on Mineral Science and Technology entitled "Mineral Science and Technology, Needs, Challenges and Opportunities," sponsored by the National Academy of Sciences. As that report disclosed, during the 1962–67 period there was a demise of significant recommendations, two of which relate specifically to cited curricula in the country. The Committee on Mineral Science and Technology, under the able chairmanship of Dr. Elbert F. Osborn, who is presently the Director of the Bureau of Mines, made a number of significant recommendations, two of which relate specifically to purposes of S. 635:

A program be established under the Assistant Secretary for Mineral Resources to provide continuing federally appropriated matching funds to each State in support of mineral-resource research.

The Bureau of Mines develop sustaining research and educational programs in mineral science, technology, and engineering through grants, contracts, and traineeships at educational institutions.

The synergistic relationship between research and training and the role of the mining schools was placed in perspective in the testimony of Dr. Guy T. McBride, Jr., president of the Colorado School of Mines:

Informed persons in Government, in education, and educational foundations, and in industry have become increasingly concerned at the imminent threat, and indeed, actual damage, to this major American and world industry from what they, and I, discern to be a grievous failure to advance its fundamental technology and to provide the trained manpower to lead it. These failures are alike centered in our schools of mining engineering, for research and teaching are synergistic—whether improving or deteriorating.

Mr. Roger M. Haynes, director of employee relations of the Consolidated Coal Co., presented a very informative paper to the committee. Limiting his remarks just to the coal industry, Mr. Haynes examined the problem and expressed the coal industry's dilemma as follows:

Our dilemma is this: At a time when the demand for coal is ever increasing as an energy fuel for electrical, steel, and other industrial markets * * * the supply of competent research scientists, trained engineers and technicians needed to improve production techniques—to solve problems of health and safety—to solve problems of land reclamation and environmental control—is simply not available today. Not only are these areas of vital importance neglected, but there are insufficient mining engineers and technicians to take care of the growth of present mining activities!

The Nation has become painfully aware of our deteriorating environment. The mining industry is also aware of many of the environmental problems associated with the extraction of minerals, and has, in many instances, developed practical solutions for dealing with them. But, as further environmental improvement is sought, the technical difficulties and the cost of gaining each new increment of quality, greatly increases the costs of operation and may make the difference between feasibility and infeasibility in a mine's economic picture. The essentiality of research and skilled personnel was underscored in the Senate Report (No. 91–390) on the National Mining and Minerals Policy legislation, on page 3:

Research can be particularly beneficial in assisting the mining industry to cope with the many new requirements that our increased concern over environmental quality places upon mine operators. The Federal Government should engage in long-range research programs which will provide the technology necessary for private industry to implement practices designed to improve the quality of our environment. It should establish and maintain policies and programs which supply the needed trained specialists, and publish and disseminate data and technical information relevant to environmental quality matters.

Before the mining industry can be expected to deal effectively with the new demands of environmental quality concerns and remain economically viable, the industry must have the necessary tools. These tools include trained specialists, the results of successful research in improved mining, benefication, and waste disposal practices, and governmental policies which take into account the increased costs, involved.

It is for these reasons that the statement of policy includes the support of research in the areas of mined land reclamation, reservoir utilization, and related environmental problems.

HEARINGS

On April 28, 1971, the Minerals, Materials, and Fuels Subcommittee held hearings and received oral statements from 25 witnesses. In addition, numerous other statements and communications were received both prior and subsequent to the hearings. It should be noted that, without exception, all testimony, statements, and communications strongly endorsed S. 635. The witness list was composed of some of the most distinguished professionals in industry and the academic world. Representatives from virtually every region of the Nation were heard.

No testimony, however, was received from administration witnesses. The administration requested an additional 30 to 60 days within which to formulate its position. It should be noted that 77 days have elapsed, and the committee has neither received any notification of the formulation of a position nor been able to discern any progress in this regard.

COSTS

1. The first fiscal year's cost, providing all jurisdictions qualified, and the full authorization was appropriated, would total $12,100,000. The breakdown of these costs is as follows:

(a) $5,100,000 in matching grants to the State institute ($100,000 to each) under the provisions of subsection 4(a).

(b) $1 million for high priority special mineral resource research projects under the direction of the Secretary (subsec. 5(a)).

(c) $5 million for the purchase of equipment, facilities, and library materials (sec. 6).

(d) $1 million for printing and publishing research results (sec. 8).

2. The second fiscal year's cost could not exceed $15,650,000. The breakdown of these costs is as follows:

(a) $7,650,000 in matching grants to States ($150,000 to each).

(b) $2 million for high priority special mineral resource research projects.

(c) Same as 1(c) above.

(d) Same as 1 (d) above.

3. The third fiscal year's cost could not exceed $19,200,000. The breakdown of these costs is as follows:

(a) $10,200,000 in matching grants to States ($200,000 to each).

(b) $3 million for high priority special mineral resource research projects.

(c) Same as 1(c) above.

(d) Same as 1(d) above.

4. The fourth fiscal year's cost could not exceed $22,750,000. The breakdown of these costs is as follows:

(a) $12,750,000 in matching grants to States ($250,000 to each).

(b) $5 million for high priority special mineral resource, research projects.

(c) Same as 1(a) above.

(d) Same as 1 (d) above.

5. The fifth and succeeding fiscal year's costs could not exceed $23,750,000 each year. The breakdown of these costs is as follows:

(a) $12,750,000 in matching grants to States (same as 4(a) above.

(b) $5 million for high priority special mineral resources research projects.

(c) Same as 1(c) above.

(d) Same as 1(d) above.

STATE ELIGIBILITY

Under the provisions of subsection 4(a) each State and the Commonwealth of Puerto Rico may qualify. As was pointed out by Dr. Osborn, who is now the Director of the Bureau of Mines, during the July 9, 1969, hearings on the minerals policy legislation:

Every State has important essential mineral resources—sand, gravel, building stone, industrial minerals, and so forth, and in addition may have one or more metallic ores, petroleum, natural gas, or coal.

The committee recognized that some elements of the research program outlined in section 3 will have application in every State, while others may not. And, while a substantial part of the research contemplated under this program may have application in many regions, much of the research will have a local application, dealing with problems unique to a particular area or State.

On the other hand, some States having similar topography, climate, and geology, may find it beneficial to pool their resources and establish one regional institute which would serve all of the cooperating States. Such an arrangement is authorized under the provisions of subsection 4(a).

The committee, also, recognized that in certain circumstances the State institute may wish to arrange for other colleges and universities within the State to participate in its work, for example, where a particular private university or college had developed a special capability in a discipline which could be the key to the solution of a research project. Such participation may also be beneficial due to geographical considerations. Such arrangements are permitted under subsection 4(a).

Subsection 4(a) requires the matching of Federal funds with non-Federal funds, and such non-Federal funds must be at least equal to the Federal share. This provision was included to insure the "good faith" effort of the State institute.

Recognizing that the prospects for earlier returns from the Federal investment would be better if the funds were directed to established mining schools and colleges or universities having a department of mining and minerals, a preference for such schools is contained in subsection 4(a). At the same time, the committee realized that the educational spinoff from the research institutes is better achieved through the establishment of many centers. To establish only a few regional centers may well result in the denial of opportunity for interested young people to benefit from the educational spinoff in this field, and the National would be the loser. The committee felt that by authorizing one center in each State, both objectives would more likely be achieved, while at the same time avoiding undue proliferation of such centers.

COORDINATION OF RESEARCH

Section 9 charges the Secretary of the Interior with the responsibility of insuring coordination of research programs under this

bill. This applies to coordination of various research efforts between the institutes as well as research conducted by the Department of the Interior and other Federal establishments. The Secretary is to act as a central clearinghouse for the results of such research and section 8 provides for printing and publishing such results for dissemination to interested parties. Research results, except where the Secretary finds it necessary in the public interest, shall be available promptly to the general public. The Secretary, with his broad responsibilities with respect to natural resources, should be the focal point for all such research, and should be best able to insure that new data, findings, and processes are made known to those in industry and Government who need them and will apply them.

The amendments were agreed to.

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

BIPARTISAN MEETING WITH PRESIDENT NIXON ON HIS FORTHCOMING TRIP TO MAINLAND CHINA

Mr. SCOTT. Mr. President, the President of the United States had a bipartisan meeting this morning with the President pro tempore of the Senate, the Speaker of the House, the majority and minority leaders of both Houses, and the chairmen and ranking members of the Committees on Foreign Relations, Foreign Affairs, Appropriations, and Armed Services.

It is obvious that the President's announced visit to China is of momentous import to the world, that it opens new aspects of foreign policy relationships in Asia, and that we are all hopeful of what may come from it.

It is essential that Members of Congress not engage in too much public speculation. Perhaps, for the present, we could restrain ourselves and not offer too much unsolicited advice, in the hope that we may, thereby, enhance the possibility of opening up relationships which would not be hostile, unfriendly, or directed against any other nation.

Therefore, I shall not indulge in any unnecessary speculation, except to praise the decision, to welcome whatever opportunities it offers, and to repeat my own concern—which I am sure is shared by the administration—that whatever we do will be done in friendship and as part of a journey toward peace, or, as the Bible has it, "To follow after the ways that lead to peace," rather than read into it something which could in any fashion whatsoever be to the disadvantage of any of our friends anywhere in the world.

Mr. MANSFIELD. May I join the distinguished minority leader in saying that the meeting of the leadership and the chairmen and ranking minority members of the committees the Senator has just enumerated was very much worthwhile.

Dr. Kissinger, Secretary of State Rogers, and President Nixon all gave us the benefit of their views on the situation which has developed in recent days. There was good give and take, I thought, on the part of those present. There was a mutual sense of responsibility on both sides, because of the delicacy of the negotiations, which, inevitably and hopefully, must lead to a meeting.

It is safe to state that no secret agreements were entered into, no promises made; instead, a general understanding was arrived at which, hopefully, will culminate in this meeting and will bring about the shift from an old era with much sorrow attached to it to a new era with much hope for all of mankind.

This country, under the Presidency and initiative of Mr. Nixon, has taken a long step forward.

On the other hand, Chou En-lai has also taken a long step forward.

It would be our hope that steps would be continued so that, eventually, the representatives of the two nations may meet. In that way, they may help bring into being a more peaceful future which is what the people of the world want most of all.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield further, I would say that there are two precepts which Confucius applied to a situation like the present—and I am serious today, although I did humorously paraphrase Confucius recently. But Confucius said to Duke Ling of Wei on two occasions what is applicable to this situation today—one is—

If a man does not give thought to problems which are still distant, he will be worried by them when they get nearer.

The other is:

Those who follow different roads cannot take counsel with one another.

Mr. MANSFIELD. Mr. President, we are all indebted to the distinguished minority leader for those aphorisms from Confucius. May I say that I hope a Confucian spirit will exist at the meeting, which is to take place sometime in the not too distant future.

It might be well to call the attention of the Senate to another true saying of Confucius, 6 centuries before Christ, but quite applicable to the Golden Rule of the latter period. During Confucius' time, the saying was:

Do not do unto others as you would not have done unto you.

Mr. SCOTT. If the distinguished majority leader will yield further, Confucius defined that by a word we use frequently nowadays for "reciprocity," which appears in the translation.

Mr. MANSFIELD. That is right.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

DEATH OF FORMER SENATOR GERALD P. NYE

Mr. YOUNG. Mr. President, it is with deep regret that I inform the Senate of the passing of one of the distinguished former Members of this body—the Honorable Gerald P. Nye on Saturday, July 17.

Senator Nye had a long and distinguished career of public service, including service in the U.S. Senate as a Senator from North Dakota from November 14, 1925, to January 2. 1945.

Senator Nye was born December 19, 1892, at Hortonville, Wis., and came to North Dakota as a young man to enter the newspaper business.

He edited and published the Billing County Pioneer at Fryburg, N. Dak., beginning in 1915.

In 1919, he became editor and publisher of the Griggs County Sentinel-Courier at Cooperstown, N. Dak.

During this period, Gerald Nye took an active role in community and State affairs.

As a very able and aggressive young man, he became one of the leaders of the Non-Partisan League movement, which had its beginnings in North Dakota shortly after he came to the State.

Tis leadership in the Non-Partisan League led to his appointment to fill the U.S. Senate vacancy caused by the death of Senator Edwin F. Ladd in 1925.

Following his appointment, he was elected and then twice reelected to the Senate by overwhelming margins.

As a Member of the U.S. Senate, he established a national reputation for his part in the Teapot Dome investigations.

Later, for years he held not only a nationwide, but worldwide, reputation for his fight against the munitions industry.

Prior to World War II, he was one of the most quoted Members of the U.S. Senate, both nationally and internationally.

Senator Nye served as ranking Republican on the Senate Appropriations Committee, and also held the position of ranking Republican on the Public Lands and Surveys Committee of the Senate.

He was an able member of the Senate Committee on Agriculture and Forestry, and the Senate Foreign Relations Committee.

Along with his fight against the munitions industry, he was a fierce isolationist and spoke out eloquently against U.S. involvement in international entanglements.

History has proven that we could have avoided some of our unfortunate foreign entanglements and wars had Gerald Nye's policies even partially been adhered to.

Like many other North Dakotans during his time—and even today—I have shared some of his isolationist views.

Certainly, most will agree that this policy has proved to be sounder than the one which we later followed of trying to police the whole world.

Senator Nye was a very able legislator. He was a talented person and a gifted and persuasive speaker—certainly one of the best of his time.

He was a man of many talents. He was an outstanding journalist.

He had considerable ability as an athlete, and always had a great interest in athletics. In fact, in 1938 he was offered the prestigious position of Commissioner of Baseball.

Mr. President, I ask unanimous consent that the obituary of the late Senator Gerald P. Nye appearing in this morn-

ing's Washington Post be printed as a part of my remarks.

Mr. President, we have lost a conscientious and dedicated public servant. My wife, Pat, and I join in mourning his passing, and extend sincerest sympathies to his wife Marguerite and all the family.

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

EX-SENATOR GERALD NYE, ISOLATIONIST, DIES

(By Martin Weil)

Former U.S. Sen. Gerald P. Nye, (R–N. Dak.), 78, an outspoken isolationist and a leader in the campaign to keep the nation out of World War II, died Saturday at Georgetown University Hospital.

Death was attributed to hemorrhaging following surgery at the hospital Friday for vascular difficulties that had plagued Sen. Nye for past 10 years. They had grown worse in April.

Mr. Nye was one of the most prominent figures in a Senate that included such celebrated personalities as William E. Borah of Idaho, Hiram W. Johnson of California, Robert M. La Follette, Jr., of Wisconsin and George W. Norris of Nebraska.

One of the highlights of his Senate career was an investigation into the munitions industry that began in 1934. It won him the Cardinal Newman award for contributing to peace by showing "the hidden factors which make for war and menace the peace . . ."

A 33-year-old country newspaper editor with a Populist orientation when he began his 20-year Senate career in 1925, Mr. Nye built an early reputation as an old-fashioned agrarian rebel.

With stubborn tenacity, he supported the small farmer, and opposed the "interests"—monopoly, chain stores, branch banking.

As head of a Senate committee looking into oil leases in the aftermath of the "Teapot Dome" scandal, he unearthed further indications of the use of public lands for private gain.

They showed, he said, "the frightful influence of money upon our political and economic life as a nation."

But as the 1930s drew on, and war clouds gathered in Europe and Asia, it was his isolationism that drew greatest attention to Mr. Nye, engulfing him in almost ceaseless controversy.

What has been described as his desire to keep America out of war at all costs appeared to lead to his taking stands or appearing before groups that seemed dubious to some at the time, and later became increasingly unpopular.

Even after World War II broke out in Europe, he continued to oppose changes in neutrality legislation here. Appointed to the Foreign Relations Committee in 1940, he became one of President Franklin Roosevelt's powerful foes.

He spoke to America First groups. He opposed aid to Britain. He opposed aid to Russia. He opposed the draft.

"The greatest aggressor in all modern history has been the British Empire," he said in the early part of 1941 in opposing the Lend-Lease bill.

Appearing critical of anti-Nazi motion pictures, he asserted that "four or five individuals" within the industry had the power to make the nation's theatergoers "feed on propaganda."

After he named some producers who were predominantly Jewish, he was accused of anti-Semitism. In rejoinder, he accused the interventionists of having introduced the issue to smear the non-interventionist cause.

On Dec. 7, 1941, he gave an antiwar speech at a meeting of America First, a major non-interventionist group. His first reported reaction after hearing of the Japanese attack on Pearl Harbor was "We have been maneuvered into this."

The next day, he returned to Washington to vote with the rest of the Senate to declare war.

Born in Hortonville, Wis., Mr. Nye became editor of his father's weekly newspaper there after graduation from high school.

He was editor and publisher of the Griggs County (N. Dak.) Sentinel Courier in 1925 when the state's governor named him to fill a vacant Senate seat.

After winning election on his own in 1926, 1932 and 1938, he was defeated in 1944.

Mr. Nye, and his wife, Marguerite, lived in Chevy Chase. They had three children. Mr. Nye also had three children by an earlier marriage.

He held several government and private business posts here after leaving the Senate.

H.R. 9272—UNANIMOUS CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate, after the conclusion of morning business, turns to the consideration of H.R. 9272, the State, Justice, and Commerce Appropriations bill, 1972, 1 of the 2 hours to be equally divided and controlled between the majority and minority leaders be placed under the control of the distinguished Senator from Arkansas (Mr. MCCLELLAN), who will be the manager of the bill.

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

QUORUM CALL

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

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Director of Civil Defense, Department of the Army, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment, for the quarter ended June 30, 1971; to the Committee on Armed Services.

REPORT OF THE NATIONAL BUREAU OF STANDARDS

A letter from the Secretary of Commerce submitting, pursuant to law, a report from the U.S. metric study prepared by the National Bureau of Standards (with accompanying report); to the Committee on Commerce.

PUBLICATION OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "Recreation Opportunities at Hydroelectric Projects Licensed by the Federal Power Commission, 1970" (with an accompanying document); to the Committee on Commerce.

PROPOSED LEGISLATION AUTHORIZING APPROPRIATIONS FOR THE COUNCIL ON INTERNATIONAL ECONOMIC POLICY

A letter from the Director of the Office of Management and Budget submitting proposed legislation to authorize appropriations for expenses of the Council on International Economic Policy, and for other purposes (with accompanying papers); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States submitting, pursuant to law, a report entitled "Need To Increase Rates To Recover the Cost of Providing Service to Commerce Firms Renting Multiple Post Office Boxes" with accompanying report); to the Committee on Government Operations.

PETITIONS

A petition was received and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. GAMBRELL):

Two joint resolutions of the Legislature of the State of California; to the Committee on Commerce:

"SENATE JOINT RESOLUTION No. 29

"Relative to the protection of fishlife

"Whereas, The United States Bureau of Reclamation, in undertaking development of the Central Valley Project upon the Sacramento, San Joaquin and American Rivers of this state, has destroyed substantial natural salmon and steelhead spawning habitat through the construction of its dams; and

"Whereas, The bureau has, with the expenditure of substantial sums of public funds, attempted to mitigate such fishery losses through construction of artificial fish propagation and handling facilities, including the Coleman National Fish Hatchery, the Nimbus State Fish Hatchery and the Keswick fish handling facility; and

"Whereas, Each of these bureau facilities has been characterized by chronic functional deficiencies which have prevented their public purpose from being realized and the public investment which they represent from being properly returned; and

"Whereas, Efforts by state conservation officials to persuade the bureau to remedy the aforementioned deficiencies have been largely unsuccessful; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to instruct the Secretary of the Interior to take those actions necessary to abate temperature control deficiencies now causing disease losses of up to 90 percent of the attempted production at the federally financed Coleman and Nimbus hatcheries; to increase rearing facilities at these hatcheries so as to permit the production of fish of sufficient size to survive; to amend the design and operation of the Keswick fish handling facility so as to permit its efficient year-around operation; and to take such other actions as are necessary to accomplish the long overdue fishery mitigation purposes of the aforementioned Central Valley Project facilities; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

"SENATE JOINT RESOLUTION
No. 35

"Relative to transportation research and development

"Whereas, Legislation has been introduced in the Congress of the United States to carry out research and development and demonstration projects concerning modes of transportation which carry people or goods in or between areas of concentrated population; and

"Whereas, This legislation, S. 1382 and H.R. 7017, would further the development of such modes of transportation as vertical- and short-takeoff-and-land aircraft and high-speed ground transportation, and would in addition give secondary priority to improvement of the technology related to air traffic control, all-weather air navigation systems, and air safety; and

"Whereas, Priority will be given in awarding contracts under this legislation for these research and development and demonstration projects to applicants which have undergone reductions in their labor forces or which are located in areas of high unemployment; and

"Whereas, A special area of study under these bills will be the potential for conversion to alternative uses of the productive capacity, resources, and manpower of the airframe industry; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to support and enact this urgent and important legislation which will help develop critically needed transportation facilities and provide relief for the serious problems of the airframe industry in this state; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION No. 36

"Relative to the Federal Highway Trust Fund

"Whereas, The executive branch of the federal government is now impounding and for several years has been restricting and reducing California's share of the Highway Trust Fund; and

"Whereas, Congress, in the Federal-Aid Highway Act of 1970, has expressed its opposition to the impoundment and diversion of Federal Highway Trust Fund apportionments; and

"Whereas, It is against the best interests of the State of California for Federal Highway Trust Fund apportionments to be impounded, diverted, restricted, or reduced; and

"Whereas, California is losing about $150 million per year which would normally be used to construct necessary freeways; and

"Whereas, California can ill afford to lose this volume of funds at a time when its economy is seriously sagging and when the completion of the state's highway network is absolutely vital; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the President of the United States and the Secretary of Transportation to use their good offices for the release of California's share of the Federal Highway Trust Fund; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Transportation."

A letter enclosing a petition from Ernest E. Seaman, of Dallas, Oreg., regarding Public Law 90–548; to the Committee on Interior and Insular Affairs.

A resolution adopted by the National Association of Women Lawyers, Chicago, Ill., in opposition to any and all amendments to the equal rights amendment; to the Committee on the Judiciary.

A petition adopted by the National Council of Catholic Women, Wilmette, Ill., relative to the distribution of taxes in the field of education; to the Committee on the Judiciary.

REPORT OF A COMMITTEE (S. REPT. NO. 92–270)

Mr. SPARKMAN. Mr. President, from the Committee on Banking, Housing and Urban Affairs, I report favorably a committee bill (S. 2308) to authorize emergency loan guarantees to major business enterprises, and I submit a report thereon. I ask unanimous consent that the report be printed, together with additional views, and that the Committee have until midnight to deliver the copy for printing purposes.

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

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. BENTSEN:

S. 2300. A bill for the relief of J. B. Riddle. Referred to the Committee on the Judiciary.

By Mr. ALLEN:

S. 2301. A bill to amend the National Defense Education Act of 1958 with respect to the cancellation of loans under title II of such act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. JORDAN of North Carolina (for himself, Mr. PROUTY, Mr. ALLOTT, Mr. KENNEDY, and Mr. PASTORE):

S. 2302. A bill to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. TOWER:

S. 2303. A bill to amend title 5, United States Code, to authorize the payment of increased annuities to secretaries of justices and judges of the United States. Referred to the Committee on the Judiciary.

S. 2304. A bill to amend title 38, United States Code, to provide financial assistance to institutions for the establishment and expansion of programs under which veterans with military acquired skills will be trained and educated in the allied health professions. Referred to the Committee on Veterans' Affairs.

By Mr. HARTKE:

S. 2305. A bill relating to the payment of estimated income taxes; and

S. 2306. A bill to provide that certain corporations cannot limit the current payment of estimated income taxes to the amount of the tax for the prior year. Referred to the Committee on Finance.

By Mr. BENTSEN:

S. 2307. A bill to amend the act of July 14, 1956, to authorize the Secretary of the Army to contract with the city of Arlington, Tex., for the use of water, supply storage, in the Benbrook Reservoir. Referred to the Committee on Public Works.

By Mr. SPARKMAN (from the Committee on Banking, Housing, and Urban Affairs):

S. 2308. An original bill to authorize emergency loan guarantees to major business enterprises. Ordered to be placed on the calendar.

By Mr. McGOVERN:

S. 2309. A bill to provide for the establishment of the George Washington Memorial Institute for the Social Sciences. Referred to the Committee on Labor and Public Welfare.

S.J. Res. 133. A joint resolution to provide for the acknowledgement of the generous gift of President George Washington. Referred to the Committee on the District of Columbia.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN:

S. 2301. A bill to amend the National Defense Education Act of 1958 with respect to the cancellation of loans under title II of such act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. ALLEN. Mr. President, I introduce for appropriate reference a bill to amend the National Defense Education Act of 1958. The amendment adds a single provision to section 205 relating to the cancellation of student loans under title II of the act as applicable in cases where student borrowers have obtained degrees which qualify them to accept employment as full-time school teachers.

Under existing provisions of the act, student borrowers are entitled to cancellation of their loans for each complete year of full-time teaching service. In some instances, a borrower is eligible to receive partial cancellation at the rate of 10 percent per year, up to a maximum of 50 percent of the loan. In other circumstances, a borrower may receive cancellation of the full amount of the loan at the rate of 15 percent of the total, plus interest for each complete academic year of full-time teaching. The 15-percent cancellation entitlement applies to teachers in low-income schools designated on an annual basis. Generally speaking, schools which qualify for title I assistance would likely be designated low-income schools. These include most schools in the South and most in larger cities of the Nation.

Mr. President, student loan provisions under the act were designed to serve a commendable purpose in the area of public school education. There can be no question but that many capable young people were enabled to prepare for a teaching career by reason of cancellation of debts incurred for preparation. Now, however, having incurred a substantial indebtedness with a reasonable expectation of employment and eligibility for cancellation of their loans, an increasing number find themselves being denied employment only because Federal courts and the Department of Health, Education, and Welfare have imposed arbitrary racial ratios in school systems. These ratios effectively preclude em-

ployment of qualified teachers by reason of their race and, thus, deprive them of the value of cancellation of loan provisions of the act.

Mr. President, the situation is that a borrower may apply for full-time employment as a teacher in a public school system in which a vacancy exists and may be determined qualified to fill the vacancy by the school board to which the application is made and then find out that racial criteria affecting the employment of teachers in that system prevents employment for no reason other than the race of the applicant.

We have read of instances in the District of Columbia school system where classrooms have remained without teachers—not because of a shortage of qualified applicants, but simply because the arbitrary racial ratio imposed for the system precludes employment unless the applicant is of the color dictated by the racial ratio which happens to be in effect in the system. There is reason to believe that this situation is widespread and increasing.

Mr. President, most of the public schools in the South are faced with racial ratios imposed by Federal courts and the Department of Health, Education, and Welfare. White and black teacher applicants are affected—and the problem is not limited to the South. This idiotic racial ratio dogma is being imposed in areas throughout the Nation. Be that as it may, the problem to be resolved by this amendment addresses itself to considerations of law and questions of fairness.

I believe that most Senators will agree that student borrowers, induced to enter training for teaching careers by reason of the favorable cancellation provisions of loans, have acted in good faith and have acquired, as a matter of law, a vested interest in the entitlement to cancellation upon completion of their training. For example, Congress could not, consistent with due process, deprive student borrowers of the right of cancellation by enactment of legislation having retrospective effect. The vested interest has a determinable monetary value—it is a property right—and, as such, it is protected by due process of law. That is exactly as it should be.

Yet, we are confronted with the paradoxical situation. Federal courts and the Department of Health, Education, and Welfare impose arbitrary racial ratios on public school systems and these ratios become absolute criteria in the employment of teachers. If an applicant is not of the required color, the racial ratio criteria has the effect of depriving borrowers of monetary value of cancellation of their loans. The loss is no less because it results from court decrees and executive department regulations than if it resulted by an act of Congress.

Mr. President, the legal aspect of the problem is important, but perhaps less so than the necessity of being fair and reasonable with young people who have relied upon the good faith of their Government and who stand to suffer financial loss by reason of actions by agencies of their Government.

The amendment I have proposed simply provides that teachers, who have received loans under provisions of the act and have applied for a position in a school system where a teacher vacancy exists and have been found qualified to fill such vacancy, but cannot be employed because of racial ratios, shall, if otherwise entitled, receive the maximum 15 percent annual cancellation benefits plus interest for any year in which entitlement has been denied because of their race.

I request unanimous consent that the text of the bill be printed at this place in the RECORD.

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

S. 2301

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) section 205(b)(3) of the National Defense Education Act of 1958 is amended by striking out "and (C)" and inserting in lieu thereof the following: "(C) such rate shall be 15 per centum for each complete academic year or its equivalent (as determined under regulations of the Commissioner) of service that the student borrower would have rendered as a full-time teacher in a public elementary or secondary school except that as determined by the Commissioner, such borrower was denied employment solely because of the application of racial criteria imposed by a court order to desegregate or pursuant to a desegregation plan approved by the Department of Health, Education, and Welfare or by an appropriate State agency, and (D)".

(b) The amendment made by subsection (a) of this section shall be effective with respect to possible service beginning after June 30, 1971, whether the loan was made before or after June 30, 1971.

By Mr. JORDAN of North Carolina (for himself, Mr. PROUTY, Mr. ALLOTT, Mr. KENNEDY, and Mr. PASTORE):

S. 2302. A bill to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes. Referred to the Committee on Rules and Administration.

TECHNOLOGY ASSESSMENT ACT OF 1971

Mr. JORDAN of North Carolina. Mr. President, on behalf of Senators PROUTY, ALLOTT, KENNEDY, PASTORE, and myself, I introduce for appropriate reference a bill to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological applications. Mr. President, I ask unanimous consent that the text of the 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. 2302

A bill to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; 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 "Technology Assessment Act of 1971".

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares that:

(a) Emergent national problems, physical, biological, and social, are of such a nature and are developing at such an unprecedented rate as to constitute a major threat to the security and general welfare of the United States.

(b) Such problems are largely the result of and are allied to—

(1) the increasing pressures of population;

(2) the rapid consumption of natural resources; and

(3) the deterioration of the human environment, natural and social,

though not necessarily limited to or by these factors.

(c) The growth in scale and extent of technological application is a crucial element in such problems and either is or can be a pivotal influence with respect both to their cause and to their solution.

(d) The present mechanisms of the Congress do not provide the legislative branch with adequate independent and timely information concerning the potential application or impact of such technology, particularly in those instances where the Federal Government may be called upon to consider support, management, or regulation of technological applications.

(e) It is therefore, imperative that the Congress equip itself with new and effective means for securing competent, unbiased information concerning the effects, physical, economic, social, and political, of the applications of technology, and that such information be utilized whenever appropriate as one element in the legislative assessment of matters pending before the Congress.

ESTABLISHMENT OF THE OFFICE OF TECHNOLOGY ASSESSMENT

SEC. 3. (a) In accordance with the rationale enunciated in section 2, there is hereby created the Office of Technology Assessment (hereinafter referred to as the "Office") which shall be within and responsible to the legislative branch of the Government.

(b) The Office shall consist of a Technology Assessment Board (hereinafter referred to as the "Board") which shall formulate and promulgate the policies of the Office, and a Director who shall carry out such policies and administer the operations of the Office.

(c) The basic responsibilities and duties of the Office shall be to provide an early warning of the probable impacts, positive and negative, of the applications of technology and to develop other coordinate information which may assist the Congress in determining the relative priorities of programs before it. In carrying out such function, the Office shall—

(1) identify existing or probable impacts of technology or technological programs;

(2) where possible establish cause-and-effect relationships;

(3) determine alternative technological methods of implementing specific programs;

(4) determine alternative programs for achieving requisite goals;

(5) make estimates and comparisons of the impacts of alternative methods and programs;

(6) present findings of completed analyses to the appropriate legislative authorities;

(7) identify areas where additional research or data collection is required to provide adequate support for the assessments and estimates described in paragraphs (1) through (5); and

(8) undertake such additional associated tasks as the appropriate authorities specified under subsection (d) may direct.

(d) Activities undertaken by the Office may be initiated by—

(1) the chairman of any standing, special, select, or joint committee of the Congress;

(2) the Board; or

(3) the Director.

(e) Information, surveys, studies, reports, and findings produced by the Office shall be made freely available to the public except where (1) to do so would violate security statutes, or (2) the information or other matter involved could be withheld from the public, notwithstanding subsection (a) of section 552 of title 5, United States Code, under one or more of the numbered paragraphs in subsection (b) of such section.

(f) In undertaking the duties set out in subsection (c), full use shall be made of competent personnel and organizations outside the Office, public or private; and special ad hoc task forces or other arrangements may be formed by the Director when appropriate.

TECHNOLOGY ASSESSMENT BOARD

SEC. 4. (a) The Board shall consist of eleven members as follows:

(1) two Members of the Senate who shall not be members of the same political party, to be appointed by the President pro tempore of the Senate;

(2) two Members of the House of Representatives who shall not be members of the same political party, to be appointed by the Speaker of the House of Representatives;

(3) the Comptroller General of the United States;

(4) the Director of the Congressional Research Service of the Library of Congress;

(5) four members from the public, appointed by the President, by and with the advice and consent of the Senate, who shall be persons eminent in one or more fields of science or engineering or experienced in the administration of technological activities, or who may be judged qualified on the basis of contributions made to educational or public activities; and

(6) the Director (except that he shall not be considered a voting member for purposes of appointment or removal under the first sentence of section 5(a)).

(b) The Board, by majority vote, shall elect from among its members appointed under subsection (a)(5) a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Board may prescribe, but for a period of not to exceed four years. In the absence of the Chairman, or in the event of his incapacity, the Vice Chairman shall fulfill the duties and functions of the Chairman.

(c) The Board shall meet upon the call of the Chairman or upon the petition of five or more of its members, but it shall meet not less than twice each year.

(d) Six members of the Board shall constitute a quorum.

(e) Any vacancy in the Board shall not affect its powers, but shall be filled in the manner in which the vacant position was originally filled.

(f) The term of office of each member of the Board appointed under subsection (a)(5) shall be four years, except that (1) any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of such members first taking office after the enactment of this Act shall expire, as designated by the President at the time of appointment, two at the end of two years and two at the end of four years, after the date of the enactment of this Act. No person shall be appointed a member of the Board under subsection (a)(5) more than twice.

(g)(1) The members of the Board other than those appointed under subsection (a)(5) shall receive no compensation for their services as members of the Board, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence not to exceed the rates prescribed in sections 5702 and 5704 of title 5, United States Code), and other necessary expenses incurred by them in the performance of duties vested in the Board, without regard to the provisions of subchapter I of chapter 57 of title 5, United States Code, the Standardized Government Travel Regulations, or section 5731 of title 5, United States Code.

(2) The members of the Board appointed under subsection (a)(5) shall each receive compensation at the rate of $100 for each day engaged in the actual performance of duties in the Board, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses in the manner provided in paragraph (1) of this subsection.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 5. (a) The Director of the Office of Technology Assessment shall be appointed by the Board and shall serve for a term of six years unless sooner removed by the Board. He shall receive basic pay at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(b) In addition to the powers and duties vested in him by this Act, the Director shall exercise such powers and duties as may be delegated to him by the Board.

(c) The Director may appoint, with the approval of the Board, a Deputy Director who shall perform such functions as the Director may prescribe and who shall be Acting Director during the absence or incapacity of the Director or in the event of a vacancy in the office of Director. The Deputy Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(d) Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement under this Act.

AUTHORITY OF THE OFFICE

SEC. 6. (a) The Office shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this Act, including, but without being limited to, the authority to—

(1) prescribe such rules and regulations as it deems necessary governing the manner of its operation and its organization and personnel;

(2) make such expenditures as may be necessary for administering the provisions of this Act;

(3) enter into contracts or other arrangements as may be necessary for the conduct of its work with any agency or instrumentality of the United States, with any foreign country or international agency, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(4) make advance, progress, and other payments which relate to technology assessment without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

(5) acquire by purchase, lease, loan, or gift, and hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this Act; and

(6) accept and utilize the services of voluntary and uncompensated personnel and provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation.

(b) The Director shall, in accordance with such policies as the Board shall prescribe, appoint and fix the compensations of such personnel as may be necessary to carry out the provisions of this Act. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; except that the Director may, in accordance with such policies as the Board shall prescribe, employ such technical and professional personnel and fix their compensation without regard to such provisions as he may deem necessary for the discharge of the responsibilities of the Office under this Act.

(c) The Office shall not, itself, operate any laboratories, pilot plants, or test facilities in the pursuit of its mission.

(d)(1) The Office or (on the authorization of the Office) any of its duly constituted officers may, for the purpose of carrying out the provisions of this Act, hold such hearings, take such testimony, and sit and act at such times and places as the Office deems advisable. For this purpose the Office is authorized to require the attendance of such persons and the production of such books, records, documents, or data, by subpena or otherwise, and to take such testimony and records, as it deems necessary. Subpenas may be issued by the Director or by any person designated by him. If compliance with such a subpena by the person to whom it is issued or upon whom it is served would (in such person's judgment) require the disclosure of trade secrets or other commercial, financial, or proprietary information which is privileged or confidential, or constitute a clearly unwarranted invasion of privacy, such person may petition the United States district court for the district in which he resides or has his principal place of business, or in which the books, records, documents, or data involved are situated, and such court (after inspecting such books, records, documents, or data in camera) may excise and release from the subpena any portion thereof which it determines would require such disclosure or constitute such invasion. Where the subpena or such portion thereof would require such disclosure or constitute such invasion but the books, records, documents, or data involved are shown to be germane to the matters under consideration and necessary for the effective conduct by the Office of its proceedings or deliberations with respect thereto, the court may require that such books, records, documents, or data be produced or made available to the Office in accordance with the subpena but subject to such conditions and limitations of access as will prevent their public disclosure and protect their confidentiality.

(2) In case of contumacy or disobedience to a subpena issued under paragraph (1) the Attorney General, at the request of the Office, shall invoke the aid of the United States district court for the district in which the person to whom the subpena was issued or upon whom it was served resides or has his principal place of business, or in which the books, records, documents, or data involved are situated, or the aid of any other United States district court within the jurisdiction of which the Office's proceedings are being carried on, in requiring the production of such books, records, documents, or data or the attendance and testimony of such person in accordance with the subpena (subject to any conditions or limitations of access which may have been imposed by such court

or any other court under the last sentence of paragraph (1)). Such court may issue an order requiring the person to whom the subpena was issued or upon whom it was served to produce the books, records, documents, or data involved, or to appear and testify, or both, in accordance with the subpena (subject to any such conditions or limitations of access); and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(e) Each department, agency, or instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Office, upon request by the Director, such information as the Office deems necessary to carry out its functions under this Act.

(f) Contractors and other parties entering into contracts and other arrangements under this section which involve costs to the Government shall maintain such books and related records as will facilitate an effective audit in such detail and in such manner as shall be prescribed by the Director, and such books and records (and related documents and papers) shall be available to the Director and the Comptroller General or any of their duly authorized representatives for the purpose of audit and examination.

UTILIZATION OF THE LIBRARY OF CONGRESS

SEC. 7. (a) Pursuant to the objectives of this Act, the Librarian of Congress is authorized to make available to the Office such services and assistance by the Congressional Research Service as may be appropriate and feasible.

(b) The foregoing services and assistance to the Office shall include all of the services and assistance which the Congressional Research Service is presently authorized to provide to the Congress, and shall particularly include, without being limited to, the following:

(1) maintaining a monitoring indicator system with respect to the natural and social environments which might reveal early impacts of technological change, but any such system shall be coordinated with other assessment activities which may exist in the departments and agencies of the executive branch of the Government;

(2) making surveys of ongoing and proposed programs of government with a high or novel technology content, together with timetables of applied science showing promising developments;

(3) publishing, from time to time, anticipatory reports and forecasts;

(4) recording the activities and responsibilities of Federal agencies in affecting or being affected by technological change;

(5) when warranted, recommending full-scale assessments;

(6) preparing background reports to aid in receiving and using the assessments;

(7) providing staff assistance in preparing for or holding committee hearings to consider the findings of the assessments;

(8) reviewing the findings of any assessment made by or for the Office; and

(9) assisting the Office in the maintenance of liaison with executive agencies involved in technology assessments.

(c) Nothing in this section shall alter or modify any services or responsibilities other than those performed for the Office, which the Congressional Research Service under law performs for or on behalf of the Congress. The Librarian is, however, authorized to establish within the Congressional Research Service such additional divisions, groups, or other organizational entities as may be necessary to carry out the objectives of this Act, including the functions enumerated in this section.

(d) Services and assistance made available to the Office by the Congressional Research Service in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Chairman of the Board and the Librarian of Congress.

COORDINATION WITH THE NATIONAL SCIENCE FOUNDATION

SEC. 8. (a) The Office shall maintain a continuing liaison with the National Science Foundation with respect to—

(1) grants and contracts formulated or activated by the Foundation which are for purposes of technology assessment, and

(2) the promotion of coordination in areas of technology assessment, and the avoidance of unnecessary duplication or overlapping of research activities in the development of technology assessment techniques and programs.

(b) Section 3(b) of the National Science Foundation Act of 1950, as amended, is hereby amended to read as follows:

"(b) The Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation, national security, and the effects of scientific applications upon society by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such activities. When initiated or supported pursuant to requests made by any other Federal department or agency, including the Office of Technology Assessment, such activities shall be financed whenever feasible from funds transferred to the Foundation by the requesting official as provided in section 14 (g), and any such activities shall be unclassified and shall be identified by the Foundation as being undertaken at the request of the appropriate official."

ANNUAL REPORT

SEC. 9. The Office shall submit to the Congress and to the President an annual report which shall, among other things, evaluate the existing state of the art with regard to technology assessment techniques and forecast, insofar as may be feasible, technological areas requiring future attention. The report shall be submitted not later than March 15 each year.

FINANCIAL AND ADMINISTRATIVE SERVICES

SEC. 10. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Office by the General Accounting Office, with or without reimbursement from funds of the Office as may be agreed upon by the Chairman of the Board and the Comptroller General of the United States. The regulations of the General Accounting Office for the collection of indebtedness of personnel resulting from erroneous payments (under section 5514(b) of title 5, United States Code) shall apply to the collection of erroneous payments made to or on behalf of an Office employee, and the regulations of the Comptroller General for the administrative control of funds (under section 3679(g) of the Revised Statutes (31 U.S.C. 665(g)) shall apply to appropriations of the Office; and the Office shall not be required to prescribe such regulations.

APPROPRIATIONS

SEC. 11. (a) To enable the Office to carry out its powers and duties, there is hereby authorized to be appropriated to the Office, out of any money in the Treasury not otherwise appropriated, not to exceed $5,000,000 for the fiscal year ending June 30, 1972, and thereafter such sums as may be necessary.

(b) Appropriations made pursuant to the authority provided in subsection (a) shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Act making such appropriations.

Mr. PROUTY. Mr. President, I am pleased to join the distinguished chairman of the Committee on Rules and Administration, Mr. JORDAN, in introducing the "Technology Assessment Act of 1971." This bill is yet another reminder of Senator JORDAN's constant determination to improve the ability of Congress to carry out its responsibilities.

The bill Senator JORDAN and I introduce today with Senators ALLOTT, KENNEDY, and PASTORE would create an Office of Technology Assessment to assist the legislative branch in making an independent assessment of the impact of existing, new and developing scientific technology upon society.

To me the key word is "independent." For too long and to too great an extent Congress has had to rely on the executive branch for technical information. This dependence has compromised and continues to compromise our independence. It is time for Congress to reassert itself. This measure is the appropriate vehicle for such a reassertion. The Washington Post of July 13 contained a compelling article by Joseph A. Califano, Jr., who was formerly Special Assistant to President Johnson for Domestic Affairs. Senator BAKER called this article to our attention by placing it in the RECORD of July 14.

In depicting the disadvantage at which Congress finds itself when competing with the vast resources of the executive branch, Mr. Califano concluded the Congress is a "separate but unequal branch."

I regret that my experience bears out Mr. Califano's observation.

It is not only Congress that has been overcome by the technological revolution. The whole world seems to stagger from the impact of an ever-increasing momentum of technological change. In a recent book, Alvin Toffler discusses the problems of this continuing change. Toffler divides mankind's existence into 800 lifetimes of 62 years each. He discusses the rise of technology as a comparatively new trend. Written communication has only been possible in the last 70 of these 800 lifetimes. Printed word has been available to man only in the last six lifetimes. Most of our material goods and many of our machines have been developed in our lifetime.

This revolutionary advance in technology has brought with it some unexpected and undesired effects. We have learned many things the hard way and, I suspect, we still have much to learn. Hopefully, our future lessons will be less painful.

We have learned that we cannot build dams considering only the effect downstream without looking upstream as well.

We have learned that we cannot think only of whiter, brighter washes without contemplating our algae-choked streams.

We have learned that we cannot think of our no-deposit, no-return, throwaway culture as a blessing without considering the problems of solid waste disposal.

In earlier times it was possible to dismiss the undesirable effects of an advancing technology as the partial price of progress. We can no longer afford the luxury. Our very survival depends on how we use technology.

Of late, it has been suggested with in-

creasing frequency that in order to preserve our environment we must somehow revert to a more primitive form of civilization.

It is argued that progress has brought us to peril and should, therefore, be halted.

In part, these foes of progress are right. Progress has imperiled our planet.

However, the antiprogress advocates premise their argument on a misunderstanding of science and technology.

Science is the organized search for truth through knowledge.

Science is then an end in itself, but also something more. The knowledge we gain through scientific inquiry serves as an impetus to action.

Action based on knowledge is technology.

It is in this application of knowledge where we tend to lose our perspective.

We must realize our actions are not necessarily based on all knowledge, but are instead selective. We use parts of our knowledge for specific ends and ignore other areas of knowledge or scientific disciplines.

Therefore, we in Congress must be sure that we have all the knowledge available before we render our decisions.

In our quest for knowledge we must be able to proceed independently and not be required to depend exclusively on the executive branch.

We cannot properly oversee the executive branch through its eyes, yet that is what we are now compelled to do.

With the Office of Technology Assessment, which would be created by this measure, we could improve congressional vision with our own independent knowledge.

The accelerated rate of technological advance has clearly left Congress behind. The ability of Congress to be an equal as well as separate branch of Government has been brought into question. It is clear that we can and must move in the direction this bill prescribes.

I ask Senators to support this effort in order to give us new strength and vision to carry out our responsibilities independently and knowledgeably.

CREATION OF AN OFFICE OF TECHNOLOGY ASSESSMENT

Mr. ALLOTT. Mr. President, the underlying feature of the bill to equip Congress with a new office to assist in formulating judgments on matters relating to scientific developments is critically needed. When I introduced the bill last year I pointed out that: Not in the 170 years since the Library of Congress was founded has Congress created a significant new entity to provide up-to-date information—other than the fiscal information provided by GAO—and no significant innovations have been made within the Library itself to provide this kind of information since the founding of the Legislative Reference Service in 1915.

The need for this service was made abundantly clear during the past debate over the continued funding for the SST prototype development project. An independent source of information, an arm of Congress, was desperately needed to sort through the fallacies and misstatements that were enunciated as facts.

As a result, I am elated by the wisdom the distinguished chairman of the Rules Committee has demonstrated in adopting the proposal I introduced last year, introducing it under his auspices. Having the Senator from North Carolina endorse the merits of the bill is especially gratifying to one such as myself who has consistently advocated reasonable Federal support of the Nation's scientific effort, and one who, since the early days of the 90th Congress, has worked to bring Congress another capacity for making intelligent decisions relating to priorities of scientific endeavor. I believe this measure will help to strengthen this capacity within Congress. The adoption of the procedures provided in the bill will also help dispel the suspicion, within Congress and without, that the Government is operating blindly in an area demanding special knowledge.

I emphasized this point sometime ago in a letter which appeared in Science magazine for October 11, 1968. I stated at that time, in part:

> For some time, I have been warning members of the scientific community that unless some adequate means is developed so that the taxpayers and their elected representatives know what they are "buying" with their research dollars, a reaction would set in one day which would cause a severe cutback in funds allocated for research. Congress and the taxpayer have a right to expect that their research program has some strong overall direction and control.

The creation of this new office will assist Congress in their traditional task of setting national priorities. Technology Assessment will be a new tool for dealing with the growing dimension and complexity of this task. Our labyrinthine Government complicates the task of dealing with complex issues. This is a point I discussed when, on March 6, 1967, I proposed in the Senate the establishment of a Joint Congressional Committee on Science and Technology. At that time I said:

> Concomitant with the growth of Federal support has been a great expansion on the body of related knowledge and information. However, because of our highly compartmentalized Congressional committee structure, with its dispersed legislative authorities and jurisdictions, I find it difficult to obtain the comprehensive information describing the total Federal scientific and technical effort. . . . The problem is not, therefore, one of a lack of review, but a lack of coordination of reviews.

Also in that speech in the first session of the 90th Congress, I pointed to the need for capacity in Congress to meet the executive branch on a level of equal knowledge. This need is evermore present today. I said in 1967:

> It is frequently said in the Congress that too much power has shifted to the executive branch of our government. I believe that we have been somewhat at fault, because in the past we have been prone to accept programs which are conceived in and proposed by the executive branch with too little question, and this is especially true of programs having major scientific and technical content. Furthermore, we must realize that the executive branch perhaps responded to the challenge of modern science and technology with more foresight than we. Within the Executive Office of the President, there is a Special Assistant for Science and Technology, the President's Science Advisory Committee, the Office of Science and Technology, and the Federal Council for Science and Technology. Through these bodies the Executive has immeasurably strengthened its hand both with respect to shaping national science policy and to drafting legislation designed to implement that policy.

With what appears to be increasing doubt on the part of the public to accept and endorse national commitments in the area of research and development, it is imperative that we redefine our decisionmaking process. Last year when I introduced this technology assessment bill, I said:

> It is becoming increasingly important for us to refine our methods of reviewing our national science effort, and the processes whereby that effort is translated into technological advances. Technology Assessment is an important part of rational long-range planning for the long-range benefits of our current science effort.

There has always been a long leadtime for the conversion of knowledge into technology. In 1862, long before the space program, and long before the Manhattan project, the Morrill Act was passed to launch land-grant colleges. A primary purpose of this act was to encourage the growth of agricultural science. I believe the result is dramatic. Agriculture has become one of the most productive, most capital intensive, and most highly mechanized of the modern industries. It is so successful that we must limit our production capabilities. Many experts are pointing to the fact that the leadtime for conversion of knowledge into technology seems to have lengthened rather than shortened in recent years. If this is correct—and many informed people think it is—then it is increasingly important to provide the Congress with a new and continuing capability for evaluating technology and its uses.

There is a need to better manage and better use technology. The environmental concerns that are with us today are evidence of that fact. I stated last year:

> The Office of Technology Assessment will enable us to spend wisely on behalf of science, and to convince the public, whose money we are spending, that our spending is done intelligently and conscientiously.

Technology is simply the ability to apply knowledge. Its worth depends on how men handle it. When we learn to understand technology and how to implement it we will be better equipped to deal with the complex problems of modern society.

TECHNOLOGY ASSESSMENT ACT OF 1971

Mr. KENNEDY. Mr. President, I should like to voice my support of the Technology Assessment Act of 1971 sponsored by the chairman of the Committee of Rules and Administration, the distinguished Senator from North Carolina, B. EVERETT JORDAN.

The bill, in my view, represents a long-overdue attempt to establish in the Congress a mechanism to insure that judgments made by the Congress regarding science policy are based on the latest information available. For too long Congress has muddled through decisions involving the authorization and appropriation of billions of dollars in research relying more on intuition than informed judgments based on detailed knowledge of the issues.

As chairman of the Subcommittee on the National Science Foundation of the Labor and Public Welfare Committee, I have found considerable difficulty because of a lack of readily available scientific research data base. Because the executive branch has such vast information resources at its disposal, Congress must struggle to grasp even the essential elements of the President's proposed scientific research programs, much less the details.

Often Congress is faced with the Hobson's choice of having either to rely on the executive branch for the information necessary to review an agency's program or not get the information at all. This situation is clearly not in the best interest of obtaining an independent, informed judgment of the soundness of scientific programs. Undoubtedly Congress needs more effective informational and analytical tools if it is to fulfill its responsibilities to the American public in the area of science policy.

Joseph Califano, Jr., the very able former special assistant to President Johnson for Domestic Affairs has written an article entitled "The Separate But Unequal Branch—Congress Has Been Bypassed in Analysis Technology" which describes the adverse effect the lack of an adequate information base has had on Congress. This article, which appeared in the July 13 issue of the Washington Post says in part:

> The impact of this congressional failure to staff itself adequately and to take advantage of the analytical tools of modern technology is at least as responsible for the second class citizenship of the Congress among the three branches of Government as the seniority system or the antedulevian committee structure.
>
> The stark fact is that neither the Congress nor any of its committees have the consistent capability—without almost total reliance in the informational and analytical resources of the Executive Branch—of developing coherent, large-scale Federal programs.

Mr. President, it is time that the Congress stepped out of the dark ages and began to put to use the immensely important and useful technological advances this country has made. The added responsibilities of the Congress in legislative oversight brought about by the Legislative Reorganization Act of 1970 make it even more crucial that we begin to take some important steps forward in this area.

Mr. President, if the Congress is going to provide rational support of science, it must have the resources to comprehend and justify the issues. The Office of Technology Assessment will enable the Congress to equip itself with the type of science evaluation capacity we need to meet fully our responsibilities to the American people. To reach this goal at the earliest possible date, I urge prompt and favorable consideration on the proposal to establish an Office of Technology Assessment for the Congress.

By Mr. TOWER:

S. 2304. A bill to amend title 38, United States Code, to provide financial assistance to institutions for the establishment and expansion of programs under which veterans with military acquired medical skills will be trained and educated in the allied health professions. Referred to the Committee on Veterans' Affairs.

VETERANS' ALLIED HEALTH PROFESSIONS TRAINING ASSISTANCE PROGRAM

Mr. TOWER. Mr. President, I introduce today a bill which would authorize the Administrator of Veterans' Affairs to fund programs which were designed specifically to provide veterans possessing medical skills and experience acquired in the Armed Forces with the additional training necessary to obtain certification or licensing required to utilize their medical skills in the civilian community. These funds would be available to those institutions which are affiliated with hospitals of the Veterans' Administration. I believe that this bill is an essential supplement to Senate Joint Resolution 128, which I introduced on July 12. Senate Joint Resolution 128 would authorize the Veterans' Administration to provide financial assistance, on a matching basis, for the establishment and expansion of health manpower training programs. Together these two bills would greatly advance our efforts to alleviate our critical shortage of qualified health manpower.

Mr. President, at this time I want to commend my fellow Senators for their careful consideration of the myriad of problems facing our national system of health care. Of growing concern is the shortage of qualified health manpower. The Senate has just passed the Health Professions Educational Assistance Amendments of 1971 which would provide essential assistance to health manpower training programs.

The shortage of health personnel is so acute, however, that we must explore all possibilities of producing more qualified personnel, in increasing numbers, and in less time. Therefore, I am introducing this bill which would utilize relatively untapped national resources.

Each year, 30,000 to 35,000 men and women, with medical training and experience, leave the Armed Forces. Prior to receiving medical training, these individuals were extensively tested to determine their potential in a health occupation. They were then trained in an allied health occupation. The skills taught and practiced in the military cover the entire spectrum of medical specialties. The Army alone offers over 30 medically related specialties, from operating room technicians to physical therapy assistants. Retirees possess years of experience in health management in a wealth of different circumstances and environments. Men and women separating with less service possess a maturity and positive attitude based on their training and work experience. These individuals leaving the service constitute a valuable national resource which should be fully utilized.

Military experience directed into health careers, MEDIHC, is an on-going program designed to help alleviate the growing scarcity of qualified health personnel by utilizing this national resource. At the same time, it provides a meaningful career continuation for medical personnel trained in the military service. The program is a cooperative effort of the Department of Defense and the Department of Health, Education, and Welfare. The Department of Defense, through its transition program, provides counseling to individuals who have decided not to remain in the service. If the individual possesses medical skills, and wishes to pursue a health occupation in civilian life, he is referred to the MEDIHC coordinator of the State in which he wishes to continue his career. The coordinator assesses the individuals qualifications and interests and assists him in finding placement in an appropriate civilian health occupation, or health education program.

The State of Texas was one of the first States to establish this program. Since March of 1970, it has placed approximately 65 percent of its referrals. The remander of the referrals are still in the service or have decided to pursue other careers. I applaud the fine efforts of this program.

The program, however, is limited by a relatively small number of referrals. I urge the Department of Defense to expand its efforts to identify those medically qualified personnel who have decided not to remain in the service. Furthermore, approximately 60 percent of the referrals in Texas required further training prior to entering civilian health occupations.

My bill, in essence, would provide such training in programs designed specifically for these veterans. These individuals do not need a full normal course of instruction which requires years. They need instead, training programs, as provided by this bill which would complement the training and experience that these veterans obtained in the Armed Forces.

In this way, an individual could make a successful transition to a civilian health career in a matte, of months. As a veteran, these individuals could also use the educational benefits of the GI Bill to finance their training. Considering the high unemployment rate for returning Vietnam veterans, I feel that this bill will do much to provide gainful employment for many in vital health occupations.

The Veterans' Administration is well-qualified to undertake such a program. For over 25 years, it has been conducting training programs in allied health occupations. In 1970, the VA hospitals were affiliated with over 750 civilian health care training programs. This close working relationship with the majority of the Nation's health training resources, and the VA's immediate and intimate interest in the welfare of veterans, should be brought together to provide programs which would be uniquely designed to meet the specific needs of veterans with medical skills.

I believe that my fellow Senators are as concerned as I am with the needs I have detailed. I urge the Senate to give this bill its immediate and careful consideration.

Mr. President, at this time, I ask unanimous consent that the full text of this bill be printed at this point in the RECORD.

There being no objection, the bill was

ordered to be printed in the RECORD, as follows:

S. 2304

A bill to amend title 38, United States Code, to provide financial assistance to institutions for the establishment and expansion of programs under which veterans with military acquired medical skills will be trained and educated in the allied health professions

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 "Veterans' Allied Health Professions Training Act".

SEC. 2. Chapter 81 of title 38, United States Code, is amended by adding at the end thereof a new subchapter as follows:

"SUBCHAPTER V—VETERANS' ALLIED HEALTH PROFESSIONS TRAINING ASSISTANCE PROGRAM

"§ 5061. Purpose

"It is the purpose of this subchapter to authorize the Administrator to carry out a program under which grants shall be made to eligible institutions to establish and expand special training programs for veterans with military acquired medical skills so that such veterans can qualify under State or local law as allied health specialists.

"§ 5062. Definitions

"As used in this subchapter—

"(1) The term 'eligible institution' means any public or private nonprofit education institution, including, but not limited to, colleges, universities, junior colleges, community colleges, and schools of allied health professions. Such term also includes public and private nonprofit hospitals and other health service institutions which train and educate persons in the allied health professions or agree to do so with the assistance provided under this subchapter.

"(2) The term 'military medical skill' means any medical skill currently designated by one or more military departments as a military occupational specialty or skill.

"(3) The term 'eligible veteran' means any veteran who acquired a military medical skill while serving in the Armed Forces.

"§ 5063. Grants to eligible institutions

"(a) The Administrator is authorized, under such rules and regulations as he shall prescribe, to make grants to eligible institutions which agree to use the proceeds of such grants for the purpose of training and educating eligible veterans in the allied health professions. Grants made under this subchapter may be used by any eligible institution to develop, expand, or improve a program of training or education in the field of allied health services if the Administrator determines that eligible veterans will be directly benefited thereby; and the Administrator may impose such terms and conditions on the making of such grants as he deems appropriate to insure that such veterans will be directly benefited by such grants.

"(b) An application for a grant under this subchapter by any eligible institution shall be approved only if the Administrator determines that—

"(1) the proposed purpose for which the grant is to be made will be specifically designed to meet the training and education needs of eligible veterans and, to the maximum extent possible, shall be used only in connection with the training and education of such veterans;

"(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 subsection; 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 the keeping by such institution of such records and for affording such access thereto as the Administrator deems necessary to assure the correctness of such reports.

"(c) The Administrator shall require as one of the conditions of eligibility for receiving a grant under this subsection that an eligible institution provide training and education, with respect to the particular allied health specialty or specialties it offers eligible veterans, sufficient in scope and quality to enable eligible veterans completing such training and education to qualify for certification or licensing as allied health personnel under the laws of the State or local jurisdiction in which they plan to utilize such training and education.

"§ 5064. Payments

"Payments made pursuant to grants under this subchapter may be made in installments, either in advance or by way of reimbursement, as the Administrator may determine, with necessary adjustments on account of overpayments or underpayments.

"§ 5065. Authorizations for appropriations

"For the purpose of making grants under this subchapter, there is authorized to be appropriated for the fiscal year ending June 30, 1972, the sum of $2,000,000; and for each of the six succeeding fiscal years the sum of $3,000,000. Funds appropriated under this section shall remain available until the end of the second fiscal year following the fiscal year for which they were appropriated."

Sec. 3. The table of sections at the beginning or chapter 81 is amended by adding at the end thereof the following:

"SUBCHAPTER V—VETERANS' ALLIED HEALTH PROFESSIONS TRAINING ASSISTANCE PROGRAM

"5061. Purpose.
"5062. Definitions.
"5063. Grants to eligible institutions.
"5064. Payments.
"5065. Authorizations for appropriations."

By Mr. HARTKE:

S. 2305. A bill relating to the payment of estimated income taxes; and

S. 2306. A bill to provide that certain corporations cannot limit the current payment of estimated income taxes to the amount of the tax for the prior year. Referred to the Committee on Finance.

Mr. HARTKE. Mr. President, I introduce today, for appropriate reference, two bills relating to quarterly payments of estimated corporate income taxes. The first would alter the basis on which penalties are computed for underpayment of quarterly estimates. Under present law, a corporation must make quarterly income tax payments based on its estimated income. To satisfy the requirements, each payment must be equal to or greater than one-quarter of the total tax based on income for the prior year. However, if a mistake is made in calculating the tax, the penalty is based on the final tax bill for the current year. My bill would base penalties on the difference between the amount actually paid and the minimum required payment.

The second bill would restrict the option of basing quarterly tax payments on the prior year's income to companies whose net taxable income did not exceed $500,000 a year in any of the 3 previous taxable years. The rationale for using the prior year's figures is to eliminate what might amount to rather substantial accounting and bookkeeping costs which would be incurred if accurate estimates of current year income are required. However, it is now felt that such costs would not be so burdensome for large companies. If quarterly payments are based on current year's income, there would be a substantial benefit to the Treasury in the form of accelerated revenue collections, especially in years of increasing corporate profits when such an acceleration would be most desirable. In addition, the measure would have the effect of partially alleviating the intense seasonality of Federal revenue collections which has a tendency to exert an undue strain on the bond market. At present it is estimated that even in years when the Federal budget is in balance for the entire year, a deficit of some $16 billion is carried in the first three quarters of the fiscal year. This deficit is balanced by a similar surplus in the fourth quarter, and the result is that the money markets are forced to rechannel credit flows twice a year, first toward the Federal Government, then away from it. To adjust for this, a part of the burden falls on the private sector whose financing requirements must be altered from the optimal schedule to accommodate the Federal Government, and the rest of the burden falls on the Federal Reserve system which must introduce large seasonal bulges and dips in the money supply with consequent destabilizing effects on the economy. I feel that any measure that we can take, especially in these times, which are so trying for our economy, which would alleviate this condition would be well worth passing.

By Mr. McGOVERN:

S. 2309. A bill to provide for the establishment of the George Washington Memorial Institute for the Social Sciences. Referred to the Committee on Labor and Public Welfare.

S.J. Res. 133. A joint resolution to provide for the acknowledgment of the generous gift of President George Washington. Referred to the Committee on the District of Columbia.

GEORGE WASHINGTON INSTITUTE OF THE SOCIAL SCIENCES

Mr. McGOVERN. Mr. President, the U.S. Government produces an estimated $400 million worth of statistics every year in its more than 6,000 departments, services, councils, commissions, and committees.

Yet the experience of being unable to get concrete knowledge of many of the social situations Congress must deal with is common to almost everyone in this body. We have recently been confronted by the administration's family assistance plan, but we lack hard information on the feasibility of the plan or alternative methods of extending aid to poor people. We do not know the real effects of work incentives, or increased minimum wage, and end up making our decisions in the dark. Similarly, the absence of pragmatic, policy-oriented analyses of the grave housing and hunger situations in this country, utilizing the existing data in each instance, has hamstrung effective Government action in these areas.

The need is obvious. There must be a source of ready, reliable information on social issues to which both the Executive and the Congress shall have access. But

information alone is inadequate without responsible, sophisticated analyses of public response to these issues and the effects of such actions.

The opportunity to provide just such a source of information is presented by a long-neglected clause of the will of George Washington, which donated to the Federal Government 50 shares of the Potomac Co., for the establishment of a national university.

While there now exist many institutions which might appropriately be called national universities, we can honor President Washington's request by acting to create in his memory the George Washington Institute of Social Sciences, to provide the Government with systematic processing of relevant information, and with interpretation of social policies.

The institute would have several broad areas of responsibility to help bridge the gap between existing information and governmental action, and would be staffed by scholars and experts in all the fields of the social sciences, appointed for fellowships of up to 27 months.

The primary functions of the institute would be to gather, analyze, and interpret information concerning social conditions, and existing and alternative social policies. An annual report on social conditions and programs would be prepared and submitted to the President and the Congress every February.

The programs and activities of the Federal Government would be appraised periodically by the institution, with recommendations made to the Executive, the Congress, and the Judiciary for possible policy modifications. The institute would particularly respond to requests by the Executive or the Congress for studies, reports, and recommendations appraising long-range aspects of social policy.

In addition, provision will be made for maximum interchange of information between the institute and State and local governments, and conferences and seminars will establish similar exchanges with the private sector.

The establishment of this institute would give the Government an effective instrument with which to tackle tough policy and information questions using sophisticated data-processing techniques and individual expertise. Its approach would be pragmatic and geared to providing knowledgeable analysis of policy alternatives.

Both the Executive and the Congress would have access to professional studies of the profound technological, environmental, psychological, and social effects of public actions upon the individual, the group, and the society at large.

We now have the capacity to meet many of the pressing social issues of today with much more knowledge and foresight than has been available in the past. The kind of data collection and analysis, and policy evaluation which the institute will provide has long been utilized in questions of national security, and its application to social questions is long overdue. It is time we used our knowledge and understanding to provide food as well as to design defoilants, to meet the chronic housing shortage in this country as well as to burn down huts in Southeast Asia, and to provide medical care for all Americans as well as develop better antipersonnel rockets, mines, and bombs.

We can no longer delay the serious approach to social issues which the institute would represent. For it has become clear that the only "security" a democratic nation can truly possess is the confidence of its people that the Government is energetically applying imagination and know-how to the social issues which grip the society.

Hearings were held on the creation of this institute before the Subcommittee on Evaluation and Planning of Social Programs of the Committee on Labor and Public Welfare in July of last year, so I would hope for expeditious treatment of this bill.

Mr. President, today I am introducing a more general joint resolution taking note, at last, of the generous offer of the first President.

Mr. President, I ask unanimous consent that the text of the bill and of the joint resolution be printed at this point in the RECORD.

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

S. 2309

A bill to provide for the establishment of the George Washington Memorial Institute for the Social Sciences

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 "Institute for the Social Sciences Act".

DECLARATIONS

SEC. 2. The Congress declares that our first President, George Washington—

(1) left a bequest to endow a national university in his last will and testament;

(2) repeatedly urged upon the Congress the importance of establishing a national university; and

(3) surveyed a site for such a university with the cooperation and assistance of the Commissioners of the District of Columbia.

STATEMENT OF PURPOSE

SEC. 3. It is the purpose of this Act—

(1) to establish, as a memorial to George Washington, a national institute for the social sciences to carry out the first President's plan to "spread systematic ideas through all parts" of the United States; and

(2) to promote through such institute the social welfare of the United States by—

(A) encouraging research and scholarship relating to the social sciences;

(B) providing research relating to the social need of citizens and to policies which will give every American the long-range opportunity for "the pursuit of happiness";

(C) gathering, for study and evaluation, various reports, studies, documents, and data prepared by the Federal Government, and other public and private organizations, relevant to social conditions in the United States; and

(D) organizing conferences and seminars with persons of outstanding achievement and capacity from the professions, industry, agriculture, labor, commerce, institutions of higher education, and other appropriate areas.

ESTABLISHMENT OF INSTITUTE

SEC. 4. (a) There is hereby established in Washington, District of Columbia, an institute to be known as the "George Washington Memorial Institute for the Social Sciences" (hereinafter referred to as the "Institute"), to carry out the purposes of this Act.

(b) The Institute shall be housed in such public buildings as may be made available for this purpose in Washington, District of Columbia. In order to carry out the provisions of this subsection the Administrator of General Services is authorized to provide such buildings, facilities, and equipment to the Institute as may be necessary.

BOARD OF TRUSTEES

SEC. 5. (a) The Institute shall be under the direction and control of a Board of Trustees (hereinafter referred to as the "Board") which shall be composed of—

(1) the Secretary of Health, Education, and Welfare;

(2) the Librarian of Congress;

(3) the Chairman of the National Endowment of the Humanities;

(4) the Secretary of the Smithsonian Institution;

(5) the Director of the National Science Foundation;

(6) the Director of the Institute; and

(7) seven members to be appointed by the President, by and with the advice and consent of the Senate, two of whom shall be members of a university or college faculty and five of whom shall be drawn from State and local government and the cultural, industrial, agricultural, commercial, and other walks of life.

(b) The President shall designate a Chairman and a Vice Chairman from among the members appointed by him under subsection (a)(7). A majority of the members of the Board shall constitute a quorum.

(c) The seven members appointed by the President under subsection (a)(7) shall serve terms of six years, except that (1) of those members initially taking office, two shall serve terms of two years, two shall serve terms of four years, and three shall serve terms of six years, and (2) a vacancy shall be filled only for the unexpired portion of any term.

(d) Members of the Board shall receive no compensation, but shall be reimbursed for their travel expenses, including a per diem allowance, in accordance with section 5703(c) of title 5, United States Code, when engaged in the performance of their duties as such members.

FUNCTIONS OF THE INSTITUTE

SEC. 6. In order to carry out the purposes of this Act, the Institute shall—

(1) gather timely and authoritative information and statistical data concerning social conditions and existing and alternative social policies;

(2) analyze and interpret such information and data in the light of such purposes;

(3) prepare and submit to the President and the Congress in February of each year a report relating to social conditions and policies;

(4) appraise the various programs and activities of the Federal Government to determine the extent to which such programs and activities contribute to the achievement of such purposes and make recommendations to the President, the Congress, and the judiciary with respect thereto;

(5) make and furnish such studies, reports, and recommendations, with respect to programs, activities, and legislation as the President or the Congress may request in appraising long-range aspects of social policy;

(6) provide, when appropriate, for the maximum interchange of information between the Institute and State and local governments; and

(7) organize conferences and seminars with persons of outstanding achievement and capacity from the professions, industry, agriculture, labor, commerce, institutions of higher education, and other appropriate

areas, and reimburse such persons for their reasonable expenses incidental to their attendance, including travel and living expenses.

POWERS OF THE BOARD

SEC. 7. In order to carry out the provisions of this Act, the Board is authorized—

(1) to appoint and fix the compensation of such personnel as may be necessary;

(2) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(3) to accept, on behalf of the Institute, money or other property by gift, bequest, or devise, and to hold and dispose of the same in a manner consistent with the purposes for which the Institute is established;

(4) to request the cooperation and assistance of such other Federal departments and agencies as may be appropriate;

(5) to encourage and cooperate with public and private institutions engaged in research and studies consistent with the purposes of this Act;

(6) to enter into contracts or other arrangements, and modifications thereof, without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or other provisions of law relating to competitive bidding;

(7) to make advance, progress, and other payments deemed necessary without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529); and

(8) to exercise all powers necessary to carry out the purposes and functions of the Institute, including the delegation to any officer, employee, or office of the Institute of such powers vested in the Board as it deems necessary.

THE DIRECTOR

SEC. 8. There shall be a director of the Institute who shall be appointed by, and serve at the pleasure of, the Board. The Board shall fix the compensation of the director, and the director shall carry out such functions, powers, and duties as may be delegated to him by the Board.

FELLOWS

SEC. 9. (a) There shall be within the Institute George Washington Memorial Fellows (hereinafter referred to as "Fellows"), who shall assist the Board in carrying out the functions of the Institute.

(b) The Board shall select Fellows on the basis of outstanding achievement and capacity in the intellectual requirements of their special fields from among the social scientists of the United States (and, where appropriate, of other Nations) without regard to their current place of employment. In selecting Fellows, the Board shall maintain, to the extent practicable, a representative distribution among scholars in the various disciplines of sociology, political science, psychology, anthropology, economics, social work, urban affairs, law, and such other disciplines as the Board may consider to be engaged in social research.

(c)(1) Fellows shall be appointed for terms not to exceed twenty-seven months, except when the Board deems a longer period appropriate.

(2) Fellows shall be compensated at rates established by the Board sufficient to provide a stipend and expenses incidental to serving at the Institute, including travel expenses and a living allowance.

SATISFACTION OF BEQUEST

SEC. 10. Enactment of this Act shall serve to discharge any and all obligations on the part of the Federal Government under the bequest of President George Washington.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. In order to carry out the provisions of this Act there is authorized to be appropriated a sum not to exceed $10,000,000 for the fiscal year ending June 30, 1971, and not to exceed $5,500,000 for each succeeding fiscal year. Any sum appropriated pursuant to this section shall remain available until expended.

S.J. RES. 133

Joint resolution to provide for the acknowledgment of the generous gift of President George Washington

Whereas, The will of George Washington, first President of the United States of America contained the following: "I give and bequeath in perpetuity the fifty shares which I hold in the Potomac Company (under the aforesaid Acts of the Legislature of Virginia) [The stock was valued at 5,000 # sterling—approximately $25,000.00 Compounded at 6% interest its present value would exceed $200 million.] towards the endowment of a University to be established within the limits of the District of Columbia, under the auspices of the General Government, if that government should incline to extend a fostering hand towards it."

Whereas, Through correspondence and Congressional messages Washington spelled out his concern that the youth of our nation avoid: "contracting, too frequently, not only habits of dissipation & extravagence, but principles unfriendly to Republican Government and to the true & genuine liberties of mankind; which, thereafter are rarely overcome.—For these reasons, it has been my ardent wish to see a plan devised on a liberal scale which would have a tendency to spr. systematic ideas through all parts of this rising Empire, thereby to do away local attachments and State prejudices, as far as the nature of things would, or indeed ought to admit, from our National Councils."

Whereas, His message to the second session of the First Congress on July 8, 1790 stated: ". . . Knowledge is in every country the surest basis of happiness . . . Whether this desirable object will be best promoted by affording aids to seminaries of learning already established, by the institution of a National University or by other expedients will be well worthy of a place in the deliberations of the legislature."

Whereas, He was so certain that the Congress and the Nation were in accord with his plans that a site for an Institution had been surveyed and officially entered in the plan of the District of Columbia.

Whereas, Despite his abiding concern about the future of this Nation there is no record of his gift ever having been formally acknowledged by the U.S. Government.

Whereas, It was impossible for the gift to revert back to the estate because of the terms surrounding it.

Whereas, Eight Presidents have sent messages reminding Congress of its oversight. Over fifty bills have been introduced.

Whereas, The State of Virginia through a joint resolution of its general assembly on March 2, 1968 memorialized "Congress to investigate and implement the provisions of President George Washington's will. . . ." Therefore, be it

Resolved, That the Congress, hereby formally acknowledges the generous gift of our first President and will investigate and implement the provisions of our first President's will.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 377

At the request of Mr. TOWER, the Senator from Arkansas (Mr. MCCLELLAN) was added as a cosponsor of S. 377, a bill to equalize the retirement pay of members of the uniformed services.

S. 635

At the request of Mr. ALLOTT, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 635, a bill to amend the Mining and Mineral Policy Act of 1970.

S. 652

At the request of Mr. PROXMIRE, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 652, the Fair Credit Billing Act.

S. 1030

At the request of Mr. RANDOLPH, the Senator from North Carolina (Mr. JORDAN) was added as a cosponsor of S. 1030, a bill to amend the Vocational Rehabilitation Act in order to assure rehabilitation services to older persons, and for other purposes.

S. 1475

At the request of Mr. STENNIS, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 1475, a bill to provide for the restoration, reconstruction, and exhibition of the Gunboat *Cairo*.

S. 1517, S. 1518

At the request of Mr. HOLLINGS, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 1517, a bill to authorize insurance in connection with loans to finance the purchase of and improvements to lots on which to place mobile homes; and S. 1518, a bill to authorize Farmers Home Administration to insure mobile home purchases.

S. 1836

At the request of Mr. BYRD of West Virginia, for Mr. HUGHES, 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), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 1836, a bill to provide a comprehensive Federal program for the treatment and rehabilitation of drug dependent Federal offenders.

S. 1872

At the request of Mr. CASE, the Senator from Kansas (Mr. PEARSON) and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 1872, a bill for the relief of Soviet Jews.

S. 1985

At the request of Mr. WILLIAMS, the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from New York (Mr. JAVITS), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. PERCY), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 1985, the Truth in Food Labeling Act.

S. 2023

At the request of Mr. BAYH, the Senator from Maine (Mr. MUSKIE) was added

as a cosponsor of S. 2023, a bill to provide for a procedure to investigate and render decisions and recommendations with respect of grievances and appeals of employees of the Foreign Service.

S. 2148

At the request of Mr. BAYH, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor to S. 2148, the Juvenile Delinquency Prevention and Rehabilitation Act of 1971.

S. 2185

At the request of Mr. BAYH, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Wyoming (Mr. MCGEE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), and the Senator from Minnesota (Mr. HUMPHREY), were added as cosponsors of S. 2185, a bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes.

S. 2221

Mr. BAYH. Mr. President, I ask unanimous consent that my name be added as an original cosponsor of S. 2221, Senator SYMINGTON'S bill to amend title I of the Housing Act of 1949.

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

Mr. BAYH. This bill would permit a city such as East Chicago, Ind., whose population has fallen below 50,000 to convert any outstanding urban renewal projects from a two-thirds to a three-fourths capital grant formula.

Such flexibility in the administration of Federal programs is crucial during times when cities are struggling to use their budgets efficiently. Therefore, I hope that the Senate will act promptly on this needed legislation.

SENATE JOINT RESOLUTION 8

At the request of Mr. BAYH, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor to Senate Joint Resolution 8, proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 70

At the request of Mr. HOLLINGS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of Senate Resolution 70, calling for publication of the National Nutrition Survey.

ATOMIC ENERGY COMMISSION AUTHORIZATIONS FOR 1972—AMENDMENTS

AMENDMENTS NOS. 255 THROUGH 259

(Ordered to be printed and to lie on the table.)

Mr. GRAVEL submitted five amendments intended to be proposed by him to the bill (H.R. 9388) an act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended.

AMENDMENT NO. 260

Mr. GRAVEL (for himself and Mr. CRANSTON) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 9388), supra.

AMENDMENT NO. 262

(Ordered to be printed and to lie on the table.)

Mr. INOUYE, for himself, Mr. CRANSTON, and Mr. FONG, submitted an amendment intended to be proposed by them, jointly, to the bill (S. 2150) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

THE CITIZENS' PRIVACY ACT—AMENDMENT

AMENDMENT NO. 261

REVISED VERSION OF CITIZENS' PRIVACY ACT

Mr. BAYH. Mr. President, today I am introducing an amended version of S. 975, the Citizens' Privacy Act. In both its original and amended forms, this bill is designed to guarantee every individual about whom the Federal Government keeps records the right to know that such a record exists; the right to prevent the disclosure of such information outside the agency; or, where such disclosure is expressly required by law, to know when and to whom such disclosure is made; and—most important—the right to see his own file, to make a complete copy of it, and to supplement his record where he believes it is appropriate. The amended version of the bill which I am introducing today reflects some further additions which Congressman KOCH has made to the House version of the bill. He has added two sections to the existing bill.

The first new section creates a board to supervise the administration of the provisions of the bill; in particular it would permit an appeal by an individual seeking the removal of erroneous or misleading information contained in his file. The board would also hear complaints that an agency had not complied with other requirements of the bill. The "Federal Privacy Board" would be composed of several members: three appointed by the Speaker of the House, three by the President pro tempore of the Senate, and one by the President from the public at large. If the board found that one or more requirements of the Federal Privacy Act had not been met, it could issue a final order directing the agency to comply. The order would be binding on the individual and the agency. Appeals from the board's decision could be made to the Federal district court.

The second section adds a new requirement to the five listed above. Every agency would be required to remove erroneous or misleading information from an individual's file.

These changes, I believe, represent another important step in our efforts to give adequate protection to the reasonable expectations our citizens have concerning their right to privacy.

In the field of privacy, reasonable expectations play a very important role. For no matter how carefully and completely we try to analyze the problem, it all boils down to one thing: Americans have—and ought to have—certain broad, general understandings about what part of their personal and business life is public, and what part is private—none of the Government's business, none of anyone else's business.

But expectations of privacy have been shattered in recent years. Recent technological developments have narrowed the sphere of actual privacy by allowing intrusions—by bugging, and so forth—into previously protected areas. And the development of the computer has for the first time made it practical to collect, analyze, and instantly retrieve vast amounts of information, however gathered. For the first time it is now possible to maintain a dossier on the activities of great numbers of people. These dossiers may be used—or intended—to stifle political dissent. And even where the actual use of such information is benign, the very existence of it poses a threat to individual liberty.

I believe that these amendments will greatly strengthen existing provisions of the Citizens' Privacy Act. However, I want to take this opportunity to tell my colleagues that I am not offering this bill as the final answer. I am also considering a series of other approaches—both alternative and complementary—to this problem. The time has come to begin to give every citizen the protection he needs from unwarranted intrusions on his legitimate sphere of privacy. Only by passage of comprehensive legislative measures can we avoid the perils of a dossier dictatorship.

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

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

AMENDMENT NO. 261

(a) subchapter II of chapter 5 of title 5, United States Code, is amended by adding immediately after section 552 thereof the following new section:

"§ 552a. Individual records

"(a) Each agency that shall maintain records concerning any individual which may be retrieved by reference to, or are indexed under, the individual's name and which contain any information obtained from any source other than such individual shall, with respect to such records—

"(1) notify such individual by mail at his last known address that the agency maintains or is about to maintain a record concerning said individual;

"(2) refrain from disclosing the record or any information contained therein to any other agency or to any person not employed by the agency maintaining such record, except with permission of the individual concerned or, in the event said individual cannot be located or communicated with after reasonable effort, with permission from members of the individual's immediate family or guardian, or, only in the event that such individual, members of the individual's immediate family and guardian cannot be located or communicated with after reasonable effort, upon good cause for such disclosure: *Provided, however,* That if disclosure of said record is required under section 552 of this chapter or by any other provision of law, the individual concerned shall be notified by mail at his last known address of any such required disclosure;

"(3) maintain an accurate record of the names and positions of all persons inspecting such records and the purposes for which such inspections were made;

"(4) permit any individual to inspect his own record and have copies made at his expense; and

"(5) permit any individual to supplement the information contained in his record by the addition of any document or writing containing information such individual deems pertinent to his record, and

"(6) remove erroneous information of any kind.

"(b) Each agency may establish published rules stating the time, place, fees to the extent authorized, and procedure to be followed with respect to making records promptly available to an individual, and otherwise to implement the provisions of this section.

"(c) This section shall not apply to records that are—

"(1) specifically required by Executive order to be kept secret in the interest of the national security;

"(2) investigatory files compiled for law enforcement purposes, except to the extent that such records have been maintained for a longer period than reasonably necessary to commence prosecution or other action or to the extent available by law to a party other than an agency; and

"(3) interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.

"(d) The President shall report to Congress before January 30 of each year on an agency-by-agency basis the number of records and the number of investigatory files which were exempted from the application of this section by reason of clauses (1) and (2) of subsection (d) during the immediately preceding calendar year.

"(e) This section shall not be held or considered to permit the disclosure of the identity of any person who has furnished information contained in any record subject to this section.

"(f) If any provision of this section or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this section and the applicability of such provision to other persons or circumstances shall not be affected thereby."

(b) The table of sections of subchapter II of chapter 5 of title 5, United States Code, is amended by inserting:

"552a. Individual records."

immediately below:

"552. Public information; agency rules; opinions, records, and proceedings.".

SEC. 2. (a) There is established a Board to be known as the Federal Privacy Board (hereinafter referred to as the "Board").

(b) The Board shall consider complaints from any individual that one or more of the requirements of section 552a(a) of title 5, United States Code, have not been met, with respect to the records specified in such section, by the responsible agency. The Board upon finding that one or more of the requirements have not been met, shall issue a final order directing the agency to comply with such requirement or requirements, and this order shall be binding on the parties to such a dispute.

(c) The Board shall consist of seven members, each serving for a term of two years, four of whom shall constitute a quorum. Three members shall be appointed by the Speaker of the House, three by the President pro tempore of the Senate, and one by the President. No more than two of the members appointed by the Speaker of the House shall be of the same political party. No more than two of the members appointed by the President pro tempore of the Senate shall be of the same political party. The member appointed by the President shall be from the public at large. Any vacancy in the Board shall be filled in the same manner the original appointment was made.

(d) Members of the Board shall be entitled to receive $100 each day during which they are engaged in the performance of the business of the Board, including travel time, but members who are full-time officers or employees of the United States shall receive no additional compensation on account of their services as members.

(e) The Chairman of the Board shall be elected by the Board every year, and the Board shall meet not less frequently than bimonthly.

(f) The Board shall appoint and fix the compensation of such personnel as are necessary to the carrying out of its duties.

(g) The Board shall hold hearings in order to make findings upon each complaint, unless there are reasonable grounds to believe that the complaint is frivolous or irrelevant. The Board may examine such evidence as it deems useful, and shall establish such rules as it determines are most apt to the purposes of this section, including rules insuring the exhaustion of administrative remedies in the appropriate agency.

SEC. 3. The amendments made by this Act shall become effective on the ninetieth day following the date of enactment of this Act.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 238

At the request of Mr. PEARSON, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of amendment No. 238, intended to be proposed to the bill (S. 382) to establish a Federal Elections Commission.

AMENDMENT NO. 248

At the request of Mr. INOUYE, the Senator from Hawaii (Mr. FONG), the Senator from Minnesota (Mr. MONDALE), and the Senator from California (Mr. CRANSTON) were added as cosponsors of amendment No. 248, intended to be proposed to H.R. 9388, the Atomic Energy Commission authorization bill.

ANNOUNCEMENT OF HEARING BY DISTRICT OF COLUMBIA COMMITTEE

Mr. EAGLETON. Mr. President, I announce that the Senate Committee on the District of Columbia will hold a public hearing on S. 1938, a bill to amend certain provisions of subtitle II of title 28, District of Columbia code, relating to interest and usury, on Thursday, August 5, 1971, at 9:30 a.m., in room 6226, New Senate Office Building. Persons wishing to testify on this legislation should notify Robert Harris, staff director of the committee, before July 28, 1971.

RURAL DEVELOPMENT HEARINGS SCHEDULED

Mr. HUMPHREY. Mr. President, on July 7, I, along with Senator HERMAN TALMADGE, chairman of the Senate Committee on Agriculture and Forestry, and six other members of the full committee, introduced the Consolidated Farm and Rural Development Act.

The bill is designed to give communities of up to 35,000 the credit and financial muscle they need to improve the quality of life in rural America and attract needed jobs so that the outmigration from these areas, which has been going on for many years, will stop and hopefully be reversed.

The bill will also help our major cities which have felt the brunt of this movement of our population.

Since we introduced the bill, we have been joined by Senator JAMES B. PEARSON, of Kansas; Senator QUENTIN BURDICK, of North Dakota; ERNEST HOLLINGS, of South Carolina; Senator WARREN MAGNUSON, of Washington; and Senator DAVID GAMBRELL, of Georgia.

On Friday, July 23, at 9 a.m., in room 6202 of the New Senate Office Building, our Rural Development Subcommittee will hold the first hearings on this landmark legislation. Hearings will also be held on a similar proposal by my distinguished colleague, JAMES B. PEARSON, of Kansas.

We have invited Secretary of the Treasury John B. Connally, Jr., Secretary of Agriculture Clifford M. Hardin, Secretary of Commerce Maurice H. Stans, and Thomas S. Kleppe, Administrator of the Small Business Administration.

A second day of hearings will be held at the same time and in the same room on Tuesday, July 27. Witnesses have been invited from the Department of Health, Education, and Welfare, the Tennessee Valley Authority, the Departpartment of Housing and Urban Development, and the Environmental Protection Agency.

The hearings will be open on both days.

We are planning additional hearings on this proposed legislation for some time in September.

ANNOUNCEMENT OF MIGRATORY LABOR SUBCOMMITTEE HEARINGS

Mr. STEVENSON. Mr. President, as chairman of the Migratory Labor Subcommittee of the Committee on Labor and Public Welfare, I would like to announce the scheduling of hearings for Thursday and Friday, July 22 and 23, 1971, at 10 a.m., in room 4232 of the New Senate Office Building.

The subcommittee will investigate the subject of farmworkers in rural poverty, and our initial introductory hearings will focus on the 1967 President's National Advisory Commission on Rural Poverty report "The People Left Behind."

Witnesses will be Edward T. Breathitt, former Governor of Kentucky, and Chairman, President's National Advisory Commission on Rural Poverty, 1967; W. Wilson King, farmer, Kinglore Farms, Illinois, and member, President's National Advisory Commission on Rural Poverty; Dr. Leon Keyserling, economist, Washington, D.C.; and Philip Sorenson, former Lieutenant Governor of Nebraska, and chairman, Project on Agribusiness Accountability, Washington, D.C.

ADDITIONAL STATEMENTS

DEATH OF FORMER SENATOR GERALD P. NYE, OF NORTH DAKOTA

Mr. BURDICK. Mr. President, word of the death of former Senator Gerald P. Nye, progressive Republican from North Dakota, brings sorrow to many

hearts in North Dakota, and vivid memories of the early days of the Non-Partisan League.

Gerald P. Nye was one of those who carried the torch of the Populist movement that set the Prairie States on fire in the early part of this century, sweeping into political office new faces and clarion voices demanding equity for farmers. As owner-editor of the Fryburg, (N. Dak.) Pioneer, he championed the Non-Partisan League movement in its early days in North Dakota. In 1919 he became editor of the league's outspoken Griggs County Sentinel-Courier.

In 1925, North Dakota Gov. A. G. Sorlie appointed Gerald P. Nye to the U.S. Senate seat made vacant by the death of Senator Edwin F. Ladd, a Non-Partisan Republican. In June of 1926, Nye won a special election to complete Ladd's term, and in November of that year he was elected to the full Senate term. He served in the Senate for 18 years, stormy years during which he battled vigorously for what he considered even when he stood alone. He was an independent man, a forthright man in the tradition of the old frontier.

Mrs. Burdick and I wish to join with his many friends in expressing our deepest sympathy for Mrs. Nye and members of his family.

ADMINISTRATION OVERLOOKS POTENTIAL OF SMALLER BUSINESSES IN SOLVING NATION'S PROBLEMS

Mr. BIBLE. Mr. President, our economy is not in good shape. During the first half of 1971, unemployment has persistently hovered at about 6 percent, plant utilization remained below 75 percent, and inflation at retail and wholesale levels has continued to erode our purchasing power at an unabated and worrisome rate.

As usual, small business was knocked down first and will probably get back on its feet only after the other players unpile.

One sure indicator is the growth of the business population, since business incorporations and failures are largely in the small business realm. Growth of the numbers of businesses in 1970 was 30 percent below the average for recent years. New incorporations were down 3 percent from 1969. Another clear signal is business failures—they were up 17 percent by number to a 3-year high, while the liabilities increased a startling 65.3 percent.[1] The greatest increases in failures have been in manufacturing and services. In the manufacturing sector after-tax earnings of smaller corporations were down 45 percent compared with 12 percent for larger companies.[2]

The perceptive financial and business editor of the Washington Post recently called attention to the apparent lack of effective national economic policies for coping with these problems in the following terms: [3]

> The real fact, of course, is that the Nixon Administration lays bare its inability to solve the pressing dilemma of our times—how to achieve full employment and relative price stability. What it should have learned from wartime experience is that it *is* possible to utilize fully the resources of the nation. The trick is to find out how to mobilize those resources for peaceful purposes—

At about the same time, another commentator[4] was interpreting President Nixon's policies as follows:

> (R)ecovery depends on the right quantity of money. It's just about . . . right . . . now (with a rate of increase) of about 13.6 percent since January. There's normally a time lag of about six months . . . according to the theory . . . So do nothing . . . and wait.

This latter characterization of seeming immobility is consistent with the current report of the President's Council of Economic Advisers that it is possible to pursue the twin goals of full employment and reasonable price stability only by not moving "too fast in either direction." Even more definite was the recent announcement of the President's chief economic spokesman, Secretary Connally, ruling out any new price, income, tax, or spending actions in the economic game plan.[5]

I think it is a fair question, however, whether the Nation's economic policies should move so slowly—and in some cases appear to be moving backward—under what amounts to special economic conditions. In addition to the normal increment to the labor force of about 1 percent, hundreds of thousands of servicemen are returning to civilian life; thousands more highly trained scientists and engineers are being thrown out of work by cutbacks in the defense, aerospace, and civilian aircraft industries; and graduates of our colleges and universities in large numbers cannot find jobs.

WHAT SMALL BUSINESS CAN CONTRIBUTE

During the last session of Congress, I and other Senators called attention to the role which could be played by the small business sector of the economy in meeting some of these challenges. The 5½ million small businesses in the country presently account for 40 percent of all the jobs and more than ⅓ of the gross national product.

Small Business Administration programs such as business loans, management and technical assistance, Small Business Investment Company aid, and community development loans are almost uniquely designed to help in many of these areas. Thus, these tools lie close at hand and ready to be used to take up some of the slack.

Many of us in the Senate believe that small business has been, and continues to be, the backbone of our economy. We have thus felt that it makes sense in attempting to revive the economy to pay attention to needs of the small business community. In our view, stimulating small businesses could quicken the flow of new and improved goods and services which could expand our economy. Such products could be provided at lower costs in many instances, thereby combating inflation.

We have pointed out that new and growing small firms could add flexibility in the transition to a more civilian-oriented economy. They can also assist less advantaged Americans into the mainstream of commercial life, thereby broadening the base of consumption.

CREDIT POLICIES SEEM LOPSIDED

Because of these advantages, we have asked that the administration restore the business loan budget of the Small Business Administration for fiscal year 1972—beginning July 1, 1971—to the level set by Congress in fiscal year 1968; namely, $307 million for direct and participation loan funds. This request was put in the form of a letter from Senator SPARKMAN and myself to President Nixon in December of 1970.[6] We argued the case as strongly as we could at that time.

However, the administration chose instead to cut the SBA loan budget further to $99 million. This climaxed a reduction of more than two-thirds over the past 4 fiscal years.

We have suggested modest appropriations requests in behalf of 17,000 firms which must comply with new sanitary standards in meat-processing industries under Federal deadlines. There has been no visible response from the White House on this.

In notable contrast, however, this administration has singled out the country's biggest railroad and biggest defense contractor as deserving of loan guarantees of $125 million and $250 million, and has come up on Capitol Hill to fight for this financial aid.

I think this case is even stronger for funding SBA loan programs now that the hard and discouraging economic evidence is coming in. I feel that the kinds of credit priorities we have seen are out of balance and difficult to justify.

TAX ACTIONS APPEAR LOADED AGAINST SMALLER FIRMS

In addition, many Members of the Senate have asked for tax reform for small business. Removing some of the burdens of complexity and high rates at the lower end of the economic scale promises fresh investment of mounting savings in new, growing, and independent companies because of increased profitability and better prospects. Legislation has been introduced[7] which has now been cosponsored by 30 Members of Congress, to provide this much needed break to the little guy who needs it most.

The administration does have a tax bill, S. 544, which consists of five sections plus a title and a definition. However, at last report, this bill had not even been introduced in the House of Representatives, which the Constitution requires act first in revenue matters. We have heard no economic spokesmen speaking well of it.

Simultaneously, we have seen some decisive tax policy decisions by the White House which massively favor big business. Details on three of these actions are contained in my recent remarks to the Senate.[8]

I now understand that the ADR depreciation regulations will mean a tax reduction over $3 billion a year, which has been estimated as a 5.8 percent reduction in business taxes.[9] It bears repeating that over half—50 percent—of this benefit will go to the 103 largest corporations in the country, and about four-fifths—80 percent—of this tax break will go to the biggest 2,500 companies, or one-

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Footnotes at end of article.

twentieth of 1 percent of U.S. businesses' totals.

We saw, in 1969, a tax cut of about 29 percent for the richest three-fourths of 1 percent of the taxpayers in the country. This will cost the Treasury about $200 million annually.[10] At the same time, taxpayers in the lowest brackets received a cut of 30 percent and many of the poorest were dropped from the Federal tax rolls. But what about the small businessman in the middle? Independent businessmen are providing the enterprise, the jobs, and the responsible community leadership in addition to making up a substantial share of the billions of dollars in taxes that are given up in these other areas. Are they not entitled to some tax equity?

HELPING SMALL BUSINESS WILL HELP THE ECONOMY

Because of these facts and figures, I feel the administration is overlooking the great promise of 5½ million small businesses and of the SBA in helping to resolve many of the problems of today's economy that are causing frustration and indignation among a large segment of our business community. I cannot understand why the smaller cousins of the big businessman are not also entitled to the consideration of the executive branch of the Government. I believe this consideration is long overdue.

It seems to me that a little show of initiative in the small business field at the top of our Government, would, at a very low cost, do much to encourage similar initiatives in a broad band of the economy where enterprise has traditionally been concentrated. Indeed, there is good evidence to suggest that Government passivity itself is a proximate cause of the basic economic dilemma that Mr. Rowen and Representative MILLS and others are talking about.[11] For instance, the Director of the University of Michigan Survey Research Center was quoted as saying:

> It seems to me that some government officials go out of their way to say the government won't do anything.[12]

I hope that the Nixon administration will come to appreciate the value of policy initiatives in the small business field and the value of using the existing tools at SBA and at the Treasury Department to implement them. I again respectfully advocate that appropriate recognition be given to small business by a proper funding level at SBA and through active advocacy of small business tax reform by the White House. I urge and advise the administration provide such practical assistance to small business owners, employees, and stockholders, and their families throughout the country. We will all certainly harvest rich rewards for our economy and our citizens if the administration chooses to follow such a course.

FOOTNOTES

[1] According to Dun & Bradstreet, businesses going into bankrupty with losses to creditors totaled 10,748 firms with liabilities of $1.89 billion in 1970, up from 9,154 firms with liabilities of $1.14 billion in 1969.

[2] *SBA Economic Review*, Annual Issue, May, 1971, p. 3. Smaller companies defined as those with assets of less than $1 million.

[3] "Unemployment Dilemma Stirs Connally to Marxian Rhetoric," by Hobart Rowan, *The Washington Post*, July 11, 1971, p. H1: 1.

[4] "A Policy of Passivity," by TRB, *New Republic*, July 10, 1971.

[5] "There is not any question but what we have had a very substantial increase in money supply during the first six months of this year. . . . There is not any question but what there has been a very, very substantial fiscal stimulant added to this economy . . . (a) deficit . . . substantially in excess of the $18 billion that has been anticipated. Everyone will also agree that in each of these cases that there is a time lag of perhaps at least six months before the full impact of a monetary policy or a fiscal policy can be effective." Press conference of John B. Connally, Jr., Office of the White House Press Secretary, June 29, 1971.

Some support for this posture is contained in *The Merrill Lynch Review* of June-July, 1971, which states: "Basically, it is a mild recovery to date, but (one) that is nevertheless underway . . . . Employment and capital spending have historically lagged during the early stages of business expansion." See "Market Health—Economy Recovers Slowly," P. 1.

[6] See "Next Year's SBA Budget Will be Important Test—Direct Loan Funds Should be Restored," remarks of Senator Bible, Dec. 30, 1970, *Daily Congressional Record*, p. 44026.

[7] The Bible-Evins "Small Business Tax Simplification and Reform Act," (S. 1615 and H.R. 7692) has 14 Senators and 16 House members as cosponsors. Sen. Bennett has also introduced S. 544 containing additional Administration proposals.

[8] See Introduction of S. 1615, remarks on the Senate floor by Senator Bible, April 22, 1971, *Daily Congressional Record*, p. 11409, as follows:

"First, in September 1969, the administration proposed a 2-percent reduction in the corporate tax rate. It is clear that the original intention was to make the reductions in the surtax alone. By definition, the surtax applies only to companies earning more than $25,000 a year in net income. Thus, at the outset, this benefit would have been limited to only about 9 percent of the U.S. corporations, leaving the other 91 percent of the corporations—that is, small business—completely out in the cold.

"After the Senate Finance Committee gave this idea a rather critical reception, the Treasury proposal was to a 1-percent cut in the surtax and a 1-percent cut in the normal tax rate. The estimate of revenue loss put forward was about $1.6 billion after 2 years, with the lion's share of benefits still going to the largest business corporations.

"Second, in May 1970, the administration proposed a so-called "Disc" device for eliminating export income from taxation. The Joint Committee on Internal Revenue Taxation estimated that the revenue loss from this bill would reach nearly $1 billion within 5 years, and it appeared that some 50 to 90 percent of this benefit was earmarked for perhaps fewer than 125 of the Nation's largest corporations.

"Third, on January 11, 1971, the administration again proposed a tax reduction in the form of a depreciation deduction by about 20 percent. It was apparent that about 55 percent of this benefit will be conferred upon the 103 largest corporations in the country, while 80 percent will go to the largest 2,500 or one-twentieth of 1 percent of U.S. businesses. This seems to leave the remaining 20 percent to the other 99 19/20 percent of the Nation's business.

"This proposal initially was to involve a revenue loss of $2 billion in the first year, rising to somewhere around $4 billion within 3 years and tapering off slightly thereafter. However, I understand the first year loss is now estimated at closer to $3 billion because of later modifications."

[9] "Monthly Economic Letter," First National City Bank, July 1970, p. 4.

[10] The 50-percent earned income limitation: See "Congress's House of Secret Deals," by Albert Gore: *The Washington Post*, July 11, 1971, p. B1:5.

[11] "Why the Recovery Lags," *Newsweek*, July 19, 1971, p. 63; "Economic Growth Slips; Mills Asks Curbs, Tax Aid," *The Washington Post*, July 17, 1971, p. A1:1.

[12] "Confidence Seen Lacking on Economic Problems," *The Washington Post*, July 15, 1971, p. H13:4.

ENTRAPMENT AND IMPRISONMENT OF AN AMERICAN CITIZEN IN POLAND

Mr. DOMINICK. Mr. President, Adam Muller is an American citizen who was sentenced to 5 years in a Polish prison after being "convicted" of giving Polish State secrets to United States, British, and French intelligence people in 1958.

Fortunately, Mr. Muller was released recently by the Polish Government, and he has returned to his home in this country. But this incident illustrates a very serious situation which is a cause of great concern to me and is, I hope, equally unsettling to the people at the State Department. This is a classic case of entrapment. Muller was the victim of careful plotting by Polish authorities who granted him a visa to visit his ailing father and then arrested him just 3 weeks after he arrived in the country. Experts at the State Department, in public statements warning other travelers of the potential problems of visiting Poland, point out that the speed with which Muller was picked up indicates the Polish authorities were planning to arrest him from the moment they issued the visa.

Mr. President, let me emphasize that while Mr. Muller was tried and convicted in less than a week last May, he had been held in jail since October 10 of last year.

I mention all of this today to bring it to the attention of other naturalized U.S. citizens who may be thinking of visiting their former homelands because, as the State Department puts it, they may find themselves in jeopardy if they carry out their travel plans.

It is worth noting that the State Department action in this case was apparently quite successful, and I want to congratulate the people involved there.

But most of all, Mr. President, I want to bring this case to the attention of Senators as an example of the kind of international maneuvering that is still going on behind the scenes in Communist countries of the world. While we explore ways to improve our relations with them and to broaden our trade and travel programs, Poland conspires to lock up a naturalized U.S. citizen. And who knows what other plans may be in embryonic stages, waiting for the next unfortunate traveler?

It is high time that we took a firm stand on this and let it be known that countries which ignore the rights of our citizens traveling abroad cannot expect favored treatment when it comes to trade. It is time to let the world know that we do care about the rights of the U.S. citizen abroad and that this Government is ready and willing to put power

and prestige on the line to the extent necessary to guarantee those rights.

Mr. President, two pieces of correspondence and two related newspaper articles are pertinent to my remarks and would seem to further dramatize this situation. I ask unanimous consent that my letter of May 11 to Mr. David Abshire, Assistant Secretary of State for Congressional Relations, his reply of May 25—with the public statement issued by the State Department—and the two newspaper stories published in the Washington Post May 5 and 7 be printed in the RECORD.

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

MAY 11, 1971.

Mr. DAVID ABSHIRE,
Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

DEAR DAVE: The enclosed clippings from the "Washington Post" indicate that Mr. Adam Mueller was sentenced to five years in prison on May 6 in warsaw under unusual circumstances.

Please advise me what action the State Department is planning in addition to your published warning about entrapment. Specifically, is it possible to negotiate an exchange which would secure Mr. Mueller's release in the near future?

I would appreciate all available information on this matter at your earliest convenience.

Best personal regards.

Sincerely,

PETER H. DOMINICK,
U.S. Senator.

DEPARTMENT OF STATE,
Washington, D.C., May 25, 1971.

Hon. PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: I am pleased to reply to your letter of May 11 requesting information about the case of Mr. Adam Muller, an American citizen who was arrested in Poland and sentenced to five years imprisonment.

Both the American Embassy at Warsaw and the Department of State have made numerous representations to the Polish authorities stressing the bad effects this case has on bilateral relations in general. In order to underline this, the Department's press spokesman on May 6 made the attached statement upon which the UPI story you enclosed was based. We believe these representations have been taken seriously and we have some reason to hope that they will soon have a demonstrable effect on the case. In the meantime, we will continue to press the Polish authorities on every appropriate occasion to release Mr. Muller and allow him to return to the United States. If a satisfactory solution is not reached soon, it may prove necessary to give more specific cautionary advice to American citizens of Polish origin naturalized since 1951 who are considering travel to Poland.

Although we fully understand the humanitarian concern which prompts the suggestion for some sort of exchange with Poland under which Mr. Muller would be released, we believe it would not be feasible in this case. It should be noted, in this connection, that while we regard Mr. Muller as an American citizen, he is considered by the Polish Government to be a Polish citizen. There is on our part a general policy of opposing such exchanges because we wish to discourage Communist authorities from the belief that pressure can be exerted on the United States for the release of their nationals convicted of espionage charges by imprisoning American travelers and offering them up for exchange.

I hope that this information has been responsive to your inquiry. However, if you have any further questions, please let me know.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

STATEMENT MADE BY DEPARTMENT OF STATE PRESS SPOKESMAN

The Department of State has been informed that the Polish Government has tried and sentenced an American citizen, Adam Muller, to five years in prison on charges that after flight from Poland to West Berlin in 1958, he transmitted to American, British and French intelligence agents information which constituted state secrets under Polish law. Specifically, this information was said to concern the industry and armed forces in the Cracow area.

Mr. Muller obtained a visa to visit his aged father in Poland early last October and arrived in Poland on October 10. On October 31 he was arrested and held under investigation until the opening of his trial on May 4. The trial ended May 6.

During the period of his pre-trial detention, American consular officers were permitted to visit Mr. Muller on five occasions. However, they were not permitted by Polish authorities to discuss with him any matter connected with his arrest or the basis for it.

Although portions of the trial were open to the press, the American consul was not permitted to attend the substantive portions of it.

The American Embassy at Warsaw has made clear to the Polish authorities on a number of occasions our dissatisfaction with the manner in which this case has been pursued. It is apparent, in view of Polish visa procedures, and in view of the prompt apprehension of Mr. Muller following his arrival in Poland, that the Polish Government must have been aware at the time a visa was issued to him that charges would be pressed against him upon his arrival.

It would therefore appear that rather than rejecting his visa application, the Polish Government decided to permit him to return to Poland in order to be arrested and to face charges.

Obviously a decision of this nature raises questions with regard to American tourist travel to Poland which will require close examination.

[From the Washington Post, May 5, 1971]

AMERICAN ENGINEER PLEADS GUILTY TO SPYING ON POLAND

WARSAW, May 4—A Polish-born American engineer, Adam Teofil Mueller, admitted in a military court here today he gave Western intelligence officers information about a Polish steel plant and nearby military units when he fled the country nearly 13 years ago.

"I gave them all the information I knew. I answered all their questions," he told five judges trying him on charges of betraying industrial and military secrets.

The indictment said Mueller, former department planner in the Lenin steel works at Nowa Huta, near Cracow in south Poland, had admitted giving the information to British, American and French intelligence officers in West Berlin in order to be granted asylum in the West.

Mueller, 43, emigrated from West Germany to the United States in 1960 and was arrested last October while visiting his 81-year-old father in Kielce, south Poland.

His home is Dayton, Ohio, where his wife and three children aged four to eight live. He said he also had a 19-year-old son in Poland by a previous marriage.

The court went into closed session when Mueller was questioned on secret matters.

[From the Washington Post, May 7, 1971]

U.S. POLISH CITIZENS ARE CAUTIONED ON ENTRAPMENT RISKS IN HOMELAND

The State Department said yesterday that natives of Poland who have become naturalized U.S. citizens should think twice before visiting their former homeland, lest they find themselves "in jeopardy."

Spokesman Charles W. Bray III alleged that Polish officials were guilty of "entrapment" by expediting a visa for Adam Mueller, 43, Dayton, Ohio, resident who wanted to visit his father in Poland and then arresting him very shortly after he arrived there.

The son was sentenced to five years imprisonment yesterday after being convicted of giving Polish "state secrets" to U.S., British and French intelligence officers in 1958.

Mueller, who had been a department planner at the Lenin steel works near Cracow, came to the United States from West Germany in 1960 and became a naturalized citizen. He is an employee of the National Cash Register Company in Dayton. He has a wife and three children.

Mueller obtained a visa early last October to visit his ailing, 81-year-old father in Southern Poland and arrived there Oct. 10. He was arrested three weeks later and jailed until his trial, which began Tuesday and ended yesterday.

Bray said that the speed with which Mueller was arrested upon arrival indicated that Polish authorities planned at the time they issued the visa to arrest him. This, Bray said, constituted "entrapment."

Mueller was charged with giving the Western intelligence agents information about the Lenin steel plant and nearby military units. He left a conducted Polish tour in Berlin in 1958 and stayed on in West Germany.

PRESIDENT NIXON'S VISIT TO CHINA

Mr. KENNEDY. Mr. President, I wish to add my own congratulations to the overwhelming approval that President Nixon has already received for the dramatic announcement of his plan to visit China. Every President has immense potential for leadership in the Nation's foreign affairs, but rarely, I think, has the action of any President so captured the imagination and support of the American people as President Nixon's magnificent gesture last week for the improvement of our relations with China.

I do not share the views of some that the President's initiative is necessarily a step with obvious immediate and long-range domestic advantage. Perhaps such advantage will materialize and perhaps not. What is clear, however, is the great expectations that have already been raised by the announcement of the visit itself. The hopes for peace now set in motion are as vast as the imagination of man. We know that harmonious relations between America and China will have enormous benefit on all the other vital foreign policy issues of our time—especially on issues like peace in Vietnam, stability in Asia, and progress toward nuclear control and disarmament.

We know that, inevitably, these expectations will continue to grow as the time for the visit draws near, and we know that they will be difficult to fulfill. The President deserves great credit, therefore, for his courage in taking this step, not because of any narrow considerations, but because it is a step that is right for America and right for the world.

By some cruel paradox, an entire generation of young Americans and young Chinese have grown to maturity with their governments in a state of suspended war toward one another. Three times within our lifetime, American soldiers have been sent to fight and die in Asia. Today, 45,000 Americans are dead in Vietnam in a war whose primary purpose, we are told, has been the containment of China.

Now, thanks in large part to the initiative of the President and the response of Peking, we have an unparalleled opportunity to change all that, and to restore the ancient friendship between the Chinese and American peoples. President Nixon will carry the prayers of every citizen with him to Peking, and the cause of peace will be the richer.

CAPTIVE NATIONS WEEK

Mr. SAXBE. Mr. President, on July 17, 1959, Congress passed a joint resolution asking the President to designate the third week in July as Captive Nations Week and to continue this practice until such time as all of the captive nations of the world are free.

The issue as stated is a very basic one. Briefly, it is that all men have the right to be free. Perhaps what is more difficult to understand is what role the United States is to play in assuring this right. Certainly it is unrealistic to attempt to achieve this desirable goal by means of military force, for no country in the world, including the United States, is capable of assuming the role of universal policeman. However, we cannot abandon the principles outlined in our Declaration of Independence, nor can we apply these principles on a selective basis. We must and do recognize that any nation, no matter how small, has the right to determine its own destiny and that as long as there exist in the world nations that are forcefully subjugated it is impossible to achieve world harmony and peace.

Peace is that state of mutual respect for the right of others that can only be achieved by free men, thus if we advocate peace we must advocate freedom. It is most fitting that during this time set aside by our President we reaffirm our commitment to individual and national freedom and specifically to all the captive nations that aspire to regain what is rightfully theirs. Peace without justice is temporary and in the case of the captive nations justice must be served and we as a nation founded on the principles of justice must make a long term commitment to this end.

RECENT DISTURBING EVENTS AND ATTITUDES

Mr. TALMADGE. Mr. President, Newsweek magazine of July 19 contains an editorial entitled "Could It Happen Here?" written by Stewart Alsop.

Mr. Alsop examines recent disturbing events and current attitudes. His rationale and conclusions as to how these reflect the state of our Nation are worthy of the attention of every Member of the U.S. Senate. I ask unanimous consent that the editorial be printed in the RECORD.

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

COULD IT HAPPEN HERE?

(By Stewart Alsop)

WASHINGTON.—It is interesting to ask certain hypothetical questions, because their hypothetical answers tell a good deal about the state of the nation:

1. Ten years ago, would the editors of The New York Times, though advised by counsel that to do so might well be illegal, have published verbatim very large numbers of stolen secret government documents. Twenty years ago?

2. Ten years ago, would the keepers of Manhattan's bridges knowingly have broken the law by sealing off those bridges, to support their pay and pension demands? Twenty years ago?

3. Ten years ago, would many thousands of young people have invaded the national Capital in order to "close down the government," committing many illegal acts in that attempt? Twenty years ago?

4. Ten years ago, would Washington's police have responded by making mass arrests, disregarding established constitutional procedures? Twenty years ago?

5. Ten years ago, would workers in essential public services—garbagemen, postal workers, police—knowingly break the law by going on strike? Twenty years ago?

SIMPLE DUTIES

Take the case of The New York Times. In his dissent, Chief Justice Warren Burger remarked that it was "hardly believable" that a "great institution" like the Times "would fail to perform one of the basic and simple duties of every citizen with respect to the discovery . . . of stolen property . . . That duty, I had thought—perhaps naively—was to report forthwith, to responsible public officers. This duty rests on taxi drivers, Justices, and The New York Times."

Suppose that the Times had been offered hundreds of stolen government documents during the Kennedy, Eisenhower, or Truman administrations. It seems very probable that, in that era, the Times would have notified "responsible public officers" and suggested a meeting to decide what to do about it. Thus Justice Burger was not being so much "naive" as old-fashioned.

The answers to the other hypothetical questions are also "no" or "very probably not." The conclusion is obvious: nobody plays by the rules any more. Not the kids, not the cops, not the garbagemen, not the editors of the Times, not the keepers of Manhattan's bridges. This has, to be sure, never been a notably law-abiding country. Even so, there was a national consensus even as recently as ten years ago that law breaking was a pretty risky business, and morally dubious to boot.

MARTYR-HEROES

This is no longer so. If Daniel Ellsberg goes to jail, he will be widely hailed as a martyr-hero like the Berrigan brothers. Among the radical young, it is almost a necessary badge of manhood to be "busted" by the "pigs." And a union leader in one of the essential public services who respected the laws against strikes in such services would soon cease to be a union leader.

What has happened to make the great change suggested by those hypothetical questions and their answers? One thing that has happened is that "civil disobedience"—a euphemism for breaking those laws in which the law breaker does not believe—has become both respectable and relatively safe. The civil-rights movement of the early '60s began to make it respectable, and the increasing unpopularity of the Vietnam war has helped to make it safe as well as respectable.

The unpopularity of the war is the unique factor that makes Daniel Ellsberg a hero for breaking his pledge to protect government secrets, or the Berrigans heroes for spilling animal blood over draft papers. No one would have hailed Ellsberg as a hero if he had tried to peddle official documents about President Johnson's secret dealing with Israel, or NATO defense arrangements. If he had tried to do so, the Times would have responded as suggested by the Chief Justice.

The unpopularity of the war has also lent respectability to the "revolution" of the radical young. The "revolution" is ersatz—Lenin would have dismissed it as a "petty-bourgeouis" phenomenon. Even so, the young have taught the angry workers and other interested onlookers an important lesson—that if a great many people are breaking the law at the same time, an individual doing so runs little risk of severe punishment.

The Times, to its credit, has published an article by Prof. Roger Fisher of Harvard, stating that "the Times and its officers broke a valid law . . . engaged in a form of civil disobedience." This conclusion was clearly shared by Justices White and Stewart, as well as the three dissenters. The editors of the Times are not fools, and they must have known that they might be breaking the law, but it is most unlikely that they have spent any jail-haunted sleepless nights.

In other areas, breaking the law involves very little personal risk. The "kids" who are "busted" risk at most a whack on the head, maybe a whiff of tear gas, possibly a night in jail. They thus become, almost painlessly, instant heroes. The garbagemen or postal workers who strike don't even risk that much—on the contrary, they are rewarded with fat pay raises.

A REAL DANGER

Obviously, it is possible, and always has been, to break the law in a good cause. Undoubtedly, the editors of the Times most sincerely believed that their cause was good. So did the kids, the cops, the bridge keepers and the garbargemen. But surely there is a real danger here. In his Farewell Address, that eminently sensible fellow, George Washington, had this to say: "The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government."

Many Americans now regard it as the duty of the individual to defy "the established government." Past history suggests that mass defiance invites, sooner or later, an authoritarian and repressive response. Today in this country there is less repression of dissent than in any other nation, as Britain's radical New Statesman has pointed out. Moreover, no man on horseback is even dimly visible on the horizon—it is not really possible to imagine Richard Nixon, or Spiro Agnew or George Wallace in that role.

So the danger is not immediate. But the disintegration of the authority of the "established government" could produce an authoritarian regime, *if* it were combined with a severe economic depression. That combination could happen here.

THE NEED FOR A BALANCED TRANSPORTATION POLICY

Mr. PERCY. Mr. President, in fiscal year 1971, the percentage of Federal outlays for various modes of transportation was as follows:

Mass transit	2.8
Highways	62.9
Aviation	20.9
Railroads	0.6
Water	12.8

It has been estimated that as much as 60 to 70 percent of our total population lives on less than 10 percent of the land—in crowded, metropolitan areas where mass transit is the only practical mode of transportation. The above percentages would therefore seem more logical if they were reversed; that is, if 62.9 percent of Federal funds were going to mass transit and 2.8 percent to highways.

On March 23, 1971, I introduced proposed legislation designed to achieve a more rational, balanced transportation policy. One of my bills would replace the existing highway trust fund with a national transportation trust fund. Under the bill, revenues collected for highways, airport development, and other transportation programs would be pooled into one trust fund, and the money would be distributed far more rationally and equitably than at present. If States wanted to build mass transit systems instead of more highways they could do so without worrying about massive losses of Federal funds.

The need for this kind of legislation was emphasized in a recent article written by Denis Hayes, and published in the Saturday Review of June 5. Mr. Hayes discusses the folly underlying our present and past transportation policies, and points out the direction in which we should move if we wish to preserve a livable environment and at the same time increase our mobility. I commend Mr. Hayes for this excellent article, and bring it to the attention of Senators by asking 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:

CAN WE BUST THE HIGHWAY TRUST?

(By Denis Hayes)

Two-thirds of the land encompassed by the city of Los Angeles is covered by freeways and roads and streets and parking lots and gasoline stations and automobile salesrooms and private garages and other appurtenance of automobiling. Fumes from automobile exhaust pipes have turned the skies above the city a wierd shade of yellowish green, obscuring the nearby purple-mountained majesty. On many days of every year the accumulated smog is so unbearable that school children are not allowed to play outdoors. Last year someone placed a hand-lettered sign at the city limits reading: BREATHING IS UNHEALTHY FOR CHILDREN AND OTHER GROWING THINGS. Emphysema, a lung disease caused by gases and particulates in the air, has killed 12 percent more people every year for the past twenty years. The death toll from crashing automobiles is staggering. The city grows relentlessly noisier, dirtier, and uglier.

Why is this affront to public decency tolerated?

According to advertisements written and distributed at considerable expense by automobile makers, gasoline salesmen and road builders, it is because the private automobile is an unsurpassed convenience for all of us—because it takes us wherever we need or want to go more quickly than we could get there by any other means of transportation, and in the most pleasing fashion imaginable.

But people who drive or ride private automobiles through Los Angeles rarely if ever enjoy the experiences. Any trip into, within, or out of the city is hard work at best and at worst a grating ordeal. All involved suffer a similar fate. They inch their exasperated way up waiting lines at freeway entrances, stand almost motionless bumper to bumper for as long as two hours at a time, find all available parking spaces filled upon reaching the central city and ultimately arrive back home disgusted and exhausted by the compulsive aggressiveness that has come to characterize automobiling. Instead of enjoying an exhilarating exercise in personal freedom, the motorist endures a sweaty war of nerves.

The inhabitants of Watts and the Chicano barrios of East Los Angeles have never had an illusion about the private automobile's fundamental hostility to the simple humanity that once was found in cities. The asphalt-paved culture surrounding these people brings them no pleasure. Few of them have automobiles of their own, and they live at the end of the line. Only there is no line. No streetcar, no subway. Only occasional buses travel the roads, and those who cannot afford wheels must either hitch a ride from someone who has wheels or walk. These people see more than the fact that transportation in Los Angeles is inefficient, unhealthy, and ugly. They see that it discriminates against the young, the old, and the crippled as well as against the poor.

If the private automobile's degrading effect on Los Angeles were unique, the phenomenon would merit an exhaustive analysis as a dangerous inversion of social values. But it is not unique. No major city in the country has escaped automobile poisoning. Atlanta, Baltimore, Boston, Charleston, Chicago, Cleveland, Detroit, Indianapolis, Memphis, Milwaukee, Minneapolis, Nashville, Newark, New Orleans, New York, Philadelphia, Phoenix, Seattle, and Washington, D.C. (to name only a prominent score), all display the same symptoms of debilitation; all have been weakened by the same dehumanizing fever.

Plainly, something must be done to arrest the spread of this technological malady. Plainly, too, that something must somehow restrict the growth of highways, for automobilitis is carried by highways. Every American motorist contributes to acceleration of the epidemic through the gasoline, tire-sales, and other auto-use taxes he pays into the federal government's Highway Trust Fund.

Since 1956, money in the Highway Trust Fund (it totals about $5-billion a year) has been sequestered for the exclusive purpose of building roads, principal emphasis going to an interstate highway network linking all the nation's cities that have populations greater than 50,000. Planned at first to stretch more than 41,000 miles and to be completed by 1972, the system is now targeted at 42,500 miles and is certain to be extended in length until the year 1977.

In the beginning, interstate highways were intended only to *connect* the cities. Later, the purpose was restated to include *passage through* the cities. Of course, the cost of the highway increases progressively as the core of the city is approached and traversed. Yet, any piece of interstate highway, no matter how extravagant, costs the city or state that builds it only 10 cents on the dollar. The other 90 cents is paid by the Highway Trust Fund. Although buses, subways, and railroad trains carry many times more people than private automobiles do, cities and states preferring those facilities must pay from 33 cents to 50 cents on the dollar. With urban tax sources shrinking steadily because of the amount of productive land eaten up by roads and parking spaces, local government officials find it hard to raise 33-cent dollars or 50-cent dollars when 10-cent dollars are so much more readily available.

The simplest cure for automobilitis in the cities, then, is to bust the Highway Trust and to release its monies on a fair, competitive footing for whatever means of conveyance proved most adaptable to human sensitivities.

Can the Highway Trust be busted? I believe that it can be. Furthermore, I am convinced that it will be when enough people understand how the Highway Trust is wrecking America, not only esthetically but economically and spiritually.

This understanding cannot be expected overnight, nor even in a year or two. Mainstream America has exulted in its love affair with the private automobile for too long. The automobile is a truer symbol of the essence of America than is the bald eagle, Uncle Sam, or apple pie. The automobile is glamorous. It is sexy. It is the dream of every high school kid. Model kits, magazines, even popular music enshrine it. Adults put it at the top of the scale of values they use to judge the neighbors and themselves. The highest expression of national grandeur is the pretentious coat of arms on the new Cadillac.

The automobile is a powerful economic force. Directly and indirectly, it provides jobs for one in every five employed persons.

The automobile takes most Americans to work, and returns them home. It picks up supplies at the supermarket, transports the kids to and from school, and facilitates the rites of passage when Johnny turns sixteen.

With chrome teeth glistening beneath its glassy eyes, the automobile is perceived as the most indispensable commodity in contemporary American life. One questionnaire frankly identified the automobile as the cause of most air pollution, the cause of nerve-racking traffic congestion, the cause of 50,000 deaths every year, the cause of displacement of tens of thousands of home owners, and the cause of destruction of irreplaceable open spaces; then the individuals to whom the questionnaire was addressed were asked: "Is it worth it?" Eighty-five per cent of the 5,000 persons sampled said yes.

It must be admitted that the automobile does provide a unique and desirable freedom on lengthy, leisurely trips. Ninety per cent of all Americans who took vacations last year went by automobile. Forty million Americans visited national parks last year, and more than 95 per cent of them arrived in automobiles. Even for short-haul amusement, automobiles are still almost unalloyed blessings to millions of residents of the countryside, isolated towns, and small cities. The Saturday drive to market, the Sunday afternoon tour of the rural neighborhood—though infinitely rarer than in the early day of automobiling—continue as happy rituals for thousands of families.

In short, abolition of the automobile is impractical for the present and the foreseeable future. Limitation of use of the automobile in big cities, however, is inevitable. Environmental Protection Agency Administrator William D. Ruckelshaus said as much in his recent public warning that EPA has no intention of lifting the stringent ceilings on air pollution that have been set for 1975. Chicago, Denver, Los Angeles, New York, Philadelphia, and Washington won't be able to lower the carbon monoxide content of air in their streets to the designated levels without adopting extraordinary measures. Ruckelshaus predicted "some rather drastic changes in . . . commuting habits." Outright prohibition of automobiles during peak traffic hours was one of the alternatives he foresaw. Others were mandatory car pools and greater reliance on mass-transit facilities.

Where is the money for the mass-transit facilities to come from when the cities are heading for bankruptcy? President Richard Nixon's plan for sharing federal revenues with the states proposes to give at least $522-million a year for mass-transit facilities and to free as much of $2-billion a year additional as the states and cities wish to put into mass transit. Neither the cities nor the states would have to pay out anything to get

those dollars, which would come from the Highway Trust Fund, the Airport and Airway Trust Fund, and general tax revenues. "Despite our technological capacity, we do not enjoy a fully balanced transportation system in modern America, particularly in our larger cities," the President explained to Congress in a special transportation message last March. "A balanced transportation system is essentially one that provides adequate transportation not just for *some* of the people in a community but for *all* the people in a community. . . . We have relied too much in our cities on cars and on highways; we have given too little attention to other modes of travel. Approximately 94 per cent of all travel in urbanized areas is by automobile, yet, about 25 per cent of our people—especially the old, the very young, the poor, and the handicapped—don't drive a car." After that token acknowledgment that the future of the country does not rest on more highways, Mr. Nixon advised Congress to leave the Highway Trust in charge of interstate roads "at this time."

Being several years short of my thirtieth birthday, I would take special pleasure in reporting that the young activists who engineered the Earth Day events of April 22, 1970, were the first to appreciate the central role of the Highway Trust in urban blight and air pollution. However, such a report would fall short of accuracy. A fortyish, white, middle-income housewife who lives in a predominantly black neighborhood in northeast Washington, D.C., is the earliest public antagonist of the Highway Trust known to me. She is Mrs. Angela Rooney, wife of an art professor at Catholic University, cultural center of the community of Brookland.

Seven years or so ago, Mrs. Rooney became aware that if plans then on the drawing board should materialize, as they seemed about to do, a six-lane interstate highway launched in Maine and headed for Florida would pour 200,000 automobiles and trucks a day through a string of seven towns, including Brookland. Scores of homes would be flattened to open the route.

Mrs. Rooney was not a rich woman, nor even well-to-do. But she loved her home and her town. She sat down at her kitchen table, lifted the telephone off its cradle, fingered the dial, and began spreading the news to neighbors and friends. Before she finished her marathon, a new organization existed. The Emergency Committee on the Transportation Crisis, it was called and it had a motto: "Not one more inch of freeway."

Now Washington, D.C., is the only city of its size in the country that is not crossed north-south and east-west by interstate freeways. Highway Trust lobbyists look upon this exceptional situation as a national disgrace. Mrs. Rooney strikes them as a misguided relic of the Stone Age who is trying to knock automobiles off the road with a rolled-up newspaper. But Mrs. Rooney is not intimidated by their taunts.

At one point in her crusade, sixty-nine houses were emptied of tenants and boarded up in preparation for the coming freeway. Mrs. Rooney wrote letters and typed leaflets faster than ever. Not to be outdone by his wife, Professor Rooney headed a band of people who reoccupied the abandoned homes. When the professor went to jail for that, Mrs. Rooney returned to the telephone and extended the span of her calls to long distance. At the end of that burst of activity, she was executive secretary of another organization: the National Coalition on the Transportation Crisis, with the same motto as the Emergency Committee on the Transportation Crisis: "Not one more inch of freeway."

Today Mrs. Rooney is under her physician's orders to slow down her war against the Highway Trust for the sake of her health. By this time, thousands in the District of Columbia think of her as a secular saint. Several court suits have been brought to prevent freeways from penetrating Washington either in the direction of Brookland or at other points of the compass.

I don't share Mrs. Rooney's objective of stopping all freeway construction everywhere. That is a decision I believe each community has a right to make for itself. I think it is enough to break up the Highway Trust and to make its monies available for bus lines, subways, railroads, air-cushion vehicles, and other means of transport as well as for highways. If this is done—if 10-cent dollars are spread across the board—I am sure that many states and smaller cities and towns will continue to ask for freeways. Fair enough, if that is what the people really want. It is equally fair for citizens of the big cities to have what they want and need.

The people patently are not making such choices today. Some decisions are being made by Congress purely at the behest of the highway lobby. In Washington, for example, enough residents favored subways over freeways to persuade the Mayor and municipal council of the District of Columbia to ask Congress for subway construction funds. Congress authorized an expenditure of $34.2-million.

Sensing that the subways would make the freeways unnecessary, the road lobby hurried to its friends in Congress with a plea that the Washington subways be stopped. Congressman William Natcher of Kentucky, chairman of the District of Columbia subcommittee of he House Appropriations Committee, tightly bottled the subway appropriation (of money already approved by the Congress) in his committee and announced that he would keep it there until freeway opponents agreed to end their opposition to construction of a proposed "Three Sisters" bridge over the Potomac River. That bridge, named for a trio of small islands on its route, is the key to a complex of freeway interchanges that would destroy the graceful pattern of one of the finest assemblages of national monuments on earth.

The antiquated and autocratic Congressional committee machinery had been used before, in a somewhat similar fashion, to protect the Highway Trust from the popular will. The National Committee on Natural Resources, a long established conservation lobby, tried in 1965 to have Highway Trust spending stretched to cover costs of roadside beautification, including abolition of billboards. After that effort failed, another try was made in 1966. That, too, failed, but a third attempt was made in 1968, and it produced a Congressional authorization for the purpose sought. In spite of the personal interest and influence of President Lyndon Johnson's wife, Lady Bird, a Congressional conference committee quietly killed the appropriation.

Shortly after Earth Day 1970 a new voice was heard in the highway arena: that of Earth Day's primary organizer, Environmental Action. One hundred and fifty of its representatives attended the National Conference on Environmental Action inspired by the late Walter Reuther at Black Lake, Michigan, in July 1970, and there began developing tactics to drive the automobile from the inner city. Sponsored jointly by the Alliance for Labor Action and the Methodist Church, the meeting had been planned for June but was delayed by Reuther's unexpected death. The conferees agreed to support as an ultimate goal the total removal of the automobile from the central-city environment. The closing of a single street in each big city for a few hours every day was indicated as an opening tactic, and New York City's Environmental Protection Commissioner, Jerome Kretchmer, encouraged the conferees by reporting Mayor John Lindsay's intention to close the exclusive shopping section of Fifth Avenue to traffic every Saturday in the month of July.

The activists left Black Lake resolved to attack automobiles with every resource at their disposal. But the newborn organization was living from hand to mouth. Other than enthusiasm, the only resource it had was ingenuity in popularizing little-appreciated ecological facts in such a way as to arouse public reaction. Turning first to politics, we compiled a list of what we called a "Dirty Dozen" Congressmen whose voting records on environmental issues were insupportably bad.

Among the "Dirty Dozen" we named a veteran of thirteen terms in the House of Representatives, Maryland Democrat George Fallon, chairman of the House Public Works Committee. The chairmanship provided him with a strategic post from which to act as chief watchman over the Highway Trust Fund. He had in fact invented the Highway Trust, and he behaved toward his brain child in the manner of an excessively jealous parent. As such parents often do, he misjudged the force of opinions differing from his own. He especially undercalculated the opposition of residents of Baltimore to an interstate freeway that Highway Trust backers were trying to bash through one of the most stable middle-income black neighborhoods in the city.

We put all the fiery words that Environmental Action could muster behind Fallon's Democratic party primary election challenger, Paul Sarbanes, a former member of the Maryland State House of Delegates. Meanwhile, the Friends of the Earth, an outspoken group of environmental lobbyists, encouraged emergence of an affiliate called the League of Conservation Voters, and the league contributed $8,000 to help pay Sarbanes's expenses. Poetic justice then intervened in the form of the worst visitation of smog the Eastern Seaboard has suffered in many years. Sarbanes reminded voters that smog is chiefly due to the automobile and that automobiles are hogging the countryside because of the 10-cent highway-building dollars strewn about by Fallon's Highway Trust.

When Fallon lost his bid for renomination last September, we saw for the first time a fair chance to bust the Highway Trust. In the month immediately before the Maryland primary, the Congressional Joint Economic Committee's subcommittee on economy in government, chaired by Senator William Proxmire of Wisconsin, had issued a report urging that the Highway Trust Fund be phased out of existence. Although the committee had no power to do more than recommend, the tiny staff of Environmental Action felt encouraged by even that much gain, and it turned its skills to the sharpening of teeth in Senator Edmund S. Muskie's 1970 Clean Air Law. The stunning effect of that honing can be read in the subsequent prediction by EPA's Ruckelshaus that the law's post-1975 pollution limit will force diminution of private automobile traffic in the nation's six biggest cities.

The vote of no confidence from his Maryland constituents did not prevent Congressman Fallon from wielding the authority of the House Public Works Committee chairmanship to keep the Highway Trust going. He used his lame-duck period to extend the life of the Highway Trust Fund from 1972 to 1977.

Fallon at last disappeared from the House with the reorganization of Congress in January 1971. His successor as Public Works Committee chairman was John Blatnik of Minnesota, who told news reporters he intends to review the whole question of the Highway Trust Fund's place in America's current urban crisis. The action he ultimately must take may be simplified for him by happenings in the Senate, which already is considering four omens: 1) the 1971 year's urging of a phase-out of the Highway Trust Fund and pleads that plans for the phase-out be drafted now; 2) introduction by

Massachusetts Senator Edward Kennedy of a bill to replace the Highway Trust Fund with a transportation trust fund designed to subsidize all types of urban transit facilities on an equal footing; 3) another bill submitted by Illinois Senator Charles Percy, authorizing the governors of the fifty states to spend their shares of Highway Trust monies as the governors think best; and 4) the appointment of Indiana Democratic liberal Birch Bayh as chairman of the Senate Public Works subcommittee on roads, coupled with the appointment to that subcommittee of Democratic Presidential front-runner Muskie.

As the Presidential campaign warms up, Senate hearings on broad transportation issues seem well within reach of sustained initiative. Sensing the challenge in these circumstances, two young environmental activists last February took on the job of organizing a Highway Action Coalition. They were Barbara Reid, Midwestern regional director of Earth Day 1970, and Bob Waldrop of the Sierra Club. He had been sniping at the Highway Trust since the National Committee on Natural Resources made its first futile move back in 1965; she had been a worker in the late Bobby Kennedy's Presidential nomination campaign, an educational staffer at the Conservation Foundation, head of Environmental Action's 1970 clean air alliance with Senator Muskie, and a major activist in the Coalition Against the SST.

As co-directors of the Highway Action Coalition, Barbara and Bob first enlisted the support of the Sierra Club and Environmental Action. Then they drafted Environmental Action's Linda Katz, a University of Michigan graduate trained in labor union grass-roots lobbying techniques, to coordinate the HAC activities. Next they obtained the participation in HAC of Friends of the Earth, the League of Conservation Voters, the Wilderness Growth. This gave HAC an initial membership of about 300,000. An introductory letter went out to these people in March. It got straight to the point:

"More than 60 per cent of the total land area of most large American cities is devoted to the movement and storage of the automobile. Not only do cars in cities fail to transport people efficiently (as we all know from experience in rush-hour traffic jams) but, in addition, cars are the major source of urban air pollution. What's more, land that is taken out of private ownership to be used for streets or freeways is removed from the all-important tax base, thus contributing to the financial crisis of urban areas. Another major problem in cities is housing. At a time when we desperately need new units, we are tearing down existing dwellings to build new roads. No less important are the psychological effects of cars in cities. Our consciousness is assaulted daily by the thousands of automobiles competing for space to drive and park in downtown areas.

Cities are not the only areas where the values of the automobile and new road construction are in question. The ecologically destructive form of land use known as "suburban sprawl" is directly attributable to a random frenzy of road building. And, looking beyond the suburbs, the single greatest threat to the survival of our nation's forests and other wild areas is roads and automobile traffic."

The letter assured its readers that HAC does "not propose that people be prevented from using their cars or that states be prevented from building new roads." Rather, the proposal "is that people and states be given the option to utilize good public transportation if they so choose." The pernicious role of the Highway Trust Fund was succinctly described:

"The sacrosanct Highway Trust Fund . . . is a self-perpetuating mechanism. Money flows automatically into the fund, mainly from the 4-cent per gallon gasoline tax. The more the American public drives, the more gas is used. This causes the trust fund to grow, bringing about the construction of new highways. New highways encourage more people to use automobiles more often. Every time a road gets crowded, the need for another road is proclaimed. And so by circular and self-perpetuating mechanisms, we are buried under concrete. Meanwhile, . . . the more people get into the habit of driving, the less likely they are to make use of mass transit. This causes bus and train patronage to fall off. The transit companies are forced to raise fares, causing many riders to switch to automobiles. All of these effects are snowballing . . . to the chagrin of those who cannot or do not drive cars."

The HAC letter promised distribution of "a complete citizen action handbook" during the summer of 1971. But recipients of the letter did not wait for the handbook. Between 100 and 125 citizen groups already actively involved in debates over local transportation crises wrote to declare their allegiance to HAC.

There was a loud encouraging ring to one message from San Francisco. It came from citizens who had raised such a rumpus that the Mayor and city council stopped the Embarcadero Freeway dead in mid-1968, accepting as a penalty the loss of $280 million in Highway Trust monies.

Cheering news also came from the Committee for the Preservation of Overton Park. Overton Park is a 342-acre sweep of wilderness in the midst of Memphis, Tennessee. The Committee for Preservation of Overson Park has existed, on and off, since 1957, when a proposal first was made to push a six-lane interstate highway across the park in order to shorten the automobiling distance between the city's eastern suburbs. The real local reason for the road was obscured by claims that this was a defense highway—not an unusual tactic for the Highway Trust.

The space required for the road lay between the zoo and the remainder of the park, which includes a nine-hole golf course, an outdoor theater, an art academy, bridle paths, nature trails, picnic grounds, and 170 acres of forest.

Because of the tenacity of the Committee for the Preservation of Overton Park, construction of the road through the park has been repeatedly delayed. In 1968, the U.S. Secretary of Transportation agreed with Memphis city officials that the project should be started. This action sent the Committee for Preservation of Overton Park to Federal District Court. When the court upheld the right of the DOT Secretary to proceed, an appeal was taken to the Sixth Circuit Court of Appeals, which sustained the District Court decision. Another appeal was taken to the Supreme Court of the United States, and that body ruled in October 1970 that the DOT Secretary had failed to fulfill the intent of Congress. It was clear, the Justices held, that parklands (not just those in Memphis but everywhere in the country) were not to be taken for highway purposes unless no other feasible alternate routes are available and even then only after all possible steps have been taken to minimize damage to the environment. The DOT Secretary had not demonstrated the absence of alternatives in the case of Overton Park.

Response to the HAC letter uncovered another blow for freedom from the Highway Trust. After twenty-eight years of controversy, a proposal to plunge a freeway across the Great Smoky Mountains National Park had finally been killed.

A myriad of motives merged as the HAC recruitment list grew. In Eastham, Massachusetts, there was "Operation Roadblock." It was put in motion by the Eastham Board of Selectmen, the local Historical Society, the Jaycees, the Garden Club, the Conservation Commission, the Rod and Gun Club, and the Natural Resources Trust of Eastham to stop a four-lane limited-access highway that would cut Eastham in half, threaten the water supply, alter its drainage pattern, and loose a tempest of traffic noise. The Valley Transportation Coalition in Phoenix, Arizona, is determined to save the valley in which Phoenix lies from "being paved over as solidly as Los Angeles." A moratorium on all new highway construction in Milwaukee and rural southeastern Wisconsin is being sought by environmentalists there. The League to Save Lake Tahoe is opposed to any new highway in the Tahoe basin of California. In Denver, citizen resentment against smog that veiled the mountains from a view for 100 days last year has led to an application for federal subsidy of an air-cushioned-vehicle mass-transit system to serve Denver's 8,500-square-mile transportation district. The Mid-North Association of Chicago has vowed to fight all new roads through the city's Lincoln Park area. Father John Hinkley is leading a coalition of low-income groups against freeways that would destroy their neighborhoods in Boston. The Community Park Coalition of the University of Pennsylvania is opposing university efforts to pave a small public park and convert it to a parking lot. Jonathan von Ranson, editor of the West Hartford *News*, is campaigning against an interstate road that would drive through a reservoir and cleave a four-mile square of wilderness in Connecticut. Marc D. Hiller of Environmental Action-Zero Population Growth in Pittsburgh reports a campaign to halt a highway headed through the center of Duff Park in Murrysville, Pennsylvania. The Oregon Environmental Council is trying to stop construction of a sixteen-story parking garage in downtown Portland.

This motley company of crusaders has a common adversary: the highway lobby, an amorphous and sometimes uneasy alliance of interests—many of whom have little formal contact with one another. It is difficult to define where the highway lobby begins and ends because the automobile is so completely woven through the fabric of American life. Clearly, the highway lobby contains the highway builders—the contractors, the construction unions, the manufacturers of asphalt and concrete and steel and construction equipment. They belong to overlapping organizations, such as the American Road Builders Association and the Associated General Contractors of America. The highway lobby also includes those state organizations and officials whose very future depends upon the construction and maintenance of an ever-expanding system of roads and highways. These are most effectively represented by the American Association of State Highway Officials, a fifty-year-old organization with an enormous capacity to generate political pressure back home in the district of any recalcitrant Congressman.

Other members of the highway lobby include automobile manufacturers, makers of automobile accessories, the petroleum industry, the American Automobile Association, and even traditional adversaries such as the American Trucking Association and the International Brotherhood of Teamsters. The lobby has less obvious members, too. Land speculators sometimes make more money off highways than do contractors. Chains of roadside restaurants and motels are inevitably linked to the future of the highway. Then there are the people who repair the roads, who clean the roads, who erect billboards along the roads. Although not technically a part of the lobby, the National Highway Users Conference cannot be overlooked. Founded in 1932 by Alfred P. Sloan, the conference includes virtually every business in America that uses cars or trucks.

Although not ready to tackle the highway lobby head on and count in winning, HAC nonetheless is a force to reckon with. To the extent that a goal can be agreed on and energies can be at least loosely coordinated, the new coalition can have an important

effect. Whether individual hopes call for monorails, air-cushion vehicles, gravity-vacuum-tube subways, electromagnetic propulsion systems, turbojet trains, or dial-a-bus-from-home systems, the common need is to achieve a shift in public attitudes toward transport financing.

As I noted earlier, the Highway Trust Fund has been extended to 1977. There is no realistic way to alter that fact. In my opinion, energies now should be focused on converting that fund into a general transportation trust fund for the duration of its existence and allow this $5-billion a year to be spent on any and all forms of transport at the 9-to-1 matching terms reserved to date for highways.

It is critically important that we not move irresponsibly. Nor must we allow our thinking to become rigid, our thoughts doctrinaire. The shape, and much of the very nature, of the modern city was determined by reliance on the automobile. Any new transportation system receiving massive federal assistance is likely to exert a similar far-reaching influence.

We can, however, state quite boldly just what interest we wish to serve. Not the interest of Detroit, or of the petroleum or tire industries, or of the builders of highways. Not the urban planners' and academic rhetoricians' compulsive need for vindication of theories. Not the political fortunes of any particular band of elected representatives. Our goal must be no less than the ultimate best interest of the whole people.

What can *you* do? Join an existing group and help to fire it up. Or, if no group exists, start one. Spread the message around. Never refuse an invitation to speak on the subject. Testify at public hearings. Petition your local government bodies. If you are just getting interested in the field, read *Earth Tool Kit, Super Highway-Super Hoax,* and *Road to Ruin.* Get your facts in order first. Don't pull your punches after that. Weaken the Highway Trust from within if you can, perhaps by joining the American Automobile Association and exerting your privileges as a member to introduce new ideas. Find out where your Congressman stands on this issue (i.e., how he votes). Question him about it when he appears in public on his visits home.

Don't be afraid of occasional street theater. Remember the story about the San Francisco hippie who put a dime in a parking meter and lay down for an hour's sleep in the little plot of land he had just rented from the city. Imagine the result in Manhattan if 1,000 anti-freeway partisans arrived one morning at 7:30 with folding chairs and "rented" all the available parking space on several major streets for two hours.

The address of the Highway Action Coalition is Suite 731, 1346 Connecticut Avenue N.W., Washington, D.C. 20036. Your name will be added to its mailing list on request, and you will be kept informed about transportation activities in the Congress. If you belong to a local group that is trying to obtain reconsideraton of a freeway project, HAC will welcome whatever news of it you can offer.

SOVIET VIEWS OF THE PENTAGON PAPERS

Mr. McGEE. Mr. President, one of the big problems facing the world is the problem of understanding each other. Columnist Kenneth Crawford, writing in Sunday's Washington Post, provided an excellent example which would strike all of us as highly amusing were it not so sad. Crawford wrote of the Soviet periodical Literaturnaya Gazete interpretation of why some of this country's larger and well-established newspapers had defied the Government in printing what have come to be called the Pentagon papers. According to this Russian journal, these newspapers acted out of pique because they are tied closely to monopolies which either have not enjoyed the benefits of arms orders for Vietnam or because such orders have been falling off in their particular geographical locations. In short, the entire hulabaloo stems from one of the contradictions within capitalism which Karl Marx pointed to.

On our side of the world, too, Mr. President, we often see similar oversimplifications of the affairs of the Soviet Government and other Communist governments, not to mention our own.

Mr. President, I ask unanimous consent that Kenneth Crawford's column, entitled "Soviet Press Clears Up the Pentagon Papers Mystery," be printed in the RECORD.

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

THE "CONTRADICTION" THAT SPLIT THE CAPITALIST MONOPOLY—SOVIET PRESS CLEARS UP THE PENTAGON PAPERS MYSTERY

(By Kenneth Crawford)

The mystery has been cleared up—why The New York Times, The Washington Post and other newspapers printed the secret Pentagon Papers. Everybody has been wondering. Now it is ridiculously simple. The *Literaturnaya Gazette,* a Soviet periodical, has explained it. *Pravda* had privately hinted at the true reason but it remained for *Gazeta* to supply a full-page exegesis, with diagramatic illustration.

As is well known, The New York Times and The Washington Post, together with The Boston Globe, The St. Louis Post-Dispatch, The Chicago Sun-Times and The Los Angeles Times, are integral parts of the monopolistic American power structure. As is also well known, the Pentagon is operated by the military-industrial complex, which lies at the very heart of the evil complex. How then could these newspapers betray the criminal secrets of the Pentagon?

Because there are "contradictions" in the American system, just as Marx said there were in all capitalistic systems. These contradictions, newly sharpened by the war in Vietnam, have become wedges splitting the monopoly into three geographical pieces: the military-industrial of the Southwest; the military-civilian of the Northeast; and the civilian of the Midwest, and, in part, the Northeast. Each has a different piece of the monopoly, see?

The Southwest and the Northeast have a big stake in profits accruing from the Vietnam war. They comprise, between them, the "Vietnam sector." The Midwest isn't getting much out of the war now and, miffed, is losing interest in it. The same goes even for military suppliers whose products don't go to Vietnam. Gazeta chides sister publications in the Soviet Union for classifying General Motors as a military-industrial corporation. Actually, it says, only 2 percent of GM's business is military.

"Only by taking into account these contradictions," *Gazeta* declares, "can one understand the important economic, political and social phenomena of the United States and in particular those which led to and were connected with the publication of the secret documents of the Pentagon by such a representative of the American monopolies as the publisher and owner of The New York Times, Arthur Sulzberger."

The Times, The Post and other Eastern newspapers published the papers because they had "very close relations with the very old monopolies not involved in the Vietnam sector of the economy." The same goes for The Chicago Sun-Times. What all these papers want is industrial expansion in the developing countries and at home. That leaves The Post-Dispatch and The Los Angeles Times. They are sore, it develops, because Vietnamese war orders are falling off in their sector.

Once it is explained and disgramed, it all comes clear, doesn't it? Shame on all you publishers. Your capitalistic conspirators have fallen out and you go with them. And the conspiracy, now tripartite, goes on. The freedom-of-the-press issue was merely a smoke screen behind which the monopolists and their press stooges had at the Pentagon. Presumably, the Supreme Court, another part of the conniving establishment, thought the Pentagon had it coming and so ruled for the newspapers.

To anyone with a rudimentary understanding of the infinitely complex ways of a competitive society, *Gazeta's* oversimplification seems a bad joke, bad enough to be funny. Yet it doubtless reflects the view of serious Soviet students of the United States, who enjoy after all, the advantages of detachment and ignorance. They are the Soviets' Pentagonologists, the opposite numbers of our Kremlinologists, and they look at us through the big end of a Marxian telescope. They probably believe, more or less, in their own theories of what makes Uncle Sammy run.

Their theories are not wholly at odds with those of some American theorists, past and present. *Gazeta's* view is only a little more nonsensical where the causes and cures of war are concerned than those which motivated former Sen. Gerald P. Nye's investigation of the arms industry between the two world wars. Nye proved, at least to his own satisfaction, that the First World War came about not so much because statesmen had bungled but because armorers, "merchants of death," had fomented it to provide outlets for their wares.

That some arms manufacturers had profited enormously from that war—even by selling to both sides—could be demonstrated. But to believe that this was the only explanation for the most miserable of modern wars, with the possible exception of Vietnam, is to believe nonsense. Nye's hearings had enough impact to persuade Congress to pass a neutrality act. Also enough to touch off bitter debate. Defending Woodrow Wilson from one of his colleagues who had attacked the by-then dead President for taking the United States into that war, the late Senator Henry Ashurst snorted: "Remember that when Prometheus was bound to a rock, it was a buzzard, not an eagle, that ate out his heart."

No less an oracle than J. Kenneth Galbraith, the Harvard economist, is authority for the statement, made only last week before the Senate Banking Committee, that "the military-industrial complex is alive in Washington and doing well." Galbraith appeared before the committee to oppose a government-guaranteed loan to the Lockheed Aircraft Corp. of $250 million to bail it out of its present financial difficulties. Obviously, though a member of the military-industrial fraternity in good standing, Lockheed wasn't doing very well.

If there was an inconsistency in Galbraith's position, however, it was not apparent to the gallery, which laughed at his witticisms and applauded his exposition. He was against government rescue for Lockheed, which had outrageously managed to fall on evil times in spite of Galbraith's theory, developed at length in his book, "The New Industrial State," that big American corporations are in effect failure-proof because they control government, prices, the markets and even, through the power of advertising, consumer tastes.

Galbraith once suggested that the American arms industry be nationalized and operated by the government to insulate it from the corrupting influence of the profit motive. This was not a wholly new idea. Nye and his sympathizers had played with it as a way of insulating the country from war. Whether nationalization would contribute to the cause of peace is debatable. But one thing it would do: it would make a still worse mess of the theories of *Literaturnaya Gazeta*.

A NOTABLE ADVANCE OCCURS IN THE CONQUEST OF CANCER

Mr. HRUSKA. Mr. President, it was my pleasure last week to participate in the ground-filling ceremony marking the beginning of construction for the Eppley Hall of Science at the University of Nebraska Medical Center in Omaha.

I was joined on the occasion by my colleague from Nebraska (Mr. CURTIS) and by Dr. Carl Baker, Director of the National Cancer Institute, both of whom addressed the group which was gathered to commemorate the occasion.

It was encouraging to note that Dr. Baker paid tribute to the Eppley Cancer Institute as one of the world's leading groups studying chemicals and cancer. It was exciting to hear him discuss the prospective expansion in cancer-fighting programs which will result from the new conquest of cancer legislation when the House of Representatives acts on the measure this body approved last week.

We in Nebraska are especially appreciative of the tribute which Dr. Baker paid to Dr. Philippe Shubik and his fellow scientists at the Eppley Center. We are proud of our Nebraska medical centers and the advanced work which is performed at them. It is good to see that someone in Dr. Baker's position agrees with our assessment.

In his remarks to the audience, Senator CURTIS observed that we are, as a nation, passing a critical crossroads in the fight against cancer. He noted that the Eppley Center is in the vanguard of the cancer fight and that the Shubik-Eppley research group is one of the larger ones in the Nation devoting its study to environmental causes of cancer.

He offered great hope that the Eppley Center, with its advanced research, development of new analytical methods and excellent virus laboratory will make a most significant contribution to the eventual eradication of the dread disease.

I ask unanimous consent that Senator CURTIS' remarks at the dedication of the Eppley Hall of Science and the Omaha World-Herald report on the ceremonies be printed in the RECORD.

There being no objections, the items were ordered to be printed in the RECORD, as follows:

SPEECH OF SENATOR CARL CURTIS

Dr. Wittson, Dr. Shubik, Dr. Baker, esteemed staff members of the University of Nebraska Medical Center and the Eppley Institute, distinguished guests, friends all.

It is significant that we gather here today for a ground-filling ceremony rather than a ground-breaking. The people who direct this Institute, as well as the Medical Center to which it is attached, do not start a project where ordinary people would. They are always a jump ahead. They already have the hole dug for the Eppley Hall of Science, and they did this before they had a firm, fixed commitment of funds to construct the building.

As a Nation we are passing through a critical crossroad in the human fight against cancer. We could have veered right or left, and perhaps run off the road. But we are moving straight ahead, increasing the pace to the maximum controllable speed, unimpeded by political considerations or in-fighting or any disagreement over the value of spending the money. We are doing this because the health and lives of the American people are at stake.

On Wednesday of this week the Senate passed a bill to create the Conquest of Cancer agency. Many well-qualified experts believe that we are near the break-through in finding the cause and cure as well as the means for prevention, of all kinds of cancer. This agency will conduct an all-out drive toward that goal. It will be headed by a Director responsible directly to the President, although the organization will be part of the National Institutes of Health. The present National Cancer Institute will be part of the new agency, and the Director will recruit the additional scientists and doctors needed for his agency.

The proposal also provides for grants and contracts to cancer research centers and institutes outside the Federal government, including the splendid facility at which we are gathered today. It is my hope that the new agency will very quickly get its stepped-up activities going, to the end that the Eppley Cancer Research Institute can be an active partner in this new crusade.

The significant thing about this gathering today is that you people here at the Eppley Institute and the University of Nebraska Medical Center are already in the vanguard in this new fight against cancer. You have already passed beyond the crossroads through which the Nation at this moment is passing. You have prepared your ground and laid your foundations. You did this on faith, without knowing for sure what the future attitude of the Nation and its governmental leaders would be. You knew there was a tremendous job to be done, and you moved straight ahead to perform it. Dr. Wittson and the Eppley Foundation and the University of Nebraska Board of Regents, as well as the medical community of Omaha, made the same type of decision years ago when they acted in unison to bring the Shubik cancer research group here from Chicago, and their decision has proved right many times.

The Shubik-Eppley group is one of the larger teams in the United States devoted to studying the environmental causes of cancer. They have introduced a model system for investigating the hazards of lung cancer and are now exploring the individual components of cigaret tars, one of which has been found to be a particularly important cancer producer. They are currently finishing a study in which more than 40 well-known pharmaceutical products have been tested for a life time in at least two species of animals; a majority of these products have proved to be safe, but some of the tests have led to suspicions requiring further investigations. The Shubik-Eppley group has developed new methods which are being used around the world for determining the causes of cancer by chemical analysis alone. The group has established a virus laboratory equal to any in the United States, and they are now designing a series of studies for the first time combining the effects of viruses and chemicals in cancer.

In three years the budget of the Institute has doubled—from $1 million to more than $2 million.

The building which will rise here, to be known as the Eppley Hall of Science, will cost $3,100,000, of which $2,200,000 from the Eppley Foundation and $900,000 from the National Institutes of Health in a combined grant that also is helping to remodel Poynter Hall at the Medical Center. The new building will double the working space of the cancer researchers and at the same time provide a much-needed Center for Continuing Education for the health professions in Nebraska and surrounding states.

You people here at the Eppley Institute and in the Eppley Foundation and at the University of Nebraska Medical Center knew what you were doing when you committed yourselves to digging the hole and pouring the foundations for this new building. You knew that the product of your labors—protection of the health and lives of mankind—is more valuable than any other product on earth.

You know that what you are doing and preparing to do in helping to plan, lead and conduct the fight to conquer cancer is right. Yours are firm, skilled hands and minds to which all of us entrust our future health and well-being as a people and a Nation. I salute all of you connected with this project here today, and I wish you Godspeed in your monumental mission.

EPPLEY CANCER RESEARCH FUND MAY GROW

(By Mary McGrath)

More research dollars could well come to the Eppley Cancer Institute from the government's proposed new master cancer-fighting agency, Dr. Carl Baker, director of the National Cancer Institute (NCI) in Washington, D.C., said here Saturday.

The agency, referred to as the Conquest of Cancer, was authorized by the Senate last week in a bill cosponsored by Nebraska Sen. Carl Curtis. Yet to get House approval, it is expected to have millions to spend.

The Eppley Institute is working in what is expected to be a "high priority" research field—the relationship of chemicals to cancer—said Dr. Baker, whose institute would be under the new agency.

He and Sen. Curtis spoke Saturday at ceremonies marking the start of construction of the Eppley Hall of Science which will adjoin the Eppley Institute on the University of Nebraska Medical Center.

"There are over 2,000 chemical compounds introduced per year. We need to assay them for their possible cancer causing ability," said Dr. Baker.

Eppley scientists headed by Dr. Philippe Shubik are one of the world's leading groups studying chemicals and cancer, he said.

Referring to the excitement caused when Texas researchers recently isolated a virus from human cells, Dr. Baker said this does not mean that a virus has been proven to cause a human cancer.

It will take considerably more work to prove that, he said, adding that the Texans' research is very important because it means the isolated virus can be produced in enough quantity to allow research on it.

Dr. Baker said that if the planned new agency is spending $1 billion a year by 1976, as some have proposed, it will mean a five-fold increase in cancer research manpower from 10,000 to 50,000.

"I don't think we can come up with that kind of manpower without disturbing other research fields, which I'm not in favor of," Dr. Baker said.

In an interview, Dr. Baker said he would have no objection to a layman being named to head the Conquest of Cancer agency. "It might be someone like James Webb, former head of the National Aeronautics and Space Administration."

Dr. Baker said he doesn't know what his role will be in the new agency, but his main concern is in keeping the cancer effort moving ahead.

Asked what the Conquest of Cancer will mean for the public, Dr. Baker warned that people should not expect miracles overnight.

"In the clinic, cancer is 100 different diseases. I think our progress will come in several different ways, rather than as a single remedy," Dr. Baker said.

At the ceremonies attended by about 200 persons, Sen. Curtis said:

"As a nation we are passing through a critical crossroads in the human fight against cancer."

"It is my hope that the new agency (Conquest of Cancer) will very quickly get its stepped-up activities going, to the end that the Eppley Cancer Institute can be an active partner in this new crusade."

Sen. Curtis said the N.U. Medical Center was ahead of the nation in that it had "prepared the ground and laid the foundations" for its additional cancer research facilities.

The addition and renovation of Poynter Hall is being carried out with a $2 million Eppley Foundation grant and $1.4 million from the National Institutes of Health.

Since foundations for the Hall of Science were put in two years ago and construction was stalled for lack of funds, there was a "hole-filling" rather than a "groundbreaking," ceremony.

Various dignitaries tossed buckets of dirt into the excavation.

As Sens. Roman Hruska and Curtis teamed to toss over one bucketful, Sen. Curtis quipped:

"This is the Washington way. Two men doing one man's job."

CREDIT SYSTEM FOR DEVELOPMENT OF RURAL AREAS

Mr. TALMADGE. Mr. President, on June 7, 1971, I introduced, together with seven other members of the Committee on Agriculture and Forestry, S. 2223, a bill to establish a comprehensive system of credit for the development of rural areas.

The need for expanded credit facilities to provide the capital needed to establish and operate nonfarm private economic enterprises has been given added emphasis by the scientific research project just completed by the Economic Research Service of the Department of Agriculture.

The study emphasizes the importance, even to farmers, of good paying nonfarm jobs in the countryside.

Even in the Great Plains, the region most dependent upon farming, more than 40 percent of the farmers received most of their income from sources other than farming. In the Southeast, 70 percent of the farmers received more income for nonfarm sources than from farming. The several regions varied about the national average of 40 percent.

These figures indicate that if we are to preserve farming as a business and a way of life in this country, we need to do everything we can to raise farm income, and to provide economic opportunities and off-farm jobs to supplement the income from the farm.

The need for an off-farm job for one or more members of the family is particularly critical for the small farmers in all sections but particularly in the South, if they are to be able to attain a decent standard of living and a desirable quality of life.

I ask unanimous consent to have printed in the RECORD, an article entitled, "Farming's Income Share Slips in All Regions," from the June 1971 issue of the Farm Index, a publication of the U.S. Department of Agriculture.

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

FARMING'S INCOME SHARE SLIPS IN ALL REGIONS

The production and marketing of agricultural commodities may well be one of the Nation's leading industries. But farming accounts for a small part of the total personal income of people in the U.S. In 1970, less than 3 percent of personal income was directly attributable to farming per se.

The percentage has been trending downward for some years. In the 1963–69 period, farming's share of total personal income dropped from 3.4 percent to 2.6. All 10 agricultural regions experienced declines.

An analysis of data from Federal income tax returns for 1966 showed that even of the 3 million individuals reporting farm income in that year, only 1.2 million reported farming as their main source of income.

Among the production regions, the Northern Plains was clearly the most dependent on farming. Yet even there, fewer than one-fifth of all individuals reported farm earnings. More than 40 percent of these received most of their income from sources other than farming.

The regions relying least on farming were the Northeast and Pacific areas, where fewer than 2 percent of the individuals reported farm earnings.

Likewise, relatively few individuals derived most of their income from farming in the Southeast, Delta, and Southern Plains. Part of the reason may be that the per farm earnings are relatively low in these regions, and are more apt to be exceeded by off-farm income.

The average individual with combined earnings was better off economically in 1966 than in 1963. Together, farm and off-farm income averaged $6,460 in 1966, compared with $4,650 3 years earlier.

FARM INCOME: NORTHERN PLAINS RELIES ON IT THE MOST

Region	Personal income attributable to farming [1] (percent)			Individuals with farm income in 1966 (percent)		
	1963	1966	1969	Number (thousands)	As percent of all individuals	With farming as major source [2]
Northeast	0.8	0.8	0.7	198	1	33
Lake States	3.4	3.4	2.5	350	6	44
Corn Belt	3.8	3.8	2.8	759	6	45
Northern Plains	12.7	13.9	11.6	306	17	57
Appalachian	5.1	4.1	3.5	426	7	38
Southeast	4.9	4.0	3.5	200	4	30
Delta	9.6	7.7	8.1	145	6	32
Southern Plains	5.3	5.0	3.8	307	7	30
Mountain	5.9	5.6	5.0	146	6	39
Pacific	2.8	2.8	2.3	166	2	26
48 States	3.4	3.2	2.6	3,003	4	40

[1] Personal income is current income from all sources, including transfer payments, measured before taxes except for individual contributions to social security.

[2] Among individuals with farm income, those reporting farm losses accounted for more than half of all individuals with a nonfarm major income source.

Sources: Departments of Commerce and Treasury.

CAPTIVE NATIONS WEEK

Mr. BEALL. Mr. President, today marks the beginning of Captive Nations Week, inaugurated in 1959 by a joint resolution of the Congress—Public Law 86–90—a time when we must once again solemnly reaffirm our commitment to the 100 million people of nine captive East European lands. The peoples of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania daily exist on the hope that some day the chains of tyranny will be thrown off. We, as the symbol of freedom throughout the world, must do our active part to keep this flame of hope alive, not only during this week, but throughout the year.

When one thinks of the captive nations, thoughts go back to post-World War II Europe, when the Soviets occupied the many countries who had struggled so desperately against nazism, and were too weak to repulse another invader. One after another, the Russians substituted their politics of despair for the fledgling nationalism of the East European states. 1953 and 1956 brought rays of hope to these dominated peoples, as men struggled for their freedom in the streets of East Berlin, Budapest, and Warsaw. But these aspirations were cruelly crushed under the treads of Soviet tanks. The death toll of those struggles starkly testified to the oppression under which they lived. In 1968, Czechoslovakia's search for reform was halted by another Soviet-led invasion and occupation. Clearly, the history of captive nations is one of struggle against overwhelming odds, but nonetheless a struggle that is worth the sacrifices.

The desire of the captive nations for freedom is not, however, just a historical study. It is continuing now, today, which makes our support of this struggle imperative. Captive Nations Week still retains its relevance in light of international developments and internal trends in Eastern Europe. The Polish upheavals of last December focused world attention anew on the problems of East-Central Europe and demonstrated the captive people's continuing opposition to Communist rule. Although a Communist regime still rules Poland, the fall of Gomulka has driven home the point that the Kremlin can be forced to bend the wishes of the people under extreme circumstances. The lesson of the Polish patriots undoubtedly will have its repercussions in other captive countries.

So, Mr. President, during this Captive Nations Week, we look back at the heroic struggles against oppression that the peoples of East-Central Europe have made. But most importantly, we look to the future. The hopes and aspirations of these enslaved people for equal justice, and freedom and independences of their countries under governmental in-

stitutions of their own choice must not be allowed to be extinguished. It is incumbent upon free men everywhere to resist tyranny and promote the growth of freedom where it does not presently exist. America as a great, powerful, and free Nation can follow no other course.

GENOCIDE AND THE TREATY POWER

Mr. PROXMIRE. Mr. President, the United States is one of the very few nations in the world, which has not signed the U.N. Convention on the Prevention and Punishment of Genocide. The only obstacle to U.S. accession to this document is Senate ratification.

A little over a year ago, the Special Subcommittee on the Genocide Convention of the Foreign Relations Committee held hearings on this treaty. Seventeen testified in person, and more than 50 written statements were submitted. One of the witnesses, Rita E. Hauser, U.S. representative to the U.N. Commission on Human Rights, articulated some of the important points I have tried to bring out, in particular that "ratification of the Genocide Treaty is a proper exercise of the treaty power."

In a legal sense, we know this is true. The Constitution specifically provides that the Congress should make laws and consent to treaties to enumerate and punish "offenses against the Laws of Nations." We have throughout history enacted laws to guarantee freedom of the seas, to stop sea and air piracy, and to create limits on the behavior of armed forces. We would, through the Genocide Treaty, proceed farther down this virtuous path, by assuring the nations and people of the world that we stand unalterably opposed to what must rank as the greatest and most horrible "offense against the Law of Nations": genocide.

For both legal and moral reasons, this body should take upon itself the responsibility for exercising its ratification power.

I ask unanimous consent that the statement of Rita E. Hauser be printed in the RECORD.

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

STATEMENT OF RITA E. HAUSER

During the questioning period Mr. Aldrich was queried on the policy of the Department of State on ratification of the Convention and Congressional passage of the implementing legislation called for in Article V of the Convention. According to correspondence from the Department of State dated May 22, 1970: "It's the Department's intention to recommend to the President that his instrument of ratification to the Genocide Convention not be signed, and if signed not be deposited, until after implementing legislation for that Convention has been enacted." (p. 59, Hearings.)

Another government witness in support of the ratification of the Genocide Convention was Rita E. Hauser, U.S. representative to the United Nations Commission on Human Rights. The following is a brief summary of her statement. She first points out that "ratification of the Genocide Convention is a proper exercise of the treaty power." The Convention flows from the provisions of the UN Charter on human rights by which an international organization was established but which also comprises a code of conduct binding on all members. The scope of treaties since 1945 has been diverse; genocide is a matter of concern to all states and one requiring common treatment. Massive horror anywhere affects all the world and is usually associated at some point with threats to or breaches of international peace and security. The fact that 75 States have entered into a treaty on genocide in and of itself makes the subject one of international concern. And, if genocide is a matter of international concern, then the U.S. has the constitutional power to enter into a treaty on the subject. In addition, the Constitution grants to the Congress in Article 1, section 8, power to define and punish "offenses against the Law of Nations." The world community by its widespread ratification of the Genocide Convention has defined genocide as a crime against the law of nations.

Secondly, "ratification of the Convention does not, per se, make genocide a punishable crime under domestic law." The Genocide Convention is not self-executing; ratification does obligate the U.S. to enact implementing legislation.

Thirdly, "the Genocide Convention recognizes that both states and individuals must be deterred in order to minimize the risk of genocide." States must be liable to answer in international organs for actions taken by their governments or actions taken in their territory—even without official government sanction. A state is given the affirmative obligation to prevent and punish genocide within the area it controls. Also, individuals are put on notice that they cannot hide behind the actions of governments in which they participate. (p. 39–46, Hearings.)

IMPROVED COMPENSATION FOR VETERANS UNDER GI BILL

Mr. CASE. Mr. President, the Senator from Maryland (Mr. MATHIAS) has introduced a bill which I have been glad to cosponsor, greatly improving the compensation to be received by veterans under the GI bill.

The bill represents a return to the idea behind the World War II GI bill, in that a veteran would be entitled to an allowance of up to $1,000 a year for tuition and books in addition to the monthly educational allowance now authorized. As the World War II bill was of genuine assistance to thousands of veterans who otherwise could not have gone to colleges and technical schools, this bill might well stimulate a revival of this type of interest among Vietnam veterans.

I ask unanimous consent that an article on the proposed legislation, published in the Washington Afro-American, be printed in the RECORD.

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

[From the Washington Afro-American, July 6, 1971]

MATHIAS NEEDS NIXON AID

Nothing the Nixon Administration is doing for Vietnam veterans is more important to their future welfare than the move Republican Senator Charles McC. Mathias of Maryland has made to restore tuition grants to the GI Bill.

Under Senator Mathias' bill veterans still would get $175 monthly now provided a single man, with higher sums for men with dependants, but also would qualify for up to $1,000 a year to be used for college tuition, fees, etc.

This change would make the difference for many poor veterans, black and white. Low-income youngsters made up the bulk of the fighting forces in this war and they deserve every possible help in getting into the mainstream of life.

For some the extra money would encourage them to go on and get the education they never hoped or planned to achieve.

For others it would make possible the continuation of educations that lack of funds cut short.

Anyone familiar with the costs of public and private higher education these days knows that a veteran cannot make it in college on $175 a month.

It helps him none at all to be told the GI Bill is meant as only a supplement. It's worth nothing at all to him unless he can use it.

The Nixon Administration, which is strongly attempting to help Vietnam veterans, should give Senator Mathias' proposal its support. Whatever the new bill might cost would be worth it.

For more than a year the Afro-American has been plugging for a return to the tuition grants that made it possible for thousands of World War II veterans to complete their college educations.

Veterans of Vietnam feel they have been cheated in many ways because of the mixed reaction in the country regarding the war. They should not have the U.S. government that asked them to serve give them less of an education break than it did other veterans.

REMARKS BY ALAN PATON, LEADER OF THE LIBERAL PARTY IN SOUTH AFRICA

Mr. KENNEDY. Mr. President, I shall place in the RECORD the remarks of Alan Paton, novelist and leader of the Liberal Party of South Africa, prepared for delivery at the annual meeting of the Associated Harvard Alumni at the Harvard commencement on June 17, 1971.

Mr. Paton's perceptive and thoughtful comments about race relations in this country and in South Africa fully deserve the attention of every Senator. His remarks accurately describe my own concerns about the need for America to disengage its commercial commitments to that racist regime. I can see no way for us in this country to continue the financial and economic support invested in that country while the tragedies of apartheid are allowed to exist. Hypocritically, Americans have decried the repression of that government, while at the same time continuing to pump American dollars into the South African economy. Such behavior can only serve to comfort the white South African who believes that Americans are willing to place profit above principle.

Mr. Paton presents an articulate and resolute expression of why the battle for human justice and racial equality deserves a high priority at all times.

Alan Paton's words eloquently challenge America to continue working for solutions to the problems that have plagued Americans for centuries. He calls to us to continue world leadership in the struggle for solutions to the problems of race that plague most nations of the world.

I believe his words deserve the careful attention of all Senators. I ask unanimous consent to have printed in the RECORD the remarks of Alan Paton at the June 17 commencement at Harvard University.

There being no objection, the remarks

were ordered to be printed in the RECORD, as follows:

REMARKS OF ALAN PATON

It is a great honour, but it is also a considerable challenge to address the Alumni of Harvard University, of whom I am one of the very youngest. What should one say on such an occasion? It seems to me that it would be inappropriate to discuss writing or letters, even though it is because of these that I have become one of you today. It is clear to me that the theme which occupies our minds, even obsesses them, is the life of man in society. To discuss this as a philosopher should, is beyond my powers, nor would it be appropriate. To discuss the life of man in American society would be in me presumptuous, although I follow his contemporary history with great attention. A discussion of the life of man in South African society would be too specialised a theme. So I am going to talk on "Our Two Countries."

I first visited the United States in 1946, and was overwhelmed by it, by its size and its competence, and its extraordinary mood of optimism and confidence; the mood of doubt and anxiety was then rarely encountered. I left it with a multitude of impressions, of which one was easily the greatest and most easily remembered. That was the way in which the founders of your society had dared to set down in black and white a charter for the future, which was to be subscribed to then and there, which was to be amendable only in ways which were purposely made difficult, and which was not only to limit the power of the law-makers, but which was to subject their laws to the scrutiny of the highest court of the land. That there were defects in this fundamental constitution I have no doubt, but they did not obscure for me the majesty of the conception. And it was a natural consequence of your colonial history that the liberties of men should have been protected against the attacks of overweening authority.

The position in my own country is quite different. Parliament is sovereign, and this sovereignty has enabled it to embark on a programme of racial legislation the like and scope of which have never before been seen in the history of man. If one supports these laws, one calls them laws of racial differentiation, laws for the preservation of racial identity, laws ensuring the peaceful and harmonious social and cultural and political development of all the different racial groups in the country, laws enabling them to move side by side but separately to their own individual and autonomous destinies. If one does not support these laws, one calls them laws of racial discrimination, and one regards the ideal of separate autonomous development as unrealisable, particularly in a country whose economy has brought together the people of all its races, even though their status within that economy is decided by ideological rather than by economic considerations. What is more, one does not believe it possible to implement such laws without inflicting hardship and suffering on voteless and voiceless people.

At this point there is something that I should make quite clear. When I am honoured by your University, and am invited to address its alumni, I have one over-riding obligation, and that it is speak that truth which is the object of pursuit of every university which deserves the name. That is what I am trying to do now, and I am trying to do it as a university man should, soberly and clearly, without offensiveness. I might have chosen some safer subject, but I would much rather speak on a subject which is related to our lives and our aspirations. And this brings me to another issue that vitally concerns our two countries.

To what does one give one's highest loyalty? A religious person—which I myself am, though of no great quality—could claim that his highest loyalty is given to God, which is a just claim and a safe claim only when it is made humbly. A person who claims to have no religion could justly claim that his highest loyalty is to the truth, and that also is a safe claim only when it is made humbly. But in what way can one's highest loyalty be given to one's country? Surely only in one way, and that is when one wishes with all one's heart, and tries with all one's powers, to make it a better country, to make it more just and more tolerant and more merciful, and if it is powerful, more wise in the use of its power. I should add that I am stating a very high ideal, because it is seldom that one wishes a thing with all one's heart or tries to do it with all one's might, even though there are sometimes external observers who imagine one to be doing just that. But when loyalty to one's country means loyalty to some party or some government or some policy, or even to that mythical power known as the State, there are many people in both your country and mine who find it difficult, and sometimes impossible, to give that kind of loyalty. I would find it difficult to say what love of South Africa means to me. It certainly means a love of the place where I was born, a love of the physical land, of mountain and river and plain, a love of its infinite variety, a love of its peoples and especially of those who have suffered for the things that they believe in. South Africa is often called a land of fear, and so it is. But it is also a land of great courage—and so is this. A friend of mine was once asked at a symposium, "if you did not live in South Africa, where would you like to live?" to which he gave the totally unexpected answer, "if I did not live in South Africa that's where I should like to live." My own views and beliefs which are often called un-South African, were made nowhere else but there in South Africa, just as many of the views that are called un-American were made nowhere else but in America.

Now when people hold un-South African and un-American views, there is a great temptation on the part of rulers to take steps against them. I should say at once that protest in South Africa has never been as vigorous and as widespread as it is in the United States. And I should say at once that the reason for that is that one has to pay a much higher price for protest in South Africa. Therefore one is tempted to conclude that if rulers took a firmer line in the United States, protest would to some extent die away. And in order to take a firmer line, rulers would have to interfere with that charter that was subscribed to when your country achieved its independence, and would have to curtail that liberty the entrenchment of which was the firm resolve of your founders, and would have to adopt the methods of Hitler and Stalin, which methods have rightly been held in such abhorrence by Americans.

So it is—in your country as well as mine—that there comes this schism between those who believe that the maintenance of law and order is the prime obligation of any good society, and those who believe that the preservation of civil liberty is the prime obligation. And this schism is made more bewildering by the coming into being of other schism which are related but not identical—between the rich and the poor, the old and the young, the white and the black, the rulers and the ruled. The temptation to achieve conformity by legislation is very powerful, and I hope that the American people will never yield to it, because it will mean the erosion of liberty and the rule of law, and that is what it has meant in my own country, whose parliament has sovereign power, and whose government is representative of one-eighth of the total population.

It may distress you that the blemishes of your body are so visible to the outside world. But at least you lance your boils and suppurations. It would be a tragic error of judgment if you allowed yourselves to believe that a total bandagement would restore your body to health. You at least know you are sick. We do not believe that we are. It is true I think to say that we do not really know what goes on beneath the all-covering mantle of our law and order.

It is time for me to be drawing towards a close, but I want to note one more difference between our country and yours. We are both countries of many races, but whereas your policy—with many halts and hesitations—has been to aim at one American society, our policy—vacillating under earlier governments but determined under the Nationalist government—is to create a multi-racial society, with its African nations, which comprise 70% of the total population, allotted various portions of the country which total something like 13% of the total area, and the aim of the policy is to create homelands where these national groups will achieve cultural, social, economic and eventually—in ideal theory—political autonomy. To a person like myself the policy is a self-deception, a way of disposing of a problem by putting it somewhere else. The possibility of achieving economic independence, or even a health economic interdependence, by people whose average earnings are often one-tenth or less of the average earnings of white South Africa, seems totally remote. And it is a source of grief, frustration, and anger and hatred to many that the policy of separate development seems likely to make real economic advance improbably, if not impossible.

I was the President of the inter-racial Liberal Party which was made illegal in 1968, and we opposed uncompromisingly the policies of separate development, and the creation of what we would have called subservient sub-governments. Now I find myself hoping that all our people who are not white, will make the fullest use of these instruments of power which are being put into their hands by the architects of separate development, no matter how feeble they may be; for the creation of these instruments has made it possible for the leaders of these sub-governments to speak with authority to an audience they could never have reached before. And it be my hope that this would be a stage in our development towards some kind of common society. For in my view no other kind of society could ever give to black men a just share in the fruits of their labour and the earth.

I am often asked the question as to whether Americans should withdraw all investments in South Africa. I know this view is strongly held by some, and I respect it, but it is not my own. If those American enterprises in South Africa—and there are not a great many—and here I am quoting from the statement of the Polaroid Corporation entitled "An Experiment in South Africa," would "improve dramatically the salaries and other benefits of their non-white employees" then I have no doubt that this would exert a moral pressure on South African employers to do the same. It is my opinion—that apart from any colour of skin or difference of race and culture—the great disparity between white and black wages leads, paradoxically enough, to an intensification of white fear, for people of other colours and races, when they also, owing to their poverty, live a totally different kind of economic life, seem more alien and more other than ever. Therefore I stand not for the withdrawal of American investment but for this dramatic improvement in salaries and benefits.

Now I have reached my end. Your tribulations are known to the whole world. Some of us in the outside world derive satisfaction from them. Some of us in South Africa believe that your troubles are due to your policies of racial integration, and such people

are trying anew to prove that separate can be equal. Yet you should not be discouraged by this. The problems of racial prejudice and friction, the problems caused by man's destruction and pollution of his environment, the problem of war and of deluding oneself—after all these centuries of experience—that war can make the world better, the problem of the terrible gulf that yawns between the rich and the poor, the problem of the impersonality and meaninglessness of human life, especially in the great city, they are our problems too, even if only in miniature. It is foolish of us to gloat when you appear to fail to solve them, for are we any better, any wiser than you? Therefore you must regard yourselves as the testing ground of the world, and of the human race. If you fail, it will not be America that fails, but all of us.

And may I say a word to the younger people of my audience? I understand well your dissatisfaction with the world that we have made. But I do not believe that one can make it any better by withdrawing from it. I understand your argument that if you take part in it, you are only prolonging its existence. I understand your argument that if you take part in it, it will corrupt you just as it has corrupted us. But it is not a very good or a very brave argument. The only way in which one can make endurable man's inhumanity to man, and man's destruction of his own environment, is to exemplify in your own live's man's humanity to man and man's reverence for the place in which he lives. It is a hard thing to do, but when was it ever easy to take upon one's shoulders the responsibility for man and his world? So good luck to you all.

THE CANNIKIN TEST—SENATOR GRAVEL AND REPRESENTATIVE GUDE REPORT FOR MEMBERS OF CONGRESS FOR PEACE THROUGH LAW

Mr. PROXMIRE. Mr. President, today two distinguished Members of Congress, Senator MIKE GRAVEL and Representative GILBERT GUDE have released a report entitled "U.S. Underground Nuclear Testing: Cannikin as a Case in Point." The report was prepared under the auspices of Members of Congress for Peace Through Law, of which I have the honor to be the cochairman of its Military Spending Committee.

The report questions very seriously both the need for and the usefulness of the Cannikin test. It warns of the very serious dangers of testing a 5-megaton underground weapon in the particular geological atmosphere in which it will take place. The danger of extensive earth tremors and tidal waves are serious. It also weighs the international risks against the benefits. The report concludes that the test should be canceled.

Everyone knows that the purpose of the action is to test a 5-megaton warhead for the Spartan missile—a part of the ABM system. But the AEC and Defense Department refuse to admit what the purpose of the testing is.

If the Government wants to know why its credibility is at stake, let this be example No. 1.

The Russians know the purpose. The Chinese know the purpose. We know the purpose. Every informed Member of Congress and the general public knows what is going on. Why do not the AEC and the Department of Defense admit it?

I ask unanimous consent that the report be printed in the RECORD.

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

U.S. UNDERGROUND NUCLEAR TESTING: CANNIKIN AS A CASE IN POINT

(By Senator MIKE GRAVEL and Congressman GILBERT GUDE)

As with most complex issues there are many facets to the question of continued underground nuclear testing. The authors have chosen to organize their remarks around the weapon system, environmental and foreign policy aspects of the issue.

For manageability of the topic and immediacy of the issue the proposed Atomic Energy Commission 5-megaton Cannikin test planned for Fall of 1971 at Amchitka, Alaska has been chosen as the instant case. This massive test was examined against the backdrop of the three considerations mentioned above. On all three counts: (1) mission and weapon system usefulness, (2) environmental costs and dangers, and (3) induced reactions in foreign affairs, the presumed benefits of the AEC underground nuclear test planned for the Fall in Alaska are far outweighed by the risks.

It is the conclusion of the authors that the test should be cancelled.

1. THE WEAPON SYSTEM ARGUMENT

The basic problems of our national security and defense posture today remain those that we have learned to live with over the past two decades. Our fundamental premise has always been that the United States must be strong enough to convince any would-be aggressor that an attack on us would be suicidal.

We have created capacity for varied nuclear retaliatory response in our land-based, undersea, and strategic bomber forces. That awesome combination still affords the best guarantee against any Soviet or Chinese first strike. Even the most pessimistic of strategic nuclear thinkers has never asserted that an aggressor could succeed in knocking out all elements of the U.S. nuclear arsenal simultaneously. As long as the most invulnerable of our strategic forces—our fleet of nuclear submarines armed with Polaris and Poseidon missiles—remains intact, no nation on earth can undertake an attack on the United States without inviting self-destruction.

The debate over the ABM stems from the growing realization that the value of fixed, land-based missiles, such as our Minutemen, is slowly but surely being eroded by advancing technology. The ever-increasing range and accuracy of enemy missiles, and the concurrent revolution in the design of nuclear warheads for those missiles, now enables an aggressor to deliver not one blow per rocket but several, of tremendous power, either in a pre-set pattern or against widely scattered individual targets.

Even in their imposing concrete silos, therefore, our Minutemen day by day are losing a degree of their potency in the strategic equation. This fact should suggest a number of possible alternatives to us, since so far we have not been able to halt the progress of military technology or nuclear weaponry.

We can try to further harden the emplacements of our land-based missiles, in the hope of increasing their capacity to withstand a near or direct hit. Or, we can take our missiles out of their silos and try to make them mobile, possible through reinstallation on specially constructed trains, or in surface vessels scattered across the oceans.

Instead, both this Administration and the last have chosen to pursue still another course—to try to lengthen the life of our existing Minutemen by super-imposing a protective anti-missile defense, with the goal of interdicting and destroying enemy rockets in space or in outer earth atmosphere before they can reach their targets. This is the Safeguard system and it is one component of this system that is planned for testing at the AEC site in Amchitka, Alaska in October of this year in a test dubbed Cannikin.

The AEC was forced to move from its former test sites in Nevada and elsewhere in the West in order to detonate any weapon of larger than one megaton size—that is, fifty times the size of the bomb that all but obliterated Hiroshima in 1945.

To conduct such tests in those western states, even underground, would involve direct seismic danger to cities as Las Vegas, Reno, and Salt Lake City.

So in order to climb the ladder of atomic escalation in greater freedom, the AEC shifted its test operations to the Aleutian Chain, to the Island of Amchitka, which lies on top of one of the most treacherous earthquake zones in the world. The AEC set the stage in 1969 with the so-called Milrow test involving a one-megaton explosion at Amchitka. At that time concern was expressed not only about immediate danger to Alaska and the West Coast, but the chances for surface venting of radioactive material over Canada, Scandinavia, or the Soviet Union, in violation of the obligations the U.S. assumed under the limited test ban treaty.

No one including the AEC, knew exactly what would happen in Milrow. But when the worst fears of triggering an earthquake or cataclysmic tidal waves were not realized, the AEC took this as license to proceed with planning for a significantly bigger test shot in Amchitka, Cannikin.

The best experts outside the government have estimated that the maximum yield of Cannikin probably will be in the range of five megatons, in order to produce effects sufficiently greater than those previously attained by one megaton tests in Nevada and Amchitka. This five megaton value also would be consistent with the announced depth of the Cannikin event.

It is important to establish the link between the Cannikin test and the safeguard system. Although neither the Department of Defense or the AEC has made a specific admission of this fact, there is every indication that Cannikin will be a test of a Spartan anti-ballistic missile warhead, and Spartan of course is one of the two missiles employed in the safeguard system.

So far the AEC has said only that Cannikin will be "a vital part of the U.S. weapons development program." Strategic analysts have pointed out that the only Defense Department weapons programs now "vitally" in need of tests of high yield warheads are the Spartan ABM and the MIRV warheads for the Poseidon and Minutemen missiles. But the latter two warheads clearly will fall in the less than one megaton range, so that leaves Spartan.

More recently Administration members have talked of the need for an "improved Spartan with much lower yield" to be ready in 1976 to supplant the basic Spartan, i.e., a second generation system would be the new requirement.[1]

In short the Cannikin test appears to be designed to advance the development of a large warhead for an inferior, first generation Spartan missile, which even Pentagon experts concede will soon be out of date, and whose capabilities are inconsistent with the only ABM mission approved by the Senate Armed Services Committee. To make it even clearer, if SALT leads to mutual limitation of ABM defenses to national capitals, then the standard Spartan missile and Cannikin will not be needed.

In that light the expenditure of more than a billion dollars for a test program with such dubious prospective value, and with such

Footnotes at end of article.

serious environmental risks, is sheer folly. At the very least, authorization for Cannikin should be postponed until the probable results of SALT are more apparent.

The most recent authoritative statements on the technical deficiencies and shakey rationale for the Spartan missile and hence the Cannikin test came out of the May hearings on the subject in Anchorage, Alaska. The statement of the Director of the Federation of American Scientists contains a tightly logical and persuasive argument for cancellation of this underground nuclear test. Parts of this statement are here excerpted without further attribution to conclude this section.[2]

The Federation's starting point is a conclusion of the Pitzer report (an independent study of Cannikin prepared for the President's Office of Science and Technology in 1968) that, "the need for these tests must be *compelling* if they are to be conducted in the face of the possible risks that have been identified." (Emphasis added).

Is Cannikin a Compelling Necessity?

The following questions arise in applying the "compelling" necessity criterion of the Pitzer report: (1) is Cannikin a compelling necessity to deploy the basic Spartan? (2) If so, is the basic Spartan a compelling necessity for the defense of Minuteman? (3) Is the basic Spartan a compelling necessity for the defense of bomber bases or of national command authorities?

Is Cannikin a Compelling Necessity to Deploy the Basic Spartan?

The AEC Environmental Impact Statement argues only that a failure to proceed with Cannikin would "severely hamper" the "development of nuclear weapons technology." Thus the AEC does not claim that a failure to proceed with Cannikin would, for example, preclude the deployment of a weapon system necessary to national security. Indeed, confidence in Spartan, and estimates of its effectiveness, cannot be substantially improved even with unlimited tests. In the first place, there is little doubt that the Spartan warhead will detonate; and confidence in the warhead's effectiveness depends more critically on other considerations: The tactics used by the Soviets (number and kinds of decoys, simultaneity of arrival, separation of incoming warheads, etc.); the failure of Spartan to fire (reliability of missile, computer software bugs, etc.).

Further, it should be pointed out that the entire Safeguard missile defense is being justified on the ground that the Soviets cannot be sure that Safeguard will not work and will accordingly be deterred. In this context, Cannikin will be of essentially zero significance in changing Soviet perceptions of the likely effectiveness of the entire Safeguard system—involving, as this system does, so many other significant uncertainties.

In short, Cannikin is not compelling necessity to deploy the basic Spartan; from an overall perspective it may be no more than an irrelevancy.

Is the basic Spartan a compelling necessity for the defense of Minuteman?

Even if Cannikin were to be judged necessary to deployment of the basic Spartan—which we have judged is not the case—it would still be necessary to ask whether the basic Spartan was a compellingly necessary part of Safeguard.

The improved Spartan—which does not require Cannikin—will take over many basic Spartan functions. According to DOD, "(it) will carry a smaller warhead but to much higher velocities. This missile will enable the system to more effectively intercept SLBM's and depressed trajectory ICBM's. They will have a larger area capability than the standard Spartan and reduce the nuclear effects on the system." [3]

Footnotes at end of article.

The Director of the Los Alamos Scientific Laboratory, Dr. Harold M. Agnew, put it this way in his recent testimony in favor of Safeguard: *Senator Symington.* In your article you opposed the use of high-yield warheads for ABM such as the one used in the basic Spartan. Do you still oppose their use? *Dr. Agnew.* I don't think I opposed the use. I said that they would be useful in a limited way, as I said in my previous testimony, with regard to breaking up high rate attacks and to provide a mechanism for high altitude attacks against very large yield weapons which might be used in a particular role which the Soviets might employ.[4]

Considering the large costs of Cannikin the total costs of basic Spartan and Cannikin combined will be so large that the basic Spartan is unlikely to be cost-effective from any point of view.[5]

In short, far from being a compelling necessity, basic Spartan is simply something that might be "useful in a limited way" against tactics the Soviets "might" adopt. But at the same time, it might assist the Soviets in degrading the performance of Safeguard. And its deployment is almost certainly a strategic mistake in allocation of Safeguard resources.

Is the basic Spartan a compelling necessity for the defense of bomber bases or of national command authorities?

The Air Force is engaged in dispersing its bombers to inland airfields. Its main fear is submarine launched ballistic missiles (SLBM) and depressed trajectory ICBM attack which might arrive with relatively little warning. Improved Spartan is specifically designed to be the best answer to this.

The defense of command authorities or capital cities will rely upon Sprints primarily, and upon improved Spartan. Since the Capital is not going to be defended against determined attacks—but against accidents or small attacks—the contingencies in which basic Spartan is likely to be useful (threat of "high-rate" attacks or "very large yield weapons" for high altitude attacks) are largely or completely irrelevant.

SUMMARY

In summary, the case for Cannikin now turns on:

(A) The need for Cannikin in order to deploy a basic Spartan in order to

(B) Supplement, for special purposes, the improved Spartan that are themselves only

(C) Supplementing Sprints in the Safeguard defense of Minuteman—a defense

(D) Whose overall justification and effectiveness is under serious question.

Thus, those who reject Safeguard reject the necessity for Cannikin. Those who reject the necessity for Spartan in Safeguard reject the necessity for Cannikin. Those who reject the necessity for basic Spartans in Safeguard reject the necessity for Cannikin. And even those who want the basic Spartan still reject the necessity for Cannikin unless they insist on proof-testing it at great financial expense and at the environmental risks described in the following section. Under these circumstances, who can possibly call Cannikin a compelling necessity.

2. ENVIRONMENTAL ISSUES AND UNDERGROUND NUCLEAR TESTING

The environmental issues associated with continued underground nuclear testing center on the possible triggering of earthquakes and tidal waves, and ocean and surface radiation contamination through venting. Because of its imminence and eminence, the proposed five-megaton explosion, Cannikin, at the Atomic Energy Commission's Amchitka Alaska Test Site in the fall of 1971 is the primary case against which these environmental considerations should be weighed.

The explosion of a five-megaton nuclear bomb more than a mile beneath the surface in one of the world's most seismically active regions presents Alaskans and the people of the Pacific Rim with some element of risk.

The risk is undeniable. The AEC admits it in the most recent Environmental Impact statement dealing with the Canniken Test. No competent government or scientific authority will testify that the test is absolutely safe. What the AEC does say is that the risk is small and, when balanced against the importance of the test to our national security, the risk is acceptable.

As noted in the previous section, a number of the Nation's leading weapons experts, many of whom have been in government advisory and policy-making roles, have offered testimony that the test is not necessary. To summarize, they believe that the ABM weapon is not essential to our national security.

But even if it were, the Spartan Warhead, which would be tested in Cannikin, is only a very supplemental missile in the ABM system And, even if one believes the ABM is necessary and the Spartan Missile is necessary, the proposed test will not significantly resolve the many uncertainties associated with performance of the basic Spartan.

Certainly, if Cannikin goes ahead as scheduled, scientists will learn something. But going ahead to improve marginally our arsenal of information is not the same as going ahead with development of a weapon to insure our very survival. The risk versus benefit scales tip differently.

In 1969, a number of competent authorities directed their attention to the benefit-risk question. No one knows precisely where the great Aleutian Fault lies. It is believed to pass within 30 to 100 kilometers of the Amchitka Test Site. Seismologist James Brune of Cal. Tech has said: "I would think that scientists would be very hesitant to fire off a large nuclear explosion 30 kilometers from the San Andreas Fault. One hundred kilometers would be better. But I'd still be a little worried about it." [6]

Dr. Frank Press, Chairman of the Department of Earth and Planetary Sciences at the Massachusetts Institute of Technology and perhaps the most acknowledged expert in this field, says that Amchitka lies in a zone perhaps ten times more seismic than Nevada. That fact, he says and the fact that the large explosions being planned are without precedent, suggests that previous experience may not be pertinent. About the Milrow Calibration Test in 1969, Dr. Press said: "Unfortunately, a series of tests with progressively increasing yield is a precaution of uncertain value if the instability mechanism which triggers an earthquake has a threshold.

"For these reasons," Dr. Press continues, "I would associate a definite, though small risk with large nuclear explosions in seismic belts like Amchitka. The very small possibility of very large damage must be balanced against national security needs. In my opinion, the need to test these large yields must be very compelling to justify the risk." [7]

The AEC's own earthquake consultant, Wendell Weart from the Sandia Laboratory said in 1969, "There is obviously some point in yield (test size) beyond which there would be danger . . ." and in May 1968, he said, "Further understanding is necessary to permit extension of present observations to higher yields and especially to other, perhaps more tectonically active test sites." [8]

Numerous authorities offered similar testimony. One was Dr. Kenneth Pitzer, then President of Stanford University and of a commission appointed by the White House to investigate the safety of underground nuclear tests.

The Commission's conclusions, published in what became known as the "Pitzer Report", were in part:

"The panel is seriously concerned with the problem of earthquakes resulting from large-yield nuclear tests. Although the possibility

that underground nuclear tests might initiate one or more earthquakes has been suggested in the past, new and significant evidence demonstrates that small earthquakes do actually occur both immediately after a large yield test explosion and in the following weeks. The largest of the observed associated after-shocks have been between one and two magnitudes less than the explosion itself. However, there does not now appear to be a basis for eliminating the possibility that a large test explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site." [9]

Let there be no doubt. The risk of earthquake exists. The extent of risk cannot be measured because no one knows with assurance the geologic substructure of the region, or the mechanism that creates earthquakes, or the effect of man-made explosions on a seismically volatile region. That is why the AEC's environmental impact statement does not dismiss the possibility of earthquakes. The AEC report reads, "Because the understanding of earthquake mechanisms is still developing and is not yet sufficient for exact calculations, the possibility of such an occurence cannot be ruled out." [10]

A vast body of scientific opinion views the earthquake in itself as a triggering mechanism. The Great Alaska Earthquake of 1964 began with a shock of about 6.5 and triggered itself to a peak of 8.4. The Aleutian Islands earthquake of September 11, 1969, began with a shock measured at 5.2 and peaked at 6.6.

Cannikin may provide a trigger of between 6.8 and 7.2. What type of energy can be released with that kind of trigger? No one knows.

It may be that the bomb will be exploded near a previously unknown fault line, that no natural earthquake was poised, waiting to occur, and the predictions of the Agency will be borne out. In all fairness, the odds are on that side. The possibility of an accident is only that—a possibility—not a probability. But the risk is there because the test is a gamble with the unknown.

Suppose there is an accident, a mistake. Suppose there is, as the Environmental Impact statement says it, an imminent earthquake very near Amchitka, for which Cannikin is the trigger. Would Cannikin's 7 point natural earthquake remain a harmless 7 point event? The odds shift markedly against such an eventuality occurring without some toll.

The AEC believes the magnitude of shock would be slightly greater if both events occurred together. At 7 points on the Richter Scale we are already courting the birth of a tsunami wave. If 7 and 7 add up to 7.5, such a wave is a certainty. The AEC's own literature lists 7.5 as the level of shock at which a dangerous tsunami is certain to occur.

As evidence that the risk is small, the AEC offers the results of the 1969 Milrow Test and experience at the Nevada test site.

Any competent statistician would question the use of the Nevada experience in calculating the odds for a five megaton test in Alaska.

Our nation has never before conducted a five megaton underground test anywhere. Certainly, the Nevada tests, in a seismically quiet area, cannot be applied to the experience in Alaska where the earth is violently unstable.

In 1964, the AEC categorically claimed that underground nuclear tests would not trigger natural earthquakes except under extremely unusual circumstances. But after the experience of six one-megaton bomb tests at the Nevada Test Site that assurance was completely reversed. Now the AEC says that large explosions *invariably* trigger natural earthquakes. Recall that the Alaska Test Site was developed only because the planned explosions were found to be too big and too dangerous for Nevada.

In addition to 16 Nevada tests which leaked enough radioactivity to be detected beyond the test site boundaries, 11 more leaked enough to be detected beyond ground zero, but not beyond the test site. In addition about 40 tests leaked radioactivity detected only in the "immediate vicinity" of the firing point. (Theses figures from Seaborg to Gravel, letter of March 11, 1971). Out of 230 underground tests, each designed to be fully contained, 67 leaked.

It is true that the amount (curies) leaked, except in the major vents, has not been much. That is not the point. The point is, how many of the 67 leaks were associated with earthquake faults? How much faith should we have in the AEC assurance that Cannikin is far enough from earthquake faults.[11]

Another reason why the Nevada triggering experience is largely irrelevant is because the largest Nevada test has been a 1.2 megatons, not nearly 5 megatons like Cannikin. The largest seismic punch of a Nevada test has been 6.2, whereas Cannikin is expected to be 6.8 or 6.9 or "about 7.0." That means Cannikin will have, at the very least, *6 times more seismic energy* than the largest Nevada experience.[12]

In passing up from 6.2 to 6.8 seismic mag, for all anyone can know, the AEC may pass over another "threshold" of triggering activity.

It is true that no ventings have occurred from any of the large-yield, deeply buried explosions. But accidents are almost always preceded by a string of successes. A single success (Milrow) statistically proves absolutely nothing about another one-megaton test, much less a 5-megaton explosion.

This little homily is important, because there should be no crowing about the alleged success of Milrow. The failure of Milrow to trigger an earthquake or sea wave proves nothing for Cannikin. Further, it is not yet known whether Milrow will contaminate the ocean in a relatively short time period, either from its own subsurface restructuring or the restructuring that would occur from the Cannikin test. The movement of unsuspected subsurface faults could wipe out the base upon which the AEC has confidently made its argument about the containment of radioactivity. If the subsurface structure moves in unpredicted ways, the radioactive waste could find a funnel to the surface.

The bomb explosion will create a cavity about the length of two football fields and will do so instantaneously. The Environmental Impact Statement assumes that the cavity will contain the radioactivity, both immediately and in the long term, to prevent underground radiated water from reaching the surface within 1,000 years.

But the Impact Statement also includes what the AEC terms an "unlikely possibility." That is, that the water within the cavity chimney system created by the blast becomes mixed and flows through a system of inter-connecting rock fractures. This model is likened to an "open crooked pipe" through which radiated water would reach the surface within two or three years and flow into the ocean concentrations of radioactivity 1,200 times the level considered safe. That process would continue for an estimated 130 years. Rapid migration and ocean contamination is the most grotesque and worrisome possible consequence from Cannikin.

The AEC in its most recent Environmental Impact Statement fails to mention the possibility that Longshot, Milrow, and Cannikin could all three start discharging radioactivity concurrently around Amchitka. What would that do to the dilution factors and the accumulation factor? [13]

The AEC downgrades this possibility and downgrades the effects if it should occur. But the risk of error is taken seriously by Alaskans and others who have an enormous economic stake in the resources of the sea.

In these days when the nation is deeply concerned about mercury poisoning and the market for seafood products has fallen off sharply, even the suspicion that radioactive water is leaking to the surface could devastate the market for all fishery species of the North Pacific.

It is not at all certain that radioactive waste is diluted by seawater. Radioactivity reconcentrates in seafood. Those who dumped mercury in seawater said it was safely diluted. Now it is found that larger fish concentrate mercury at levels dangerous for those who eat them. DDT is such a problem it is being outlawed by some states. Comparatively, certain radionuclides like strontium and cesium have fabulously greater reconcentration features in the food chain.

The danger that radioactivity will escape is no less than the danger that an earthquake may be triggered. Indeed, these two actions could inter-react, the earthquake affecting the cavity; not only the cavity caused by Cannikin, but the cavity caused by Milrow. The Milrow test produced an enormous amount of radioactive waste that could still be brought to the surface by groundwater, or through an unsuspected fault opened by a natural earthquake or the Cannikin test itself.

One may accept without question the AEC's assurances that all will go well. But all too often, such forecasts have not been borne out by circumstances.[14]

To go ahead with this test is courting a risk of a magnitude that cannot be determined. The risk is not worth taking. The national security of the U.S. will not be imperiled if the test is cancelled.

Since this is an experiment, and it is the nature of experimentation that sometimes things do not go as planned, one wonders at the AEC's assurance that this is the last test at the Amchitka site. If scientists do not learn what they hope to learn from this test, would not that necessitate a further test of equal magnitude?

If not, if testing at Amchitka can be stopped regardless of the outcome of Cannikin, why is Cannikin considered so important to our national security?

It is worth pointing out that Alaska has had an extended and rather uniform history in dealing with Atomic Energy Commission proposals for tests in Alaska.

In 1960, the AEC proposed to blast a deep water harbor in northwest Alaska utilizing an atomic bomb. Plans went ahead until Alaska scientists and state leaders expressed their opposition. Such an explosion would have seriously affected the delicate food chain of the north—a food chain that already has suffered adverse effects from the atmospheric testing of the fifties and early sixties.

Even today, body burdens of radioactivity carried by some Eskimos and Indians of the North are far beyond normal measurements.

When project Longshot was proposed for 1965, the AEC said it would not be the forerunner of any test series, but rather a one-shot experiment.

Yet, two years later, the AEC was back again, with massive plans for conversion of Amchitka Island—a wildlife refuge—into a major new test site.

Prior to the Milrow experiment considerable opposition was expressed by the Alaska public and by elected leaders. The day of the test, which the AEC confidently said would produce no harmful effects—the civil defense network was alerted all along the Northern Pacific coast. The Navy moved its Kodiak emergency hospital to higher ground.

Now the largest test yet is planned for the fall of 1971.

The test is not necessary; it is not with-

Footnotes at end of article.

out risk; and should be opposed. Alaskans and the people who live along the Pacific rim should not be asked to accept such a risk for so questionable a purpose.

The test should be cancelled, the island fully restored and the AEC should count Amchitka and Alaska out of any future plans for the detonation of atomic bombs.

3. PROSPECTS FOR A COMPREHENSIVE NUCLEAR TEST BAN TREATY

The United States and the Soviet Union agreed in 1963 to ban nuclear testing in the atmosphere, outer space, and under water. Negotiations to achieve a comprehensive ban including underground nuclear testing floundered on the issues of on-site inspection. Neither side has shown great interest in extending the ban, and a large number of underground tests have been conducted, particularly in the development of MIRV and ABM warheads.

There is increasing dissatisfaction with the lack of progress among non-nuclear nations who have signed the 1970 Non-Prolieration Treaty. Recent scientific reports indicate that substantial progress has been made in detecting and identifying underground nuclear tests, reducing the problem of on-site inspections. As elaborated in the previous section, concern over contamination of the earth's surface and other environmental hazards of underground testing, now focused on the Cannikin test at Amchitka Island in Alaska is growing.

The preambles to the 1963 Test Ban Treaty and the Treaty on Non-Proliferation of Nuclear Weapons which went into effect in March, 1970 both contain a commitment to continue negotiations leading to a ban on underground nuclear testing.

The existing limitation on above ground testing has generally provided protection against contamination of the atmosphere, but few believe that it has slowed the arms race. New techniques were developed to try out devices which were both more powerful and, as in the case of ABM and MIRV testing, more sophisticated than had previously been carried out underground. According to the Atomic Energy Commission, the United States has conducted 228 atomic weapons tests underground since the limited test ban was signed. The Commission reports 47 Soviet tests during the same period.[15]

From the standpoint of non-nuclear nations who signed the Non-Proliferation Treaty, the superpowers have given up nothing in the area of weapons development because of the failure to negotiate a ban on underground testing. It is difficult moreover, to persuade China and France, as nuclear powers, to adhere to even the limited test ban so long as the United States and the Soviet Union are conducting a large-scale underground testing program. India and Israel, the prime potential nuclear powers, have declined to sign the Non-Proliferation Treaty, but have signed the 1963 test ban treaty. As a result, there has been mounting pressure from the non-nuclear states to resume serious discussions of a comprehensive ban at the 25 nation Geneva Disarmament Conference.

At the February 1971 session of the Conference, Canada proposed a preliminary ban on large underground nuclear tests, covering tests that could be detected and identified by existing seismological methods. The United States rejected the proposal on the ground that on-site inspections remain necessary to detect low-yield tests. The Soviet Union has always objected to on-site inspection and initially supported the Canadian proposal. Subsequently, however, the Soviets also rejected the proposal, stating that the effect of a partial ban would be to legalize smaller explosions.

Other delegates to the Geneva Conference view these responses as excuses covering a distinct lack of enthusiasm for limits on underground testing by the United States and the Soviet Union. The Swedish government has taken the position that the technology exists to verify a comprehensive test ban without on-site inspection and that the superpowers are publicly unwilling to give up testing to refine the weapons under discussion at SALT.

The delegate from Mexico raised the test ban question again in May, voicing the dissatisfaction of most of the non-aligned members of the Conference with the efforts of the United States and the Soviet Co-Chairmen to confine discussions to the prohibition of biological weapons. (These members are also concerned about the postponement of an accord on chemical weapons.) As a concession to these views, the Co-Chairmen agreed to allow conference members to bring in experts to discuss the use of seismological instruments to detect underground nuclear tests.

The Geneva meeting which began on June 30 is most timely. The successful negotiation of the 1963 test ban was due in large part to scientific advances in launching of far earth and solar satellites and in undersea detection capabilities which generally reduced the risk of undiscovered cheating under the agreement.

In April of this year, there were reports of substantial progress in developing methods of detecting and identifying underground nuclear explosions. Since 1963, about $300 million has been spent in the detection research program known as Project Vela. At a conference sponsored by the Department of Defense Advanced Research Projects Agency at Woods Hole, Massachusetts last summer, scientists discussed techniques for distinguishing between earthquakes and explosions based on differences in the character of the waves in the earth's crust generated by the two types of events.

The discrimination between earthquakes and underground tests is based on measurements of two kinds of waves produced by both earthquakes and explosions: surface waves and body waves through the body of the earth. Measurement of a large number of earthquakes and underground explosions revealed that at least down to a certain level of magnitude, an earthquake will almost always produce substantially more surface waves relative to its body waves than a nuclear explosion.[16]

Unfortunately, there is no formal report of the Conference apart from the collection of technical papers presented by participating scientists. There is some disagreement over the conclusions and their implications for verifying underground nuclear tests due to the discrepancy between the first, unofficial summary of the proceedings, and a second summary cleared for publication by the Department of Defense. There is no dispute however, over the conclusion that important scientific gains have been made.

At the time of negotiation of the 1963 test ban, U.S. scientists were able to detect underground tests in the Soviet Union equivalent in earthquake force to 4.75 on the Richter scale. This amounts to about 20 kilotons (20,000 tons) of explosive energy. According to the revised and approved summary of the meetings, it is possible to distinguish earthquakes from underground tests below a Richter magnitude of 4.5 corresponding to the 10 kiloton range. The original summary suggested seismic discrimination techniques could differentiate earthquakes from tests with accuracy at a level of 4 on the Richter scale, or as low as one to two kiloton explosions. This kind of capability would detect substantially all of the underground weapons tests conducted by the United States and the Soviet Union since atmospheric testing was banned. Either of these estimates justifies a new look at the possibilities for verifying a partial or comprehensive ban on underground testing.

Senator Edmund S. Muskie and Senator Clifford P. Case, Chairman and Ranking Republican on the Subcommittee on Arms Control, International Law and Organization of the Foreign Relations Committee, have recognized the importance of exploring the implications of the new detection capability. Senator Case has suggested that greater seismological detection capability may make it possible to monitor a comprehensive ban with the two or three on-site inspections the Soviet Union was willing to allow in 1963. He also pointed out that some American experts now believe that a comprehensive ban could be verified with no on-site inspections.

Former Director of the Arms Control and Disarmament Agency, William Foster, expressed the opinion in a February 1971 speech that "it is fully within our scientific competence to monitor adequately such a total test ban. With our present means of instrumentation and other sources of information, it is not conceivable that the Soviets could carry out clandestine testing on a scale which could affect the strategic balance."

On the other hand, the Pentagon statement on the Woods Hole meeting (referenced above) emphasized that "much research remains to be done," and implied that scientific progress registered at the conference did not affect the issue of on-site inspections. The statement, distributed to the press on April 14, 1971, stressed the following points:

1. All one-KT tests cannot be detected. Possibility of detection and identification of underground explosions depends on the types of medium in which the test is conducted.

2. All detected events cannot presently be identified as earthquakes or nuclear explosions.

3. Desert sands are not the only medium which could hide a test, because tests could be concealed in earthquakes, large cavities in the earth and other locations.

4. The need for on-site inspection has not been eliminated, because there will continue to be seismic events detected at teleseismic distances. Further, remote seismic monitoring cannot distinguish between nuclear and non-nuclear explosions.

Senator Muskie has announced that the Arms Control Subcommittee will hold hearings to review the latest scientific data and to consider the risks and benefits of continued testing. In any event, the critical question raised by scientific developments is not whether every low magniture test can be identified, but whether the type of testing that might escape detection could provide a significant advantage to the violator. If such an advantage is lacking, it will be necessary to determine whether continued testing increases our security more than a generally effective ban on underground testing by both superpowers.

The risks and benefits of a comprehensive test ban cannot be calculated wholesale without further information on the purpose and scope of the U.S. testing program. There is, however, sufficient information available on the Cannikin test to shed considerable light on the dubious military and political calculations at issue in large underground nuclear tests. The environmental hazards of Cannikin are of great concern, not only to Americans but to our allies, Canada and Japan. Other nations of the world are waiting, with increasing impatience, for the United States and the Soviet Union to deliver on their pledges to seek a comprehensive test ban, and to move this issue off the back burner at the Geneva Conference.

FOOTNOTES

[1] If agreement were reached in SALT to limit U.S. and Soviet ABMs to the defense of Washington and Moscow, as has been

speculated in the press, then without doubt this improved Spartan would be the missile to be used.

[2] Drawn from the statement of Dr. Jeremy Stone, Director of the Federation of American Scientists, on Cannikin nuclear test, before the Atomic Energy Commission, Anchorage, Alaska, May 28, 1971.

[3] Statement of Dr. John S. Foster, Director, Defense Research and Engineering, February, 1970, Release No. 146–70.

[4] April 20, 1971, Testimony to Senate Armed Services Committee.

[5] In addition, the President's announcement on May 19 of a hopefully imminent agreement on SALT, that would limit ABMs, has implications for this nuclear test. The SALT agreement would limit numbers of interceptors and force the defense planners to choose between Sprints, basic Spartans and improved Spartans. Under these circumstances they might well choose to buy no basic Spartans at all. Many defense planners believe that, in essense, there is nothing important which basic Spartan can do that improved Spartan cannot do better. In short, the President's announcement represents an important new reason for deferring Cannikin until we discover whether SALT agreement can be reached this year, as seems to be expected by the Administration.

[6] From *Science Magazine*, article, "Earthquakes and Nuclear Tests: Playing the Odds on Amchitka," by Luther J. Carter, reproduced in *Congressional Record*, September 23, 1969.

[7] Testimony of Professor Frank Press, Department of Geophysics, MIT, *Hearings Before the Committee on Foreign Relations on SJR 155*, "Underground Nuclear Testing," September 29, 1969, p. 23.

[8] "Technical Discussion of Offsite Safety Programs For Underground Nuclear Detonations," AEC Manual NVO–40 Revision No. 2, May 1969, p. 230.

[9] "A Report: Underground Nuclear Testing," Report of the Ad Hoc Panel, Office of Science and Technology, AEC TID–25180, Chapter 5, November 27, 1968, p. 51.

[10] Redraft of AEC Environmental 102 Statement in Cannikin, May 1971, pp. 2–3.

[11] According to the AEC release May 14 (#NV–7;—29) about the leaky test BANEBERRY in December 1970, the leak did not occur through a fault. The test at 910 feet deep just split the earth with its own pressure which pressure exceeded expectations because "the earth around the explosive device was more saturated with water than had been expected". Water causes increased pressure.

[12] Because EQ magnitude is on a logarithmic scale, each magnitude increase means 10 times more energy. 7.0 means ten times more seismic energy than 6.0. As for fractional increases, a 6.3 magnitude is 3 times greater than 6.8 magnitude is 8 times greater than 6.0.

[13] The impact statement says that "The chance of prompt venting of mixed fission products in quantity is remote." This raises a larger question on the obligation of AEC under the Environment Policy Act. Suppose CANNIKIN does vent promptly doesn't the Environmental Policy Act require the AEC to discuss the "adverse environmental impact? Does the AEC believe the law requires only a description of the impact if everything goes right? What about the impact if everything goes wrong?

[14] Project Longshot, the 80 kiloton test conducted at Amchitka, Alaska in 1965 was not expected to leak radioactivity for hundreds of years. But only a few months after the test radioactivity surfaced in at least two small fresh water ponds.

The AEC did not expect Strontium-90 to accumulate in milk. The AEC did not expect its 1964 test in Mississippi to cause $600,000 in property damage. The AEC did not expect its 800-kiloton test in January, 1968, in central Nevada to rock an area as wide as Salt Lake City to the East and San Francisco to the West—but it did.

[15] Washington Post, April 11, 1971. The AEC estimate of Soviet tests is generally thought to be low, due to unwillingness to reveal U.S. detection capability.

[16] "Will a Test Ban Work?," Henry R. Myers, *The Washington Post*, May 16, 1971, Section 7, pp. 9–10.

REGIONAL MEDICAL PROGRAMS

Mr. HUMPHREY. Mr. President, I invite the attention of the Senate to an unconscionable act of backpeddling by the administration toward funding regional medical programs.

Regional medical programs play a vital role in the delivery of health care throughout this country, particularly in rural areas where there is a shortage of doctors and medical facilities.

Congress appropriated $111.6 million in 1971 for regional medical programs. However, the administration withheld $34.5 million of these funds. Another $10 million appropriated in a supplemental bill also was held up.

This means that $44.5 million in funds appropriated by Congress for regional medical programs is being withheld. An administration spokesman, Assistant Secretary James B. Cardwell of HEW, has informed my office that the 1972 budget request for the regional medical program service is $52.8 million. He also states the administration plans to obligate the $34.5 million carried forward from 1971.

I greatly fear such an intention may be only the juggling of figures. I also am greatly concerned that the administration is stepping backward in such a vital area as regional medical programs. The administration's proposal for fiscal 1972 is half of what Congress appropriated a year ago.

It is obvious to me that by this action the administration is turning its back on this program. Many planned and approved projects will be delayed or abandoned altogether because of inadequate funding.

In a recent presentation before the National Institutes of Health a coalition of health groups indicated the potential damage and harm that could come from inadequate funding of regional medical programs. In the State of Georgia, the group said, the RMP could expand its activities in an experimental health delivery system in rural areas that are critically short of physicians or completely unattended by physicians. In close to 20 percent of the total of 159 counties in Georgia, there are no doctors. The same situation exists in many other rural sections of the country.

I am told that in Iowa added funds would make it possible to implement a statewide program to train nurses to become pediatric clinical associates able to perform such tasks as history-taking, partial physical examinations, and other services which would relieve trained physicians to handle other medical problems requiring their advanced skills.

The coalition, which has made a study of regional medical programs, has indicated other benefits that could be derived from an improved RMP system. The State of Maine, which currently has no medical school, could receive RMP money to develop a college training program in the allied health professions and to help set up a department of community medicine at the medical center in Portland.

I also understand that the Washington-Alaska area could expand a communication systems which ties hospitals in with remote rural medical centers, making it possible to improve the study of health care despite the acute shortage of trained medical personnel. Interns in rural areas would be exposed to the training ideas being used in urban centers.

The Illinois Nursing Association has an approved authorization of $150,000 from RMP money to train nursing teachers.

In West Virginia, an approved $140,000 project to establish a system of medical peer review and self-audit of health care delivery systems will be abandoned if the administration's proposal is approved.

In Maryland and Virginia, a $850,000 program to help patients with chronic lung disease would be eliminated. Other cutbacks will be undertaken because of the administration's action unless the Congress acts.

There also is much concern in my home State of Minnesota over the administration's impoundment of RMP funds. I would like to share wtih the Senate a letter from Dr. Jack P. Whisnant, chairman of the regional medical program for Minnesota. I ask that it be printed in the RECORD, along with the report I requested from Assistant Secretary Cardwell.

Dr. Whisnant indicates in his letter the great benefit the northlands regional medical program has been to the State of Minnesota. In Minnesota, the NRMP has helped train 631 nurses, 544 doctors, and 114 medical electronic technicians as personnel for intensive coronary care units. The program also has worked to improve 119 medical libraries in community hospitals for physicians, nurses, and other allied health workers. Nurses who have been away from their profession have undergone refresher courses sponsored by RMP.

I believe Dr. Whisnant's letter clearly indicates the potential damage the administration can cause to a vital program by continuing to hold money back and by not making as strong a commitment as is needed in the health field. There is a great need for regional medical programs. There are hundreds of areas in this country where there is a critical shortage of physicians. In these areas a regional medical program is necessary and serves to improve health care delivery systems. To hold money back from these programs and to shortchange them at a time when expansion is highly desirable, is unconscionable.

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

MAYO CLINIC,
Rochester, Minn., May 20, 1971.

Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: I am writing as Chairman of the Board of Trustees of the Northlands Regional Medical Program (the Regional Medical Program for Minnesota). That position is entirely voluntary and there is no financial remuneration. I might add that there are quite a number of other persons in this state including the other members of the Board of Trustees, various committee members, regional advisory group members and other individuals who have voluntarily contributed their time without financial reward to try to make the Regional Medical Program an effective operation in Minnesota.

In my opinion, the Northlands Regional Medical Program has developed excellent rapport among health care provider groups in the State, and the staff of the NRMP, without question, has a more comprehensive knowledge of health affairs and health problems in the state than any other body or organization. Furthermore, this Regional Medical Program is presently in an advantageous position to implement many of the proposals that President Nixon has indicated as goals concerning health care in the nation.

In Minnesota, the NRMP in cooperation with volunteers from the Minnesota Heart Association has trained 631 nurses, 544 doctors and 114 medical electronic technicians as personnel for intensive coronary care units which have been developed in community hospitals in the state. NRMP has also assisted in the development of a two county health services corporation in southern Minnesota in cooperation with the University of Minnesota and Mayo Foundation; it has developed or expanded 119 medical libraries in community hospitals for physicians, nurses and other allied health workers in the state; it has developed short-term residency training programs for refreshers for physicians in Minnesota; it has given financial support to an OEO rural health care experiment in southeastern Minnesota; it has started a nurse refresher program which so far has trained 30 inactive nurses who have returned to active service; it has coordinated the rehabilitative services throughout the state; it has started a statewide refresher program for dieticians to return inactive dieticians to the health care system; it has initiated a quality control program for small hospital laboratories in rural Minnesota; it has assisted rural Minnesota communities in developing materials to recruit physicians; and it has developed a telephone information system for physicians providing direct medical care. A variety of other activities have been initiated or plans have been developed but continuing restriction of funding at this time is allowing the Regional Medical Program to wither. If the capabilities of effective programs are to be maintained, to aid in implementing changes in the health care system, it is imperative that adequate levels of funding be provided in a manner by which reasonable projections can be made by our staff and volunteers.

In the Northlands Regional Medical Program fiscal year ending April 1, 1971, funding was at a level of $1,676,030. This allowed an effective operation but with no opportunity for expansion of programming. Renewal applications submitted in the early Fall of 1970 requested expanded funds for plans that were already developed. In the third week of January, 1971, we were informed by telegram that the *expected* level of funding for the current fiscal year ending April 1, 1972, would be $1,315,368, which was the originally committed amount for the first year of the operational program, which ended early in 1970. The week following the February meeting of the National Advisory Council for Regional Medical Program, we were advised that it would be necessary for our program to function with funding at the level of $1,203,562. With considerable effort on the part of the staff and the various volunteers and other individuals participating in the Regional Medical Program in this state, this level of funding was accommodated, but with considerable misgivings for the future of the operation. After this fiscal year had started, we received another letter dated April 7, 1971, from Dr. Vern Wilson, indicating that the funding level will be only $1,157,524. The award statement formally advising us of this amount was just received and indicates that the same amount will be the level of funding for each of the next two years of this operational program. Needless to say, if this is the level of funding for the following two years, it puts us into the position of holding on to an effective, informed staff in anticipation of a change, but without the opportunity to undertake any kind of development for which the Regional Medical Program may be fitted. I am attaching a copy of the award statement for your information.

Although I am aware that no 1972 appropriations for Regional Medical Programs have been made by the Congress, it would appear that it is the intent of the administration to maintain level funding with the restrictions that I have noted. I received from Mr. Gray in your office the statement which you placed in the Congressional Record on May 11th concerning the funds which have been held in reserve. If, in fact, the HEW administration does intend to obligate the $34.5 million reserve from the Regional Medical Program appropriation in 1972, I am concerned lest another sum from the 1972 appropriation might be then held in reserve during that fiscal year. In fact, the letter that I mentioned previously from Dr. Vern Wilson indicates that the authorized budget for Regional Medical Programs for fiscal year 1972 will be less than the expenditure rate for fiscal year 1971. I am also attaching a copy of the letter indicating this point.

I am quite concerned about the fact that the administration has held funds in reserve for a number of other health programs, and I know that you have gone on record opposing that procedure.

Thanks very much.

Sincerely,

JACK P. WHISNANT, M.D.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF THE SECRETARY,
Washington, D.C., June 1, 1971.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: This is in reply to your letter of May 17 requesting further clarification of the data provided in my letter of May 6 on funding for the Regional Medical Programs.

The enclosed table shows the 1970 and 1971 appropriations, 1972 request for budget authority, carryover from prior years, and obligations. The 1972 budget request for the Regional Medical Program Service is $52.8 million, although we plan to obligate $87.3 million, because of the $34.5 million carried forward from 1971.

If Congress should again appropriate $106.5 million as they did in 1971, we would have funds available which would support $141.0 million in obligations for 1972. To what extent we might actually use obligational authority of this magnitude is impossible to say at this time. We would have to take another look at the whole situation after the appropriation bill is passed.

Sincerely yours,

JAMES B. CARDWELL,
Assistant Secretary, Comptroller.

Enclosure.

BUDGET DATA FOR THE REGIONAL MEDICAL PROGRAMS SERVICE

[Amounts in millions of dollars]

	1970 comparable	1971 comparable	1972 estimat
1. Grants:			
Budget authority	73.5	89.5	40.5
Add: Carryover from previous year	+20.0	+15.3	+34.5
Subtract: Carry forward into subsequent years	−15.3	−34.5	
Subtotal, obligations	78.2	70.3	75.0
2. Technical assistance, disease control, and program management	10.364	12.108	12.271
Total, budget authority	(83.864)	(101.608)	(52.771)
Total, obligations	88.566	82.406	87.271

TAX JUSTICE FOR SMALL BUSINESS

Mr. KENNEDY. Mr. President, it is gratifying to me that bills to provide tax simplification and reform for small business are attracting increased attention and support in the Senate and the House of Representatives.

In Massachusetts as throughout the Nation small and new business account for about 95 percent of the number of firms, as well as 40 percent of the jobs and one-third of the gross national product. The importance of new enterprise is particularly plain in New England, which has seen the rise and decline of several major industries such as whaling, textiles, and now research.

It seems to me that the very complexity of the modern tax law and regulations continues a discouragement to the founding and growth of new businesses, which may only be able to afford accounting and legal services periodically, rather than continuously. However, it is just such enterprises that would be especially helpful in providing employment and absorbing the energies of our returning veterans, unemployed scientists and engineers, and recent graduates.

New firms can bring new and improved products and services into the economy of our region and our country and can help keep costs down and quality up through competition.

It was my pleasure to cosponsor legislation introduced by Senator BIBLE and Representative EVINS (S. 1615 and H.R. 7692), which stands as a commitment to systematic tax reform for small business. This bill contains many provisions which are urgently needed if small businesses are to survive and contribute to the economy of the 1970's. Among the most important provisions of the bill are those dealing with tax simplification, the investment tax credit, equitable tax rates, and fair depreciation policies.

An excellent summary of the bill is contained in the July issue of the Tax Adviser, a publication of the American Institute of Certified Public Accountants.

I ask unanimous consent that the article written by Mr. Gilbert Simonetti, Jr., and entitled "Small Business Tax Reform Gaining Support," be included at this point in the RECORD, for the benefit of all of us in the Senate concerned with the cause of tax justice for small business.

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

SMALL BUSINESS TAX REFORM GAINING SUPPORT

There appears to be mounting support for tax relief for small business. While legislative activity in this area cannot be described as "boiling," it seems quite clear that congressional concern for the needs of the small business community is growing at an accelerated pace.

A leading proponent of small business tax relief is Senator Alan Bible, Chairman of the Senate's Select Committee on Small Business, who recently introduced S. 1615 entitled "The Small Business Tax Simplification and Reform Act of 1971." This is a refined and revised version of a bill (S. 4039) first introduced by Senator Bible in the last Congress. (See TTA, Nov. 70, p. 716.) S. 1615 reflects suggestions from a variety of sources, including the AICPA's Tax Division.

While no action was taken on S. 4039 in the 91st Congress, it has had a catalytic effect in generating support for tax relief for small business. There is clear evidence that the new small business tax bill, S. 1615, is attracting considerable interest. For example, 14 senators have co-sponsored it. In addition, a companion bill, H.R. 7692, which has 16 co-sponsors, was introduced in the House by Represenative Joe Evins, Chairman of the House Small Business Committee. The 1970 Senate bill had only one co-sponsor and there was no companion House measure.

A further indication that the small business community is in the spotlight is S. 544 which was introduced by Senator Wallace Bennett. This is the Administration-sponsored bill to provide tax relief for small business.

Notwithstanding the heightened interest in tax reforms for small business, it must be recognized that active consideration of this legislation by the tax-writing committees of Congress is still a number of months away. The calendars of these groups are already jammed with matters such as revenue-sharing, Social Security and national health insurance.

The balance of this column is devoted to a brief comparison of the major features of S. 1615 and last year's bill (S. 4039). Also briefly compared are the major differences between S. 1615 and S. 544.

TAX SIMPLIFICATION

Small Business Tax Analyst. The 1970 bill proposed that a position of Small Business Tax Analyst be created within the Treasury Department. This official would be responsible for looking at tax problems primarily from the view of small business. S. 1615 would enlarge this concept by the creation of an Office of Small Business Tax Analysis in the Treasury Department of which the Small Business Tax Analyst would be a part.

Code chapter on new and small business. The present organization of the Internal Revenue Code of 1954 is mainly by subject matter. S. 1615 would have the Treasury consider a special title or chapter of the Code to consolidate all tax provisions relating to new and small business. (Substantially similar to 1970 bill.)

ADJUSTMENT OF CORPORATE NORMAL TAX

S. 1615 would reform the entire corporate tax structure by shifting about 1% of corporate revenue from the smallest to the largest corporations. (Same as 1970 bill.)

NEW SMALL BUSINESS ENTERPRISES

Exemption of operating income. To encourage new small business, the 1970 bill introduced the concept that the net operating income of new "eligible small business corporations" would be exempt from federal income taxes during the first five years in which it conducted business. S. 1615 has scaled down this exemption period to three years, In addition, S. 1615 would:

Impose a $1 million annual ceiling on exempt income;

Place a ban on "successor" businesses of any kind; and

Disqualify any new enterprise having a shareholder-employee who was actively engaged in a business in which he had more than a 5% interest.

Carryover of net operating losses. Under the 1970 bill, net operating losses incurred in the first five years of operation could be carried over to the ten years following the year of loss. Conforming with the new eligibility period under S. 1615, only the first three years' losses would be entitled to the ten-year carryforward.

Partnership organization expenses. Partnerships would be extended the option now enjoyed by corporations—to amortize their organization expenses over 60 months if they so desire. (Same as 1970 bill.)

Bad debt deduction for lenders to or guarantors of corporate obligations. The tax treatment of lenders to or guarantors of business obligations would be equated, whether the businesses are incorporated or not by extending the ordinary loss rule presently applicable to unincorporated business lending. (Same as 1970 bill.)

Losses on small business stock. To update incentives to invest directly in small business which are presently contained in the Code, S. 1615 would increase from $25,000 to $50,000 the annual limitation on ordinary treatment of losses resulting from investments in Sec. 1244 stock.

Another provision would authorize a "small business corporation" to issue Sec. 1244 stock up to $1.5 million (now only $1 million) in "equity capital" as defined by the section. This would have the effect of allowing previously ineligible corporations with equity capital of between $1–$1.5 million to issue Sec. 1244 stock in the amount of $750,000 (compared with $500,000 under the present section) and to permit previously eligible small business corporations to issue stock up to the $750,000 amount, if they are otherwise in compliance with the applicable rules.

A further provision would increase from two to five years the time within which a Sec. 1244 plan must be executed and would permit stock options to be issued to employees without disqualifying the stock issue. (Same as 1970 bill.)

ASSISTING SMALL BUSINESS GROWTH

Restoration of investment credit. Both the 1970 and the 1971 versions of Senator Bible's bill provide for a partial restoration of the investment credit. However, S. 1615 eliminates any retroactive aspects of the restoration. Under its provisions, the investment credit would only be attributable to qualified property acquired after the date of enactment of S. 1615.

Optional NOL carryback and carryover period. The 1970 bill contained a provision which would have allowed small businesses to slide losses in either direction over an eight-year period (four years forward and four years backward at their option). No similar provision is contained in S. 1615 which now only provides for the ten-year loss carryforward provision mentioned above.

Accumulated earnings. An increase in the accumulated earnings credit to $150,000 was provided in the 1970 bill. S. 1615, while retaining this concept, adds a proposal that would allow the Treasury to raise this limit to $250,000 for small business concerns which can establish that the need for such funds was mandated by the intention to expand. The new bill retains the provision to shift the burden of proof to the Service in accumulated earnings proceedings.

Additional first-year depreciation allowance. The additional first-year depreciation allowance would be increased from $10,000 to $20,000 in accordance with increases in the cost of living and doing business. (Same as 1970 bill.)

Amortization of certain securities expenditures. Provision would be made for the expenses of certain types of small business stock flotations, such as those under the SEC's Regulation A and under Code Sec. 1244 which are not otherwise deductible to be amortized over a period of 60 months. An additional provision in this vein would accord the same treatment for the expenses of an initial registration of a company's securities on a regional stock exchange. (Same as 1970 bill.)

Amortization of research and development activities. Research and development expenses would be amortized beginning at the time they are made, rather than at the time the taxpayer "first realizes benefits" from such expenditures. (Same as 1970 bill.)

Multiple surtax exemptions under single family control. To encourage opportunities for family ownership of business, S. 1615 would permit a limited number of surtax exemptions for related corporations (up to five) in the event members of a family are placed in proprietary positions where they have ownership of at least 50% of the stock and meet certain other conditions. (Same as 1970 bill.)

PROVISIONS RELATING TO PARTNERSHIPS

Guaranteed payment to partner. Provision would be made to avoid double taxation of guaranteed payments from a partnership to a deceased partner. The present value of the guaranteed payments is includable in the gross estate, and the payments may now be taxed as distributive income of a person not considered a partner under Sec. 707(c). (Same as 1970 bill.)

Closing of taxable year at death of partner. The closing of the partnership year would be permitted at any of the following times:

1. The normal close of the partnership year if there has been no prior sale, exchange or liquidation of the partnership interest;

2. The date of any of the above described transactions; or

3. The day after the partner's death.

Furthermore, the bill would modify the termination provision of Sec. 708(b)(1)(B) in certain instances and would amend Sec. 752 regarding partnership losses in excess of basis under certain conditions. (Same as 1970 bill.)

SUBCHAPTER S CORPORATIONS

Increase in number of permissible shareholders. Enlargement of the subchapter S "tax-option" small business corporations in the following three ways would be allowed:

1. Initial shareholders could number 15, rather than the present ten;

2. Shareholders in excess of this ceiling who take their stock by reason of heirship would not disqualify election; and

3. After five years, the number of permissible shareholders would increase to 25. (Same as 1970 bill.)

Broadening classes of permissible shareholders. The classes of shareholders would also be expanded to include:

1. Trusts where the stock passes pursuant to a will and the trust is used merely to ultimately convey the stock to a long-term eligible holder within 60 days;

2. Trusts where the entire income is taxable to the grantor; and

3. Small business investment companies, subject to the elimination of the dividends-paid credit on such income.

Other sections of the bill affecting subchapter S corporations would liberalize the rules regarding election termination, passive income and inadvertent termination. (Same as 1970 bill.)

BUSINESS DEVELOPMENT CORPORATIONS

Certain nonrecurring income. Both the 1970 and the 1971 Bible bills provide that certain nonrecurring income of "nonprofit Local Business Development Corporations" would generally not be subject to tax if the income is reinvested within the area of the service provided by the corporation. However, S. 1615 makes two changes:

1. It tightens the conditions for electing nonrecognition by requiring that the company to be benefited may not compensate anyone for performing personal services for it; and

2. It liberalizes the reinvestment period in connection with the nonrecurring income by extending the period from two to three years.

PRESERVATION OF SMALL BUSINESS

Payment of estate tax. S. 1615, unlike the 1970 version, would add a new Sec. 804 which would help closely-held businesses to remain in family hands following the death of a major stockholder. To this end, it would change the standard of "undue hardship" (required to qualify for ten-year estate tax installments) to "hardships," which should be an easier test to meet.

S. 1615 VERSUS S. 544

S. 544, Senator Bennett's bill, is much narrower in scope than S. 1615 and approaches small business problems from a different perspective.

In the first place, S. 544 makes no attempt at tax simplification which is a major objective of S. 1615.

As for capital needs, S. 544 places stress on increases in the borrowing ability of small business by providing a deduction equal to 20% of gross income derived by corporations from obligations guaranteed by the Small Business Administration. S. 1615 places more emphasis on retention of earnings and larger bad debt reserves. Both proposals would increase the number of permissible shareholders in a subchapter S corporation, although each would do it differently.

Finally, S. 544 contains provisions designed to attract key management and to aid minority enterprises which are not considered in S. 1615. (See *TTA*, Apr. 71, p. 242 for a fuller coverage of S. 544.)

It is interesting to note that both Senator Bible and Senator Bennett have stated that they do not consider their bills as the "last word." Rather, the measures provide, as Senator Bible notes, "a seed from which meaningful and overdue small business tax reforms can emerge."

PITFALLS FOR THE COMPLACENT-EXCISE TAXES

"News and Notes for the Tax Practitioner" (71–4) by the Los Angeles District Director: the predominant influence of income taxes tends to obscure the provisions (and sometimes even the existence) of excise taxes in the minds of many practitioners. Several recent examinations have disclosed serious delinquencies in that area in cases where the taxpayer had placed total responsibility for all tax matters in the hands of his outside accountant. Two examples illustrate the most frequent types:

The taxpayer is a person or firm using trucks for transportation of his own property—not "For Hire." A widespread misconception concerning the Highway Use Tax is that it does not apply to vehicles which are not used for hire. A careful reading of Form 2290 would dispel this idea, but delinquent returns are frequently secured from taxpayers who are totally ignorant of this tax. In many of these cases, the result is a financial hardship—sometimes it is disastrous. See Sec. 4481.

Attracted by the "low price per gallon" at which bulk purchases of diesel fuel may be made, a truck fleet operator installs a bulk storage tank and pump on his premises and purchases such fuel directly from a distributor, being unaware that delivery into a bulk storage tank is not a taxable sale. The excise tax on diesel fuel applies only to deliveries into the fuel tank of a highway motor vehicle. Vehicle operators using bulk storage tanks are required to file Form 720 quarterly and pay the tax at the rate of 4c per gallon for diesel fuel used in highway vehicles. A large fleet can build up a very serious delinquency in a few months. See Sec. 4041.

A reappraisal of your client's situation with particular attention to excise taxes may serve to avoid much embarrassment or hardship for both practitioner and client.

PUBLIC OPINION ON NATIONAL ISSUES IS SHATTERED

Mr. FANNIN. Mr. President, public opinion on many of the big issues facing our Nation is not divided.

It is shattered.

Pollsters have been able to present us with any view that we may want of what the people are thinking.

If asked whether they want American troops home from Southeast Asia by next December 31, an overwhelming number of our citizens will say yes.

But when the question is phrased to point out problems or conditions that would result from a rapid withdrawal, the answers change.

Politicians opposing the Nixon administration have capitalized on the fact that public opinion is shattered.

Every action the President takes in Vietnam or Asia is criticized as too little or too much or too soon or too late.

In the United States we elect our representatives. We chose a man to be President knowing that we do not agree with him 100 percent, that there will be times that we think he should do more or do less or do nothing. Nitpicking at crucial times in our history serves no good purpose and weakens our Government in its relations with other governments.

Despite the sniping from both sides of the political spectrum, President Nixon has scored some amazing diplomatic triumphs in only 2½ years. He has set us on a positive course in Southeast Asia; and now he has laid the groundwork for an easing of tensions in an area of the world that has caused us so much grief and concern for the past quarter of a century.

Mr. President, the Arizona Republic on Sunday carried a page 1 editorial calling for support for the President in his efforts to work with Mainland China. This editorial was written by Eugene C. Pulliam, a publisher who has known many of the world's leaders and who has a deep understanding of world problems. 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:

LET US SUPPORT THE PRESIDENT

Americans in all walks of life long have been appealing for an end to U.S. participation in the Vietnamese conflict. Now President Nixon, by the most important diplomatic move since World War II, has found a way to this goal and perhaps others.

His acceptance of Chinese Premier Chou En-lai's invitation to visit mainland China not only expedites negotiation for peace in Asia but will restore the United States to its traditional position of world leadership.

Diplomats everywhere have been busy since Nixon's announcement of Thursday night examining everything he said and much that he left unsaid. No one will more meticulously study his brief message than the Kremlin leaders. They realize fully what a U.S.-China accommodation could do to Soviet influence in Asia and especially in disputed Mongolia. It would give China recognition as a sovereign country free of domination by Russia.

There has been criticism already that a Nixon visit to Red China would indicate support of communism. Much of this comes from the same people who earlier were appealing both within and outside Congress for closer relations with the Soviet Union, which we believe represents a greater menace to the United States and world peace.

A trip over the Pacific and to China offers no guaranteed panacea for the solution of our problems in Asia. But it involves such great possibilities that it is well worth the calculated risks involved.

Majority opinion supports with Nixon the thesis that there can be no stable or enduring peace in the world today without the participation of Red China. The President's visit will start the necessary processes to achieve this.

Nixon's venture could pay off handsomely for our country. But only if he goes to Peking with the complete backing of his government and his people. It is time to lay aside petty politics by all parties to supply this help he needs. Yapping by politically ambitious nitpickers should no longer be heard in this land.

Nixon's proposal was well-conceived and expertly handled, despite the anguished cries from those both inside and outside Congress who were denied participation in the secret diplomacy which made it possible.

There can be no greater God-speed for President Nixon on his flight to China than the united support of the American people.

Let's give it to him.

A DEPARTMENT OF PEACE: WHY NOT?

Mr. HARTKE. Mr. President, I have for several years introduced proposed legislation which would establish a Cabinet-level Department of Peace. It would be the purpose of the new department to develop long-range policies for peacekeeping for it has long been my opinion that no institutional advocate of peace exists in our Government. On the other hand, those agencies and departments which view the application of military force as the most effective and efficient way to settle international disputes abound.

In view of my interest in this question, I was heartened to read of a similar interest as expressed by Dr. Arnold A. Hutschnecker in a two-part article appearing in the New York Times. In his article entitled "The Road to Peace," Dr. Hutschnecker asserts that—

A Department of Peace would not produce a magic cure but it would become the coordinating agency for exploring the dynamics of violence and supervise the manifold ways of conditioning the human mind to react to signals of aggression with new, controlled, assertive and yet peaceful responses.

I agree with Dr. Hutschnecker's estimate of the Department of Peace's potential and invite the attention of Sena-

tors to a concept which disputes the accepted wisdom that war is inevitable.

Mr. President, I ask unanimous consent that Dr. Hutschnecker's most reflective statement be printed in the RECORD.

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

THE ROAD TO PEACE: I

(By Arnold A. Hutschnecker)

In 1953 I attended a reception that marked the conclusion of the seventh session of the General Assembly of the United Nations, a session that had been particularly stormy and frustrated. When one of the diplomats asked me to which delegation I belonged, I replied, only half in jest, "To none. I am just a physician, but if you diplomats cannot achieve peace, perhaps we doctors will."

The delegate was surprised, for making peace is considered the province of statesmen and the clergy. Yet is it not true that when they fail, it is the physician who is called upon to heal the victims of their defeats, either on the battlefields, in mental hospitals or in institutions for the crippled and disabled?

So why shouldn't we doctors address ourselves to the prevention of war? In the words of the American Medical Association, we doctors are equipped for the first time in history to "help mould citizens of tomorrow and influence the trend of human destiny."

Actually, our course of action has been clearly stated in the constitution of UNESCO. Its second paragraph reads: "Since wars begin in the minds of men, it is in the minds of men that the defense of peace must be constructed." The question then is how to implement this principle since the world is not ruled by mature, empathetic psychotherapists but by politicians, partisans or revolutionaries, not always the best-adjusted people and often driven by an inner unrelenting compulsive will to power.

Reading our daily newspapers we may feel sickened by a war that nibbles away life tissue like a cancer and which governments seem unable to bring to a halt. But the incredible fact is that deep in their unconscious there are people who feel ambivalent about violence and not appalled by it since the acting out of violence or even watching it serves as a release from unbearable tension or boredom (war pictures, violence on TV). It has therefore never ceased to have an appeal to those people who have difficulties coping with their inner restive aggression. However, to more secure, peaceful and adjusted citizens, those with compassion, displays of violence, including those we have seen in the streets and campuses of America, are disturbing, horrifying and intolerable.

But open outbursts are only part of our problem, for we must deal with another concealed and more dangerous type of violence that exists in the minds of men in position of power behind polished desks whose rationalized opinions as theoretical experts or advisers help form the decisions which lead to conflict, torture and violence on faraway battlefields. Since punishment does not prevent either crime or a drive to war it is perhaps useless to ask who are the more guilty, the men in the field who are indoctrinated to kill with no remorse—such as the lieutenant who brushed off the accusation of having "wasted" 102 men, women and children as "no big deal"—or the civilized men behind polished desks who by means of projection attribute their own unacceptable and unconscious aggression on to others, the enemy.

We then have the vicious circle of two hostile groups or ideologies which feed on one another's fear, hate and distrust (the issue changes in each century). But the drive to war for a righteous cause remains, fanned by men who tend to advocate—as they must because of their basic hostile-aggressive personality structure—ever stronger acts of confrontation, making weaker the chance for negotiations.

It may well be as Ernest Jones (quoting Freud) put it, that "the very emphasis of the Commandment 'Thou shalt not kill' makes it certain that we are descended from an endless chain of generations of murderers, whose love for murder was in their blood as it is perhaps in ours." As civilized people we would perhaps have overcome this dreadfull heritage and its legalized form, war, if there did not appear from time to time false apostles capable of stirring up the lust for blood as evidenced by Hitler's statement that "the very first essential for success is a perpetually constant and regular employment of violence."

But our theme is prevention. Knowing that man for millennia has been conditioned to war, we physicians in all countries must move to enlighten all people so that they can assert pressure on their governments to apply newer scientific methods, of detecting and curing by Pavlovian methods the disposition to violence (the mass-expression of which is war).

The question of how we may approach the problem will be tackled in tomorrow's article.

THE ROAD TO PEACE: II

(By Arnold A. Hutschnecker)

In the mid-fifties I drew up a six-point program, which, in 1968, I sent to both Presidential candidates, being fully aware of the long and thorny road it would take to make an idea of this kind palatable. In the meanwhile, I have learned that independently a bill about a Department of Peace has been introduced in Congress (Hartke-Halpern).

My points were:

Peace is more than the absence of war—just as health is more than the absence of illness.

Since decisions of peace and war are made by human beings, the psychological make-up and mental functioning of the people in power will in a last analysis be the decisive factor of how innate human aggression will be employed in decisions about peace and war.

In order to attain real and lasting peace the concept of peace must be changed from a passive, non-aggressive concept to a new dynamic way of life. The energies of repressed human aggression (absence of war and/or violence) must be liberated and channeled into meaningful, creative and productive pursuits.

The ideology and practical application of peace will demand a gigantic program of education and reconditioning of thinking, so enormous that it must become the main business of government.

To study, to develop and to execute a program of the dynamics of peace, a new agency must be established. Techniques of sublimation of human aggression must be developed and perfected. A Department of Peace must balance the existing Department of Defense (formerly War).

The Secretary of Peace must mobilize all human energy toward the benefit of all people and beyond this to all mankind, for happiness can not flourish long in one part of the world if there is hunger, oppression and violence in another. The Secretary of Peace must be present at all policy-making decisions to safeguard peace by presenting controlled alternatives to the old conditioned violent solutions by the use of physical force, whenever political negotiations appear to fail.

That we have not blown each other into nuclear dust has not come because of our sense of morality or because of governmental love for the human race, but because of sheer fear of dreaded retaliation. Most people, especially the young, want peace because of their healthy will to live.

So far, the Great Powers seem to move painfully slow toward building peace, blaming obstructions on a reluctant enemy. So fear and suspicion perpetuate an irrational arms race at incredible costs.

What can we individual people who abhor violence—war—do? In defense of peace we could begin by urging our lawmakers to help restore the prestige and phyical power of the United Nations. The United Nations should be supplied with a strong international police force. But we must have no illusions—the will to peace must come from within.

On national levels we must move toward an agency whose business is peace and nothing but peace. But our concept about peace needs to be changed. Even if the governments should pronounce general cease-fires all over the world, if they deprive war of its glamour and profits, such a plan would not banish war because it would leave unchanged man's inner proneness to violence.

Therefore, doctors must work with their governments and be given the chance *to start in childhood* applying the techniques of sublimating trends to violence to suitable ways of self-expression in work, of learning to get along with other people and of gratifying leisure activities. People must learn freedom from fear so that they can learn the meaning of love. And people must learn a new reality, that millions for peace would do more for them than billions for defense.

A Department of Peace would not produce a magic cure but it could become the coordinating agency for exploring the dynamics of violence and supervise the manifold ways of conditioning the human mind to react to signals of aggression with new, controlled, assertive and yet peaceful responses. The principles of reconditioning must be coordinated with our system of education. As I have said in "The Will to Happiness": Reconditioning to peace has not failed, it just has not ever been properly applied and certainly never been accurately practiced.

If we accept the premise that the defense of peace must be constructed in the minds of men "then the problem is for people to get together and to leap governments—if necessary to evade governments—to work out not one method but thousands of methods by which people can gradually learn a little bit more of each other."

It was Dwight D. Eisenhower who made this statement in 1956 when he spoke of how "to help build a road to peace."

MEDICAL-ETHICS PANELS REVIEW RESEARCH PROJECTS

Mr. KENNEDY. Mr. President, the April 14 issue of the Wall Street Journal contained an article written by Liz Roman Gallese on medical-ethics committees. These committees have been set up in hospitals to deal with the dilemma posed by the use of humans for medical research and the use of experimental treatment techniques by physicians. Since 1966, when the National Institutes of Health made the existence of a medical-ethics committee a requirement for a hospital interested in getting research grants, the number of such panels has increased more than fivefold to over 1,900.

One of the cardinal principles that medical-ethics committees must be guided by is the necessity to obtain the fully informed consent of every patient involved in a research project. If the pa-

tient is a minor, the consent of the parents is also required. But the Wall Street Journal article points out cases where obtaining the necessary consent presents special problems. For example, one study conducted by a Johns Hopkins University researcher involved juvenile delinquents in State institutions. One of the concerns of the American Civil Liberties Union was that proper safeguards were not being used to prevent parents from feeling coerced into giving permission.

Difficult problems arise, in many cases. Sometimes, according to Dr. John E. Plager, a member of the ethics committee at Roswell Park Memorial Institute in Buffalo:

Real, informed consent would send patients into acute anxiety and terrify them.

Still another difficulty occurs with young children, particularly those who are mentally retarded. How can a mentally retarded child give informed consent? Yet in some cases, mentally retarded children are the only suitable subjects for a research project.

The article discusses a cancer-related study which requires the use of some children who are without thyroid glands. The absence of the glands can cause mental retardation. The ethics committee in this case approved the project, after appointing a physician-advocate to represent the children's interest. The physician-advocate, who is not one of the researchers, is required to assure that full information is given to parents when their consent is asked, that undue risk is avoided, and that every safety precaution is taken. The physician-advocate can withdraw the children from the experiment if he determines that the risk is too great.

The use of physician-advocates is increasing at research hospitals. In some cases, they may even accompany the patient into the operating room.

Mr. President, the issues raised in the Wall Street Journal article are by no means easy ones. Research in many areas of medicine promises great advances that can significantly improve the quality of health care for people throughout the country. But in the research process, we must scrupulously guard the rights of all patients involved in experimental programs. That is why the proliferation of medical-ethics committees is a welcome trend. As our medical knowledge and research techniques become more sophisticated, it is likely that new and more complex ethical problems will present themselves. It is important that we now begin to set up more effective systems to deal with ethical questions, so that we will be prepared for what may lie ahead in the future.

I ask unanimous consent that the article to which I have referred may be printed in the RECORD.

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

WATCHING DOCTORS: ETHICS PANELS SET UP TO SOLVE RESEARCH DILEMMAS

(By Liz Roman Gallese)

BOSTON.—Antonia, a pretty, blue-eyed five-year-old, is slowly dying of leukemia at Massachusetts General Hospital. Doctors here are working on a new drug that has a chance—though only a remote one—of curing her and many other leukemia patients. But the drug is so potent that it might also suddenly trigger severe liver damage.

Should the little girl be given the drug?

This sort of agonizing dilemma confronts medical researchers across the country almost every day. The dilemmas have become so controversial within the medical profession that individual doctors are no longer formulating the answers.

Instead, medical-ethics committees, usually made up of doctors who are neither involved in testing a new drug nor directly responsible for the care of the patients, are trying to make independent decisions. In some cases, however, these decisions are themselves sparking controversy.

A BID TO BALANCE INTERESTS

Some hospitals have had ethics committees for many years. But the real impetus to establish them came in 1966, when the National Institutes of Health decided not to award research grants to hospitals or other institutions that don't have such panels. In that year there were 371 committees; today there are more than 1,900. The NIH made grants totaling $827 million in 1970, thus financing a major part of U.S. medical research

Everyone agrees that the ethics committee's job isn't easy. Bernard Barber, a Columbia University sociology professor, who has studied the committees, says that frequently their task is to try to balance a patient's rights to have the best possible treatment against society's interest in medical advancement.

"Sometimes cases are difficult, if not impossible, for the committee to decide, and members must act on insufficient knowledge of the risks and benefits involved," Prof. Barber says.

The committees, composed of from three to a dozen or more top doctors at a hospital, meet once a week or once a month to check projects proposed by researchers and physicians, in many cases, a project wins approval without running into any obstacles.

ANTONIA'S DRUG APPROVED

Antonia, for example, has taken five doses of the experimental drug since the Massachusetts General ethics committee gave a go-ahead to the research project that included her. The drug hasn't caused any liver damage in the girl. On the other hand, there isn't any evidence it has cured Antonia's leukemia, either. Doctors still figure there's a 90% probability her disease will prove fatal.

In cases where a project is questioned, ethics committees and researchers often work out compromises. One technique is to alter the study somewhat, sometimes by varying a drug dosage.

Seeking a way to treat excess facial and body hair and acne in adolescent girls, a researcher at one Eastern hospital recently proposed a five-milligram dose daily of the hormone stilbestrol. The ethics committee, however, questioned the dose because the hormone was suspected of retarding growth in adolescents. The researcher says the committee was also concerned about the possibility of blood clotting resulting from five milligrams of the hormone, an estrogen drug.

The researcher, after checking earlier experiments, found the committee correct on both counts, although the blood clotting had occurred in women in their 30s, usually after childbirth. Now, with the committee's approval, the researcher is using a two-milligram dose in the experiments and, as an added precaution, is using it only on tall girls.

CASES OF SHARP CONFLICT

In some cases, however, researchers trying to achieve medical breakthroughs are coming into sharp conflict with ethics committees worried about patients' welfare. After several years of conflict, Dr. Adrian Kantrowitz, a noted heart surgeon, left Maimonides Medical Center in Brooklyn late last year for Sinai Hospital in Detroit. With him went a group of 20 surgeons, nurses and researchers and $2,500,000 of federal funds for heart research.

"I was ready to perform a heart transplant a year or so before Dr. Christian Barnard (the South African physician)," Dr. Kantrowitz says. But the Maimonides ethics commit refused to grant approval because "it had never been done before," Dr. Kantrowitz contends. When the committee finally approved the proposal about a year later, he says, Dr. Barnard had already done the world's first heart transplant, on Dec. 3, 1967. Dr. Kantrowitz did his first heart transplant three days after Dr. Barnard's operation.

Dr. Jacques Sherman, acting director of Maimonides, denies Dr. Kantrowitz's description of events and says his transplant proposal was approved a year or so before he performed the operation.

Another and more recent clash at Maimonides involved Dr. Kantrowitz' attempts to use a mechanical pump to aid in bringing heart attack patients out of shock. The mechanical pump was to supplement the heart's own pumping action.

"There's usually a 95% mortality rate for these patients, but I was able to bring 60% of them out of shock," although not all of them survived, Dr. Kantrowitz says. After initial experiments, the Maimonides ethics committee rejected further work "because I couldn't save all my patients," Dr. Kantrowitz says.

Again Dr. Sherman of Maimonides differs. He says the ethics committee rejected the research only at first because the proposal failed to contain an adequate definition of heart patients in shock. He adds that once the proposal was rewritten, it was approved.

Ethics committees have also become involved in the controversy surrounding patient consent. Medical ethics require—and most doctors agree—that a patient be fully informed and his consent obtained when he is a subject in a research project. Both the National Institutes of Health and the Food and Drug Administration require such patient consent, and ethics committees routinely check to see that it is obtained.

But the committee checks are sometimes too routine, it is charged. At Johns Hopkins Hospital in Baltimore, a researcher sent a letter to parents telling them their child—all those involved were juvenile delinquents in state institutions—"has been included" in a study. The letter described the project merely as involving "a special diagnostic genetic (chromesome) study" and concluded by saying "please sign" the consent form.

The study was actually aimed at determining whether the delinquent youngsters had an extra chromosome, often called the XYY chromosome arrangement, which researchers speculate many lead to criminal activity.

"The Hopkins' form did not advise that participation was purely voluntary and it did not reveal that the existence of any XYY chromosome pattern might be related to criminal behavior," the American Civil Liberties Union charged. The ACLU also feared that the research results wouldn't be kept confidential and that individual youngsters could be stigmatized as having a "dangerous" XYY pattern. "In addition, correctional and parole officers were being utilized to obtain the consent of parents of institutionalized boys, a situation which smacked of coercion," the Civil Liberties Union said.

CONSENT FORM REVISED

The hospital denies that parole officers were specifically used to gain parental consent. Rather, it says, the officers were informed of the details of the experiment, which they could pass on to the parents if asked. The hospital says it still isn't using the officers to obtain consent.

The hospital temporarily suspended the research project and revamped its consent form to satisfy the ACLU's objections. Dr. Gordon Walker, chairman of the hospital's research committee, concedes that the committee didn't review the written form the researcher used at first, but he says committee members asked the researcher what information he would orally give his subjects.

"The researcher told us he would explain all medical implications of the study to his subjects and their parents," Dr. Walker says. He adds that the ethics committee didn't delve into the issue of confidentiality because "we're not lawyers."

In some cases, obtaining fully informed consent is very difficult if only because giving a patient full details about his disease and about the risks of experimental treatment might unduly upset him, ethics committee members argue. This is especially so in the case of cancer, they say.

"Real, informed consent would send patients into acute anxiety and terrify them," says Dr. John E. Plager, an ethics committee member at Roswell Park Memorial Institute, a cancer research center in Buffalo.

THE PROBLEM WITH CHILDREN

In cases involving young children, especially those who are mentally retarded and unable to understand a research project, obtaining patient consent is all but impossible, ethics committee members also say. The consent of both young patients and their parents is often required. Yet research with such children is practically the only way to obtain certain scientific information.

The ethics committee at Massachusetts General recently wrestled with this dilemma. Scientists know that certain types of cancer trigger a high level of calcium in the blood that can kill the patient far faster than the cancer itself. They also suspect that the amount of calcium in a person's blood may be at least partly regulated by calcitonin, a recently discovered hormone produced by the thyroid gland. This opens the possibility of using calcitonin to control calcium levels and thus greatly prolong the patient's life. Scientists also suspect that calcitonin may have other and as yet undefined therapeutic value.

But first scientists are trying to nail down the fact that calcitonin does indeed control calcium and how it does so. To prove this, the scientists need a group of normal children whose thyroids produce calcitonin and a group of children without thyroids producing this hormone so that the two groups can be compared.

PANEL QUERIES RESEARCHER

Dr. Alberto Hayek, a Harvard University researcher who is working on the calcitonin study, proposed using mentally retarded children in an institution affiliated with Massachusetts General for the group without thyroids. This upset the ethics committee. During a committee meeting to consider Dr. Hayek's written proposal, members posed question after question.

"Why does he wish to use mentally retarded children?" one ethics committee member asked.

"Why use institutionalized children, who constitute a captive group?" another member asked.

"Can't other subjects be found who are intelligent enough to give consent to the study?" a third member asked.

The committee framed its questions in a letter. In a written reply to the committee and in a later interview, Dr. Hayek said other subjects aren't suitable.

"Only one in every 30,000 babies is born without a thyroid gland and more than half of these have an IQ far less than 90. The result is that many of the members of this very tiny group are in institutions for the mentally retarded. There is virtually no place else to find them."

Dr. Hayek also emphasized that the study, while tedious, would pose very little risk to the children. The project involves three-hour calcium infusions into the bloodstream and blood samples taken every half-hour to check calcitonin levels so doctors can assess the relationship between the two chemicals.

THE PHYSICIAN-ADVOCATE

The ethics committee finally agreed to approve the project but only after appointing a physician-advocate—a move that is increasingly being used at research hospitals.

The physician-advocate, who is not one of the researchers, is named to represent the children's interests. His duty is to make sure that full information is given to parents when their consent is asked, that undue risks are avoided and that every safety precaution available is taken. He can withdraw the patients he represents from a research project if he thinks they are taking too great a risk.

In rare cases an ethics committee may have a physician-advocate peering over a researcher's shoulder to make sure all is well. In one big hospital, for example, a brain surgeon is seeking to use electrodes to stimulate the brains of patients undergoing surgery for various reasons.

The surgeon's project is based on discoveries that short bursts of electricity into certain parts of the brain can cause persons to "see" things, raising hopes that an artificial seeing device might someday be devised for the blind. As preliminary research, the surgeon intends to ask the patients, under local anesthesia, what they "see" as he stimulates their brains.

The hospital's ethics committee recently approved the project when the researcher clarified his intention that the electrodes be placed only on the surface of the brain. But the committee was deeply worried lest an electrode be pushed into the brain itself, a move that might cause permanent brain damage.

The project is approved, the committee stated, only so long as the physician-advocate in the case is present in the operating room to make sure an electrode doesn't penetrate into the patient's brain.

CONCERNS OF EUROPEANS ABOUT AMERICA

Mr. FANNIN. Mr. President, the editor of the Tucson Daily Citizen, Paul A. McKalip, recently made a trip to Europe.

Upon his return he wrote an interesting and revealing article about the concerns that Europeans have about America. Since I believe that this article has an important message for all of us, 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:

EUROPEANS ARE WORRYING; BUT NOT ABOUT VIETNAM

(By Paul A. McKalip)

This may come as a surprise to you.

It did to me.

I have just returned from three weeks in Europe on a newspaper trip. And the surprise to me, in every place I went and in every conversation with a lot of people, was this:

Not a single person even mentioned the Vietnam War to me. Not once.

Europeans are worrying about the United States, all right. But their worries are about other things than our involvement in Asia. Here are the concerns they voiced to an American about America:

1. The fragile condition of the once solid dollar.

2. The attempts in Congress to curtail the U.S. defense budget.

3. The dependability of America's commitment to NATO (the North Atlantic Treaty Organization).

I had occasion and opportunity to talk with editors, government officials and businessmen in England, Scotland, Finland and Holland.

Their questions and comments were eye opening and disturbing. They seemed to be pinpointing problems that will remain with us, and with them, long after we have successfully disengaged ourselves in Vietnam.

Heretofore, when we Americans have traveled abroad we have found our dollars eagerly sought after and respected. Let me cite just two specific experiences I had this time.

When I rented an automobile in England, the agency manager totaled up the advance payment and deposit required and then said:

"I have to charge you a one per cent fluctuation fee on your American money. You know, you people ought to protect your dollar and keep its value from jumping up and down."

It was a rather friendly jab, but the dollar's recent bobbling on the international currency exchanges left me no defense. His fluctuation charge was no joke at all, though it was more a blow to pride than pocketbook.

On a subsequent air flight to Helsinki, I sat with a Finnish businessman returning from abroad. It was he who brought up the matter of the American position in world trade and, again, the weakness of the dollar.

"I make 10 to 12 trips abroad each year," he told me. "And I always used to carry a supply of American money. Not any more. Do you know what I carry now?"

He pulled out his wallet and showed me the stuffing of bills—West German marks!

Later, when I was in Amsterdam, I found that the ratio of Dutch guilders to dollars changed almost every day. These used to be a premium on dollars. Now, the offering of guilders varied from 340 to 355 for $100. That's almost a five-dollar swing.

Fortunately, the day I paid my hotel bill was the day when I could get 355 guilders per $100 from the bank's exchange counter. But that degree of instability is not the happiest circumstance for either international trade or international travel.

The matters of America's sustained defense effort and America's continued strength in the NATO defense system are quite interrelated.

While we may be lulling ourselves at home into a false complacency because Russia's SALT negotiations and Red China's Ping-Pong diplomacy, our friends and allies (and we do still have both) are continuing to be far more pragmatic and wary of both Communist giants.

Western Europeans are not about to discount the undiminished threat posed by the menacing Russian Bear. The NATO countries bordering the North Sea are determined to keep their defenses up.

I was told by authoritative sources whom I am not at liberty to identify that the NATO powers are capable of providing sufficient ground forces of their own for defense. But they want U.S. Army units to stay on the continent in force for one primary reason:

If serious trouble threatens, they want our military presence to be already there as a guarantee of the participation to which we are committed. Presence is much more reassuring than more mere promise to show up in case of need.

The same thing goes for our participation in the NATO submarine force which is comprised of undersea boats committed by England, Holland, Denmark, Norway, West Germany and the U.S.A.

Command of this sizeable and potent complement for first line defense is in the capable hands of British three-star Vice Adm. J. C. Y.

Roxburgh. Capt. P. N. Searles, USN, a 30-year veteran submarine officer, is his American liaison officer.

If the U.S. defense budget is curtailed by an ill-advised drive for economy, it is possible that America's submarine forces and operations could be hamstrung.

Yet it takes no secret intelligence to remind us that Russia's submarines are mounting in number and are broadening their regular operations into virtually all the world's oceans.

When one goes to Gosport in the south of England, where the big British submarine base is also NATO flag headquarters, one gets a very real feeling of the responsibility which the United States shares for guarding the security of the Free World.

Western Europe and the North American continent are no longer divisible. The common cause of the NATO nations is being pursued with remarkable cooperation. Effective maintenance of that common cause will depend upon our continued fulfillment of a commitment which is as necessary for our own sake as for the sake of our NATO allies.

During my stay in Finland, I was associating with editors from 32 countries who were in Helsinki as delegates to the annual assembly of the International Press Institute.

One encouraging note which I heard over and over from various editors was the note of respect and approval for the performance of President Nixon. The president was considered to be a responsible and capable leader for the government of a nation whose successes or failures—economically, politically, militarily—inevitably have their effects upon other nations large and small.

Editors from other countries expressed their hope that Richard Nixon would continue to head our national administration for another four years beyond 1972.

They responded with satisfaction when I told them that I, at this point, believed Mr. Nixon would be re-elected by the American people to do just that.

SENATE INTERIOR COMMITTEE BEGINS FUELS AND ENERGY POLICY STUDY—COAL PRODUCTION INCREASED AFTER NEW CAPITAL INFUSIONS WHEN OIL COMPANIES ACQUIRE COAL OPERATIONS AND RESERVES, WITNESS TESTIFIES

Mr. RANDOLPH. Mr. President, it is a gratifying experience to report that the Senate Committee on Interior and Insular Affairs is moving in an affirmative way, under the mandate given it by the passage of Senate Resolution 45, to make a national fuels and energy policy study. It is a difficult mission and a most important one that stands high on the Nation's list of priorities.

As an ex-officio member of the Interior Committee for purposes of the study, this Senator was privileged to sit with the committee when it met July 13 to receive a study plan for implementation of Senate Resolution 45. As the original sponsor of the Senate resolution, I was pleased to be apprised of the prestudy planning progress and the course of action being charted.

I commend Chairman HENRY M. JACKSON and his colleagues, as well as the staff of the Interior Committee, on the quality of the planning and the soundness of the actions being charted. And I am especially cognizant and appreciative of the bipartisan solidarity being manifested by the committee in implementing Senate Resolution 45.

As I remarked in addressing the American Bar Association convention in New York City on July 6, the increasing disparity between projected demand and planned availability of fuels will surely lead us to an extended energy crisis if positive steps are not taken to begin quickly to develop and implement a rational, soundly based national policy governing fuels and energy.

And I emphasize now that which I said in that convention speech:

I can think of no more appropriate time than the present for the initiation of the fuels and energy policy study by the Interior Committee under the resolution cosponsored by Senator Jackson and this Senator. Notwithstanding the fact that these topics are the current concern of various groups in industry and in the executive branch of the Federal Government, the Senate Interior Committee study (with ex-officio support from committees with related interests) offers the hope of being the most thorough and objective exposition of the problems of energy demand and fuel resources.

The study plan to implement Senate Resolution 45 and the information gathering activities underway convince me that the study will be thorough and comprehensive.

Other committees of the Congress have been and continue to be investigating facets of the total problem—and I do not depreciate their purposes and efforts. Their findings and recommendations doubtless will come within the purview of and will be duly considered by the Senate Interior Committee. Its authority and its mission under Senate Resolution 45 constitute a broad charter which touches at some point on virtually all long range national goals. And the investigation and study contemplated by Senate Resolution 45 are very sweeping.

Last week, beginning July 12, a subcommittee of the House Committee on Small Business held hearings which were covered by the press. That subcommittee seemed to be emphasizing lines of questioning and investigation of oil company acquisitions of coal firms and coal reserves, allegations of coal price-fixing, and economic concentration in the energy industry.

The Washington Post of July 13, reporting on the opening hearing by that subcommittee, noted that—

The Federal Trade Commission disclosed Monday that it is reviewing all oil company acquisitions of coal firms and coal reserves which the FTC and the Justice Department in the 1960s did not oppose with antitrust action.

Holding out a possibility of retroactive antitrust action against such mergers, Alan S. Ward, director of the Bureau of Competition, said FTC "enforcement judgments" need not await completion of its continuing investigation of economic concentration in the energy industry.

The most important acquisition occurred in 1966, when Continental Oil acquired a firm that alone accounts for about 12 per cent of the nation's coal production. The firm is Consolidation Coal.

"The Department of Justice has cleared to FTC those mergers of coal and oil companies which it studied and has made their files available to us," Ward told the House Small Business subcommittee.

The subcommittee is investigating a trend that has given oil companies substantial control over competing fuels in addition to natural gas, which they always have dominated.

The Washington Post of July 14 reported the previous day of hearings by the House subcommittee with headline and story in part as follows:

COAL PRICE RISES CALLED POSSIBLE SIGN OF PRICE-FIXING

A spokesman for three groups of consumer-owned electric utilities contended Tuesday that rising coal prices are evidence of possible price-fixing in the coal industry.

Washington attorney Worth Rowley said coal prices have risen 60 percent nationally over the past 18 months, and in "some localities it amounts to more than 100 per cent."

Rowley, testifying before a House Small Business subcommittee, represented the American Public Power Association, the National Rural Electric Cooperative, and the Tennessee Valley Public Power Association.

Rowley testified that "a careful grand jury investigation of price-fixing in the coal industry is long overdue." He said the price increases are not justified by supply problems . . .

Rowey, however, said the Justice Department had already told a public power group that facts as presented last March "indicated that a grand jury investigation was not justified."

"Our complaint is more against the Antitrust Division than against the coal companies," Rowley said. . . . .

Mr. President, I ask unanimous consent at this point to have printed in the RECORD the story from the Washington Post of July 15 on the hearing of the previous day.

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

CONTINENTAL OIL CHIEF DEFENDS COAL TAKEOVER

(By James L. Rowe, Jr.)

An official of Continental Oil Co. yesterday defended Conoco's 1966 takeover of Consolidated Coal Co., saying it not only had no anticompetitive aspects, but also "resulted in increased supplies of coal at fair and reasonable prices."

C. Howard Hardesty Jr., a senior vice president of Conoco, told a House Small Business subcommittee that the combination of the two companies "will make a substantial contribution toward meeting the nation's escalating demands for fuel."

The House subcommittee, chaired by Neal Smith (D.-Iowa) is studying the nation's energy problems with particular emphasis on the tendency of oil companies to gain substantial control over competing fuels.

On the first day of hearings Monday, the Federal Trade Commission said it was looking into all oil company acquisitions of coal firms and coal reserves and held out the possibility of retroactive antitrust action—even though the Justice Department cleared the mergers.

In testimony made public by the Justice Department yesterday, Assistant Attorney General Walker B. Comegys said present antitrust laws are adequate to handle mergers between oil and coal or other energy sources. Comegys was scheduled to testify yesterday, but his appearance was delayed until today.

The FTC said the Continental Oil-Consolidated Coal merger was the most important of the 1960s actions. The Conoco-Consol merger took place in 1966.

Hardesty, and American Petroleum Institute president Frank Ikard, both contended that last year's sharp rise in coal prices was neither due to the oil and coal mergers nor any coal industry collusion.

Tuesday, Worth Rowley—who represented three publicly owned utility groups—said that sharply escalating coal prices indicated

the need for a grand jury investigation into possibility industry price-fixing.

Hardesty, under questioning, said the public power groups had presented their information to the Justice Department, which turned down their request for a grand jury investigation.

"We're not scared of a grand jury investigation," Hardesty said. He said if the groups have more information they should present it to justice, challenging them to "Put up or shut up." The conspiracy charge "is a lot of nonsense," he said.

Ikard said the vigorous competition which exists in the coal and oil industries would prevent a company from holding back research and development of synthetic fuels.

Mr. RANDOLPH. Mr. President, I have known C. Howard Hardesty, Jr., long and favorably as a West Virginia lawyer, as a State tax commissioner, as coal company executive, and as an executive of the Continental Oil Co. I vouch for his integrity as a witness.

I know from facts relating to the condition of the coal mining industry in West Virginia in the 1960's, that new capital from new sources was very essential to even such large producers as Consolidation Coal Co., acquired in 1966 by Continental Oil, and to Island Creek Coal Co., acquired approximately a year later by Occidental Oil.

The testimony by Mr. Hardesty to the House subcommittee on July 14 was pertinent and informative. I know that the high rate of productivity of Consolidation Coal and Island Creek Coal in West Virginia during the past few years would not have been possible to augment the Nation's short coal supply for energy production if those companies had not received new capital infusions from Continental Oil and Occidental Oil, respectively.

The facts related by Mr. Hardesty seem to me to be so informative to persons truly interested in finding answers for the Nation's fuels and energy crisis that they should be made available more generally. Mr. President, I ask unanimous consent to have Mr. Hardesty's statement to the House subcommittee printed in the RECORD at this point.

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

STATEMENT OF C. HOWARD HARDESTY, JR.

My name is C. Howard Hardesty, Jr. I am a Senior Vice President of Continental Oil Company. Prior to my transfer to Continental in 1968, I was Executive Vice President of Consolidation Coal Company. At the time of the merger between Continental and Consol in September, 1966, I was Vice President and General Counsel of Consol. The merger occurred on September 15, 1966 following approval by the stockholders of both companies and only after the Internal Revenue Service had indicated its approval and the Department of Justice advised of its decision not to object.

It is my firm belief that the association of Continental and Consol has resulted in increased supplies of coal at fair and reasonable prices and that the blending of talents and research facilities of the two companies has made and will make a substantial contribution toward meeting the nation's escalating demands for fuel.

In support of this conviction and in response to questions previously raised by this Committee, I would like to detail facts and accomplishments of Continental and Consol as they relate to production, prices, research and competition in the coal industry.

PRODUCTION

If the coal industry had expanded at the same rate as Consol between 1966 and 1970, there would have been a surplus coal production in 1970 of about 120 million tons rather than a threatened shortage. Instead of producing 596 million tons, the coal industry would have produced about 716 million tons. Here are the facts.

In 1966, Consol produced 51.4 million tons of coal. In 1970, Consol produced 64.1 million tons, an increase of 25%.

In 1966, Consol owned and operated 47 underground and surface mines (including those owned by associated companies). At the end of 1970, the figure was 56. During that four-year period, Consol actually developed 17 new mines. There were 16 major expansion projects in operation during 1970 which had not attained capacity operation for the year 1969. Annual production from these projects increased 4.4 million tons over 1969 to 11.5 million tons in 1970 and will further increase by 17.0 million tons for a total expansion of 28.5 million tons when capacity operation is attained.

Seven other expansion projects, under development but not in operation during 1970, will add 6 million tons to the company's annual capacity. In 1971, Consol is initiating development of another 11 expansion projects which will increase annual capacity by 9.6 million tons. In summary, projects in operation or being developed total 44.1 million tons.

These projects reflect a sharp increase in capital expenditures. In the four years preceding the merger, Consol made capital outlays of $76 million for new mines and expanded capacity. In the four years subsequent to the merger, 1967 through 1970, Consol has made capital outlays of $184 million, an increase of 142% for new mines and expanded capacity.

This would not have been possible without dedicated hard working employees. In December, 1966, Consol employed 11,697 people. By the end of 1970 employment had increased 36% to 15,896.

Continental and Consol are proud of this record of growth and expansion. It did not come easy and stands as a tribute to the employees of Consol who labored tirelessly in an effort to meet unexpected demands and overcome uncertainties and many difficult problems.

PRICING

I am not directly involved in coal sales or coal pricing; however, information furnished by Consol indicates that within the industry as a whole, the average price of bituminous coal increased by about 20% in 1970 over 1969. A preliminary analysis by the Bureau of Mines indicates that the average price of all coal went up no more than 22% in 1970, in sharp contrast to allegations that coal prices increased 50 to 100% during the year. Consol's average price increase on all sales to electric utilities in 1970 over 1969 was only 13.2% and the average sales prices for all of Consol's coal increased 19%.

72% of Consol sales are made under long term contracts containing escalation provisions. Prices are determined in the market place and it is our experience that any increases are subject to the careful scrutiny of our customers.

Inflationary pressures upon the mining industry are very real—not imaginary. Between 1967 and 1970, miners' wages increased 22%, machinery prices 11%, supply costs 14%, and plant construction costs 29%. Compounding these inflationary forces is the fact that tons produced per man day in 1970 experienced a net decline—the first drop since 1950—so that for the first time in two decades the coal industry was unable to offset, at least in part, higher wages through improved labor productivity. Compliance with State and Federal Mine Health and Safety laws, productivity losses, and many other factors will prompt further price increases in 1971.

I have already mentioned the cost impact of new mine health and safety regulations. I do not believe that any person will protest cost or price increases which promote the health and safety of the industry's most valuable asset—miners. Consol, and we think our experience is typical, has suffered significant productivity losses in underground mines. At one mine the productivity dropped as much as 45%.

In a recent paper delivered to the American Mining Congress by John W. Straton, Executive Vice President, Gates Engineering Company, it was stated that safety legislation decreased tons per man day approximately 22%, resulting in cost increases from $1.00 to $2.00 per ton. This fact of life has affected all underground operators, large and small.

The nation's demand for an improved environment has obvious cost implications. The coal industry feels the full brunt of this need as it purifies its mine water discharges, controls particulates at cleaning plants, and faces up to rigid surface reclamation standards.

Men of knowledge and experience have commented on price trends in the coal industry and I think the record should reflect their thoughts.

Hollis M. Dole, Assistant Secretary for Mineral Resources of the Department of Interior, described energy price increases this way in December 1970:

"Given time—and I'm speaking in terms of a year or more—the likelihood is that the price equilibrium will be reestablished at somewhat lower levels. But the point is that we are not going back to the bargain basement prices we have so long been accustomed to paying for energy. Not this year, or next. Not ever.

"The conventional, identified ledger costs of energy are trending inexorably upward, and that is one reason. But even more significant, we are now prepared for the first time in history to recognize the social costs of energy production and use which were there all along but which until now were distributed to society at large—and even to succeeding generations—in the form of polluted lakes and streams, foul and dirty air, gutted hillsides, and eroded topsoil. Now as industries everywhere strive to restore the damage of the past, and correct the abuses of the present, these social costs will at last be charged to the proper accounts, and they, too, will be duly recorded as book costs connected with producing and using energy."

Just eight days ago in an address to the American Bar Association, Senator Jennings Randolph, Chairman of the Senate Public Works Committee, stated:

"Providing secure sources of energy surely will involve increased costs and bring higher prices for consumer products. Vast new capital investments will be required. These are costs we must be prepared to meet for the fulfillment of the double objective to secure more reliable energy sources and a cleaner environment."

Unfortunately, increased prices have an effect on all consumers regardless of size. The task ahead—the real challenge—is crystal clear. Management must supply all its talents to find ways to produce coal more safely and more efficiently.

RESEARCH

Achievements in any industry flow only from the dedicated efforts of talented and inspired men and women. No one can question the assertion that the interaction of scientists and technicians from varied disciplines and experiences hastens the development of technology and spawns new concepts.

We are experiencing such results from the blending of Continental and Consol research and engineering capabilities and facilities. Our combined research efforts reach across the horizon and involve pollution-free synthetic fuels, mine health and safety, environment, efficiency and transportation. Permit me to give a few examples of each kind of undertaking.

In the field of conversion of coal to synthetic liquids and gas, Consol is working on two projects with the Office of Coal Research. The advances and knowledge gained from these joint efforts is available to all. Already "Project Gasoline" at Cresap, West Virginia has demonstrated the feasibility of a liquefaction process having substantial cost advantages over earlier technology. In addition to the Consol talents at work on this project, Continental assigned at least 5, and some times as many as 8, top technical and process engineers to assure the project's successful operation. Economic viability of gasoline from coal largely depends upon the cost of raw materials—coal and hydrogen—and the availability and cost of competing sources of gasoline.

The same blending of diverse talents is taking place at Rapid City, South Dakota, as a most important project seeking to convert coal to pipeline gas gets underway under the auspices of the Office of Coal Research. Continental has five construction engineers overseeing the work of the contractor. As this country faces declining reserves of natural gas, coal conversion processes will play an increasingly important role in lighting our homes and turning the wheels of industry. Continental is actively pursuing projects of this nature.

The transportaton of coal by liquid slurry was developed by Consol several years ago. It has been further advanced by the application of Continental's pipeline expertise. Experimentation continues and we intend to bring coal and other commodities to distant markets at reasonable costs.

In the field of mine safety, Continental's expertise in the field of audio-exploration techniques and flow of electromagnetic waves in the earth has been brought into play. This experience is helping to devise an underground communication system no longer dependent on wire and rails. The same group is also devising a system for the transmission of coded signals to the surface via earth sound waves.

Our joint research groups are also deeply committed to finding new and evolutionary methods of mining coal safely and more efficiently. All we can say is that hydraulics are involved and we are encouraged, in fact excited at the goals it may achieve.

To increase efficiency, Continental's metallurgists have found alloys and devices which will prolong the life of mining machinery—a never ending challenge.

I never had understood how enzymes and microbiology work. In fact it scares me a little. Continental has found through testing and demonstration that one of its "bugs" will greatly accelerate the process of ameliorating acid mine water discharges.

Recently we announced two joint industry projects of importance to the nation.

The first, in association with steel companies, is culminating in a $20 million dollar demonstration plant to further test "form coke." The ultimate goal here is blast furnace coke derived from non-metallurgical coals and devoid of pollution associated with traditional coking processes. The second is a joint project with electric utility companies to test a new and economically encouraging means of removing sulfur from stack gases at utility plants.

This kind of research effort benefits all consumers and in fact the entire nation. It is responsive to need and should be encouraged, not discouraged.

COMPETITION

The oil and coal industries are highly competitive.

Anyone who has actually struggled on the petroleum industry's "product and marketing gridiron" knows that competition is intense. There are some 10,000 companies engaged in exploration and in the production of crude oil and natural gas. The largest of these companies accounts for only 7% of total production. In refining, there are some 130 companies, with the largest accounting for less than 10% of U.S. refining capacity. In petroleum marketing, according to the American Petroleum Institute, there are some 15,000 industrial wholesalers and jobbers, large and small, with the top firm marketing about 10% of the total. This kind of intense competition has been, and continues to be, characteristic of the oil and gas industry, no matter what products, or how many products, it develops and brings to the market.

Coal salesmen also know that their industry is highly competitive. There are some 5,000 coal companies in the U.S. Of these, approximately 575 companies produced more than 90% of the total. The top fifteen operating groups produce only slightly more than 50% of the total. Oil associated coal companies produce 19% of the total. Such an industry structure assures aggressive competition to satisfy consumer needs. Another factor that influences competition is the abundant availability of coal reserves. The arrival of the oil companies on the coal scene has, in my opinion, further intensified the existing high level of competition. This competition will continue regardless of who owns participating companies. No company has a large enough share of the industry to control prices.

The nature and extent of Continental's activities illustrate this point. The company accounts for 1.8% of the U.S. crude oil production, 1.4% of the U.S. marketed gas production, 0.1% of the residual fuel oil market, a prospective 2% of the uranium market, and 10.7% of this nation's coal production. These operations just do not reflect a concentration or a monopoly. To the contrary, they reflect a company faced with healthy competition in all aspects of its business.

The best way to insure fair prices is to encourage increased production. The best way to insure competition is by maintaining free entry into the industry.

Our laws protect the public from monopolies and no one doubts the propriety, jurisdiction and right of our government to insure healthy vigorous competition. It is within this established framework that we seek to engage in competitive undertakings and to apply our experience in meeting the increasing demands for energy in a manner that will enhance the quality of our environment.

The evidence that I have presented to you today demonstrates clearly that Consol has been a vigorous competitor since 1966. Consol has greatly expanded its mine capacity, its capital investments, and its research efforts. It has provided coal at fair prices. We are proud of this record.

The Committees of Congress, the agencies of government, and the business community that address themselves to the adequacy of fuel supplies cannot ignore the enormity of the challenge involved. We will have adequate supplies, at fair prices, produced compatibly with our environment only if government and industry engage in intensive coordinated planning. Continental has already publicly declared itself in support of all efforts to define and develop a national energy policy. It is imperative to establish our nation's energy goals. This can only be done with your help and guidance.

Mr. RANDOLPH. Mr. President, I have no doubt that all such vital considerations as fuel prices, production costs, marketing, supply availability and distribution, capital financing of fuels and energy production, and so-called economic concentration in the energy industries will have the cognizance and careful study of the Senate Interior Committee.

Furthermore, Mr. President, I feel sure that the implications of still another important article in the July 16, 1971 Washington Post, under the headline, "Severe Oil Shortage Predicted," should be carefully read and considered. I ask unanimous consent that the article be printed at this point in the RECORD.

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

SEVERE OIL SHORTAGE PREDICTED

(By James L. Rowe Jr.)

A special advisory council of oil industry officials told the Interior Department yesterday that by 1985 the nation can expect severe shortages of natural gas and a heavy dependence on oil imports unless the government's policies and the industry's economic climate change significantly.

A study prepared by the National Petroleum Council, an industry-supported council advising the Secretary of the Interior, said that U.S. oil imports will climb to 14.8 million barrels per day by 1985, compared with 3.4 million barrels per day in 1970. Foreign oil would account for 57 per cent of the total oil supply, the council's report said, compared with about 30 per cent today.

Speaking to the council, Interior Secretary Rogers C. B. Morton said the nation might face "a frightening energy scarcity" in the last decade of the century. He said energy consumption as compared to 1970 would double by 1990, and triple by 2000.

But he stressed that environmental concerns must be appreciated in searching for solutions to the energy problem. "We cannot continue to have such a large proportion of the cost of energy borne by the environment," he said.

However, Commerce Secretary Maurice Stans had some harsh words for environmentalists, especially those who accuse industry "of ignoring the pollution problems of our times and being responsible for most of them."

"The fact is that without denying industry's share of the blame, many of the worst polluters are outside of industry-Municipalities, other governments, agriculture, and even the public itself," Stans told the 25th anniversary meeting of the advisory group.

He said the environmental movement has forged ahead, often without regard for industry's ability to meet the rigid standards set by law or without adequately determining the economic costs of such moves.

The Petroleum Council's report on the nation's energy outlook is the first of a three-part study on fuel. Stage two, due next summer, will attempt to identify and evaluate various policy alternatives for the government and the oil industry. The third stage will examine the nation's energy posture from 1985 until the end of the century.

In developing yesterday's report, the committee assumed, according to its chairman, Continental Oil President John G. McLean, that "oil import controls, natural gas price regulations, leasing of federal lands, environmental controls, tax rates, and research would continue on essentially the same basis as at present.

The report concludes:

Total energy consumption would double by 1985, growing at an average rate of 4.2 per cent per year.

Demand for natural gas will grow from 22,700 billion cubic feet in 1970 to 38,900

billion cubic feet in 1985. But supplies would actually fall to 21,500 billion cubic feet.

Despite an addition of 2 million barrels per day from the Alaskan North Slope and another 2.7 million barrels per day from post-1970 discoveries, U.S. oil production would slip to 11.1 million barrels per day from 11.3 million barrels per day in 1970.

Most of the increased oil imports would have to come from the Middle East, because of limited potential in the Western hemisphere.

At a press conference following the council's meeting, McLean called dependence on Middle East oil to such a large extent "excessive." He said the Middle East is too unstable for the United States "to have a secure national energy posture with that kind of dependence."

McLean stressed, however, that the report's conclusions are "not a forecast of what we think will probably happen." Instead, "it is solely a frame of reference, assuming continuation of existing conditions."

Meanwhile, at House hearings on energy problems, Humble Oil Co. Vice President Carl G. Herrington came under attack for his company's acquisition of coal mines and coal reserves.

Joseph Addabbo (D-N.Y.), a member of a special subcommittee of the House Small Business Committee, said Humble's acquisition of an Illinois coal mine and about 7 billion tons of coal reserves put Humble and other oil companies purchasing coal in unfair competition with small independent coal suppliers.

Because the petroleum firms enjoy oil depletion allowances and other tax benefits, Addabbo said, they are able to absorb initial losses in their coal operations. Firms that only supply coal cannot fall back on such devices, Addabbo said.

DEBS MYERS

Mr. KENNEDY. Mr. President, Debs Myers was a good newspaperman, a fine writer, a capable public relations man and political adviser, but he is most clearly remembered for his capacity for friendship. At his death last February, his friends came forward to eulogize him for just that friendship which touched and enriched many lives. Deb's spirit reflected his own measure of human values, for the regard he had for his friends followed in depth only the love he held for his family.

My brother Robert held Debs in high esteem as a trusted aide and as a personal friend. I know Debs' reliability and his firm determination, laced with his good humor, were characteristics which closely bound him and my brother personally and professionally.

Mr. President, as another friend of Debs Myers, I would like to submit for the record these remembrances of him by his friends which so revealingly depict the man and his career, adding only the words of the philosopher, Kahlil Gibran:

When you part from your friend, you grieve not,
For that which you love most in him may be clearer in his absence, as the mountain to the climber is clearer from the plain.

I ask unanimous consent that eulogies of him be printed in the RECORD.

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

EULOGY FOR DEBS MYERS

(By Ralph G. Martin)

A dear friend of Debs' and mine, John Weaver, passed on this quotation from Dr. Samuel Johnson. It was something Dr. Johnson said when one of his closest friends died. And since Debs always told me to put the cream on top—the best writing advice I ever got—here it is:

"I am afraid of thinking what I have lost. I never had such a friend before. I feel myself like a man beginning a new course of life. I had interwoven myself with a dear friend."

There are so many of us who have interwoven our lives with Debs. I don't know what my life would have been without Debs. I'm a writer of books but maybe I never would have written a book if it wasn't for Debs. We met in Paris during the war, when we were both on YANK. I always had been told that I was one of the sloppiest soldiers in the Army because I sometimes put one of my leggings on backwards, but Debs was so sloppy he made me look like Beau Brummel. He always walked around as if he was holding his pants up, and he usually was. I think that's why we automatically liked each other.

After the war, somebody asked Debs if he wanted to do a biography of a Nisei named Ben Kuroki who had become a war hero, and Debs said no, he couldn't do it, but he knew somebody who should do it—and he passed it on to me. Well, Debs could have done it easily. He was a beautiful writer. He wrote a story about the Roosevelt funeral train that will live as long as there are anthologies. Let me read some of it to you:

"The funeral march stretched for a thousand miles. The train, with the flag rippling from the engine, had come up from Georgia, past the old battlefields of another war fought 80 years ago. There was a great hush over the land. The people came and stood by the tracks as the long train rolled on, bound for Washington and later a quiet garden high above the Hudson. The President was dead.

"The train moved slowly through the night. At Charlotte, N.C., a troop of Boy Scouts started to sing 'Onward, Christian Soldiers,' and massed thousands took it up in a mighty chorus. Along the way people dropped to their knees in prayer. Bells tolled a requiem.

"By countless thousands the people came to say goodbye to Franklin Delano Roosevelt. Men in overalls, men with gnarled hands, women with shawls, kids, wet-eyed and solemn, lined the tracks and bowed their heads. . . .

"The train moved through the night, and the dim lights of the towns etched the faces of the people standing near the tracks. Across one station there was a line of boys and girls—boys holding caps in their left hand and girls with pigtails. They stood with chests thrust out at attention. A band played 'Hail to the Chief.' Some of the kids were crying.

"Northward the train rolled, taking Franklin Roosevelt home. At the edge of a little town an old man was spearing waste paper with a pointed stick. In his right hand he carried a greasy cap. As the train passed, the old man put on his cap, drew himself jerkily up, and saluted. His heels were together, his chest was out. Clearly, he had saluted before, maybe in some war long ago.

" 'I rode with him on all four of his campaigns,' said the reporter. 'A lot of people praising him the most now are the ones who fought him the hardest. That would amuse the old man. He always knew the pitch on those phonies.'

"At lonely crossroads and in great cities, the common people had come to say their own goodbye to this crippled man who had taken a crippled nation and helped it walk once more.

"The next morning was Sunday, April 15, 1945. At 10:15 a.m. Franklin Delano Roosevelt, four times chosen by the people as President of the United States, was committed to the earth of his beloved Hyde Park birthplace.

"Against a 15-foot hemlock hedge surrounding the old garden which the President long ago had designated as his burial place, files of soldiers, sailors and marines stood rigidly at attention, their eyes fixed on the flag-draped coffin. A battalion of gray-and-white clad West Point cadets were massed at one end of the garden. The cadets' crepe-hung drums rolled mournfully across the chill morning air.

"The Rev. Dr. George W. Anthony, Rector of St. James Church of Hyde Park, quoted from 'Requiescat' by John B. Dykes:

" 'Now the laborer's task is o'er;
Now the battle day is past;
Now upon the farther shore
Lands the voyager at last.
Father in your gracious keeping,
Leave we now thy servant sleeping.'

"Three cadets fired deliberately spaced volleys across the President's grave. A bugler stepped forward and softly blew 'Taps.' A sergeant of the Honor Guard selected to carry the coffin lifted the American flag from the top, folded it carefully, and handed it to Mrs. Roosevelt. Mrs. Roosevelt, ashen-gray but dry-eyed, accepted it proudly.

" 'Last time I talked with him,' said the neighbor, 'the President told me he didn't know how history would record him as a President, but he said he knew for sure that he was one of the best dog-goned tree-growers ever to come up the pike.'

"Within a half-hour after the burial all the mourners had left. Franklin Roosevelt was alone in the garden where he had played as a boy and where he had teased a childhood playmate named Eleanor. The only sound was the footbeat of sentries walking their posts."

After the war, Debs helped edit an anthology from YANK and I remember he was being interviewed on the radio and the interviewer gave him a big buildup as a fighting soldier. Debs broke in, in that short, sharp way of his, and made it plain that he had never heard a shot fired in anger. He just wasn't going to take credit for something he didn't do. He never did and he never would.

Let me read part of the introduction he wrote for that book:

"The civilian went before the Army doctors, took off his clothes, feeling silly; jigged, stooped, squatted, wet into a bottle; became a soldier.

"He learned how to sleep in the mud, tie a knot, kill a man.

"He learned the ache of loneliness, the ache of exhaustion, the kinship of misery. From the beginning he wanted to go home. He learned that men make the same queasy noises in the morning, feel the same longings at night; that every man is alike and that each man is different."

Debs believed that; shortly before he died, he told me: "People are pretty much the same, Ralph—it's the governments that are different."

That's something to chew on, isn't it?

Debs was the kind of friend who was not only there when you needed him, but he was there BEFORE you needed him. He seemed to sense when you would need him.

When I was a freelance magazine writer, and I was having some trouble making it sometimes, it was Debs who got me on the phone and offered me a job on NEWSWEEK. He got to be Managing Editor of NEWSWEEK and he loved it.

And it was Debs who got me into politics—on the Stevenson campaign staff in 1952 and again in 1956. Debs used to talk a lot about self-interest, that it was the motivating force for most of mankind. Maybe it is. But so much of Debs' life seemed to disprove that.

I remember once we had to write a short biography of Stevenson for his first book of speeches to be published during the campaign. We only had a weekend to produce the finished copy. I remember we worked

through the night, using secretaries in relays and I remember Debs finally falling asleep at his desk. There wasn't very much self-interest in that.

After one of those Stevenson campaigns, Stevenson sent a signed photograph to some of the people who helped him the most.

The one to Debs said, "Thanks to Debs Myers for his great work in the campaign." Debs' reaction to that was typical Debs. He just grunted and said, "Poor staff work."

But Stevenson made up for that when he was the featured speaker at a Testimonial Dinner for Debs. Everybody had called Stevenson and his staff a bunch of amateurs and Stevenson said of Debs, "I'm glad one of us amateurs made it." Debs at that time was Press Secretary and Executive Assistant to Mayor Wagner. When Debs left City Hall, Mayor Wagner noted how Debs had "expanded the scope and elevated the stature of the job." Debs just smiled at that and said later, "When the Mayor was out of town, sometimes I felt I was the Mayor."

Only the newspapermen involved know how Debs worked night and day to get them other jobs during that newspaper strike in New York and how vital he was in arranging the final settlement of that strike. The New York Times even had an editorial about Debs when he left to go into public relations.

Of course Debs made compromises in his life. Everybody does. But he never compromised on basic principles; he never compromised on right and wrong. I remember in some of his leaner, hungry days when he was offered big money jobs and turned them down because he didn't like where the money was coming from.

The Sanitation Union gave Debs a watch when he left City Hall and Debs asked the head of the union, "Why did you give me this watch? We were never that close." And the man said, "Well, we always knew exactly where we stood with you."

Debs would tell people what he felt they should know—not necessarily what they wanted to hear. And when he talked to people, he looked directly at them when he spoke. And the wise people recognized this directness and this honesty for the rare thing that it is, and they never let him go.

There are a million stories about Debs, but we were never smart enough to take notes, and we should have. Anyway, most of the best stories we can't tell here because they're pleasantly pornographic.

But Debs always had a story to illustrate almost everything he said. And when he talked, you wanted to listen. He never wasted words and so when he spoke, he always had something to say, and you knew it. He was an uncommonly good thinker with a logical mind. The New York Times obituary quoted Debs as saying that if you do the right thing, it often turns out to be the right politically. But it didn't quote Debs' corollary to that: it was something Mark Twain had once said—"The difference between doing the right thing and doing almost the right thing is the difference between lighting and the lightning bug."

There were so many things Debs didn't care about.

He didn't care about clothes. He couldn't care less what suit he wore, and for a long time he only had one suit. I remember going with Nellie one day, practically dragging him into a store to get another suit. When he was at City Hall, somebody said he looked more like a messenger from the Municipal Building than the head of a brain trust.

He couldn't care less about food, unless it was chili, which he loved. Whenever we went into a Chinese restaurant, he always—but always—ordered the same shrimp fried rice.

He didn't care about travel. He had no interest at all in getting into a plane to go to romantic or exotic places. Paris was just another city to him.

He didn't like music. He divided music into two categories—loud or soft, and he cared for neither.

Then what did he care about?

He cared about people.

I was with him in the hospital the night before he died and I was asking him if he would change anything if he had to do it all over again. He said, "Oh yes, Ralph, I'd change so many things. When you're in a hospital bed, fighting for your life, you realize that so many things you thought were important are not really important at all. You realize that there are only three things that really mean anything, and everything else is gravy. Love of family. Love of friends. Love of work."

He was saying how lucky he was to have so many good friends. Of course it wasn't luck at all; it was Debs. There are so many people who pass through life and never touch anybody. They never touch anybody at all. But Debs reached deep into people. So many people. If he met you and he liked you, then you were caught, because he had an irresistible charm. It was the charm of absolute honesty. It was the charm of a marvelous sense of humor.

When Debs laughed, you knew it. He threw his head back and he roared. He'd slap his knee and even wipe the tears from his eyes. How many people do you know who laugh like that anymore?

Nellie, he talked a lot about you in the hospital that night. He was marvelling how wonderful Nellie was. Whenever the crisis was the worst, Nellie was at her best. She was always there, the Rock of Gibraltar, ready to take care of things, Debs, of course, was absolutely helpless around the house. He couldn't drive a car, he couldn't balance a checkbook, he couldn't hammer a nail. Nellie had to do everything. Nellie, you must have wondered often how a man could be so helpless in so many things, and yet have the great political leaders of the country come to him for advice and guidance. Governor Leader of Pennsylvania, Mayor Wagner, Senator Robert Kennedy, among so many others. And it didn't matter who it was, the President of a giant corporation, the President of the United States, or a cabdriver—Debs was always Debs, the same directness, the same sharp honesty.

Debs talked so much, too, about his son Mike and his daughter-in-law Barbara that last night in the hospital. He was so proud of Mike. Mike is a lawyer and he could have stayed in New York and Debs could have pushed so much business his way. But Mike decided to be his own man and he went to Chicago and he made it by himself. And he made it big. Debs was proud of that, but he was even prouder of something else: he repeated over and over to me—"Mike is a good human being. Mike is a *really* good human being." And when you look at Mike, you already see so much of Debs in him. And Barbara, Debs was so delighted that she had been a teacher in a ghetto school and that she was now accepted at the Chicago Art Institute.

Debs loved books. The walls of his house are covered with books, and he knew where each one was and he knew what was in it. For somebody who never got past Allison Junior High School in Wichita, Kansas, here was a man who was one of the best educated men I've ever met. His range of interest and his range of knowledge was enormous. He never flaunted it, but his mind and his memory could reach in anytime for anything he wanted.

He also digested the sporting news. He had an expert's knowledge of baseball and football. I'll never forget watching a World Series with him and listening to him matter-of-factly call the exact next pitch that was coming.

Debs loved children. He sat down on a couch with them and talked to them directly, on an equal level, without patronizing. When I told my daughter, Betsy, about Debs' death, she cried out and said "But, Daddy, he was so special . . . ! ! !"

He was so special.

He loved dogs. How many people do you know who would name their dog after their favorite bartender? Timmie was more than a dog to Debs—he was almost a human being. How Debs used to worry about Timmie. And how Timmie loved Debs!

What else can we say about Debs? He left school at fifteen to get a job on the sports desk of the Wichita Eagle to get some money to support his family. Debs never forgot about the Depression. The need for security was bred into his blood and bones. It was part of the reason for some of the decisions he made, some of the jobs he took, some of the compromises he made. His friend and neighbor, Ebba Lehman, a teacher, always used Debs as a classic example to her students of a dropout who made it. Debs always agreed that you need three things to make it: you need talent, you need energy, and you need luck. And if you have less of one, you need more of the others. He also had courage. And he had style. He really had style.

He became City Editor of the Wichita Eagle, then Bureau Manager of the United Press in Oklahoma. The New York Times quoted him as saying he had seventy dollars a month to pay seventy-seven part-time reporters around the state.

He was City Editor of the Chicago Sun, the youngest City Editor in its history. And the rest you know.

For a stretch of time, Debs wrote for the magazines. There was one piece he did for HOLIDAY about Will Rogers. It's quite a story that's been widely reprinted. At the end of the story he quotes a conversation he overheard between a father and son at Claremore, Oklahoma, where Will Rogers is buried. The father was telling the son what a famous man Will Rogers was and the son asked the father, "If he was such a famous man, why did they bury him in Claremore when there are so many fancier places?" And the father answered: "No matter how far a man goes, at the end he likes to come back to his roots."

Therefore it's so fitting that Debs should come back to Bethel. I don't think he's planted any roots any deeper than he has here. You all know Debs, such a restless man. After a year of hard work, Nellie would drag him away for a vacation, to some beach somewhere, and he would collapse quietly. But after a few days, he was already thinking about leaving. Put him anywhere for too long and he'd start climbing the wall.

But it was different here in Bethel. I've never ever seen him so relaxed in his life. He loved to walk in the woods with Timmie. His woods and his dog. He loved trees. I mean he developed a real deep feeling about trees. He started to read all about them. He talked about them. He started buying trees and planting them, and he was very careful where he planted them so they'd have all the light and all the space they needed to grow. He became interested in birds. He became very close to nature in a basic kind of way. Maybe this is one of the things he meant in that hospital, about things that he would have done differently.

And so he belongs here in Bethel.

* * * * * *

(At Wolfpits Cemetery, Bethel, Connecticut) And so we will give this body of our dear friend Debs Myers to the earth near the land he loved. And we will give part of his spirit to the mystery of the universe. But we will keep that part of his spirit that enriched our lives because that part of Debs Myers belongs to us.

(The pallbearers were Mr. Paul Bragdon, Mr. Joseph Breu, Mr. Knox Burger, Mr. Edward Cunningham, Mr. Robert Hind, and Col. Lowell Oder.)

THE MEMORIAL SERVICE FOR DEBS MYERS, UNITARIAN CHURCH OF ALL SOULS, NEW YORK CITY

[The Reverend Walter Kring.] We are gathered together today to pay our respects to the memory of Debs Myers. This is a time when each one of us should think about the good things that came out of his life into our lives. This is a time when we should be thankful for the great gift that has been ours. All of us know that death is an inevitable part of life. Now, we do not understand life. How could we possibly understand death? But we should approach both life and death not with the fear of a coward but, in the words of the late Paul Tillich, "with the courage to be."

I want to read three very brief snatches of poetry. The first is from the writings of the great Hindu poet Rabindranath Tagore:

Peace, my heart, let the time for the parting be sweet.
Let it not be a death but completeness.
Let love melt into memory and pain into songs.
Let the flight through the sky end in the folding of the wings over the nest.
Let the last touch of your hands be gentle like the flower of the night.
Stand still, O Beautiful End, for a moment, and say your last words in silence.

Then, portions of the great poem "Renascense," by Edna St. Vincent Millay:

The world stands out on either side
No wider than the heart is wide;
Above the world is stretched the sky—
No higher than the soul is high.
The heart can push the sea and land
Farther away on either hand;
The soul can split the sky in two,
And let the face of God shine through.
But East and West will pinch the heart
That cannot keep them pushed apart;
And he whose soul is flat—the sky
Will cave in on him by and by.

Before Adlai Stevenson died in London, I'm told that on his last Christmas card were words which come from a tablet dated 1692, found in Old Saint Paul's Church in Baltimore, Maryland, and I want to read just a few of those lines:

"Nurture strength of spirit to shield you in sudden misfortune. But do not distress yourself with imaginings. Many fears are born of fatigue and loneliness. Beyond a wholesome discipline be gentle with yourself. You are a child of the universe, no less than the trees and the stars; you have a right to be here. And whether or not it is clear to you, no doubt the universe is unfolding as it should. Therefore be at peace with God, whatever you conceive him to be. And whatever your labors and aspirations in the noisy confusion of life, keep peace with your soul. With all its sham, drudgery and broken dreams, it is still a beautiful world."

Today we are going to have brief commentaries from seven friends of Debs Myers whose relationships with him spring from three facets of his life: the editorial triumphs and frustrations of YANK magazine; the inspiring, though unsuccessful, pursuit of the Presidency for Adlai Stevenson; and the rugged tests of sharing the burden of high political office. These friends and colleagues who shared a treasured friendship with Debs Myers will speak in the order in which I am now going to introduce all seven of them: Mr. Porter McKeever, President of the United Nations Association of the United States; Mr. Neal Gilliatt, Vice-Chairman of the Interpublic Group of Companies; Mr. Walter Bernstein, an alumnus of The New Yorker, as well as of Yank magazine, and author of books and films; Mr. Knox Burger, writer, editor and outstanding literary agent; Mr. Ralph Martin, a familar name on the best-seller lists, author of many books and articles; former Mayor Robert F. Wagner, with whom our mutual friend spent some of the happiest years of his life; and the former Governor of Pennsylvania, the Honorable George Leader, who introduced him to the joys and trials of high public office.

[Mr. Porter McKeever] You know, a memorial service for Debs is something of an anachronism because I think for most of us Debs became an indelible part of our memories from the very first moment that each of us met him. I know I'll never forget the day he walked into my office and said, "You don't know me, but you need to."

There's probably no other human being who could have made such a statement without the slightest trace of arrogance. To Debs, it was just a simple, straightforward, objective statement of a fact . . . and Debs had little patience for anything else. And it came out sounding that way. As usual, he was right. I did need to know him. And one of the many reasons I'm glad that Adlai Stevenson walked this earth is that because of him Debs came into my life and enriched it as he has the lives of so many of us.

This happened just a few days after the relatively obscure Governor of Illinois had been nominated to run for the Presidency against the best known personality in the land. Adlai had forbidden his friends to work for him prior to the convention and once he was nominated, he refused to use the services of those who had violated his wishes. At the same time, he insisted on separating his campaign from the headquarters of the Democratic National Committee and he insisted on focusing it in Springfield and in Chicago. So, with barely three months to go until the election, we were starting from considerably less than scratch to get a campaign organized and underway.

My particular segment was to organize the publicity and the public relations for The Volunteers for Stevenson—and what a Volunteer Debs was! After more than a week of working together day and night, it suddenly occurred to me during gulps of a ham sandwich we were sharing that he had come to Chicago from New York and was living in a dingy hotel room nearby that he rarely got to sleep in, and he had never mentioned salary or even expenses to me. So I asked him how he was making ends meet. "Well," he said, "It would be helpful if you could find enough money to keep me in clean underwear and cheap cigars." I think that's the most selfish request I ever heard Debs make.

Now, a campaign for the Presidency is almost an exercise in decent exposure of selfish motivations. Certainly it's not the ideal environment for developing respect and affection . . . but that's what Debs inspired. I recall vividly the election night when, as returns piled up the awareness of defeat, we shared a misty-eyed cry for having been associated with a man who had raised political discourse to the level that's worthy of a great nation.

Now, the qualities that emerge from this recounting of our initial and intense relationship really are well known to us all. Honesty, an almost brutal honesty that had one small lapse: that was Debs effort to hide a very sensitive and affectionate nature under a grumpy outer crust. But it was a very thin and a very transparent crust, and it could never conceal the integrity, the loyalty and the dependable friendship that ever were abundantly there. And the closer we got to him, the more we were aware of a very large and a very special place that was reserved in his expansive heart for Nellie and Mike and Barbara.

He was a man with very strong convictions but also with an open mind and he never ceased to learn. He never lost his capacity to weigh facts objectively, however harshly they might deal with the ends he was seeking, and he provided an uncommonly congenial coexistence for hard reality and warm sentiment.

He worked hard as a political partisan but he was never a partisan man. His real commitment was to our political system. He passionately sought to make the democratic process work and to bring better government to everyone. It was this abiding commitment that inspired his great talents as a journalist.

These are times than can ill afford to lose his kind of commitment, and each of us who loved him for these qualities now need to fan the spark that he kindled in each of us. I think that's probably the kind of memorial that would please him most.

[Mr. Neal Gilliatt] In recent years, you know, Debs has headed up the public relations business of the Interpublic Group. I'm going to try to comment just briefly on behalf of the thousands of people in the Interpublic Group world-wide who knew Debs as head of the Myers-Infoplan Company.

Debs was a thorough professional. I can use no other word to talk about his pre-eminence in his field. Debs did not seek publicity for himself, nor did any of us ever know of his spending time on his own position. Debs was eternally involved in the problems of his time. He was utterly concerned about whatever question he was seeking to solve. Although every business session he attended was overlaid with Debsian wit, he nevertheless approached every meeting with the simple idea that there was a job to be done and we should get on with it. I shall never forget the look of joy that would come over the man when he would report and tell us about some accomplishment.

As a professional, Debs was tough-minded. When he had wrestled with a knotty problem and had adopted a point of view, Debs could not be swayed. He brought to his professional life an honest appraisal of the world: what is possible; what isn't possible. But he overlaid that practicality with a very real social consciousness which, of course, as you all know, he tried very hard to conceal under that unforgettable facade of the poor, small-town, midwestern newspaper reporter lost in a den of city slickers.

There have been few true professionals in the world of public relations. Debs was one. But there is more for, unlike many professionals, Debs was also a businessman. He ran a good business profitably. The corporate budget department never had a worry about Debs. If the revenue went down, Debs told you how he had already cut expenses. When the business went up, he told you how much more profit he could deliver.

He operated, of course, in typical Debs style. There are some of us who can explain with lots of charts and figures why we are not running a good business. Debs, of course, paid no attention to all of that paraphernalia of business. He just sat down and it came all out of his mind: we had so much money and we spent so much and this is how much we had left. If the problem was a difficult one, as I'm sure you all remember and as we shall never forget, he might shift his cigar a little bit and he might take it out and put it back, but that, pretty much, would be the end of it.

So Debs was a professional and a businessman. But we carry his name on the masthead of his company for another reason: Debs was a thoroughly honest, warmly human guy. In our company we very seldom —almost never—use people's names in the titles of our various operating companies because, as all of us know, people sometimes can be difficult. But not Debs.

The business is Myers and we salute the man who made it so.

[Mr. Walter Bernstein] I knew Debs only as a friend for over twenty years and so the side of him that I saw—that I love ', really—was the fact that I felt that above anything

else Debs was really a romantic, and that the realism and the pragmatism—cynicism, especially—all went to cover this up.

His starting point was always a kind of healthy despair, but he loved to have this proved wrong and he was delighted when things went well. He could believe, as I remember him saying often, that the City of New York was unmanageable, but if something happened to work, either accidentally or on purpose, Debs was delighted.

He was always much more cynical about victories than defeats. The cross he bore often was to be thrown among liberals, so defeat became very familiar. But Debs was never thrown by it. He never fell in love with it. He never lost sight of the necessity to keep making the fight in any way you could.

Being in politics and then in business, he was surrounded more often than not by the greedy and the mediocre, but he believed in the human possibility. He believed in people. He always continued to hate and despise the phony and the pretentious, those on the make and those who didn't care.

But what I remember about Debs most and what really meant most to me, personally, just seeing him in action, was that he did care. He cared for people. He cared for issues. He cared for certain ideals that he never thought could be realized but he knew always had to be fought for and towards. He was a professional and he liked other professionals; he never had much use, so far as I could see, for talented amateurs. He always preferred a good honest crook to a noble do-gooder—and if you accused him of being a do-gooder, he would laugh at you. But he did do good. He was a friend, a real friend . . . someone who was there when you needed him, sometimes with advice or offers of help, often just with the rumpled, baggy, crusty, randy presence that was Debs. He was never really sophisticated about a lot of things, I thought, which always left him with the capacity to be surprised, and that was one of the most endearing things about Debs.

I remember the first time I saw him, when he came into the office of YANK. He was probably the worst looking soldier anybody ever saw and he treated the Army the way it should be treated—like a nuisance! . . . so you immediately knew that there was a man of substance! And he was a good editor, even though, as with so many other things, he would put down what he did—joking often about us and about the loneliness of having been in civilian life a day city-editor on a morning newspaper. But he became my friend and he stayed my friend, even though we'd lose sight of each other from time to time.

I find myself now angry at him for not being here, for leaving when he's needed. No, not just by me. I think we all need someone now who won't be fooled or taken in, who'll say what needs to be said. At a time when our country seems increasingly to be run by madmen, we need his sane and caring voice and I think we are, all of us, much worse off because it won't be heard again.

[Mr. Knox Burger] I, too, knew Debs not as a public figure, not touching all the many circles of friends and acquaintances he had in public life, but in a very private way.

I've known him for twenty-odd years and during the last four or five of them, he seemed to find a refuge in my wife's and my apartment during his week-night stays in New York. Nothing gave us more pleasure, nor our sons more pleasure, than to see Debs puffing up the stairs with a box of candy for Kitty and sitting down, relaxing a little bit . . . as much as he could relax. The only place I every saw him really relax was at his house in Bethel, on his land.

Once, some years ago, I was going through some troubles and had to give up a house in New York and what little money I had and so on. I was commiserating with Debs and as I'd tick off these things that I was divesting myself of, Debs would say, "That's tough, kid. Tough." I finally got up to forty acres of woodland in the northwest corner of Connecticut, with hemlocks three feet thick and a little trout brook, and Debs said, "You had to give that up too? You better get a better lawyer. That's no good." That's the thing that really touched him.

Last summer, my wife and I visited Debs and Nellie for a weekend in Bethel. It was during the time of "The Great Inchworm Infestation" there and Debs took me out to his back lawn, overlooking a lovely thick woodlot, of which he was terribly and justifiably proud. And Debs took a little spraycan and a stick, and started to knock down the inchworms that were hanging in great profusion from his newly planted fruit trees. He cursed them and he probably killed several hundred inchworms, and there were, I'm sure, no more than eighteen billion left. [Laughter] But he had lighted his candle and done what he could.

On that afternoon Debs was slated to purchase a suit in Danbury and Nellie, feeling that two women might have a better chance of getting him into the suit than one, took Kitty over with them. I was not there, but I gather there was something of a struggle and he thought the suit was too blue. Before he'd left, we had noticed a hole in his shoe—a true, Adlai Stevenson hole in the black loafers that Debs was given to wearing. So, while they were getting the suit, (and Debs finally did purchase it and adjustments had to be made—he was not the perfect forty-four. And the clerk, so pleased that he'd been able to sell Debs the suit, threw in a necktie. So, of course, Kitty and Nellie picked out a necktie . . . a very handsome one, indeed.) the clerk said, "What about a new pair of shoes? You seem to need some loafers." And Debs grumbled and said, "All right."

He sat down and the man said, "What size shoe do you wear?" Debs said, "I don't know . . . eight, eight-and-a-half. They're wide, I know." So the man took off the shoes and he looked in one and he looked in the other, and he said, "Mr. Myers, these aren't a pair!" [Loud laughter] And Mr. Myers said, "Of course they're a pair. That's the right one and that's the left one." [Laughter] "But," the man said, "This one says eight-and-a-half and this one says eight, and there's some little difference in the stitching. They're not a pair." So they all wondered what had happened to the other left and the other right; nobody could figure that out. And Debs came back to the house with the necktie and he thrust the necktie out at me and said, "Look what they made me take. It's too loud, that red stripe, it's much too loud." Everybody talked him out of that finally and he did wear the necktie.

Someone asked me when Debs died why I was so terribly and particularly fond of him. I really had never given it any thought, but I've come to realize that it was probably for a very selfish reason. When I was with him, I felt wiser, wittier, more knowing, more aware of what the earth and the world and its people are about because Debs was so direct, so honest, so impatient of foolish materialism and fake motives.

I think he brought out the very best in probably more people than anyone else I've ever known.

[Mr. Ralph Martin] Debs used to like to quote a line from the Bible. It was the one: "Man born of woman is of few days and full of trouble." But when he said it, he always, or usually, said it with a twinkle in his eyes—oh, I'm going to miss those twinkles. And he said it as if to say, "Well, sure, it's a lot of trouble, but the price is right."

And for Debs, the time was wrong, but the price was right because I don't know anybody who's packed more things in a single lifetime than he has, who's made more friends, who's reached more deeply into things and people. So many people just pass through life and they never touch anybody—I mean they never touch anybody at all. But Debs had that gift of catching people and giving them his love, and they knew it and they were caught forever.

I had a long talk with him the night before he died in the hospital and he talked so much of Nellie and how remarkable she was and what she'd gone through, and of Mike and Barbara. How proud he was of them. And how lucky he was to have all the friends he had. But it wasn't luck; it was Debs. He somehow, long ago and instinctively, I suppose, knew that the only way to get love is to give love.

There're so many stories about Debs. They should be in a book. A lot of them don't belong here because they're pleasantly pornographic. But there's one I like so much because it just typifies Debs: When he worked for Mayor Wagner, they were having lunch one day and with them was the president of one of the largest advertising companies in the country. The major was asking Debs' opinion about a lot of things and Debs gave it to him. When lunch was over, the mayor had to go away and this president of the advertising company and Debs were waiting for the elevator. And this man said to Debs, "Gee, I heard you giving so much advice to the mayor. Have you got any for me?" And Debs looked him up and down, and said,, "Yeah. Get a haircut." (Laughter.)

There was another time, when he was on YANK and he was a much leaner corporal, and he was sent to interview Senator Vandenberg. Debs asked the senator a question and the senator, instead of answering it, gave a twenty minute oration. Debs very deliberately—as he could—looked at his watch and the senator said, "What's the matter, soldier? Are you in a hurry?" And Debs said, "Well, I do have a train to catch." The senator said, "What time is your train?" And he said, "It's seven o'clock." "Well," the senator said, "You've got plenty of time. It's only five o'clock now." And Debs said, "No, Senator. I mean seven o'clock tomorrow morning." (Laughter.) There was a long pause and Vandenberg said, "All right, you so-and-so. What do you want to know?"

That was Debs. He didn't care who it was; whether it was a president of a corporation or the president of the United States, he said what he had to say. And he told people not what they wanted to hear, but what he thought they ought to know. The wise people loved him for it and never let him go; they followed him everywhere.

There were a lot of things about him and many parts of his life that I don't know of; I wasn't with him. But, when he retired from the mayor's office, I do remember reading in the Times editorial that they called him "something of a philosopher and a political scientist." But a comment that I liked a lot better was something that his friend and neighbor Ebba Lehmann, a teacher, said when she was talking to her classes. She said, "Debs Myers is the classic case of the drop-out who made it." You know, he quit school at fifteen; he dropped out from junior high school and he worked from then on. And he was the classic case of the drop-out who made it. He knew more from his books than most people who get many degrees. He knew what was in his books; he loved his books; he had so many books.

I love Debs. I don't say "loved" because nobody dies as long as people love and remember. And I'll remember the way he walked with his hands in his pockets as if he was holding his pants up, which he usually was. And I'll remember the way he laughed with that belly laugh—and he had the belly for it; throwing his head back and slapping his

leg and wiping his eyes—I mean how many people laugh like that any more? And I'll remember the gravy stains on his tie and the ashes on his rumpled suit.

We'll miss his honesty and the way he looked directly into your eyes when he talked to you. And we'll miss his wisdom. And we"ll miss his love. We'll miss him, very, very much.

We put his body in the earth yesterday. And we gave some of his spirit to the mystery of the universe. But we will keep that part of his spirit which enriched our lives because that part of Debs Myers belongs to us.

[The Honorable Robert F. Wagner] I wonder what terse declaration Debs would make here to see so many of his friends so solemnly assembled.

I'll always remember the classic story of Debs. It was when we were at the beginning of a long newspaper strike in 1962. We had all of the publishers, as well as the representatives of the unions, down at City Hall and allowed them to go home about 10:30 or 11 p.m., but they were to check back in. At 1:30 Debs came in to me and said, "Mayor, one of the great moments of my life finally arrived." I said, "What was that, Debs?" And he said, "I just got a call from Jock Whitney [who was then the publisher of the Herald Tribune] and he said, 'Debs, is it all right if I go to bed?' " [Loud laughter] He said, "That will never happen again.' [Laughter]

Like many of you, I have read about Debs in the obituary columns of our newspapers. What comes through, as we know, is the picture of a man who excelled at his craft; it's true. Of a man who has been a trusted advisor to many significant figures who held or aspired to high public office; it's true, and the names of George Leader, who's with us today, the late Adlai Stevenson, the late Robert F. Kennedy come immediately to mind. Of a man who avoided the current fashion of exploiting a staff position for personal fame or fortune at the expense of the public official he is supposed to be helping; I know this is true. Of a man who could deflate the foolish or pompous, put a perspective on the serious, make the seemingly unbearable endurable, capture the essential truth, and make light of himself without loss of integrity or seriousness of purpose through a penetrating mind, through a penetrating wit, through a penetrating humor; we all know that this is true. Of a man who was regarded with respect and affection by those in his profession and his former colleagues in politics, government and the press; true, and his friendships endured through the years.

No, not a false line has appeared in the sympathetic stories about Debs, and yet I can't help feeling that the stories fail to bring out the full dimension of the man. Debs to me was a special man: a simple and also a very complex man. Though I'm afraid that no one account or series of accounts can give the full measure of this unique man—his contribution, his complexity, his profundity—perhaps, however, you'll let me try briefly to add a new, if not full, dimension to the story with a few other observations about Debs, the politician and the public servant, and Debs, the very human man.

Debs wasn't just a Democrat; he was rolled and kneaded as one so that it was an article of faith, and yet this partisan was neither narrow nor lacking in objectivity. Certainly he was a great public relations man and political advisor. He knew how to run a press conference—quietly, from the back of the room; the reporters recognized his authority and integrity, and so did I. He was able to walk the narrow line that a public relations man must walk, but I know of no instance when he told a lie. He was at his best giving advice and counsel. Debs was a man of words, but of few words; he loved words, but he was very sparing in their use: he would never use two when one would do—and one of his favorite words to me was "No."

But, in describing Debs as a political or governmental press aide the impression may be created that he was most interested in how things looked. Debs did like to win elections and he wasn't an advocate of hanging soiled linen on the line, but he was a good-government man. It isn't easy to be a force for good government in a public relations job, but Debs was a very strong force; he was sentimental about the oppressed and the poor, and he was tough as nails about integrity. I can tell you—and the late Senator Kennedy, for one, had similar tales—that Debs pressed his views forcefully and, at times, ferociously when he was convinced he was right and the issue important. He was generally taciturn and beautifully controlled, but when he was angry, everyone knew it and the cause of it would feel it . . . and woe to him who neglected the public interest.

His commitment and convictions set Debs apart; so did his humility and loyalty. He realized that others took the consequences for following his advice, and he often cautioned over-zealous advisors that it was the other fellow, not the advisor, who had his name on the ballot. Debs would never have allowed disagreements to serve as justification for leaks to the press, magazine articles or books to the detriment of others and for his own greater glory or profit.

Debs was tough on anyone of any rank who had fallen down on the job, but he was also the staunchest of allies to those men and women whom he regarded as able and performing well in the public interest. Many a policy was advanced by persuading Debs of its importance and many a person—I'm sure including many here today—benefitted from timely advice or a needed boost from him.

To characterize and capture Debs Myers, the man, is far more complicated than to describe him as an actor in the political and governmental arena. I'm tempted to sum it up on behalf of all of his friends by paraphrasing Harrison Tweed's observation about lawyers: we have a high opinion of Debs Myers; he was better to work with, or play with, or fight with, or drink with than most anyone in the world. And so he was.

Yet I must say more. We know of Debs' enormous appetite for all those things which make life pleasant and meaningful. All of us, I'm sure, can remember how much he enjoyed a good joke, his cigars, his family, and his friends; how, when he laughed, the windows rattled. We also know that he did not suffer fools or charlatans gladly, but it sometimes seemed that he did not tolerate himself easily, either. As a friend once said, the cloud descended on Debs more than occasionally; introspection was no stranger to this man whom some will remember as merry and gregarious.

If I had but one thing to say of Debs, it would be that he always had time for a friend; he never let a friend down. For us, his friends, something is and will be missing from our lives. And for Debs, there is peace and tranquillity, and no cloud descending.

[The Honorable George Leader] As I read the obituary in the February 3rd New York Times by James F. Clarity, I began in deep sadness. And then, as I went on reading it, I began to smile. I can assure you there was nothing incongruous about this; I had smiled at those same quotations of Debs a hundred times before because those quotes were so typical of Debs, as were so many of the things said here this morning.

No one received a lot of his time quantitatively, but what we received qualitatively was just magnificent. He enriched the lives of every one of us with whom he came in contact. He made two years of my life a great deal happier and hopefully a great deal more effective.

Debs was a very complicated person, as are all human beings, in some ways, and in other ways he was highly uncomplicated. He knew exactly what he was, but it was a little hard to know *why* he was what he was. He gave up one of the greatest positions he ever held on a matter of policy which, to him, became a matter of principle. He was completely honest; there was no showmanship, no hypocrisy, no front, no dramatics, no play acting, no fat ego. He never worked at making friends—in fact, he avoided almost everything in life except hard work, I believe—and yet, the great and the near-great beat a path to his door. It was obviously in part his talent, in part his honesty, in part his sincerity, in part his basic decency. Everybody really loved him. In life, I'm convinced, we get back what we give, so we have to know that he really and truly loved us.

I like to think that Debs was a man really before his time, perhaps even a whole generation before his time. Debs, as all of you know, was Depression-born. He didn't boast about it, but he said matter-of-factly that he quit school at fifteen years of age and took a job and on about $16.50 a week, I believe, he supported himself and his father and his mother and his uncle and a sister. And I think it was being Depression-born that perhaps dictated some of his habits and some of his idiosyncrasies. I remember very well that one rumpled suit he had which he wore all week, and then he got into an old bathrobe and a pair of disreputable slippers and Nellie went off and had it cleaned and pressed on Saturday morning while he impatiently waited for her to return with it.

I remember, too, his total disregard for making money, as it was so accurately put, until the time came that he thought he needed some for his old age. He did the things that he thought were important, regardless of the financial consequences.

I said I think Debs perhaps was at least a generation ahead of his time. I think really he represented the best of the mod generation; I don't know necessarily that it was the beard and the blue jeans that I'm thinking of—he may or may not have been interested in that. But I think Debs was a great and warm human being. I think he was truly against violence, against hypocrisy, against poverty, against killing, against anything that had to do with facade or outer appearances. And, conversely, he was for all the things that were good for mankind. Oh, he would have denied it, but he was really a part of the love generation; he lived all of the good things that they seem to want.

My grandmother on my father's side was a Myers. Perhaps somewhere, way back where, we may even have been related. And I hope we were and are because I'd like my sons—like you, Mike—to have some of those genes that were his. I'd love to see my children grow up to be as intellectually honest, to have the deep human concern, to have the great wisdom and understanding of life that he had.

I can only say to Nellie and to Mike that I hope some of the happy memories, the happy experiences—and, yes, even some of the not-so-happy experiences—will warm you in the days and the years ahead. And may they warm us all.

[The Reverend Walter Kring] Let us receive the benediction: Now may the Lord bless us and keep us. The Lord make His face to shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace. Amen.

THE STRIKE MANIA

Mr. FANNIN. Mr. President, these are strange times.

Union bosses berate the President because an estimated 5 million men and women in our Nation are unemployed.

And then these same union bosses call tens of thousands of persons out on strike.

A renewal of strike mania has hit our Nation at a time when there was a glimmer of hope that our economy would regain its momentum. These strikes will cause widespread hardship for the public and strikers themselves; if successful in gaining their demands, the unions will have given another boost to inflation; the trading position of American industry deteriorates; and there will be even fewer jobs when the labor disputes are settled.

Less than 4 years ago a disastrous copper strike in Arizona ended after 8½ months. Many miners and businesses were ruined. Now we have another copper strike which is in its third week.

We have a nationwide telephone strike; we have a major rail strike. There is the threat of a steel strike.

This is all dismal testimony to the effectiveness of our current labor laws. The system simply is not working.

Last Wednesday the Chicago Tribune published an editorial pointing out that our laws actually encourage economic disorder rather than promote tranquillity.

I ask unanimous consent that the editorial be printed in the RECORD for the benefit of all who are concerned about this problem.

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

PRO-STRIKE LAWS

This week's crop of strikes threatens to tie up first the telephone system and then, once again, the nation's railroads—or at least some of them. As usual, we'll be hearing a good deal about the need for legislation to protect the country from crippling strikes in essential industries.

Such legislation has been promised by leaders of both major parties, but somehow nothing ever seems to get done. Congress rouses itself from its lethargy only to enact those stopgap measures necessary to ward off each emergency when it becomes unbearable. It has shied away from preventive measures which might offend powerful labor leaders.

But much as we need laws to protect the public from injurious strikes, we also need to get rid of existing laws and procedures which actually encourage strikes by protecting the strikers themselves from the effects of their own strike.

The traditional part played by strikes in collective bargaining has been badly distorted in 35 years of labor legislation. The original and proper purpose of labor laws was to put labor on an equal legal footing with management. A strike, like a lockout, was a last resort to be used only when all else failed; and the verdict would then be left to the natural forces of a free economy. Before deciding to strike, a union had to ask itself, "Are we willing to forfeit our pay in the hope of bringing the company to heel?"

Today the decision can be taken much more casually. In most instances strikers are sheltered from the effects of their strike. Some of this protection comes, quite properly, from union strike funds toward which they have contributed. A company, similarly, builds up a reserve to tide it over troublesome times, including strikes.

But strikers also receive other protection, paid for by the public (which is often the chief victim of a strike) and even by the companies themselves. Depending on individual state laws, they may receive unemployment compensation (from funds put up by the companies) or food stamps or welfare assistance (paid for from state and federal funds).

And all of these are in addition to other laws which give the unions a legal advantage over management in the bargaining process.

For a company facing a strike, a prospect is generally bleak. The only consolation is that it won't have to pay income taxes on the income it loses—a consolation which strikers likewise enjoy, to a lesser extent. Yet the strikers can often face the prospect with equanimity, knowing that the suffering public will help support them. This encourages them to stick to demands which are sometimes outrageous and to be willing to strike to support them.

If Congress can ever screw up the courage to protect the public from damaging strikes, perhaps it will have enough enterprise left over to protect the public also from the indignity of having to pay cash for the privilege of being abused in any strike. It could prohibit the use of federal funds or federal programs to subsidize strikes.

RESOLUTIONS ADOPTED BY RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES AT 1971 CONVENTION

Mr. THURMOND. Mr. President, the Reserve Officers Association of the United States conducted its annual convention last month at San Diego, Calif., and approved 23 resolutions and reconfirmed or updated 19 other resolutions.

The ROA, under the leadership of Rear Adm. Jim K. Carpenter and executive director Col. John T. Carlton, has rendered a distinct service by speaking clearly on a number of national defense issues.

This total of 42 resolutions encompassed areas involving the support of a "Triad" defense system to retirement policies affecting only a small group of officers.

One resolution dealt with a call for all nations to foster the humane treatment of prisoners of war, while another warned about the threat to reserve manning levels in a zero-draft environment.

Mr. President, because of the excellent work of the ROA, as indicated by the resolutions adopted at the June 19 meeting, I ask unanimous consent that the resolutions be printed in the RECORD.

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

RESOLUTION NO. 1—SUPPORT OF THE PRESIDENT IN HIS SOUTHEAST ASIA POLICY

Whereas, the President of the United States deserves the support of all Americans in his efforts to conclude the war in Vietnam, and

Whereas, those who belittle or protest his efforts, demanding an immediate withdrawal are, in effect, giving aid to the enemy and making the timely conclusion of the Vietnam War more difficult,

Now therefore be it resolved that the Reserve Officers Association of the United States supports the position of the President in relation to deescalating the Vietnam War and recommends that the nation unify behind the great efforts of our Chief Executive to achieve an honorable conclusion to the conflict in Southeast Asia.

RESOLUTION NO. 2—HUMANE TREATMENT OF PRISONERS OF WAR

Whereas, being deeply concerned that all combatants detained by opposing forces in the armed conflict now being waged in Southeast Asia be afforded the basic humanitarian treatment required by international law and specifically to be provided the benefits of the 1949 Geneva Convention relative to the treatment of Prisoners of War, and

Whereas, the general principles of human rights are contained in the Laws of Armed Conflict, in the Geneva Conventions of 1949 on the Protection of War Victims and in the Charter of the United Nations, and

Whereas, over 130 nations of the world, including all of the major parties to the conflict in Southeast Asia, have ratified or acceded to the 1949 Geneva Convention Relative to the Treatment of Prisoners of War and are, accordingly, bound by the provisions thereof, and

Whereas, Resolution XI of the Twenty-first International Conference of the Red Cross in 1969 called for the humane treatment of prisoners of war in any armed conflict, no matter how it is characterized, and

Whereas, Resolution 2676 (XXV) adopted by the General Assembly of the United Nations on December 9, 1970, called for the humane treatment of all prisoners of war and compliance by all parties to an armed conflict with the provisions of the 1949 Convention, and

Whereas, in 1965 the International Committee of the Red Cross determined that the said Convention was applicable in the Southeast Asia conflict and called upon all parties thereto to comply with the provisions thereof, and

Whereas, the Government of the Democratic Republic of Vietnam has denied the applicability of the Convention in the Southeast Asia conflict and has refused to afford prisoners of war detained by it the benefit of its provisions, and

Whereas, both the United States Government and the Government of the Republic of Vietnam have stated that the provisions of the Convention will be applied and that such has been verified, on a continuing basis, by the International Committee of the Red Cross.

Now therefore be it resolved by the Reserve Officers Association of the United States that all Reserve organizations of the Countries of the World are called upon to convey to their Governments their deep concern that the provisions of the Geneva Convention, being solely humanitarian in nature should be applied in every case of armed conflict and to encourage their Governments to take whatever actions are possible to convey their concern to all parties participating in the present armed conflict in Southeast Asia and especially those specific matters set out in this resolution,

That the Government of the Democratic Republic of Vietnam be urged to reconsider its refusal to apply the humanitarian provisions of the Convention to the prisoners of war detained by it and to use its influence to insure that their cobelligerents comply with international law in this respect,

That all States be urged to comply immediately with the provisions of Article 109 of the Convention which call for the voluntary repatriation of seriously wounded and sick prisoners of war and which further provide for agreements with a view to direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone lengthy periods of captivity.

That all belligerent states be urged to endorse the concept of third states accepting, for internment, all sick and wounded and long-term prisoners of war held by the Parties in Southeast Asia, pending resolution of the conflict,

That all prisoners of war who have been detained for a period in excess of eighteen months be considered eligible for such internment in a neutral country or for direct repatriation,

That at a minimum, in the name of humanity and to relieve the anxiety of the next of kin, all parties to the conflict in Southeast Asia provide the International Committee of the Red Cross, in accordance with Articles 70, 120, 122 and 123 of the Convention, with a full list of all persons now detained by them and any information which such Detaining Power may possess concerning the death of any combatant within its operating area or territory,

That all Governments who have yet to allow inspection of their prisoners of war detention camps to permit the International Committee of the Red Cross, or some other neutral agency, be urged to perform the humanitarian functions assigned by the Convention,

That a copy of this resolution be forwarded to the organized Reserves of the various countries of the world,

That we support the efforts of the American Bar Association in urging the organized bars of the various countries of the world to similarly support humane treatment of Prisoners of War.

RESOLUTION NO. 3—IN SUPPORT OF TRIAD

Whereas, the importance of this nation to defend itself against all possible enemies which includes having a viable deterrent force that will be prepared at all times to counter any military aggression and will serve notice to potential enemy nations of our ability to counter any possible attacks is self-evident, and

Whereas, the military defense of this nation is vested in three basis elements of military capability—land, sea and air superiority, primarily established in the land missile system, the submarine force, and the manned bomber, and

Whereas, the combination of these basic elements working in concert with each other is essential to developing and maintaining a total responsive capability, and

Whereas, the loss of any one element in this "Triad" system would bring about a serious and hazardous weakening of our military posture, and

Whereas, our Association does recognize the efficacy and necessity of such a national defense system and the essentiality of the United States to maintain a military posture capable of defending itself against all possible enemies,

Now therefore be it resolved that the Reserve Officers Association of the United States supports the concept of "Triad" as it applies to the defense forces of this nation, and

Be it further resolved that this organization urges every legislator in the Congress of the United States to also recognize the necessity for a fully responsive deterrent system containing as a primary capability the mix of land-based missiles, submarines and manned bombers, and to use the strength of their offices to assure the preservation of peace for this nation through support of the "Triad" concept.

RESOLUTION NO. 4—ACTIONS NECESSARY TO KEEP RESERVES VIABLE IN A ZERO DRAFT ENVIRONMENT

Whereas, the Secretary of Defense has declared the Reserves must be ready as an immediate back up of the active forces in any mobilization, and

Whereas, a fully staffed, viable Reserve is necessary to be able to carry out its assigned missions, and

Whereas, current support programs in the personnel field are not sufficient to retain enough qualified personnel in the Reserves to maintain its present mobilization readiness, and

Whereas, additional incentives are needed to attract personnel into the Reserve forces on a priority basis to maintain a Ready Reserve in a 'zero draft" environment,

Now therefore be it resolved that the Reserve Officers Association of the United States urge the Congress and the Secretary of Defense to take all steps necessary now to develop incentives for the Reserve forces which are related to incentives for the active forces personnel, such as:

1. Make SGLI life insurance coverage on Reserve personnel applicable 365 days a year

2. Provide for payment of retirement benefits, reduced on an actuarial basis, upon the completion of 20 years of satisfactory Reserve service and attainment of at least age 50

3. Provide survivors' benefits from earned retirement pay, or dependents indemnity compensation on a relative service basis.

4. Provide enlistment and reenlistment bonuses to enlisted members of the Reserve Components

5. Credit additional retirement points over 60 but not more than 120 earned through additional inactive Reserve training periods

6. Provide appropriate educational benefits for Reserve service.

RESOLUTION NO. 5—SPACE AVAILABLE TRAVEL IN NON-SCHEDULED MILITARY AIRCRAFT

Whereas, Reserve personnel of the armed services serve faithfully, often at great personal sacrifice to themselves and their families, and

Whereas, benefits in addition to drill pay and/or retirement credit are minimal, and

Whereas, in an attempt to approach a "zero draft" situation it is a universally admitted necessity to increase benefits, prerequisites and privileges to attract personnel to make the sacrifices involved in Reserve service, and

Whereas, one of the few, but long-standing benefits is that of the right to travel on non-scheduled military aircraft on a space available basis, and

Whereas, this benefit is one which can be provided at no cost to the government, and

Whereas, it has been reported that attempts are being made to eliminate this no-cost benefit,

Now therefore be it resolved that the Reserve Officers Association of the United States express, in the national interest, to the Secretary of Defense its strongest objection to any attempt to eliminate or erode the right of all Reservists to space available travel on military aircraft as provided in current joint regulations.

RESOLUTION NO. 6—ADEQUATE MEDICAL FACILITIES FOR VETERANS

Whereas, in many areas of the nation there are presently inadequate medical facilities available to veterans, and there is proposed by the Bureau of Management and Budget a further reduction of the number of hospital beds and other medical care available to veterans in the next fiscal year,

Now therefore be it resolved that the Reserve Officers Association of the United States supports authorization and appropriations legislation which will provide expenditures for the Veterans Administration that will assure adequate medical facilities and services for veterans, insuring equitable availability of such services in relation to geographical and population distribution of eligible recipients.

RESOLUTION NO. 7—EXPANSION AND SUPPORT OF ROTC

Whereas, the commitments of the United States for world peace are extensive and worthwhile, for now and for the future, and

Whereas, the planned reductions of the armed forces will require a greater reliance upon a strong and efficient Reserve Component, and

Whereas, ROTC units in high schools, colleges and universities provide outstanding services in the education of such Reserve officers,

Now therefore be it resolved that the Reserve Officers Association of the United States encourage and support the ROTC programs in our various schools and assist them in maintaining their present high standards, and

Be is further resolved that encouragement and support be given to expanding the ROTC program, and

Be it further resolved that the Reserve Officers Association of the United States support the passage of legislation to expand the number of ROTC scholarships, increase the cadet subsistence allowance, and reimburse educational institutions for cost of maintaining ROTC units.

RESOLUTION NO. 8—OPENING ROTC TO WOMEN STUDENTS

Whereas, it is national policy to eliminate discrimination in employment opportunities between the sexes, and

Whereas, there is a recognized need for qualified women officers in the active and Reserve forces, and

Whereas, the opportunity for commissioned officer status for women is presently only afforded through Air Force ROTC, and

Whereas, there are many women college students who desire to enter ROTC, and

Whereas, these women students are unable to participate in ROTC on a credit basis except at those colleges which have Air Force ROTC programs,

Now therefore be it resolved that the Reserve Officers Association of the United States urge the Secretary of Defense to open ROTC to qualified women students desiring the opportunity to achieve a commission in all services of the Armed Forces.

RESOLUTION NO. 9—EQUALITY OF BASIC QUARTERS ALLOWANCES

Whereas, unmarried officers of the Reserve Components serve on short tours of active duty alongside their married counterparts, and

Whereas, their married counterparts receive a basic allowance for quarters, and

Whereas, the single officer of all Reserve Component forces does not receive a basic allowance for quarters, and

Whereas, the unmarried Reserve officer, unlike his active duty counterpart and as well as a married Reservist, is forced to maintain two domiciles while on such a tour,

Now therefore be it resolved that the Reserve Officers Association of the United States endorse the principle of equal allowances for all officers regardless of marital status and urge the Secretary of Defense to take the necessary action to correct this inequity in basic allowance for quarters between married and unmarried officers.

RESOLUTION NO. 10—EXPANSION OF CHAMPUS PRIVILEGES

Whereas, retired members of the Armed Services, especially those located at a point remote from medical facilities of these services, have been given the privilege of the use of Civilian Health and Medical Programs of the Uniformed Services (Champus), and

Whereas, this privilege is taken from these retirees upon their becoming sixty-five years of age at which time they become eligible for medical care provided by the Social Security Administration (Medicare), and

Whereas, Medicare has disadvantages not inherent in Champus for example:

1. Most subscribers must pay for additional medical coverage not covered in Medicare to provide the same payments included in Champus

2. Medicare does not cover part payment for out-patient prescriptions whereas Champus does

3. Medicare in most cases pays for medical services at a rate lower than that allowed by Champus

4. Champus coverage is worldwide whereas Medicare is restricted to those living in the U.S. only,

Now therefore be it resolved that the Reserve Officers Association of the United States support legislation which would allow a military retiree to continue to utilize Champus benefits for as long as he desires, without regard to his age.

RESOLUTION NO. 11—LEGALITY OF RESERVISTS SERVING IN THE CONGRESS

Whereas a U.S. District Court recently ruled that the Constitution forbids Members of Congress to hold office as members in the Reserve Components of the Armed Services, and

Whereas, this ruling violates the fundamental responsibility of every citizen to defend his country if needed, and

Whereas, this ruling reverses previous decisions that a Reservist has all of the rights and privileges of any other citizen when not on active duty, including the right and privileges to serve as a Members of the Congress,

Now therefore be it resolved that the Reserve Officers Association of the United States urges that the ruling be appealed through judicial channels.

RESOLUTION NO. 12—EQUALITY OF PAY AND PROMOTION OPPORTUNITIES BETWEEN MEDICAL AND DENTAL OFFICERS

Whereas, there is an inadequate retention rate for active duty dental officers in the Armed Forces, and

Whereas until recently there had been equality between the medical and dental officers regarding pay and promotion, and

Whereas, the special benefits awarded to medical officers only has led to a significant morale problem in the dental services, and

Whereas, the Surgeons General of the Army, Air Force and the Chief of Medicine and Surgery of the Navy are on record as favoring equality of treatment between medical and dental officers,

Now therefore be it resolved that the Reserve Officers Association of the United States supports the principle of equality of pay and promotion between the medical and dental officers of the Armed Services.

RESOLUTION NO. 13—UTILIZATION OF REAL PROPERTY AND FACILITIES

Whereas, Executive Order No. 11508 specifies the release for other uses of military properties and facilities which are underutilized, and

Whereas, the standards in this directive do not take into account the part-time nature of Reserve and National Guard activities and training, and

Whereas, training facilities for Reserve and National Guard units and individuals, including armories, weekend training areas and field training sites are essential for the training and maintenance of Reserve and National Guard units for national defense and

Wheras, the total force concept requires the mobilization readiness of both the Reserve and National Guard units as part of the deterrent to aggression against the United States, and

Whereas, many units of the Reserve and National Guard are currently conducting community support and related action programs, while at the same time maintaining their military preparedness,

Now therefore be it resolved that the Reserve Officers Association of the United States urges appropriate officials of the Government to give priority consideration to the need for military preparedness and training of the Reserve and National Guard units in the utilization of property and that when such priority will permit that local military commanders be authorized and enjoined to to continue to support community and related action programs which will not interfere with preparedness training programs.

RESOLUTION NO. 14—RECRUITMENT PROGRAM FOR ARMY RESERVE

Whereas, the regular Army has a fully supported recruitment program, and

Whereas, the Army Reserve recruitment program has not been properly funded or supported, and

Whereas, the Army Reserve needs an active recruitment program including some full-time Reserve personnel to support its vital mission.

Now therefore be it resolved that the Reserve Officers Association of the United States urges the Secretary of the Army to establish and fund adequate Reserve recruiting programs including full-time Reserve recruiting officers for each general officer and Army Reserve Command.

RESOLUTION NO. 15—RECONSIDERATION OF ARMY OCS CANDIDATES FOR RESERVE COMMISSIONING

Whereas on 15 May 1970 Army Officer Candidate School students were asked to give up their contracts to become junior officers in the Army, and

Whereas subsequent pressures were exerted on certain of these men to give up their contracts, and

Whereas because of these pressures and the Army's promise to reduce all OCS candidates tours of duty to two years, the majority of the students signed agreements to give up their legal contracts, and to return to enlisted status,

Now therefore be it resolved that the Reserve Officers Association of the United States appeal to the Secretary of the Army to prepare a comprehensive plan to offer Reserve officer commissions after the successful completion of their enlisted tour to those who are otherwise qualified but were affected by this OCS cutback.

RESOLUTION NO. 16—MAINTENANCE TECHNICIANS FOR ARMY RESERVE UNITS

Whereas, Army Reserve units are now being more adequately supplied in accordance with training standards, including vehicles, armament, communication equipment, aircraft and such comparable complex materiel, and

Whereas, the current maintenance support program is inadequate for the requirements of these units,

Now therefore be it resolved that the Reserve Officers Association of the United States urges that the Army Reserve Maintenance Technician Program be expanded and accelerated to provide full-time qualified maintenance technicians at the unit level in order that these units will be able to achieve their readiness responsibilities.

RESOLUTION NO. 17—ADEQUATE SUPPORT FOR NAVAL RESERVE INSHORE UNDERSEAS WARFARE DIVISIONS

Whereas, Naval Reserve inshore underseas warfare divisions have the responsibility in the event of mobilization for defense of key ports in the continental U.S. and certain strategic ports outside the continental U.S. in which this country has a vested interest, and

Whereas, these Selected Reserve divisions of the Naval Reserve presently have inadequate allowance of personnel, little or no equipment with which to train, and insufficient funding to transport necessary training equipment to the designated mobilization sites for annual active duty for training,

Now therefore be it resolved that the Reserve Officers Association of the United States strongly recommends that the Secretary of the Navy provide: that a workable allowance of personnel for Naval Reserve inshore underseas warfare divisions (NRIUW) units be approved and personnel recruited to fill this allowance; that all NRIUW units be outfitted with all necessary and required equipment; and that NRIUW personnel supporting equipment and supporting active duty personnel be transported to designated mobilization sites annually for on-site training.

RESOLUTION NO. 18—SUPPORT OF AF RESERVE FORCES BY MAJOR AND SPECIFIED COMMANDS

Whereas, on 21 August 1970 the Secretary of Defense indicated that the Reserve Components would share a greater responsibility in the defense of this nation, and

Whereas, recent actions by the Air Force to increase readiness and up-date equipment have improved the overall image of the Air Force Reserve, and

Whereas, there is a critical lack of information about the Reserve Forces at the unit level within the major and specified commands, and

Whereas, numerous Reserve units suffer from lack of adequate support and understanding of the Reserve mission by many of their parent units in these commands,

Now therefore be it resolved that the Reserve Officers Association of the United States request the Secretary of the Air Force to include as one of the inspection criteria of major and specified active Air Force commands the manner in which their bases and units support the Reserve program, and

Be it further resolved that the active Air Force units be rated unsatisfactory if the support of the Reserve Forces is not adequate.

RESOLUTION NO. 19—SCHEDULING OF AF RESERVE UNIT VACANCY PROMOTION BOARDS

Whereas, unit vacancy promotions are currently considered by boards convening at the Air Reserve Personnel Center on an annual basis which in the future will coincide with the convening of the annual ROPA mandatory promotion boards, and

Whereas, this limits the opportunity for unit vacancy promotion to a one-time date each year,

Now therefore be it resolved that the Reserve Officers Association of the United States recommends that a semi-annual board be convened at the Air Reserve Personnel Center to consider recommendations for unit vacancy promotions.

RESOLUTION NO. 20—TRANSFER OF COAST GUARD TO DEPARTMENT OF DEFENSE

Whereas, the mission of the Coast Guard include, to a major extent, those which have a direct and important bearing on national defense, and

Whereas, the Coast Guard is a military organization, and

Whereas, the Coast Guard is one of the five armed services, and

Whereas, the Department of Defense and the various Congressional committees having jurisdiction over said department have a direct interest in the operations and capability of the Coast Guard, including its Reserve, and

Whereas, the Coast Guard is an important and vital element in our nation's defense team,

Now therefore be it resolved that the Reserve Officers Association of the United States supports legislation which would transfer the Coast Guard to the Department of Defense as a separate service in the Navy Department, and

Be it further resolved that this Association urges the inclusion in such legislation, provisions which would require an Assistant Secretary of the Navy for Coast Guard Affairs, and provide that the Commandant of the Coast Guard be a member of the Joint Chiefs of Staff acting in the same manner as the Commandant of the Marine Corps.

RESOLUTION NO. 21—RETENTION OF COAST GUARD AS AN ARMED FORCE

Whereas, the United States Coast Guard Reserve mission is military by statute, by tradition and history, and

Whereas, the Coast Guard itself, since its inception by Alexander Hamilton in 1790, has been engaged in all our nation's conflicts since 1798, and

Whereas, there has been an apparent trend toward downgrading the military mission and preparedness of the Coast Guard, and

Whereas, the proposed restructuring of the Executive Branch as submitted by the President's Advisory Council on Executive Organization would place the Department of Transportation, the Coast Guard's parent body, under the Department of Economic Development, and

Whereas, the corresponding functions of this department are essentially civilian oriented and thus possess the probability of making the Coast Guard a non-military service.

Now therefore be it resolved that the Reserve Officers Association of the United States strongly oppose any action that would cause the Coast Guard to cease to be one of our nation's armed forces.

RESOLUTION NO. 22—JOBS FOR VETERANS

Whereas, during 1971 this country will return to civilian life an inordinately large number of servicemen and women who will be seeking employment, and

Whereas, finding jobs for and assisting these veterans with their readjustment to civilian life is a top priority item facing this country today, and

Whereas, this Association has always been responsive to the needs of its country's servicemen and servicewomen,

Now therefore be it resolved that the Reserve Officers Association of the United States supports and urges its Departments, Chapters and members to support the Jobs for Veterans Effort.

RESOLUTION NO. 23—DEPARTMENT AND CHAPTER ENCOURAGEMENT FOR ROTC STUDENTS

Whereas, this Association may and should be considered the alumnus organization for all ROTC cadets and midshipmen, and

Whereas, there is a need to establish our identity with ROTC cadets and midshipmen and provide them tangible evidence of ROA support, and

Whereas, ROA departments and chapters must provide information on our goals and purposes,

Now therefore be it resolved that the Reserve Officers Association of the United States adopt a policy to demonstrate our historic and continuing support of ROTC by encouraging its departments and/or chapters to provide gratuitous student memberships from their own resources for ROTC cadets and midshipmen during their senior year in college.

(NOTE.—The following resolutions are a reconfirmation and update of resolutions adopted by the national council and national convention in 1968. All other resolutions of 1968 and earlier (except those pertaining to internal policy of ROA) not so updated have been placed in the ROA repository file of accomplished, superseded and/or outdated resolutions of the association.)

RESOLUTION NO. 24—TO INCREASE THE MORALE, EFFECTIVENESS AND RETENTION OF THE NATION'S MILITARY FORCES

Whereas, the solid base for effective National Defense rests upon the manpower of the Armed Forces of the United States, including its Reserve Forces, and

Whereas, the morale, effectiveness and retention of the highest quality military personnel requires that this Nation provide them with adequate compensation, career incentives, and financial security,

Now therefore be it resolved by the Reserve Officers Association of the United States that it urge the Department of Defense and the Congress of the United States in their deliberations and their considerations of bills to amend the Career Compensation Act, the Dual Employment and Dual Compensation Acts, the Officer Personnel Act of 1947, and related statutes, to be guided by the following principles:

(1) that the pay scales provided the members of the Armed Forces, Regular and Reserve, be determined on the basis of adequate compensation for selected, devoted, professional personnel, who, by nature of their duties, responsibilities and because of the risks and hazards they always face, make personal and family sacrifices beyond that of any segment of our American society, and

(2) that there be developed uniform, predictable promotion systems that can be applied with the greatest possible equality among all Services, and that will provide equality of active duty promotion opportunity for Regular and Reservists alike,

(3) that the retired pay of military personnel shall now and henceforth be computed on the pay rates authorized for active duty personnel and shall be adjusted accordingly in any future adjustment made in active duty pay rates, and

(4) that all discriminations in the employment of retired Regular or Reserve personnel or against the pay of those who are employed by the Federal Government be repealed.

RESOLUTION NO. 25—DEPLOYMENT OF THE ANTI-BALLISTIC-MISSILE SYSTEM

Whereas, an effective ballistic missile defense at the earliest practical time is an essential element necessary to the security of the United States, and

Whereas, offensive forces alone cannot limit wholesale destruction of our population, and

Whereas, passive defense measures alone cannot insure survival of our population, retaliatory weapons systems or critical industrial complexes if an attack occurs, and

Whereas, the decision to deploy the Anti-Ballistic System to defend the United States against an ICBM attack is considered an urgent and timely step towards provision of an effective ballistic missile defense,

Now therefore be it resolved that the Reserve Officers Association of the United States, in the interest of saving millions of American lives and our industrial capacity, urges that there be no delay in the deployment of an Anti-Ballistic Missile System to counter the ICBM threat that now exists.

RESOLUTION NO. 26—RESERVE PARTICIPATION INCENTIVE PLAN

Whereas, it is a national goal to reach a "zero draft" situation, and

Whereas, each year brings greater demands for increased readiness of our Reserve Forces, and

Whereas, the degree of readiness of the Reserve is directly dependent on the experience and training of its members, and

Whereas, the absence of the threat of the draft will reduce incentives for service in the Reserve Components, and

Whereas, the recruitment and training of non-prior service personnel is a costly and time-consuming process, and

Whereas, if personnel already trained would be provided sufficient incentives they could be prevailed upon to continue to participate in the Selected Reserve, and

Whereas, a reenlistment bonus has been successfully utilized to increase retention in the active duty forces, and

Whereas, this Association has for the past several years proposed legislation entitled a "Ready Reserve Participation Incentive Plan" to provide bonuses for the enlistment of experienced enlisted men in the Selected Reserve, and

Whereas, this plan would not only increase the readiness of the Selected Reserve but would provide significant savings in Reserve training costs,

Now therefore be it resolved that the Reserve Officers Association of the United States urge the early enactment of legislation, which would provide a realistic incentive for enlistment and reenlistment in the Selected Reserve.

RESOLUTION NO. 27—CONCURRENT RECEIPT OF VA COMPENSATION AND RETIRED PAY

Whereas, this Association has long supported legislation to provide for concurrent receipt of retired pay and VA compensation in appropriate cases, and

Whereas, as repeatedly asserted by the Congress and by the Department of Defense, "retired pay is earned income and constitutes 'retainer' pay as deferred payment for services previously rendered", and

Whereas, VA compensation is a wholly unrelated form of compensation dependent upon, and measured by, injuries received while in military service which injuries have been found to reduce to a compensable degree the earning capacity of the victim of such injuries, and

Whereas, military pay is fully earned at time of retirement, and its reduction because of receipt of compensation from other sources is wrong, inequitable, and destructive of the entire concept upon which military retirement is based, and

Whereas, present law discriminates against those who have suffered reduced earning capacity by reason of service-connected disability, by unfairly reducing their earned retirement income, whereas those who suffered no such disability are permitted to receive their retirement pay in full,

Now therefore be it resolved that the Reserve Officers Association of the United States support legislation which would provide for the concurrent receipt of VA compensation and Retired Pay by retired members of the Uniformed Services, within the limitations set forth in those bills.

RESOLUTION NO. 28—ADDITIONAL MEDICAL CARE AND RELATED BENEFITS FOR MEMBERS OF THE RESERVE COMPONENTS

Whereas, members of the Reserve Components of our Armed Forces are, in the course of their training and in support of the active forces, increasingly engaged in hazardous training and duty, and

Whereas, current law does not provide adequate protection for all Reservists taken ill during training, injured during training and while traveling to and from such training, nor does it provide adequate medical care for survivors of those who are killed during training, and

Whereas, a bill entitled "The Reserve Forces Benefits Act" has passed the House of Representatives during several Congresses will provide the coverage now omitted in law,

Now therefore be it resolved that the Reserve Officers Association of the United States strongly support "The Reserve Forces Benefits Act" or similar legislation that will provide this medical care and related benefits to Reservists and their dependents.

RESOLUTION NO. 29—EXPANSION OF MILITARY HOSPITALS

Whereas, there is an inadequacy in the military hospital facilities now available, and

Whereas, these facilities should be adequate to take care of the active military forces in time of full mobilization, and

Whereas, these facilities should be maintained during peacetime to care for retired personnel and dependents,

Now therefore be it resolved that the Reserve Officers Association of the United States support legislation to provide adequate expansion of military hospitals to provide for the proper medical care of the active military establishment during wartime mobilization and to provide care for retired personnel and dependents during times of war and peace.

RESOLUTION NO. 30—DEPENDENTS' DENTAL CARE PROGRAM

Whereas, dental care is an integral part of health care and is essential to the maintenance of proper health, and

Whereas, the extremely limited dental care available to dependents of military personnel is one of several important negative factors considered by highly trained servicemen in making reenlistment decisions, and

Whereas, legislation has been introduced which would provide dental care to military dependents,

Now therefore be it resolved that the Reserve Officers Association of the United States support legislation which would provide adequate dental care to dependents of members of the military services.

RESOLUTION NO. 31—SUPPORT OF BASIC ROTC TRAINING

Whereas, one of the prime objectives of a great college or university should be to produce well-rounded citizens by giving students a broad educational outlook both for subsequent specialized training and the assumption of the duties of citizenship, and

Whereas, the content of military science courses and leadership exercises included in the basic ROTC program uniquely prepares the student for the realities of life, and

Whereas, knowledge and experience gained from such training is vital to the personal safety of the student and the security of the United States, and

Whereas, traditionally and constitutionally it is imperative that the military remain essentially under control of civilian authority, and an informed and adequately trained citizenry is necessary for this to be accomplished, and

Whereas, there is no rationale to support the contention that a truly excellent institution of higher learning must eliminate compulsory basic ROTC if it is to attract the better students and faculty,

Now therefore be it resolved that the Reserve Officers Association of the United States urge that two years of basic military science be continued at all institutions of higher learning as approved by the service concerned, and

Be it further resolved that efforts be made to expand the program to other qualified institutions which do not now offer it.

RESOLUTION NO. 32—ACADEMIC CREDIT FOR ROTC

Whereas, there is ever-increasing evidence of well planned and organized campaigns on the part of dissident elements on college campuses to seek faculty and college administration support and other activities designed to disable and discredit service Reserve Officers Training Corps (ROTC) programs through removal of academic credit for ROTC, and

Whereas, these systematic efforts in several instances have been successful in obtaining faculty and college administration support for action to remove academic credit for ROTC primarily on the contention that ROTC is not a true academic course in the established sense, and

Whereas, the ROTC programs are the only ones in most institutions that teach and inculcate self-discipline and leadership which are essential characteristics for success in the several military services and in other professions and careers in the American way of life, and

Whereas, the ROTC programs are a major source of officers for the Armed Forces which provide security for America, and

Whereas, it is a fundamental and constitutional obligation of all able-bodied male citizens, 17 years of age or older, of America to receive military training and bear arms if needed,

Now therefore be it resolved that the Reserve Officers Association of the United States publicly adopt a position to condemn and oppose any and all actions which serve to discredit or lessen the value of ROTC to the student population on all college and university campuses, where established, and that it urges the Secretary of Defense to encourage the granting of appropriate academic credit for ROTC courses by all institutions under contract to conduct such ROTC programs,

And be it further resolved that all Reserve Officers Association Departments and Chapters actively participate in such programs at the state and community levels that will carry out the concepts of this resolution.

RESOLUTION NO. 33—PROTECTION OF THE RIGHT FOR RESERVE OFFICERS TO RETIRE IN THEIR RESERVE GRADE

Whereas, in enacting the Reserve Officers Personnel Act of 1954 (ROPA) the intent of Congress was to provide promotion systems for the Reserve Forces paralleling, to the extent practicable, the promotion provisions for Regular officers contained in the Officer Personnel Act (OPA), and

Whereas, in doing so, for Reserve officers of the Army and Air Force, they provided for promotion to captain, major and lieutenant colonel without regard to vacancies at the same phase points as provided Regular officers of those services under OPA, and

Whereas, it was determined that the active duty forces' strength limitations could not absorb these promotions afforded under ROPA, and

Whereas, it was determined therefore that Reserve Officers should be afforded these promotions without changing active duty grade or pay because of the above-mentioned limitations, and

Whereas, it was further determined that other than this last provision heretofore mentioned, Reserve officers so promoted should be entitled to all other perquisites, including the right to retirement in that grade, and

Whereas, subsequent to the enactment of ROPA there have been several proposals that would eliminate this provision,

Now therefore be it resolved that the Reserve Officers Association of the United States oppose any attempt to eliminate or impair the existing right of Reserve Officers of the Army and the Air Force to retire in their Reserve grade.

RESOLUTION NO. 34—CREDITING OF RESERVE FOR COMPUTATION OF ENLISTED RETIRED PAY

Whereas, under current law, officers may count certain non-active duty for Reserve service for the purpose of computing retired pay, and

Whereas, enlisted personnel may not count the same inactive service in computing their retired pay, and

Whereas, the House of Representatives has in three sessions of Congress approved legislation which would provide this service credit to enlisted men when retired,

Now therefore be it resolved that the Reserve Officers Association of the United States support legislative proposals which would provide credit for certain Reserve service in computing the retired pay of enlisted members of the Armed Services in the same manner as now provided for officers.

RESOLUTION NO. 35—WAIVER OF LIMITATIONS UPON CLAIMS BY RETIRED MEMBERS OF THE MILITARY SERVICES

Whereas, the 88th Congress enacted Public Law 88–519, to confer jurisdiction upon Federal District Courts to hear and render judgment upon the pay claims of members of the Uniformed Services and others, and

Whereas, in seeking the protection and benefits of this Act of Congress, there are many retired military personnel whose age, and whose early dates of retirement, deny them such protection and benefits so long as there continue to exist certain limitations so that they or their widows may still seek correction of their retired pay status,

Now therefore be it resolved that the Reserve Officers Association of the United States support the enactment of legislation which would waive certain limitations upon actions in Federal District Courts under the provisions of Public Law 88–519.

RESOLUTION NO. 36—AIRLIFT AND SEALIFT

Whereas, the ability of United States Armed Forces to respond promptly and decisively is essential in deterring war or limiting a conflict already started, and

Whereas, adequate modern airlift is vital for the rapid deployment and support of Armed Forces overseas, shortening reaction time and increasing combat effectiveness, and

Whereas, adequate modern sealift is essential to deliver and maintain additional combat power overseas, and

Whereas, progress is now being made in improving airlift and sealift capabilities,

Now therefore be it resolved by the Reserve Officers Association of the United States that actions to provide adequate amounts of airlift and sealift for the Armed Forces and to develop modern equipment to meet these requirements be continued and expanded.

RESOLUTION NO. 37—AMPHIBIOUS ASSAULT FORCE

Whereas, the current amphibious sealift available to the Naval services is made up primary of converted WW II merchant ships, and

Whereas, high speed Naval amphibious ships designed for the purpose are currently under construction, and

Whereas, the rate of construction is such that an amphibious force is necessarily limited to the speed and capabilities of obsolete amphibious ships still in commission,

Now, therefore be it resolved that the Reserve Officers Association of the United States support a ship construction program that would give the Navy the capability of a high speed amphibious assault force capable of lifting at least one reenforced marine division.

RESOLUTION NO. 38—AFRO-ASIAN OCEAN FLEET

Whereas, international Communism, as exemplified by aggression in Laos and South Vietnam, is threatening the very existence of the free and democratic nations of Southeast Asia and East Africa, and

Whereas, it is the demonstrated tactics of international Communism to attack these smaller and weaker countries by political subversion, infiltration of arms and fifth column elements leading to direct internal armed aggression by Communist forces, and

Whereas, there is a very real need to effectively support our Free World allies in Southeast Asia Treaty Organization and the CENTO Treaty Organization, and

Whereas, those weaker countries most directly threatened by Communist forces are readily accessible from the adjoining oceans, and

Whereas, the eviction of the United States from overseas bases will greatly reduce our ability to quickly respond to aggression in the newly developed nations, and

Whereas, this weakness can be effectively offset by a United States Navy task force operating in these ocean areas, and

Whereas, a United States Afro-Asian Fleet would provide the capacity to intervene favorably for the protection of United States interests and support of friendly governments in this critical area of growing Communist infiltration,

Now therefore be it resolved by the Reserve Officers Association of the United States that:

(a) A United States Afro-Asian Fleet be established as a means of carrying out United States National policy and preventing Communist conquests in that area, and

(b) That the United States Navy be provided sufficient additional funds to procure the ships, aircraft, personnel and logistic support for an Afro-Asian Fleet.

RESOLUTION NO. 39—DEPLOYMENT OF SEABORNE ANTI-BALLISTIC MISSILES

Whereas, the Secretary of Defense and the President have approved deployment of anti-ballistic missiles on board ship, and

Whereas, the state of scientific development is such as to permit the installation of ani-ballistic missiles on board ship, and

Whereas, the utilization of the seaborne anti-ballistic missile will permit interception and destruction of enemy missiles at sea,

Now therefore be it resolved that the Reserve Officers Association of the United States support the deployment of Seaborne Anti-Ballistic Missiles in conjunction with land-based anti-ballistic missiles in defense of the United States.

RESOLUTION NO. 40—TAR REENLISTMENT BONUSES

Whereas, the TAR enlisted personnel are an important part of the Naval Reserve Program and the Department of Defense Mobilization Plan, and

Whereas, the TAR enlisted personnel perform important and necessary functions in the readiness of the Naval Reserve, and

Whereas, the Regular Navy Personnel receive reenlistment bonuses and TAR enlisted personnel do not,

Now therefore be it resolved that the Reserve Officers Association of the United States urge the Secretary of the Navy to take such action as necessary to authorize reenlistment bonuses for TAR personnel in the same number and in the same amounts as provided for Regular Navy personnel.

RESOLUTION NO. 41—RETIREMENT CREDIT FOR NAVAL OFFICERS COMPLETING TWENTY YEARS OF SATISFACTORY SERVICE AFTER REACHING AGE SIXTY

Whereas, a decision of the Comptroller General (38 Comp. Gen. 647) has held that a retired Reservist who attains the age of sixty, then later completes twenty years of satisfactory Federal service may not be credited with any retirement credits or service after the date of initial qualification, and

Whereas, this interpretation of the law is at variance with the law as specifically written in Section 1401, title 10, U.S. Code, Formula 3, and

Whereas, in Chapter 67, title 10, U.S. Code, this formula specifies that the service credited officers who are retired under Section 1331 shall be computed in accordance with Section 1333 which relates specifically and solely to the use of years of Satisfactory Federal Service as a multiplier, and

Whereas, the monthly base pay required to be used as the multiplicand in the formula for the computation of retired pay is defined in Section 205, title 37, U.S. Code and has no relation to Satisfactory Federal Service but includes *all service* performed, and

Whereas *all service performed* is bound to be equal to or greater than Satisfactory Federal Service, and

Whereas, Section 1331, title 10, U.S. Code, Formula 3, specifies that the multiplicand be computed at rates applicable on the date when retired pay is granted, not when the individual qualifies,

Now therefore be it resolved that the Reserve Officers Association of the United States bring this unjust interpretation to the attention of the Secretary of the Navy and request that he direct that the pay of Naval officers who are retired under Chapter 67, title 10, U.S. Code, be computed as directed by law.

RESOLUTION NO. 42—AF ACTIVE DUTY CAREER MOTIVATION

Whereas, the 1964 Career Motivation Congress submitted recommendation Number 10, which reads as follows:

"A. A single career system for all Air Force officers, with initial obligated service (except for academy and distinguished ROTC graduates) to be in Reserve status, and all extended active duty to be in regular status;

"B. Selection for extended active duty to be made near the completion of obligated duty tours (4½ years) and with selection and the tender of a regular commission to become synonymous actions;

"C. Extension of maximum length of service careers, with new limits to be established as follows:

Captain 20 years.
Major, 20 years.
Lieutenant Colonel, 30 years.
Colonel/general, 35 years.

"D. A revised promotion system to permit earlier eligibility, continuation of eligibility until retirement or release from active duty, and use of the best qualified system for selection," and

Whereas, this recommendation, if implemented, would remove the glaring discrepancies now inherent in the revised 20 Year Reserve Career Program, and

Whereas, a DoD Study Group has proposed a career pattern for active duty officers, closely paralleling that outlined above.

Now therefore be it resolved that the Reserve Officers Association of the United States supports the development of legislation which would provide a single career status for all officers on active duty after an initial probationary period in the company grades.

MILITARY AND ECONOMIC AID WITHHELD FROM GREECE AND PAKISTAN

Mr. SAXBE. Mr. President, I wish to congratulate the House Foreign Affairs Committee for its wise action in withholding military and economic aid from Greece and Pakistan. As you know, the Saxbe-Church amendment pending before the Committee on Foreign Relations would accomplish a similar result. The Saxbe-Church amendment now has 31 cosponsors. I hope that the House will ratify the action of the Committee on Foreign Affairs.

Today I take pleasure in announcing that the Senator from Alaska (Mr. STEVENS) joins the list of cosponsors of this amendment. I invite Senators who have not yet cosponsored to join us in our attempt to end this terrible conflict and our Government's economic and military support of it.

Mr. President, I am dismayed to learn that the President of Pakistan's martial law regime, General Yahya Khan, is planning on putting East Pakistani leader Mujibur Rahman on trial for treason within the next month. At a time when a meaningful accommodation is necessary, this action would make a martyr out of Mujibur and increase the already existing bitterness.

C. L. Sulzeberger, in yesterday's New York Times, said:

The Kissinger trip produced an impression that the greatest immediate danger to peace lies in steadily worsening India-Pakistan relations and a possibility that war might explode between these South Asian neighbors respectively supported by Russia and China. This would destroy Washington's effort to create a new international equilibrium improving relations with Moscow while developing fresh contacts with Peking.

Mr. President, the test of governments is their maturity. India has shown its humanity, morality, and maturity by accepting close to 7 million refugees without engaging in active hostilities against the Government of Pakistan. Yet the longer the situation continues, the more difficult it will be for a reconciliation.

Finally, there are reports that President Yahya Khan and his small group of advisers, who have attempted to destroy the Awami League and its leader, Sheik Mujibur Rahman, winners of virtually all of the seats in the East, are now seeking to wrest power from former Foreign Minister Bhutto, winner of a majority of the seats in the West. The United States must stop additional arms shipments and aid until efforts are made at reconciliation.

I invite the attention of Senators to further press accounts concerning the tragedy in East Pakistan. I ask unanimous consent that a number of articles on Pakistan be printed in the RECORD.

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

[From the Washington Star, July 14, 1971]

PAKISTAN ACTION IN EAST CLOUDS WEST'S HOPES

(By Henry S. Bradsher)

ISLAMABAD, PAKISTAN.—The results of Pakistan's only free national elections, which were overturned in East Pakistan by a military crackdown in March, have now been thrown into doubt in the rest of the country.

Former Foreign Minister Zulfikar Ali Bhutto is struggling against an apparent effort by President A. M. Yahya Khans' military government to keep him out of power.

The traditional Pakistani establishment of big landlords, industrialists and army officers lost the elections in December. Now the establishment is recouping.

New social and political forces demanding changes won control of the national assembly elected Dec. 7. It was supposed to have written a constitution to end Gen. Yahya Khan's martial law rule and begin democratic government.

In the East those forces sought a large measure of autonomy under the leadership of Sheikh Mujibur Rahman in order to escape what Easterners considered inferior treatment by the West. Rahman pushed his demands to the point that Yahya considered them a treasonous effort to break up Pakistan.

Rahman is now imprisoned, his Awami League which won 72 percent of the provincial vote is outlawed and the province lies almost prostrate under terror of an army from West Pakistan.

SOCIALISTIC APPEAL

In the West, demand for change was voiced by Bhutto. A big landowner, he joined the leftists to make a socialistic appeal to the poor that won a majority of the West's assembly seats.

But Bhutto was unwilling to see the East obtain the degree of autonomy it wanted because that would have weakened the nation which he hoped to help lead. Bhutto became the catalyst of the political situation that led to the army's crackdown in the East on March 25.

As Yahya Khan later told it, Rahman warned Bhutto privately outside a meeting the three leaders had shortly before the crackdown that "the army intends to finish me, and then they'll finish you."

Bhutto quoted this to Yahya later in the apparent belief it would not happen. But it seems now to have been a realistic forecast.

Bhutto's initial reaction when the army began shooting up the East was that "the country has been saved" by suppression of the Awami League. But Yahya announced a ban on all political activities and soon the members of Bhutto's Peoples party in the West became restive.

Bhutto began publicly insisting that the situation in the East should not prevent the establishment of an elected government in the West where his party was dominant. It won 81 of the West's 138 elected assembly seats and also control of two out of four provincial legislatures in the West.

Yahya and his small group of generals and civilian advisers showed no inclination to give power to Bhutto. They are believed to regard him as a power hungry opportunist who is a potential danger to the establishment.

Factionalism which had appeared in Bhutto's party shortly after the elections widened during the wait for power. Some of more leftist—possibly even Communist—followers disagreed wtih the way Bhutto moderated his radical election stands.

At the same time a movement developed to unify three political parties all claiming the inheritance of the Moslem League, the party that led Pakistan to independence from the breakup of British India in 1947.

FRONT MAN

Yahya's government is generally believed by political observers to be behind this move. Its front man is head of the All-Pakistan Moslem League (APML), Abdul Qayyum Khan.

Qayyum always favored a strong central government and little provincial autonomy, which is the attitude of Yahya's clique, also.

The three Moslem Leagues together only won 18 out of 300 elected assembly seats in December.

Building them into a majority is difficult but not impossible.

The legal order that an assembly member loses his seat if he switches parties is expected to be changed, ostensibly so Awami League members can rally to the new loyalist party. But such an order also would permit efforts to lure away some of Bhutto's followers. Efforts along these lines already have been reported. Some of his more feudal landlord followers are reportedly ready to break with the party's leftist line. They might join the old establishment men in the Moslem League.

Yahya has announced that by-elections will be held in East Pakistan to fill seats of the Awami Leaguers who have taken part in "antistate activities . . . criminal acts . . . antisocial activities."

In the present disturbed conditions in the East, with a number of government supporters already assassinated by the Bengali liberation army, the ability to hold meaningful elections is doubtful.

Many political observers suspect seats might end up being filled by government choices who will support the Moslem League.

There are also independents and parties based on the Moslem faith that will add strength to the bloc supporting Yahya's policies.

LEAGUE EXCLUDED

Yahya outlined plans June 28 for establishing representative government based on his definition of representative which excluded the Awami League.

He said his experts would write the constitution instead of letting the assembly do it. He hoped to have the government going within four months but martial law would remain in force even after it was established.

Yahya said he had instructed the committee drafting a constitution that there should be a ban on political parties which are "confined to a specific region and not national in the practical sense." He also said there must not be factional subparties within a party.

In public statements since then Bhutto has showed sensitivity about his, obviously fearing Yahya is moving toward a ban on his Peoples party.

Bhutto denies it is regional, arguing that it won in two of the West's provinces. But an alternate interpretation which Yahya might have had in mind was that a party has to have strength in both East and West Pakistan.

The Peoples party has no standing in the East just as the Awami League had none in the West.

Although they failed to win seats in the East, the Moslem League factions and Moslem religious parties do have eastern organizations.

Bhuttos' party is also obviously split into subparties. Yahya's remarks might have been framed to point at the Peoples party.

Increasingly frustrated as his hopes of gaining power are frustrated. Bhutto has been increasingly critical of Yahya's regime—in contrast to his role as the regime allied against Rahman between the elections and March.

After Yahya outlined his plans June 28th Bhutto said that by November—after the four months Yahya mentioned—he would either be in power or in prison.

This was a threat to cause trouble if he were denied power. But the present mood of the government indicates it is unlikely to be coerced by the threat of public disturbances which Bhutto has the ability to stir up. Disturbances are more likely to be met with stern repression.

Bhutto is not the only potential source of trouble in the West.

Assertion of East Pakistan's right to autonomy stirred up the resentment of West Pakistan's other three provinces against domination from Punjab Province which is the heartland of the establishment.

The leading regional firebrand of Sind, the province containing Karachi, has been banished to his native village to keep him off the political stage. In Baluchistan there has been a series of train derailments and ambushes on highways which informed sources relate to regional resentment against the government. And in the Northwest Frontier Province landlord-tenant strife has excerbated the political situation.

[From the Christian Science Monitor, July 14, 1971]

U.S. OVER BARREL ON PAKISTAN AID

(By Lucia Mouat)

WASHINGTON.—The United States is trying to play both sides of the Pakistani conflict with its influential wallet.

It is cutting back on, but by no means cutting off, development aid and delivery of certain military items purchased by the Pakistani Government before the Army and Bengali separatists in East Pakistan clashed in full on March 25.

The result is a somewhat murky policy, the logic of which is unclear and unconvincing even to some officials here. By most measures, the U.S. course of action is winning few friends.

India, for one, is enraged by the U.S. choice of options. The policy has also added considerable fuel to a growing congressional move to cut the purse strings quickly and completely.

FOREIGN-AID NECESSITY

Foreign aid and purchases from any source are considered all important to Pakistan in its struggle with Bengali rebels at this point. Many longtime students of the India-Pakistan subcontinent argue that since the Pakistan Government has been admittedly on the verge of bankruptcy, without aid it would have no choice but to pull back its Army and reach some kind of political accord with the east.

For the United States, in which Pakistan has been heavily dependent financially, genuine neutrality would have been an impossibility. Any action, even if only continuing its old economic policies, would have influenced the course of events.

Though some sources such as the World Bank's recent Cargill report, strongly recommended an economic standback, the U.S. has opted to continue at least existing loans and limited equipment supply on grounds it enables this country to keep a "constructive political relationship" with Pakistani President Yahya Khan.

MATTER OF LEVERAGE

Christopher van Hollen, Deputy Assistant Secretary of State, told a Senate subcommittee hearing in late June that it would give the U.S. "leverage" in persuading President Yahya to establish conditions favorable to the return of the estimated 6 million refugees who have fled to India in the course of the civil war. An outright embargo, said Mr. van Hollen, would be interpreted by the Pakistani Government as "a sanction and intrusion into internal problems."

Another explanation is the danger in encouraging Pakistan to shop elsewhere. If Pakistan wese not allowed to buy spare parts here for military equipment the U.S. provided some years ago, sources say, it might buy the newest and most expensive equipment elsewhere, diverting needed funds from its own development and possibly triggering an arms race with India.

Unofficial sources speculate that the more compelling rationale for what seems to many an irrational policy is more closely related to the balance-of-power theory.

President Nixon, a longtime friend of President Yahya's, said in his February state-of-the-world speech that his major concern in South Asia was "to bring our activity into a stable balance with that of the other major powers in the area."

Since the U.S. banned military-aid grants to India and Pakistan in 1965, Peking has replaced the U.S. as Pakistan's major military supplier. India leans heavily on the U.S.S.R.

AID MOVES NOTED

In its dual economic policy, the U.S. has made a few moves which could be interpreted as signs, however mild, of disapproval of Pakistani Government action:

It has authorized no new bilateral loans since March 25. Officials claim it will not until the Pakistani Government submits a workable development plan, and begins to implement it. The other 10 members of the AID to Pakistan Consortium, chaired by the World Bank, have held off on similar grounds.

On April 6 the State Department said it would not issue new or renewed licenses

for purchase of the thousands of items ranging from spare parts to weapons on the official munitions list. It also banned delivery of items purchased from Defense Department stocks or contractors under the foreign military-sales program, and said military supply policy to Pakistan was under "close review."

The U.S. has been noticeably generous—to the tune of $70.5 million—in providing food and other supplies for refugees in India and East Pakistan.

A number of other countries have ordered firm aid cutoffs, movements to recognize the Bangla Desh are also growing.

Certain military goods, as long as they are not "lethal end-items" such as tanks and guns and were technically purchased commercially before the State Department ban took effect, may still be shipped to Pakistan.

SHIPS SET SAIL

Three ships, loaded with ammunition and spare parts for military equipment (but no aircraft, the State Department insists) have set sail for Karachi from this country since the war broke out. Another four or five shiploads are expected to get under way before the summer is over.

The Padma, one of the three that has sailed, stopped in Montreal en route but at the order of the Canadian Government was not loaded with its expected cargo of some 46 crates of F–86 Sabre-jet parts.

Sen. Frank Church (D) of Idaho, one of several congressmen sponsoring bills to cut off military and economic aid, has estimated that as much as $35 million worth of supplies are still in the "pipeline," purchased under licenses granted before the ban but still waiting to be delivered.

State Department officials say the figure sounds somewhat high.

[From the Boston (Mass.) Globe, July 14, 1971]

PLEA FROM CARE

CARE's staff in India has been sending urgent cables for additional relief supplies to help save the lives of an estimated six million people who have crossed the Pakistan border.

These people are hungry and homeless, and unless their needs can be met the world may witness an enormous human tragedy.

CARE's resident staff in India has been distributing since April nearly 4,000 tons of food and 12,000 large tarpaulins for use as shelter.

Regrettably, our emergency funds are now exhausted and we are compelled once again to turn to the American people to finance the continued massive effort which must be made.

New Englanders have been extremely generous in recent months, and we have no choice but to ask that this generosity be repeated. The lives of millions are at stake.

Donations may be sent to: CARE Emergency Relief Fund, 120 Boylston Street, Boston, Massachusetts 02116.

GRIM REPORT ON PAKISTAN PIGEONHOLED

WASHINGTON.—Somewhere in the recesses of the State Department is a classified report which tells a horrendous tale of what is in store for East Pakistan in the months ahead.

Those who claim to have seen the document say that it concludes that East Pakistan faces one of the worst famines in modern history.

That such a prospect is now a real possibility is not denied by most experts here who have been in close contact with the developments in that country, particularly the economic and political morass in the Eastern half.

Thus, even the World Bank, which is usually circumspect and generous in its evaluation of crisis situations, has put its stamp of disapproval for any aid, except food shipments, to Pakistan for at least another year.

It did so after investigating the situation in the East in the wake not only of the political upheaval since March 25 but also of the tragic cyclone devastation last October.

But on the situation directly resulting from the ruthless repression of the Bengla Desh movement, the Bank claimed that East Pakistan is most unlikely to return to normal "until there is a drastic reduction in the visibility and preferably even the presence of West Pakistani military in the Eastern region."

It recommends instead massive food shipments to prevent starvation as a result of the disruptions in transportation and agricultural production in the rice growing province.

Yet, the Administration has asked Congress to approve a total of $118 million in economic assistance and $5 million in foreign military sales credits to Pakistan for fiscal 1972.

It did so on the premise that the rationales for economic aid should be kept separate from relief assistance. But that separation is an arbitrary one and not justified.

The bulk of development asistance in the past has been used principally for West Pakistan which, in turn, has only strengthened the political and military hands of the regime of President Yahya Khan.

Furthermore, there is no cogent reason why long-term relief assistance should be second to development and arms aid.

Administration spokesmen have stressed the extent of grain deliveries that have been authorized but that aid is small compared to East Pakistan's immediate needs and to the amounts requested for development.

The real reason for continuation of economic and arms assistance despite warnings of the World Bank is to stay on Yahya Khan's good side lest he turn his country over to Communist China.

Thus the lid that has been put on the starvation report is evidently intended to deny grist to those in Congress who have been advocating a total halt in aid to the West Pakistani government.

Pakistan is incapable of launching a successful relief effort to save its own population. The humanitarian task has fallen, therefore, on the rest of the world.

The US as the strongest power in the world has the moral obligation to save East Pakistan from the colossal tragedy that is staring it in the face.

It ought to and can remove the prospect of starvation there—even unilaterally if the need be.

[From the Washington Daily News, July 15, 1971]

NO AID FOR PAKISTAN

An on-the-spot team from the World Bank has made a damning report on the Pakistani army's murderous suppression of the East Pakistan home-rule movement.

The report's conclusion: The military have made such a bloody shambles out of the tortured province that any economic-development aid sent there in the next year or so would be wasted.

Altho World Bank officials are usually cautious civil servants, this group had the courage and honesty to state that the army ought to withdraw from East Pakistan and let the Bengali people govern themselves.

That is more than the Nixon administration has dared say. Probably out of fear of "throwing Pakistan in Communist China's arms," Washington has not had the nerve to stop sending military and economic aid to the Pakistan military regime.

So far the West Pakistan central government has slaughtered 20,000 Bengalis, caused 6.5 million to flee to neighboring India, hunted down and killed minority Hindus like dogs and brought Pakistan and India close to a major war.

All this has not been enough to make the ponderous United States bureaucracy view Pakistan as less than a favored aid client. After spending $88 million on Pakistan in fiscal 1971, the administration is asking Congress for $118 million this fiscal year.

One wonders why the extra $30 million. Is it a reward for butchery? Or to insure that President A. M. Yahya Khan will have enough shovels to bury the Bengalis?

Whatever the answer, we are confident that Congress will show more common sense than the bureaucrats. It should shut off the flow of aid, particularly weapons, until the West Pakistanis stop killing the darker-skinned Bengalis, persecuting Hindus and treating East Pakistan as a colony to be subjugated by force of arms.

The World Bank and such member states as Britain and Canada are ready to follow such a sensible course. We hope Washington will join them, even at the risk of offending the Islamabad dictatorship.

Naturally, the world community should send humanitarian aid—food and medicine—to keep the ill-fated Bengalis alive. But not development aid for civilized purposes until the Pakistani regime behaves in a civilized way.

[From the New York Times, July 16, 1971]

GUERRILLAS IN EAST PAKISTAN STEP UP HIT-RUN ATTACKS ON TROOPS AND POLICE

(By Sydney H. Schanberg)

NEW DELHI, July 15.—The resistance fighters in East Pakistan have been increasing their hit-and-run attacks on small West Pakistani Army units and police stations.

As the still-disorganized Bengali autonomy movement appears to be gaining momentum, the guerrillas have been avoiding frontal battles but have inflicted a sizable number of casualties.

They have also stepped up executions, sometimes by beheading, of those collaborating with the army.

In many areas the army pulls back to the relative safety of its cantonments at night, leaving the rebels free to move through the countryside. Soldiers who stride confidently down country lanes in the daytime disappear into their barracks as the sun sets. Army convoys that move at night do so without headlights.

CURFEWS ARE REIMPOSED

With the growing resistance, the army has had to reimpose curfews in an increasing number of towns. Foreign observers are beginning to draw parallels to Vietnam.

As in most insurgencies, only a small percentage of the people are active participants or combatants, but the overwhelming majority of the 75 million East Pakistanis seem to be at least passive resisters. This correspondent found that poor Bengali villagers, though too occupied with daily survival to think about defying the army openly, were quietly cheering the insurgents on and hoping for a chance to help them.

The Pakistani Army's usual tactic against a guerrilla raid is swift reprisal against the civilian population in the area. While that has made some villagers reluctant to hide and shelter guerrillas, it does not seem to have produced wide-spread civilian resentment against them.

Though most of the resistance activity has been concentrated in border areas—where the Bengalis can strike and slip quickly back to sanctuaries in India—the insurgents are widening their area of operations.

Guerrillas have recently carried out several raids in and around Dacca, knocking out power supplies, attacking an ordnance factory and damaging a plant that was converting motor launches into gunboats for the army.

Dacca's electric power was knocked out over the July 4 weekend in a dramatic raid demonstrating the guerrillas' ability to make forays into the heart of the province and cause considerable trouble.

The rebels, wearing the lungi (sarong) and undershirt of the working class, slip into Dacca and other towns regularly to recruit men with needed skills—radio technicians, engineers, a crop-dusting pilot. The explosions of grenades and homemade bombs were everyday sounds in major towns as the insurgents attempted to kill collaborators and frighten off potential ones.

The heaviest action has been in the eastern border districts of Sylhet, Comilla and Noakhall, especially in the latter two, where the guerrillas have been able to keep the vital road and rail links between Chittagong and Dacca severed.

Some of the demolition has been expert, and Pakistani officers contend that it could only be the work of experienced Indians. The West Pakistanis generally believe they are fighting India, not Bengali insurgents.

In the tense border areas, the troops are on combat alert, as if in defense against an invasion. Unit and rank markings have been removed from uniform. Artillery pieces are in position. Officers wear sidearms at all times.

The Pakistani troops, said to number 70,000 to 80,000 seem to be spread thin for the dual job of occupation army and combat force to deal with the insurgency. Guarding the 1,350-mile border with India is in itself a mammoth job.

[From the Washington Post, July 16, 1971]

PAKISTAN, GREECE AID HALT IS BACKED

(By Murrey Marder)

The House Foreign Affairs Committee voted yesterday to cut off military and economic aid to Greece unless it restores constitutional rule, and to suspend major aid to Pakistan until persecution of East Pakistan refugees ends.

This major, double challenge of Nixon administration policy by the once-passive House committee caught U.S. officials by surprise. State Department sources said they hope to overturn the actions in the full House or in the Senate.

The following votes were reported taken in a closed meeting of the House committee which is still in the process of marking up the $3.3 billion foreign aid authorization bill:

On a 17-to-12 vote, to stop all military assistance and sales to Greece until the present military junta permits a return to constitutional rule, unless President Nixon specifies in writing that continued U.S. aid is required by "overriding requirements of the national security of the United States."

Even if the President makes that finding, U.S. military aid to Greece still would be limited to the $80 million ceiling for the fiscal year that ended June 30. Instead, $117 million is being requested for Greece in the current 12 months that started July 1.

On a 17-to-6 vote, to suspend for the time being all military and economic aid to Pakistan.

It would be suspended until the President reports to Congress that Pakistan is "cooperating fully in allowing the situation in East Pakistan to return to reasonable stability" and millions of refugees who have fled to India have been allowed to return to East Pakistan to reclaim lands and property, to the extent feasible.

The aid suspension for Pakistan would permit use of $100 million voted earlier by the committee for refugee relief. But the withholding vote on other aid would suspend $118.3 million requested by the administration for development and technical aid to Pakistan.

Among other actions taken by the committee, an attempt to increase by $50 million the $239.4 million sought by the administration for military aid to South Korea was defeated, 16 to 12.

The votes to withhold Greek-Pakistan aid funds were described by congressional sources as "a questioning of the administration's judgment," arising in large part from the "re-thinking" underway in Congress stimulated by U.S. policy in the Indochina war.

Rep. Wayne Hays (D-Ohio) led the fight to ban arms aid to Greece, which he lost in the committee on Wednesday on a 14-to-12 vote. At that time, a more moderate proposal by Rep. Paul Findley (R-Ill.) to limit military grants to Greece also was defeated.

Supporters of the varying Hays-Findley approaches were reinforced by critical testimony about the four-year-old Greek junta in current hearings by Rep. Benjamin Rosenthal (D-N.Y.), chairman of a European subcommittee of the House Foreign Affairs Committee.

Hays said yesterday that his objective is "to prod the Greek junta to do what they said they would do—to move back toward constitutional government." He said, "We don't think the House should put a seal of approval on this mutineers group—this is what they are."

The drive to put pressure on the Pakistan government was led by Rep. Cornelius Gallagher (D-N.J.), chairman of the Asian Affairs Subcommittee. He said yesterday, "To me it was intolerable that we should subsidize for another minute in Pakistan the terrible tragedy that is going on" since the recent crushing of the East Pakistan autonomy movement.

A "reign of terror" is now under way in East Pakistan, said Gallagher, and U.S. aid has been used to "contribute to unspeakable agony."

In describing the current mood in the committee, Gallagher said, "I think the overall self-analysis that we have been going through on what our proper role should be on the whole Vietnam question has made us take another look at what we are doing in all these areas."

Sen. Edward M. Kennedy (D-Mass.) has called on the General Accounting Office to investigate U.S. arms shipments to Pakistan. Kennedy said, "For too long, the Congress has confronted misleading statements on this administration's policy towards the supply of arms to Pakistan, while each day brings news of more ships loaded with arms."

The administration imposed an embargo on new arms aid for Pakistan after civil war broke out in March but allowed arms in the "pipeline" to proceed. The State Department said yesterday that military spare parts sent to Pakistan aboard two freighters, which recently arrived in Pakistan and the vessel Padma, now in Baltimore, total about $2.2 million.

[From the New York Times, July 16, 1971]

HOUSE UNIT FAVORS HALTING AID TO GREECE AND PAKISTAN

(By Henry Tanner)

WASHINGTON, July 15.—The House Foreign Affairs Committee voted today in favor of proposals to withhold military and economic assistance from Pakistan and Greece.

The proposal regarding Pakistan would cut off United States funds until East Pakistani refugees have been returned to their homes and "reasonable stability" has been achieved in the country, where the army has moved to crush an East Pakistani movement for independence.

The action on Greece was a reversal of a vote yesterday by which the committee defeated, 14 to 12, another proposal to bar arms aid to Greece. That vote was on an amendment offered by Representative Wayne L. Hays, Democrat of Ohio, to the Administration's $3.3-billion foreign aid authorization bill.

Today's vote was on an amendment jointly offered by Mr. Hays and Representative Paul Findley, Republican of Illinois. It was approved 17 to 12.

The vote on Pakistan was 17 to 6 in favor of an amendment by Representative Cornelius E. Gallagher, Democrat of New Jersey.

The two votes today were the first concrete moves in Congress to use foreign-aid policies as a means to bring about improvement in the internal situations of Greece and Pakistan.

Congressional sources said today that the chances were excellent that the entire House would follow the committee's recommendations.

In the Senate, the feeling against military aid to the two countries has been even stronger than in the House.

The Administration has asked Congress to authorize $118.3-million in economic aid, $5.5-million in military aid and $8-million in technical assistance for Pakistan for the fiscal year that began July 1.

The request for Greece is $117.9-million in military aid for the new fiscal year, compared with $80.3-million for last year. No economic aid was given to Greece last year and none was requested for this year.

Senator Edward M. Kennedy said in a statement today that the Administration had confronted Congress for too long with "misleading statements" about its policy of supplying arms to Pakistan. He added that he had requested the General Accounting Office to investigate the volume and content of United States military aid to Pakistan.

"It saddens me that our great nation continues to be more efficient in moving military hardware than in arranging humanitarian relief in East Pakistan," Mr. Kennedy said.

As defined by State Department officials, the Administration position on Pakistan is that economic assistance is being held in abeyance pending a clarification of the situation in East Pakistan and that military assistance in sales of "non-lethal" items was stopped on March 25 when the Pakistani Army moved in the East. Pakistan is allowed, however, to receive military items for which export licenses were issued before March 25.

Charles W. Bray 3d, the State Department's spokesman, said today that the amounts contained in the Administration's bill should be authorized and appropriated by Congress "against the possibility" that the situation in East Pakistan would improve during the fiscal year, thus permitting resumption of aid.

Administration officers today made a distinction between suspension of economic assistance pending a return to normalcy in East Pakistan and a deliberate policy of using aid as a means to impose on the Government of President Agha Mohammad Yahya Khan a "particular" solution to the conflict in East Pakistan. They added that the Administration has consistently been using its influence to persuade the Pakistani Government that a political accommodation in the East was the only way out of the present situation. But the Administration is not trying to dictate what form this accommodation should take, it was said.

Both amendments passed by the House Foreign Affairs Committee today contain Presidential waiver clauses.

The amendment on Pakistan stipulates that assistance to that country may be resumed if the President reports to Congress that the Pakistani Government has restored "reasonable" stability and is permitting the East Pakistani refugees in India to return and claim their lands and properties.

The amendment barring military and economic assistance to Greece stipulates that this ban may be waived only if the President

finds that overriding requirements of United States security justify such a waiver and if he reports such a finding to the Congress in writing.

Representative Benjamin S. Rosenthal, Democrat of Queens, whose Foreign Affairs subcommittee has been holding hearings on Administration policies in Greece since Monday, sent letters today to Secretary of State William P. Rogers and Secretary of Defense Melvin R. Laird complaining of "conflicting testimony" given by witnesses on the origins and effects of American military aid policies in Greece.

[From the New York Times, July 18, 1971]

THE SEARCH FOR A POLICY THAT MAKES SENSE

WASHINGTON.—The Nixon Administration's policy toward Pakistan since March 25—the day the Pakistani Army launched its bloody repression of the East Pakistan autonomy movement—has been the object of both considerable diplomatic confusion and sharp criticism here and abroad.

The confusion, which State Department officials have found hard to clarify, is over what the United States hopes to accomplish by insisting that additional economic aid to Pakistan should not be foreclosed and by using technicalities to allow continued shipments of military equipment for the regime of President Yahya Khan. This policy has been strongly criticized by India, which resents such shipments to her less-than-friendly Pakistani neighbor, as well as by some American Senators and Congressmen who see plain "immorality," as one Senator put it, in seeming to ignore the East Pakistani massacres.

Thus, last Thursday the House Foreign Affairs Committee voted to block all economic and military assistance to Pakistan until the 6.5 million East Pakistani refugees can return home from India and "reasonable stability" has been restored to their country. If confirmed, as expected, by the full House and by the Senate (where 31 Senators are sponsoring a similar measure), this decision will prevent the United States from supplying Pakistan with $118-million in economic aid, $8-million in technical assistance and $5.5-million in credits for military sales and training for the fiscal year which began July 1.

In denying assistance to Pakistan, the legislators sided with the opinion of the World Bank and most of the members of the 11-nation "Aid-to-Pakistan" consortium, headed by the bank, that new funds for the Islamabad Government should be withheld until President Yahya Khan has worked out a "political accommodation" with the East Pakistanis.

The State Department insists that it is not pushing for continued aid for Pakistan, but simply holding in "abeyance" all decisions on economic and military assistance pending a policy "review" that has been underway for more than three months without signs of a decision. Administration spokesmen have also said that aid requests for Pakistan are only "planning figures" and do not necessarily represent a commitment actually to disburse the funds. They argue further that the situation in Pakistan later this year is unpredictable, therefore it would be "unwise" to cut off the Pakistanis from American aid, directly or through the international consortium.

Still another Administration argument is that by applying too much pressure against President Yahya Khan the United States may lose "leverage" in Islamabad and, possibly, invite even closer cooperation than that now existing between Pakistan and China. The reasoning was offered to deflect criticism of the White House decision to go on honoring export licenses for military equipment for Pakistan issued before March 25. Two Pakistani freighters carried $2,227,771 worth of military equipment, including spare parts for tanks, combat aircraft and artillery, from the United States to Karachi in the last eight weeks.

Another possible reason for the Administration's refusal to be harsh on Islamabad emerged Thursday night when President Nixon disclosed that Henry A. Kissinger, his foreign policy adviser, had secretly visited Peking for talks with Premier Chou En-lai between July 9 and 11.

Diplomatic sources indicated that Pakistan might have been instrumental in arranging the Kissinger trip, and, in any event, it is known that he had flown from Pakistani territory with the local government maintaining secrecy over his movements.

Before the Presidential disclosure, the criticism of the Administration grew with the appearance of a report by a special mission of the World Bank describing the destruction wrought in East Pakistan by the West Pakistan troops—the State Department separately estimated nearly 250,000 deaths in the conflict—and declaring that for at least a year the eastern province will be unable to absorb economic development aid.

With India increasingly aligning its policies with the cause of the East Pakistani insurgents, the Nixon Administration risks turning the Indians as well as the 60 million people of East Pakistan against the United States over what they consider Washington's tacit support of President Yahya Khan. And with tensions in the subcontinent growing—fears are even being express of an Indian-Pakistani war—pressures are rising for the Nixon Administration to reconsider its handling of this latest international powder-keg.

[From the Washington Star, July 18, 1971]

PAKISTAN PLANS TO TRY RAHMAN

(By Henry S. Bradsher)

DACCA, EAST PAKISTAN.—The Pakistani government plans to put East Pakistani leader Mujibur Rahman on trial for treason within a month, according to authoritative sources.

Sheikh Mujib, the head of the political party which won a national majority in last December's elections but was banned when the army cracked down on East Pakistan March 25, is now imprisoned in West Pakistan.

The trial will be held there, probably by a military court. Trying to hold it here would mean too great a risk of disturbances, the sources said.

The president of Pakistan's martial law regime, Gen. A. M. Yahya Khan, has sent word that he is likely to visit Dacca before the trial to survey the situation here.

Officials claim that East Pakistan has returned almost to normal after the bloodbath unleashed by the army's move. But a survey of the province indicates that fear and bitterness have crippled normal life.

The U.S. government has said in Washington it believes "that normalcy should be restored in East Pakistan and there should be a political accommodation there."

Neither is in sight.

Putting Rahman on trial would be a major step away from a political accommodation, foreign observers here believe. Even without a trial, they see little prospect of the West Pakistani leaders of the country unbending their domination here enough to permit any meaningful accommodation.

Some prominent Bengali leaders of East Pakistan think Rahman mishandled the situation that led to the crackdown and subjugation of the province to widespread reprisals by the army of West Pakistanis. Non-Bengalis also were slaughtered by avengeful Bengalis.

The official estimate of deaths is less than 100,000, but the best available independent estimates run between 200,000 and 300,000 dead, and India says 6 million persons have fled there.

STILL VIEWED AS HERO

These Bengali leaders say that, regardless of intellectual opinion about Rahman, he remains a popular hero throughout East Pakistan.

Hatred of the army and the West Pakistani elite that now run this province has intensified the feeling of Bengali nationalism which Rahman represents, the leaders say, even though fear has restricted outward signs of it.

If Rahman is tried, they say, the reaction here will be bitter. Regardless of whether he is sentenced to death or given a long prison term, the trial will aggravate an already black situation.

The day after the army moved into Dacca with guns firing and arsonist torches blazing, Yahya told the nation that the civil noncooperation movement which Rahman had led in East Pakistan for three weeks was "an act of treason. . . . He has attacked the solidarity and integrity of this country—his crime will not go unpunished."

Yahya reportedly told a foreign visitor in early June that Rahman was a traitor and should be hanged.

PREPARING FOR TRIAL

The authoritative sources said material is now being collected and witnesses prepared for a trial.

Another source, a prominent East Pakistani, said he was taken to an army cantonment and forced to sign an untrue affidavit incriminating Rahman in illegal actions. It was not possible to check how extensive this practice might be.

The case is expected to rest on the "parallel government" which Rahman ran.

It came into being after the postponement of the opening of the National Assembly which was supposed to have written a constitution for a return to elected government. Rahman's Awami League swept the elections in East Pakistan, which has about 55 percent of the national population, and won an assembly majority.

Yahya's postponement order under pressure from the leading West Pakistani politician, Zulfikar Ali Bhutto, was seen here as a thwarting of the East's desire for autonomy within a new constitutional framework. Protest demonstrations, some turning violent, led to Rahman's taking de facto control of the provincial government and ignoring of national government orders.

AWAMI LEAGUE BLAMED

Since our army smashed all local power, national officials have contended that a rebellion of East Pakistani soldiers, border forces and police was planned, and the army had to pre-empt it. Rahman's Awami League was blamed for planning armed rebellion.

It is uncertain whether this will be part of the indictment at Rahman's trial, however.

An army colonel who was commanding border forces in March conceded in an interview that there were only rumors but not written proof of a planned rebellion.

In his March 26 speech, Yahya charged that Rahman had proposed, during their talks here in Dacca for 10 days before the crackdown, a political solution to the mounting crisis that was "nothing but a trap."

Yahya said earlier in the speech that he had at one stage tentatively agreed to Rahman's plan. He later told some persons that he had agreed to lift martial law during a transitional period.

FEARED TRAP

It was after the arrival here of West Pakistani political leaders, most importantly Bhutto, that Yahya backed away from the plan and decided it was a trap. Why he had agreed to it originally if he felt that way was left unexplained.

When the political talks broke down, Yahya gave orders for the army to move and then he flew secretly to West Pakistan.

Rahman and other Awami League leaders got warnings about 9 p.m. on March 25 that the crackdown was coming. The others went underground and all but one of them escaped to India, where they lead an exiled "Bangla Desh" government for the province.

But Rahman stayed in his house, waiting. Soldiers seized him shortly after 1 a.m. on March 26. After being held for 10 days at Adamajee College by the army cantonment here, he was flown to West Pakistan.

He is now reported to be imprisoned at Mianwali, 125 miles southwest of Islamabad, the national capital.

HUNGER STRIKE

The government refuses to discuss his whereabouts or physical condition, but he was said to have gone on a hunger strike about two months ago and been hospitalized for a while.

Why did Rahman allow himself to be captured? The question has puzzled many people here.

The best available answer—which he reportedly gave to colleagues before they fled—is that if he went into hiding the army would kill and destroy in an angry search for him. He assumed that with himself in custody the resistance would be believed broken and deaths and destruction would be light.

But he misjudged the government's attitude and the army's determination to crush all Bengali opposition by terrorism.

Rahman also thought that a firm but not very bloody army takeover would leave the way clear for eventual political negotiations.

ACCUSED OF SECESSION

But the government now accuses him in public statements of secession, which is treason. It is not interested in negotiating with him or any other Bengali who shows any regional feelings.

The government has propped up as local leaders those old politicians who lost last December's elections to the Awami League. Bengali resistance forces have assassinated between 300 and 400 of them.

Some Bengali leaders think Rahman has a martyr complex that compelled him to go back into prison rather than run away to fight another day. They are angry with him for bringing the present suffering on his people.

But this anger is nothing compared with the bitterness of the people toward the West Pakistanis who now hold them in terror.

Villagers are frightened that the army will come back shooting again. Even some senior Bengali government officials who have dutifully knuckled under to the army regime live in fear of a midnight knock on the door.

The initial bloodletting of late March and April has ended, or at least slowed greatly. But both nonpolitical civic leaders and Bengali government officials continue to disappear.

In the countryside, the guerrilla opposition seems weak. It remains to be seen whether Bengal will make the long, hard fight against the West Pakistanis here which would reduce this province from the present Vietnam-1960 situation to more like Vietnam at the worst of Viet Cong activity.

[From the New York Times, July 18, 1971]

AN ENORMOUS STRIDE

(By C. L. Sulzberger)

ROME—Announcement of President Nixon's eventual Chinese visit dramatically underlines the extent to which the United States is now reexamining Far Eastern policy. The current reappraisal began this summer with signature of an accord returning Okinawa to Japan, the steady decline in tensions between Washington and Peking, and a series of visits to the Orient by leading American officials, including Secretary Laird, Vice President Agnew and Mr. Kissinger.

The Kissinger trip produced an impression that the greatest immediate danger to peace lies in steadily worsening India-Pakistan relations and the possibility that war might explode between these South Asian neighbors, respectively supported by Russia and China. This could destroy Washington's effort to create a new international equilibrium improving relations with Moscow while developing fresh contacts with Peking.

The ultimate implication of changes now under way is a new relationship between the U.S.A. and China on the one hand, and with Japan on the other, a relationship that would have to be balanced by closer ties between China and Japan as well. To accomplish this kind of power triangle it is evident that Washington is pressing Tokyo to assume a far larger burden of its own and regional defense than it has so far been willing to carry.

The obvious block remaining along the road to any such rearrangement is Taiwan, where Chiang Kai-shek still rules "the Republic of China." Peking's Premier, Chou En-lai, told newspapermen last month that the U.S. security screen around Taiwan represented a key obstacle to diplomatic ties with Washington. Clearly, discussions of how this obstacle can be circumvented must precede Mr. Nixon's China trip.

It is against this background of a trend toward dynamic changes in the Far East, changes that may be gradual but will be of profound significance, that one must read a forthcoming book entitled "Re-Making China Policy: U.S.-China Relations and Governmental Decisionmaking."

The work, to be published next month, is by Richard Moorsteen and Morton Abramowitz, a Rand Corporation consultant and a U.S. Foreign Service officer. Britain's Institute for Strategic Studies has just published in its magazine, Survival, an excerpt entitled "One China, but Not Now—a Proposal."

The essence of the argument presented is that the Taiwan issue cannot be settled swiftly and its ulitmate solution must be based on accord among Peking, Washington and Tokyo—plus, of course, respect for the utlimate desires of the Taiwanese population.

Taking into account a continuing rise in the prestige and power of post-war Japan, the authors say: "Most Japanese would be very uneasy over an accommodation that threatened to turn Taiwan over to the mainland at any early date. Japanese feelings derive mainly from a large and growing economic stake and from emotional ties from their occupation of Taiwan."

They forecast that, "As time passes, the problem of Taiwan will become less one to be dealth with between the United States and China alone and more a triangular problem with declining freedom of action for all parties." This forecast is given additional weight by American withdrawal from Okinawa and encouragement for increased Japanese defense responsibilities.

Moorsteen and Abramowitz insist that, "It is not in Peking's power to get what it wants now. Today's policies, therefore, must focus on increasing tomorrow's prospects . . .

"Realistically, very small steps now are as much as Peking can expect. The United States can try a few small steps in this direction without committing itself to any final outcome. In this way, Peking's reactions could be tested . . . our answers could only be that future movement hinged on Peking's future conduct—both with respect to our other interests and in making reunification more acceptable to the people on Taiwan . . .

"A more flexible leadership in Peking could adopt a policy of 'small steps' toward reconcilitation, in the pattern now used by West Germany toward East Germany. If the United States [and Japan] gave both positive encouragement and reassurances, a future regime on Taiwan might ultimatley find both the confidence and motivation to respond—cautiously, selectively and guardedly, to be sure."

The two American experts recognize that a time of great change has started in the Far East. They want to remove the roadblock hampering development of U.S.-Chinese relationships but they want to do this without either jeopardizing the desires of the Taiwanese or creating new points of friction between a resurgent China and a resurgent Japan. The Nixon journey certainly should provide a real chance to arrange possible formulas for achieving this. It will be not a "very small step" but an enormous one.

[From the Washington Post, July 18, 1971]

FLOOD OF REFUGEES HITS INDIA

MADHUPHUR, India, July 17 (AP).—A new, seemingly endless wave of refugees is now entering India from East Pakistan—this time from interior regions, 200 miles and 10 days walking from here.

Four months after the Pakistan army moved into the eastern wing of the divided nation, the refugees are still fleeing—frightened, exhausted, defeated.

Walking single file through lush fields of palm trees, sugar cane and jute, the East Pakistanis appear oblivious to torrential monsoon rains that turn the border region into a muddy swamp.

Indian officials had expected the monsoon to stem the tide of refugees, officially estimated at 7 million, but their hopes have disappeared.

The latest refugees had not been caught in the army crack down that began March 25, but now the army is burning their homes and killing their kin, they say.

On one day this week at least 4,000 refugees crossed into India in three hours—320 in one five-minute period according to a headcount.

The refugees found there was little or no room for them.

"The problem is to get them some free space, and we don't have any," said K. K. Naskar, chief executive officer in the Bongaon subdivision, which has one of the most densely populated refugee communities.

Before the East Pakistan conflict began, Bongaon had a population of 400,000. Now it is nearly 1 million.

A United States airlift of refugees from overcrowded camps in eastern India will end today although the United Nations feels it should continue, U.N. sources said in Calcutta.

They said the Indian government brought the mission to an end for unknown reasons.

A similar Soviet airlift is also likely to end soon, authoritative sources said.

[From the Washington Post, July 19, 1971]

EAST PAKISTAN: A FRIGHTENED LAND

(By Lee Lescaze)

DACCA.—Almost four months after the Pakistani army attacked in Dacca, East Pakistan is a frightened land.

Murder is commonplace, men are arrested and never seen again, guerrillas snipe at the army and millions of people have been uprooted—an estimated 7 million are refugees in India and at least an equal number are hiding within East Pakistan.

The central government insists that normality has returned, but a visit to Dacca and a dozen other towns and villages in East Pakistan last week was a tour of ruined buildings, partially neglected fields, roads without traffic, looted shops and industries without workers.

Many are afraid to be seen talking to a foreigner and turn away, but some risked furtive meetings in which they whispered of their fear and what they have lived through since violence seized this region March 25.

Those Pakistani army officers here who concede that some opposition exists among East Pakistan's 75 million people ascribe it

to "miscreants," "anti-elements," "anti-state forces," or a handful of other phrases implying small groups of habitual criminals of Indian guided infiltrators.

India certainly gives considerable material as well as moral support to guerrilias fighting against the army. But, at the same time, the guerrillas appear to have the sympathy of almost all East Pakistanis nowadays, small-town Bengali lawyer said.

Although Bengalis, particularly Hindus, have suffered most, the violence that erupted in March has made everyone here vulnerable. As the civil war goes on, old scores unrelated to politics are being settled and some now kill in order to loot—often with military encouragement. The response to "How are you?" one Bengali remarked, is now most frequently: "I'm still alive." It is not said jokingly.

No one knows how many people have been killed since March. Estimates run from 200,000 to 1 million. The bloodshed, which springs from three main racial and religious animosities, is far from over.

The hatreds now unleashed have existed since Pakistan was carved out of British India and became an independent Moslem nation in 1947.

They divide West Pakistanis from East Pakistani Bengalis and within East Pakistan they divide the Bengalis and about 1.5 million non-Bengali Moslems generally called Biharis. In addition, about 10 million Bengali Hindus lived in East Pakistan, getting on not too badly with Bengali Moslems, worse with Biharis and regarded for the most part as pro-India and therefore anti-Pakistan by the army and authorities in West Pakistan.

TEMPTATION TO KILL

In this desperately overcrowded land where the population has more than doubled since independence and is believed to double again in 23 years the temptation to kill for profit, to gain by being on the winning side of a fight and to take advantage of chaos to steal is enormous.

Before the army succeeded in occupying all East Pakistan's towns, Bengalis sought to eliminate Biharis. Now, the wheel has turned and Biharis help the army hunt Bengalis.

"Everyone here has someone who wants to kill him," one man remarked. These are the voices of some Bengalis, West Pakistani soldiers and Biharis. Since each Bengali who spoke critically of the central government committed an offense punishable by death, none is named.

"This is the first time in three months that I have come out in the daytime," a Hindu Bengali businessman said.

For his first daylight trip, he carries a black umbrella low over his head and preferred to talk in the shelter of a building where he could not be seen from a nearby dirth path.

"They are looking for me," he said of the army. "But only a few friends know where I am living now."

His own house has been destroyed and a non-Hindu friend has taken him in. Ironically a month before he had to go underground, the Hindu hid two Biharis in his house while gangs of Bengalis looked for them.

Hindus are difficult to find here now. As the special targets of the army, almost all have fled to Indian, gone into hiding in rural villages, or been killed. The army attacks on Hindus have been so widespread that few here doubt they were ordered by Pakistan's government—an order that many West Pakistan officers and soldiers appear to have obeyed with enthusiasm.

An army captain approached a teen-age Hindu girl recently in a town not far from where the businessman is hiding. "Are you a Hindu?" he asked. Then, he held out his automatic rifle. "Feel the barrel," he ordered. "It's still warm from killing Hindus."

To identify Hindus, the army sometimes relies on the newly formed Peace Committees—small groups of army supporters who, one major put it, "supply very valuable information." Since all Moslems are circumsized, a simpler and widely popular method is to lift the men's sarongs and shoot the uncircumsized.

A second major army target has been the leadership of the Awami League, Sheikh Mujibur Rahman's Bengali political party that won last December's elections. The sheikh is now called a traitor and imprisoned, his party is outlawed and the government says that they would have declared independence for East Pakistan rather than settle for the program of greater regional autonomy on which he campaigned.

Many of his supporters deny that Mujibur wanted to secede from Pakistan and the debate can continue endlessly for the army attack ended Mujibur's leadership and any chance that he would reach an agreement with the military government on the distribution of power.

"We're 100 per cent Awami League here," a doctor said in one relatively large town. "The army has burned many homes and arrested many people."

"We are afraid to speak the truth," he said. "Those who speak the truth are punished and the only punishment is death."

The doctor was compelled to open his small clinic or have it taken away. He says that his family still hides in a village while, although he is a Moslem, he is growing a beard to look more old-fashioned and orthodox like the people of the Peace Committee whom the Army trusts.

"I never had a beard before," he said.

GREATEST FEAR

His greatest fear is that the army will discover he served five years in the Pakistan army. "They are killing all former Bengali officers," he said.

But he has many other fears. Last week the army came to him with a list of the town's college students and pointed to the names of his younger brothers. The soldiers ordered him to sign and guarantee as their guardian that they would show up when colleges are scheduled to reopen in August.

The doctor lied and said he was not his brothers' guardian. He knows that they will be too frightened to attend classes, because students are also an army target.

"The people of East Pakistan have been misguided. They are very simple and uneducated," a Peace Committee member in another town said. "Especially the ranks of students."

"Classes are to begin Aug. 2," a teacher at one campus said. "But the army troops are occupying two of our dormitories. I wouldn't tell my son to come back."

Some students have joined the Mukti Faui (liberation army) but more have simply gone into hiding.

A college student explained that he has obtained a forged identity card which does not say he is a student. He has been stopped occasionally by soldiers. "I show them my card and they let me go," he said. Once a soldier remarked to him: "We never find any students here."

More than 70,000 students were supposed to sit for the nationwide final high school examination last Thursday. About 20 per cent are believed to have appeared.

In one town, the "liberation army" scrawled: "Don't take the examination or you'll be killed" on the wall of the examination hall. The army rushed to the building after the guerrillas had left, but the building caretaker who tried to run away was shot dead. Attendance in that town was very low.

"I would have been killed by my subordinates if the army had not come," a Bihari banker said. "The Bengalis wanted the best jobs in businesses, factories and the government," he said. "Everything is returning to normal now."

Like other Biharis, the banker spoke of "our army," and "our government" while most Bengalis speak of "them."

"It made your blood boil, an army major said, describing the killing of almost 1,000 Biharis by Bengalis before his troops arrived to occupy Ushurdi town.

"I could show you where they killed them and pushed the bodies in the river," he added. One girl who had survived has been raped, had her right hand cut off, her neck slashed and had gone mad, the major said.

KINGDOM OF GUNMEN

"This became the kingdom of the man who had a gun," the officer said of the lawlessness before his troops arrived.

Ushardi's marketplace and many of its houses were burned down by Biharis in retaliation for the massacres by Bengalis. Now the major is trying to make the two groups cooperate.

"The Bengalis aren't afraid of us," he said. "But they were afraid of the Biharis."

He stood on a ferry crossing the Ganges and every man who had to squeeze by him on the narrow deck bowed his head in salute. The Bengalis crowded on the other side of the boat from the major and his foreign visitors.

"I don't think that any real battle had taken place here for hundreds of years," Maj. Gen. Rao Farman Ali Khan said.

An elderly Bihari, whose English is a remnant of his British army days, described the events since March with politically neutral disgust.

The army and the Biharis killed many Bengali buggers and the Hindu buggers ran away." On the other hand, he said, "Many Bengalis killed many Bihari buggers."

An elderly man knocked on a friend's door one evening last week looking for his son. The boy was there and the father sat down for tea. "Parents get anxious when their sons aren't home by dusk," he explained. High schools and elementary schools are already open, but attendance in six towns seemed to be between 20 and 40 per cent of normal.

LIBERATION ARMY

Not only are students afraid of the army, but the "liberation army" has been trying to disrupt classes to demonstrate its influence.

[From the New York Times, July 19, 1971]

A HOUSE COMMITTEE REBELS

A majority of the House Foreign Affair Committee has finally rebelled against stale and suprious arguments of the Defense and State Departments and voted to cut off aid to the military regimes of Greece and Pakistan. Rather than attempting feverishly to overturn the decision in the full House, the Nixon Administration should try to understand what this usually docile committee majority was telling it with these votes.

Chairman Thomas E. Morgan and colleagues of both parties were endeavoring first of all to reassert the proper role of this committee in the shaping of foreign policy. The Administration henceforth can expect many more such challenges from both houses as Congress strives to restore a long-absent balance between executive and legislative branches in foreign affairs.

Secondly, the majority was rejecting the notion that it is always unwise for the United States to rock the diplomatic boat by suspending military or economic aid to dictatorships that fail to make good their commitments to their own oppressed people. In voting to cut off nearly $132 million in aid to Pakistan, the committee was taking a stand previously advocated by the World Bank in light of the Yahya Kahn regime's bloody repression in East Pakistan. And could be re-

sumed under certain conditions but in any case the cutoff would not bar the use of $100 million approved earlier by the committee for refugee relief.

Action to halt aid to Greece resulted directly from testimony last week before a Foreign Affairs subcommittee headed by Representative Benjamin Rosenthal of Queens. Here some members learned, evidently for the first time, that the 1967 coup had not been an action of military leaders to head off Communism, as so frequently represented, but "an open mutiny within the armed forces and a rebellion by those mutineers against their King and the constitutional Government of Greece."

The man who said this was Col. Oliver Marshall, now retired, American Defense and Army attache in Athens, 1963–67. He sees "the greatest danger to future Greek-American and Greek-NATO relationships" in the widely-held belief that "the United States supported this military mutiny and continues to do so." In other words, by sustaining the junta this country will jeopardize its own and NATO's security rather than protect it.

Colonel Marshall advocated an all-out effort to convince Greeks that the United States does not back the junta and to persuade the junta to keep its promise to restore democratic government. Contradicting the State-Pentagon line, he said this effort should take priority over "our immediate military needs on Greek soil."

In the Greek case, the President can resume aid if he reports to Congress that the overriding security requirements of the United States justify it. Even then, however, the miliary aid would be resumed at the current annual level of $80.3 million rather than the $118 million the Administration requested.

The Foreign Affairs Committee has projected the national interest on a broader canvas than that employed by the State and Defense Departments. It would be foolhardy for the Administration to ignore the meaning of its actions.

[From the New York Times, July 17, 1971]

A PAKISTANI TERMS BENGALIS "CHICKEN-HEARTED"

(By Sydney H. Schanberg)

FARIDPUR, Pakistan, June 29—Maj. Nazir Baig, the martial-law commander in the Faridpur District just west of Dacca, is a chunkily built Baluchi tribesman from West Pakistan who has spent nearly six of his 20 years of military service in East Pakistan.

His contempt for the Bengalis of this eastern wing of the country is not only common but also proudly held in the Pakistani Army, which began its military campaign to crush their movement for provincial autonomy on March 25.

The Bengalis, he said in an interview, are a "chicken-hearted people" who "never miss a chance to stab you in the back."

The Bengali Hindus, a minority in this heavily Moslem province of 75 million people, are the worst, according to the major, because they have been "sucking the blood" out of East Pakistan and sending their money to India, Pakistan's Hindu enemy.

MAJOR EAGER TO TALK

During a recent week of traveling through East Pakistan, it was evident that, although many army officers were less articulate than Major Baig, they shared his opinions.

The interview with the major—held in a building that once was the headquarters of the popularly supported Awami League party which campaigned for autonomy and is now banned—lasted more than two hours. He was eager to talk, to try to convince a foreigner of the correctness of his views. He was often fervent.

He said that his troops had met no resistance when they entered Faridpur, "not a single bullet," and he explained the destruction in the town and the killing of townspeople by saying it was all done by miscreants—the word used by the Pakistani Government to describe the Bengali insurgents.

Major Baig denied what frightened townspeople whispered to a visitor—that the killing and destruction were entirely the army's work.

"Our men are properly motivated," he said. "They have been told they were brought here to help another Moslem brother in trouble. There was no case of rape or looting or any antisocial activity. Islam as a religion forbids this kind of thing. This is a Moslem country where they have come, not a foreign land."

ONLY AN "ODD PINPRICK"

Asked if there was any resistance in the area now, he said: "Nothing except for an odd pinprick". This disappointed him as a professional soldier, he said.

"The Bengalis," he went on, "are very, very soft and chicken-hearted people. The sound of just one bullet sends hundreds of these people flying like chickens. They have no guts."

He added, "They are lambs in front of you, tigers behind your back. They are a people who never miss a chance to stab you in the back."

The major said, after a pause, that maybe his assessment did not apply to "100 per cent" of the people, "the common man here," he said, "is very simple and has very limited needs and is not very troublesome."

Pressed about why so many Hindus were killed, the major again denied that his soldiers were responsible. Then he added: "Out of such a large population, if a few innocent people suffer in such abnormal conditions, is it not natural?"

Major Baig said that the Hindus had dominated the teaching profession in East Pakistan and had subverted the province by teaching un-Islamic concepts. "This rot has happened now in East Pakistan because of this," he said. "These teachers and all the Hindus have not accepted Pakistan as a reality. They live in a dreamland. They believe that Mother India will be united again."

The major was confident, however, that India would never be able to swallow Pakistan.

[From the New York Times, July 19, 1971]

RELIEF FOR REFUGEES IN INDIA

TO THE EDITOR:

Chester Bowles (Op-Ed July 5) has made a cogent case for discontinuing aid to Pakistan and granting aid to India for refugee relief. In the process he has exposed the moral bankruptcy of the Administration's decision to continue economic, and possibly military, aid to the West Pakistan Government.

So far the U.S. has granted India emergency relief of a mere $90 million for the refugees on an ad hoc basis. This is totally inadequate and leaves India with an intolerable strain on her meager resources, pushing her steadily into a militaristic solution.

A fair and tactically tenable U.S. policy would be to divert her normal aid to Pakistan into refugee relief in India and use the emergency aid instead in East Pakistan under the Aid-Pakistan Consortium's supervision. Such an "aid-switching" policy should be continued until a political accommodation is reached in East Pakistan and has lead to a safe return home of the six million refugees.

JAGDISH N. BHAGWATI,
PADMA DESAI.

CAMBRIDGE, MASS., July 7, 1971.

MAKING AMERICA BETTER

Mr. MATHIAS. Mr. President, in conjunction with the make America better program of the National Association of Real Estate Boards, the Montgomery County Board of Realtors in Montgomery County, Md., recently sponsored an essay contest for high school students in the county.

In an effort to encourage young people to consider particularly the community in which they live, the contest was entitled "How I Would Make America Better—In Montgomery County."

The winning essay was submitted by Richard P. Shields, who just graduated from Richard Montgomery High School in Rockville and will enter college this fall.

I ask unanimous consent to have printed in the RECORD the text of Mr. Shields' essay.

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

HOW I WOULD MAKE AMERICA BETTER—IN MONTGOMERY COUNTY

Winston Churchill said once that democracy is absolutely the worst form of government there is—except for all others. When I hear some of the people my own age today knocking our country, they almost seem to be saying: "The United States is the worst country in the world." I feel like replying with Churchill's line: "except for all others."

No matter how great a country we have, it can always be improved in some ways. When I was working for my Eagle Scout rank, I had to carry out a project of service to my community. While I was working with our Rockville fire chief on a program of safety training for baby sitters, I came to realize that he was a man who was giving a great deal of his free time to promote something he believed in; something valuable to the community, and with no expectation of any reward.

As I've gotten a little older, I can see that one of the most important things that has made our country such a great one is the spirit of people, like the fire chief, who are willing to give themselves in serving others. This is not just a case of a few people doing a big job (although this often happens), but of a great many people with this spirit each doing little "extra" things—giving their time for a cancer or heart fund drive; giving up evenings or weekends to work with Scout troops or other youth groups; devoting time and money to service clubs which carry on worthwhile service projects.

An example of this is the annual light bulb sale by a service club to raise money to help the blind and to help prevent vision problems. Every year a member of this club comes to our door selling light bulbs for this purpose. I don't know who he is or what his business is, but I know his time has got to be worth a good deal to him, and that pounding on people's doors is a real sacrifice. You would never think this to talk to him, though, simply because he knows that what he's doing is important and worthwhile, and he has the spirit of help and cooperation which makes the program a success, and which makes our country a better place.

How can we make it even better? Partly, I think, by calling attention and honoring the civic spirit that always has been so important to Americans—doing voluntarily things we don't have to do, but which we know help make a better life for everyone.

Another way that we could make our country a better place would be to insist that our schools turn out not only educated people

but citizens who know what their country is all about. We need education in civics and history that doesn't stop with just dry facts and dates. This is not just a matter of a new course or two, but a spirit by our educators that one of their most important jobs is making certain their students don't just know what's wrong with our country but know the very many things that are right about it.

We don't lack good teachers; most of mine have been good ones and concerned ones. What seems to be missing, though, is more willingness to sing a few praises when they are deserved. It seems to be a question of what is or isn't "stylish," or whether students will accept the teaching of some truths that are so obvious that we have come to consider them outdated.

For instance, when my grandfather was born, probably half—or more—of the people in this country lived in what today someone would call "poverty." By the time my father was born, 30 years later, this figure was probably around 20 or 25 percent. Even with depression occurring when he was a boy, we live in a country today where those living in such conditions are down to around 10 or 11 percent. Yet we rarely find anyone pointing out this fact.

It is easy to say that our country would be better if we had greater respect for rights of others and for our laws and government. What is hard is making this a reality. When so much that we see on television emphasizes the oddballs, the dissatisfied, and the destructive, you could easily convince yourself that the country is going to pieces. And this simply isn't so. The answer isn't censorship. It is, partly anyway, more balanced and responsible use of newspapers and broadcasting.

How can we make our country better? By letting ourselves catch the "disease" of unselfish service to others—even on a very small scale if that's all we can do. By being concerned enough to insist that our environment be protected and preserved, but without making a "fad" of the subject or destroying our system of manufacturing and business which is envied by every country on earth. By insisting that our education give at least equal time to the positive aspects of our country, instead of overlooking much of it because "patriotism is bunk." I think that every generation of young people has to be told about our country, educated in its meaning. Today we seem to think that we'll just "pick it up" naturally. This isn't always so.

We can make our country better by feeling—and showing—our pride in it. We have to think and act in a positive way instead of a negative one. This is a job where leadership has to come from the attitudes of our politicians, our teachers, our religions, but in which each one of us has an important role to play too.

We have an awful lot to be thankful for and proud of. If we work to make things better, they will become better. They will never be accomplished by people who sit on the sidelines and offer nothing but criticism. If we don't bother to do what we are capable of as individuals, and let people who think only in terms of tearing down have their way, and let them dominate public media, their gloomy predictions will come true.

You don't have to use propaganda to glorify a country which has always been a goal for a lot of little people all over the world. We do have to take stock of what we have, though, and to tell others—especially our own children—about it, so that they will understand and appreciate it and work themselves to make it better.

But in the end, it is not just words and ideas that are going to make it that way. It is the private actions of each one of us, because we're not just a people, or a nationality; we're 200,000,000 Americans—each one an individual, and each one free to add to or detract from this country of ours.

THE PRINCETON-PENNSYLVANIA ACCELERATOR: A POTENTIAL WEAPON IN THE CONQUEST OF CANCER

Mr. WILLIAMS. Mr. President, on Friday, July 16, I introduced an amendment—254—to the Atomic Energy Commission Authorization bill, H.R. 9388, to provide for $300,000 interim funding for the Princeton-Pennsylvania Accelerators—PPA. The $41 million accelerator, which will run out of funds on August 31, has a definite potential in cancer therapy which exceeds the present X-ray treatment. The accelerator is hopeful of receiving funding from the new Conquest of Cancer Agency in January 1972, but would need funding for the 4-month interim period to remain in operation.

The text of the amendment, along with an informative article describing the work of the facility appears on pages 25586–25588 in the July 16 issue of the CONGRESSIONAL RECORD, and I commend it to Senators. I should like to place in the RECORD today an additional statement by Professor M. C. White, director of the Princeton-Pennsylvania Accelerator, which explains, in layman's language, the efficacy of the facility in cancer treatment, and also a sampling of the correspondence relating to the accelerator from the chairman of the Joint Committee during the 91st Congress, the Honorable CHET HOLIFIELD, and from other knowledgeable people in the fields of radiology. I ask unanimous consent that Dr. White's article and the accompanying letters be printed in the RECORD.

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

HEAVY ION APPLICATIONS IN CANCER TREATMENT AND RESEARCH

At the present time, X-ray treatment is second only to surgery in the treatment of cancer. Unfortunately, X-rays cause considerable damage to surrounding healthy tissue. What is needed is a "magic bullet" type of approach in which only the cancerous regions of the body are affected and in which the width and depth of the treatment can be precisely controlled.

X-ray killing of cancerous cells is handicapped by the fact that cells poor in oxygen are three times more difficult to kill than normally oxygenated cells, and tumors are believed to contain clumps of poorly oxygenated cells. As a result, X-ray treatment sufficient to kill a cancer can result in serious damage to surrounding healthy tissue. This effect, the so-called oxygen enhancement ratio, is observed only with lightly ionizing particles. It does not occur for heavily ionizing particles, such as nitrogen ions, near the end of their path in tissue, where there is a rapid rise in ionization. Thus a heavy ion, slowing down in cancerous material, is highly effective in killing even poorly oxygenated cells.

Also important is the fact that heavy ions such as nitrogen have a sharply defined distance of travel in tissue and therefore, unlike X-rays or neutrons, contribute very little exit dose. This becomes very important when the cancer lies close to sensitive organs which do not tolerate radiation well. A third highly significant point is that heavy ions near the end of their paths produce "single-hit" kills from which the cells never recover, while near the skin there is substantially less lethal damage done.

By using a suitable dose fractionation schedule it has been calculated that nitrogen ions would deliver about 1/30 the skin dose as X-rays while achieving the same degree of cancer destruction. If confirmed, this marked theoretical advantage of heavy ions over X-rays would make them greatly superior in treating many forms of cancer.

It should also be emphasized that the study of the interaction of highly ionizing particles with living material is expected to uncover a great deal of fundamental knowledge which may be of even greater significance than the cancer radiation therapy studies.

Until the conversion of the Princeton Particle Accelerator to the acceleration of nitrogen ions to very high energies, there was no facility available to test the clinical value of heavy ions in cancer therapy. Our present schedule calls for starting biomedical research in June and continuing so long as funds are available. It is most important to keep the Princeton Accelerator in continuous operation, since no other existing large accelerator is capable of being readily and cheaply adapted to high energy, heavy ion acceleration suitable for cancer therapy.

The reasons for this are several, chief among which are the need for rapid magnet pulsing, a very good accelerator vacuum, a wide frequency coverage in the acceleration system, and an appropriate heavy ion injection system. All other large synchrotrons lack at least one and usually several of these essential factors. The cost of converting other synchrotrons to heavy ions with beam currents and associated properties suitable for clinical application to cancer therapy would be in the neighborhood of several million dollars and would take several years to achieve. In contrast, the Princeton Particle Accelerator is now essentially converted to nitrogen ions after a few months effort, with a useable beam expected by June.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON ATOMIC ENERGY,
Washington, D.C., May 6, 1970.

Prof. MILTON G. WHITE,
Director, Princeton-Pennsylvania Accelerator, Princeton, N.J.

DEAR PROFESSOR WHITE: I would like to thank you for taking the time to visit me on Monday, May 4, 1970 and for the enlightening discussion on the Princeton-Pennsylvania accelerator. I am in complete agreement with you that the facility should be kept in operation until the Executive Branch can sort out what its final plans are for research in this country.

In keeping with that opinion, I inserted the following statement in the Fiscal Year 1971 Atomic Energy Commission Authorization Report:

The plan of the Commission to start to phase out the Princeton-Pennsylvania Accelerator (PPA) during the latter part of fiscal year 1971 is most disturbing to the Committee. The PPA facility, which involved a U.S. Government investment of approximately $40 million, has only been in full operation for the past five years. It has been the main stay for high energy research for 15 university groups. The Committee recommends strongly that steps toward termination be deferred pending efforts by the Universities of Princeton and Pennsylvania, with the cooperation of the AEC, to obtain sufficient funds to permit the continued use of this facility.

I have instructed the Committee staff to follow AEC actions with regard to PPA very closely and to keep me informed of the latest developments. I have also instructed the staff to send you a copy of the full report.

Thank you again for your visit, and I sincerely hope we can work something out to keep PPA from closing down.

Sincerely,

CHET HOLIFIELD, *Chairman.*

COLLEGE OF PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY,
New York, N.Y., April 24, 1970.

Dr. M. G. WHITE,
Princeton, N.J.

DEAR DR. WHITE: I should like to thank you for the opportunity you provided for me and my colleagues from this Laboratory to visit the Princeton-Pennsylvania Accelerator.

I believe that research with heavy ions having energies of the order of 1 GeV per nucleon is of great fundamental interest in radiobiology and quite possibly also in radiotherapy. If such particles have a Z between 2 and 6, there is already a great deal of work that can and should be done. However, should you succeed in accelerating even heavier nuclei and particularly those beyond a Z of about 30, an entirely new field of radiobiology would be opened up. The research would not be of great intrinsic interest but it would also have very important applications with regard to space radiobiology. It now appears that high energy heavy nucleons may present the most serious hazards to manned interplanetary missions. In fact, I find it difficult to believe that such missions could be undertaken without prior research into the biological action of these nuclei. I also know that the NASA Radiobiological Advisory Panel is quite concerned about this.

Because of their very high dE/dx and because of their penetration over distances that are larger than the human body, such particles have three important characteristics.

One of these is that they can quite possibly cause complete cell destruction in interphase. It has been pointed out that this might have the most serious effects on the nervous tissue of astronauts. It would, of course, result in novel radiobiological effects.

Another characteristic is that the tracks of these particles must have diameters that exceed cellular diameters. We have at present no certain knowledge as to what morphological or functional changes would be produced under these conditions. However, an important possibility is that carcinogenesis may be greatly enhanced.

Finally, since these radiations have high penetration, eliminate tumor cell protection by hypoxia, and end in broad Bragg peaks, they represent the ideal for radiotherapy. I think that therapy research of the effects on animal tumors should be initiated if at all possible. This may well have to be followed by research with humans. I consider the argument that the cost and complexity of such machines prohibits their use in cancer treatment to be fallacious. Such opinions were certainly expressed before the introduction of Van de Graaf's and betatrons to radiotherapy, where these accelerators are now quite common. Although the Berkeley 186" cyclotron has only very limited capabilities for therapy, it has in fact been used routinely and successfully in the treatment of many patients.

To my knowledge, there is no machine anywhere which has the capacity of producing these radiations. The plans for the Omnitron at the University of California have been disapproved. The proposal for the establishment of the synchrotron to be coupled to the Berkeley Hilac is presently under consideration by the Division of Biology and Medicine. However, the energies which would be reached would be lower by at least a factor of 2 and the cost would be considerably higher. If you do not succeed in obtaining funds for conversion of your accelerator to heavy particle research and if as a result the accelerator will have to be abandoned, it will be many years before these radiations can be made available and no doubt the cost will be very much greater.

For the above reasons, I strongly support your efforts to accomplish the conversion and I should be only too happy to express this opinion to any agencies or committees that have to decide on the matter.

Yours sincerely,

HARALD H. ROSSI,
Professor of Radiology.

STANFORD UNIVERSITY MEDICAL CENTER,
Stanford, Calif., May 24, 1971.

Dr. MILTON G. WHITE,
Department of Physics, Accelerator,
Princeton, N.J.

DEAR DR. WHITE: Thank you for your letter of May 5 and enclosures concerning the possible conversion of the Princeton Particle Accelerator to heavy ion production for experimental radiotherapy. There is little doubt that heavy ions share many of the attractive physical and radiobiologic properties of pi-mesons for radiotherapy, and I would be quite prepared to make a statement to that effect if the National Cancer Institute were to request my opinion.

However, an evaluation of the relative priority of this program versus competitive programs for negative pi meson therapy will of course depend on the relative magnitude of the budgets involved, as well as on other factors which cannot, at this time, be assessed.

Sincerely,

HENRY S. KAPLAN, M.D.,
Professor and Chairman, Department of Radiology.

VETERANS ADMINISTRATION HOSPITAL,
Bronx, N.Y., June 28, 1971.

MILTON G. WHITE, Ph. D.,
Director, PPA,
Princeton, N.J.

DEAR DR. WHITE: We were fortunate to have and enjoy Dr. Schimmerling visit us and discuss the PPA.

In keeping with some of our work, it would indeed appear to be of mutual interest to discuss some of our experimental research ideas involving phantom and biological studies.

Should these prove satisfactory we could discuss other areas which could conceivably bring the human experience into focus.

I hope in the near future, to have the opportunity of visiting your facilities with Dr. Roswit, our Chief of Radiotherapy Service.

Sincerely,

STANLEY J. MALSKY, Ph. D.,
Assistant Chief, Radiotherapy.

NATIONAL SCIENCE FOUNDATION,
Washington, D.C., October 22, 1970.

Dr. J. W. HUMPHREYS, Jr.,
Director, Space Medicine Manned Space Flight, Washington, D.C.

DEAR DR. HUMPHREYS: The program of radiobiological experiments which you describe in your letter of October 19th requires high energy heavy ions with sufficient range to penetrate several centimeters in tissue. To our knowledge there are no facilities in the U.S. capable of providing these particles.

However, it has come to our attention that, at relatively minor cost, modifications to the Princeton-Pennsylvania Accelerator (PPA) would allow it to produce the appropriate particles; such as, for example, krypton at 250 Mev/nucleon with a range of 2 cm. This potential to accelerate heavy ions to the high energies required by your needs is unique to the PPA.

We are aware of the fact that this laboratory will no longer receive AEC support and expects, therefore, to start closing down very soon. The closing of this accelerator would be unfortunate for the NASA mission, since providing the equivalent capabilities for heavy ion research would require funds far in excess of those involved in the PPA modification and operation.

Sincerely yours,

PAUL F. DONOVAN,
Head, Physics Section.

BROOKHAVEN NATIONAL LABORATORY,
Upton, N.Y., June 24, 1970.

Prof. MILTON G. WHITE,
Director, Princeton-Pennsylvania Accelerator,
Princeton, N.J.

DEAR PROFESSOR WHITE: I am writing on behalf of the Committee on Major Nuclear Facilities of the American Chemical Society's Division of Nuclear Chemistry and Technology to express that group's strong interest in and enthusiastic support for the development of high-energy heavy ion beams at the PPA.

We feel that the availability of beams of complex ions such as C^{12} at energies in the region of 1 GeV per nucleon would provide a unique tool, probably not achievable with any other machine in the next decade, for exploring a whole set of new phenomena including the behavior of nuclear matter at extremely high excitation energies. We therefore strongly support your efforts to keep the PPA in operation beyond Fiscal Year 1971 and to adapt it for heavy-ion acceleration.

Even if these efforts should fail for lack of assured financial support, we consider it very important to obtain a 14 GeV C^{12} beam and to use it for significant exploratory experiments before the machine is shut down. A number of experimenters including groups from Brookhaven, Berkeley, Carnegie-Mellon University, Purdue, and probably several others, as well as, of course, Princeton have expressed the desire to participate in a cooperative program of relatively simple and short experiments to explore the interactions of high-energy C^{12} ions with complex nuclei this fall, if the beam becomes available. Professor Naumann has been keeping us posted about progress on the machine, discussed the various proposals for experiments with the interested parties, and generously offered space and facilities for use of the visiting groups during the projected experiments.

Sincerely yours,

GERHART FRIEDLANDER,
Chairman, Committee on Major Nuclear Facilities.

THE UNIVERSITY OF CHICAGO,
Chicago, Ill., June 30, 1970.

Prof. MILTON WHITE,
Accelerator,
Princeton, N.J.

DEAR PROFESSOR WHITE: I am very excited about your proposal to accelerate carbon atoms and heavier nuclei. As I indicated in my telephone conversation I am enclosing with this letter some selected reprints and preprints and one so-far unpublished graph on relative abundances. From the two short notes for the Budapest meeting, 1969, you will see that a detailed knowledge of spallation cross sections and high energy interactions of the heavy nuclei now play a crucial role in extending our understanding of satellite experiments. I look forward to hearing from you.

Sincerely yours,

J. A .SIMPSON, *Professor of Physics.*

BROOKHAVEN NATIONAL LABORATORY,
Upton, N.Y., July 9, 1971.

Prof. MILTON G. WHITE,
Princeton-Penn Accelerator,
Princeton, N.J.

DEAR PROFESSOR WHITE: I am writing in support of your efforts to employ the Princeton-Penn accelerator in biomedical and radio-therapeutic experiments. It is my belief that effective use of accelerators can

greatly enhance the abilities of medical therapists to deal with tumor treatment. As you may know, we at Brookhaven, are seriously proposing to use the AGS as a pi-meson source to test that modality of treatment. Further, we are studying the possibility of using 200 MeV protons from our new linear accelerator for similar purposes. As for myself, I was previously engaged in the development of fast neutron generators at the University of Wisconsin for clinical use. I believe all the "exotic particles" which can be usefully employed to provide high LET radiations to defeat the oxygen effect should be evaluated prior to an all-out effort to devise a cheap accelerator to be used universally for this purpose in therapy.

Brookhaven is presently cooperating with you on the basis of equipment to be used in your beams for this purpose. This letter will constitute further endorsement of your activities.

Sincerely,

F. E. MILLS.

WILL THE PEOPLE GOVERN THEMSELVES?

Mr. MATHIAS. Mr. President, Gerald W. Johnson, long known for his columns in the Baltimore Sun, has asked the important question: Will the people govern themselves?

Mr. Johnson needs no elaboration by me, so I ask unanimous consent that his letter to the editor of the Baltimore Sun, which appeared in that paper in Baltimore on July 11, 1971, be printed in the RECORD.

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

WILL THE PEOPLE GOVERN THEMSELVES?

(By Gerald W. Johnson)

SIR: After the uproar has subsided and the dust settled, after they have hanged Sulzberger or given him the Congressional Medal of Honor, after Nixon has been re-elected or defeated in every state, including Maine and Vermont, still the non-justiciable question will remain pending before the only court that has jurisdiction in the case, the court of public opinion.

That question is, are the American people capable of exercising the sovereignty they claimed in 1776 and still hold in theory, although not in practice? The answer depends on the answers to two preliminary questions, (1) could they? and (2) would they? If the answer to (2) is "no" then there is no point in asking the others. If people will not govern themselves, then they cannot, and should not. If civilization is to survive, there must be government, and if self-government is impossible, then it must pass to anyone who can and will govern. If it happens to be a Hitler of a Stalin or Beelzebub that would be bad, but not as bad as pure anarchy.

The late H. L. Mencken contended that democracy is a fraud for the simple but sufficient reason that the average American hasn't guts enough to be free. The masses according to this theory are, in Franklin's words, "they that can give up essential liberty to obtain a little temporary safety," and they, in old Ben's opinion, "deserve neither liberty nor safety." The supreme value of this republic, the thing that makes it worth the sacrifice of life itself, is its assertion of the right and the capacity of the American people to govern themselves. Remove that, and you have taken all virtue out of it. Remove that and the remainder is, to adapt Bismarck's phrase, not worth the bones of one black infantryman killed in Vietnam.

Yet an early President—the third, to be precise—laid down as a fundamental principle of our form of government "though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable." Jefferson referred, of course, to all important cases. Only a lunatic would contend that the majority must decide who shall be postmaster at Podunk, but it is definitely the will of the majority that the United States mail shall go through promptly and safely.

When the decision is one involving the sacrifice of the lives of 50,000 brave men, the expenditure of more than $100 billion of tax money and a struggle lasting eight years, it is no trivial matter. It is one on which the will of the majority should be ascertained beyond the shadow of a doubt. Even if it is wrongful that will must prevail, but a wrongful decision in such a case gravely imperils the national security. To be rightful, it must be reasonable, but who can make a reasonable judgment if he does not know all the pertinent facts?

A great many people are persuaded—many of them very reluctantly but none the less firmly persuaded—that that is what we did in Vietnam. The blame cannot be laid at the door of any one man. Perhaps Eisenhower was at fault when he appointed an hysterical old woman (of masculine gender) as Secretary of State, but Eisenhower never allowed Dulles to send more than army and drill-sergeants to Vietnam. Perhaps Kennedy was wrong in sending troops to guard the arms and ammunition we sent to keep them from being stolen and sold to the Viet Cong. Undoubtedly Johnson was wrong when he threw in half a million men to brace up a government so hateful to its own people that it was tottering to a fall unless supported by foreign arms. Undoubtedly, Nixon was wrong when he imagined that we can impose a settlement satisfactory to ourselves by any means short of destroying what remains of both Vietnams, north and south. Our military leaders were wrong in grossly underestimating the difficulties of guerrilla warfare and overestimating the efficacy of air power in that situation.

But all these errors were subsequent to and grew out of the great original mistake, which was made by you and me, and Joe Doakes down the street and the rest of the 200 millions who hold the sovereign power of the people. That mistake was our failure to demand right at the start that the power to make war should remain where we had put it when we ordained and established the Constitution—in Congress, that acts only after full and public discussions. That power has been modified in only one important respect since 1789—if and when the United Nations formally calls on us to help resist clear, unprovoked aggression, Congress is pledged to respond. No such call was issued in the case of Vietnam.

But we, the people, cannot escape all responsibility. We made a mistake, and dearly have we paid for it. By silence we gave consent.

That, though, is water over the dam. What remains is to guard against repeating that mistake by making another decision based on false information, or none, for such a decision is not reasonable and therefore not rightful. To say that such a decision threatens the national security is a gross understatement. If persisted in such decisions will assure the destruction of the nation, for they will prove that the people are incapable of self-government.

That is the non-justiciable issue that underlies the present controversy. The Supreme Court cannot decide it. Congress cannot decide it. The President cannot decide it. They are all agents, authorized to carry on the business of government subject to the sovereign power, which is the will of the majority. If that permits any agency to override its will, it has abdicated and the whole system of democratic government is an exploded theory.

COMPUTERS AND IMPROVED MEDICAL CARE

Mr. EAGLETON. Mr. President, the importance of computer technology as a device for increasing the quantity and improving the quality and efficiency of medical and other health care services is becoming increasingly recognized. It has the potential for improved distribution of services of high quality through communications networks and computerized medical information and diagnostic aids.

In view of this recognition, the Health Professions Educational Assistance Amendments of 1971, recently passed by the Senate, contains a new authority for a 5-year program of grants to public or nonprofit schools, agencies, organizations or institutions, or combinations thereof, to plan and develop freestanding or university-based computer laboratories to enable physicians and other health personnel to utilize modern computer technologies in the provision of health services.

Mr. President, the July 11, 1971, issue of Parade magazine contained an article entitled "Dr. Billy Jack Bass: He's Helping To Make Medical History." Dr. Bass of Salem, Mo., and his staff have developed, with the Missouri regional medical program, a new automated, computerized medical service which has proved to be of great assistance to practitioners in rural areas. Though located at a considerable distance from any large city, Dr. Bass has at his fingertips nearly all of the advisory and diagnostic services of a university health center.

I believe the success of this program in Missouri holds great promise for other medically underserved areas and is an example of the growing importance of regional medical programs in improving the delivery of health services.

Mr. President, I ask unanimous consent that the Parade article be printed in the RECORD.

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

DR. BILLY JACK BASS: HE'S "HELPING TO MAKE MEDICAL HISTORY"

(By John G. Rogers)

SALEM, MO.—When Dr. Billy Jack Bass recently had urgent need for the latest techniques in treating a patient for lead poisoning, he picked up a phone, made a simple request, and in five minutes a facsimile device in his office turned out a printed page containing the information. And when he does an electrocardiogram on a heart patient, it is recorded almost instantly 130 miles away in a computer that gives him a preliminary diagnosis over a leased phone wire within ten minutes.

BIG CHANGE AHEAD

Although Dr. Bass is a general practioner in a remote Ozark Mountain village, he's very special—probably the most-favored small-town doctor in the world, the key figure in a project that may revolutionize medical procedures. Physically far removed from sophisticated medical centers with their staffs of specialists and up-to-the-minute know-how, he has their knowledge at his fingertips—by wire.

"This project," says Dr. Bass, "that we call the Automated Physician's Assistant, is likely to change the practice of medicine as we've known it up to now. It guarantees better treatment for people in rural areas. And

it ought to attract more good young doctors to practice in those areas where they're so badly needed. We're showing that a rural doctor can have almost every advantage that's normally available only in a big medical center."

Forty-six-year-old Dr. Bass, his four nurses and his patients make up half of a federally funded pioneering propect being developed by the Missouri Regional Medical Program (MRMP). The other half is the MRMP headquarters in Columbia, Mo., which has the big IBM computer. It also has a vast memory bank that can store 10 million pages of medical information, and other medically-useful gadgets—all linked directly to the Bass office. In addition, MRMP has available a number of specialists from the University of Missouri Medical Center, directly at the service of Dr. Bass.

PATIENT'S BENEFIT

"When I wanted a complete checkup, I used to go to St. Louis more than 100 miles away," said a Bass patient the other day. "It would take up to three days, cost me for the travel and a hospital room, plus my time away from work. Now Dr. Bass' office can do the whole job in about three hours right here in my home town."

One of the great time-savers in the Bass office is the do-it-yourself medical history. No longer does the doctor ask endless questions and make penciled notes. Instead the patient sits at a keyboard and "talks" to the computer in Columbia. Questions are printed out before him: Operations? What kind? Dizzy spells? Lumps on skin? The patient compiles his own medical history by punching keys opposite multiple-choice answers. This record of his health and physical condition is stored permanently in the computer. Anytime Dr. Bass needs it he simply asks the computer for the history by the patient's number and it's printed out in his office in a matter of minutes.

PARADE watched Fay Schafer, a local cattleman, complete his history recently in 40 minutes. It was a busy day, and Dr. Bass and his staff didn't have to attend him. They were free to bustle about on a variety of other cases. We asked Schafer if his experience with keyboard and computer seemed too impersonal.

THAT WAS FUN

"Not a bit," he replied. "It was fun, sort of like a game. The questions were interesting. And I know that eventually I'll have more time with Dr. Bass because all these contraptions he's got in here let him make better use of his time."

Some of the "contraptions" are standard IBM, some were modified for special use. For example, Allan Purdy, an electrical engineer with MRMP, and his men took a commercial breath- and lung-testing machine and spent eight months adapting it so that the computer could "understand" its messages. "Someday," says Purdy, "when medicine has become revolutionized through computers and automation, we think they'll be using our principles in mass production."

Right now the $500,000 MRMP project is limited to one doctor in one rural area. But in years to come the nation may well be dotted with automated medical centers, each serving thousands of doctors not only in rural areas but also in big cities. The Bass office, of course, is subsidized by MRMP but eventually each doctor would have to buy or lease his own equipment. Hence, it's important to reduce the now high expenses.

There's one rig, for example, that puts heart performance data on tape for the computer. It costs $6600 and is too big to ship away for repairs. Now a smaller one has been developed at $1500 that can be shipped for repairs for about $5.

Gayle Adams, an operations executive with MRMP, says that costs will go down as the number of participating doctors goes up: "At present each 24 seconds of computer time devoted to a certain aspect of a Bass patient $16.91. If ten doctors shared the cost, each 24 seconds would reduce to $3.30. For 100 doctors—only $1.94."

UTAH WIRE SERVICE

The MRMP project is a vast, complex extension of earlier medicine-by-wire services. For example, the University of Utah Medical Center analyzes brain waves received by telephone wire from patients as distant as 240 miles. (PARADE reported on this on April 12, 1970.)

How did Dr. Bass happen to be selected to play what may be a historic role in medicine?

"We knew about him," says an MRMP official, "because of his past cooperation with the Missouri Medical Center We knew he had a busy practice serving an area that stretches many miles from Salem in all directions. And he is *remote*. We reasoned that if long-distance, automated medicine would work out of Salem, it would work anywhere."

Says Dr. Arthur E. Rikli, MRMP coordinator: "We're not trying to replace doctors or even cut down on their numbers. But we're out to help the doctors. A doctor is only as good as the information he has. If there's a cure for cancer but he doesn't know it, he can't be of much help. Our job is to speed the flow of information to the doctors—information not only on their own patients but the latest development in their profession."

These latest developments involve the vast FACT (Fast Access to Current Text) bank in Columbia. Don Wilson, its director, says, "I think we can respond to almost any question anyone might ask. If we don't have it here we can get the information from the National Library of Medicine. For Dr. Bass we've recently given him stuff on lead poisoning, spider and snake bites and a rare type of muscular dystrophy. We can do it by phone, by screen or by facsimile printout right to his office in minutes."

A CONSTANT THRILL

For his part, Dr. Bass is greatly appreciative: "Professionally, it's a constant thrill to take part in the project. Of course, we hit snags. At one point we found we needed a better grounding system for the electrical equipment. You have to plan ahead on how to get quick repair if you have an equipment breakdown. And at the development end there's the matter of constantly trying to simplify the equipment so that the doctor and his staff can easily operate it. But the reward is very large—the feeling that you're helping to make medical history."

JACOB R. RAMSBURG, SR.

Mr. MATHIAS. Mr. President, the death of a friend is a time that tests us in many ways. In addition to the sense of personal sorrow there is a sense of loss of guidance, of support, and of encouragement. Something important in our lives is missing and will never be replaced. Our lives may continue, but will never be the same.

So it is with the death of Jacob R. Ramsburg, and so a multitude of his friends will feel.

I ask unanimous consent to have printed in the RECORD an editorial from the Frederick Post, of July 9, 1971, outlining Senator Ramsburg's substantial public service.

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

JACOB R. RAMSBURG SR.

Jacob R. Ramsburg Sr. was a member of the school which believed in hard work, full dedication to everything he undertook, and in the brotherhood of man.

The most productive of the 63 years of his life were given in service to his church, to his community, his county and his state, and in the rearing of a fine family.

The unexpected death Wednesday by heart attack of this former Mayor of Frederick, State Senator, member of the House of Delegates, outstanding businessman and civic worker came as a shock to the legions who knew him and who join with the family in mourning his untimely passing.

"Jake" Ramsburg put the same full measure of effort which made him successful in the insurance business into his other undertakings, whether it was as an active member of St. Paul's Lutheran Chuch at Utica, as a member of the Lions Club or as an effective and successful politician.

He served well as Mayor of Frederick from 1958–62, as a member of the House of Delegates for four terms, 1934–50, and as a State Senator 1954–58.

In business, in government, in all his undertakings—that which distinguished Mr. Ramsburg most was his leadership and his concern for other people and for the welfare of the community and his state.

He entered the insurance business upon graduation in 1926 from Frederick High School, and in 1933 with Joseph W. Urner founded Frederick Underwriters Inc.

Frederick County mourns the loss of such an outstanding citizen as Jacob Ramsburg, but his contributitons to its general betterment will be as everlasting as his memory . . . and he will never be forgotten.

WOMEN'S EQUALITY ACT

Mr. BAYH. Mr. President, 2 weeks ago I introduced S. 2185, the Women's Equality Act. The bill is designed to improve and extend our woefully inadequate laws dealing with sex discrimination.

As I pointed out on introducing the bill, one of the most pervasive types of sex discrimination is university employment for educational purposes. The Women's Equality Act would eliminate the exemption universities now have from the equal employment opportunities provisions of the 1964 Civil Rights Act. I ask unanimous consent that an article entitled "Female Academicians Claim Careers Curbed by Male Chauvinists," which graphically illustrates the extent and the cost of this discrimination, be printed in the RECORD at the conclusion of my remarks.

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

FEMALE ACADEMICIANS CLAIM CAREERS CURBED BY MALE CHAUVINISTS

(By Susan B. Miller)

Margaret Cussler, an associate professor of sociology at the University of Maryland, is paid $2,000 less than anyone else at her level in her department, but she claims that's just one of her worries.

Prof. Cussler, who has taught at the univerity since 1954, says her department has blocked her advancement by refusing to help her get research grants, by not assigning her to teach "important" courses and by denying her key faculty committee appointments. Last December, the four men in her department who outrank her turned down her request, to become a full professor with tenure.

"If I were a man, there would be no question about my promotion or anything else," she asserts. "My credentials are better than those of the men who turned me down."

But wait. Can there be sexual bias in academia, that supposed bastion of tolerance and reasonableness? You'd better believe it, claim women faculty members at colleges and

universities across the country. Many of them are organizing local campus pressure groups and filing complaints against their employers with the federal government under a 1968 presidential order barring sex discrimination by federal contractors. Under attack are university hiring and promotion procedures and salary levels for women.

NOT BLACK AND WHITE

Many male academicians argue that the women—including Prof. Cussler—are exaggerating the problem. "Like other complaints in this category, Prof. Cussler's case isn't black and white" contends her department chairman, Prof. Robert A. Ellis. Indeed, a university committee to which Prof. Cussler took her gripes recommended a salary increase but found no grounds for charges of discrimination in promotion procedures.

Naionwide, however, there is statistical evidence that women don't advance at the same rate as men, for whatever reason. According to the U.S. Office of Education, women account for about one-fifth of the nation's 533,000 faculty members. Recent surveys show that 35% of faculty women hold the rank of instructor, the lowest in academia, while only 9% are full professors; among faculty males, 16% are instructors and 25% are full professors.

Salaries for women college teachers are lower across the board than those of their male colleagues. The American Council on Education, a private research group, reports that in 1969, 63% of faculty women were paid less than $10,000 a year while only 28% of faculty men earned less than that amount.

Moreover, faculty women tend to be clustered in such traditionally female fields as home economics, education, nursing, and the social services—while men dominate the more prestigious liberal arts and sciences. At the University of Wisconsin's College of Letters and Science last year, 25 of the 55 departments had no women members, while only 19 of the 561 tenured professors in the college were women. Women made up just 2% of the full professors at the University of California at Berkeley last spring. Harvard University, in a recent report on the status of women on its staffs, stated that "women had been virtually absent" from the upper ranks of its arts and sciences departments for the past 10 years.

LOSING GROUND

In some respects, academic women actually have lost ground of late. In the past five years, men have replaced women as presidents of prestigious Sarah Lawrence, Bryn Mawr and Vassar colleges. Overall, women accounted for 28% of all college teachers in 1930 against their present proportion of 20%, the Office of Education says.

Many university officials say that these comparisons aren't necessarily the result of discrimination. Mainly they base their reluctance to hire women for faculty posts on the belief that women will quickly quit to marry and raise families.

For a woman who wants to work, a husband or child can be a liability, says Lane Davis, a professor of political science at the University of Iowa. "We tried to hire one woman but she wanted us to hire her husband too. Now what in hell were we going to do with him?" he asks. Pregnancies present special problems, particularly if a woman who is a department's only specialist leaves for a year, officials say.

"On the whole, women aren't able to make the reputation as scholars that men are," says Richard Lester, dean of faculty at Princeton University. "Family responsibilities make it hard for them to keep up to date in their field and to turn out as much research as men do."

That may be true in some cases, critics concede, but they claim that the small number of women in many areas of academia stems directly from bias in hiring and promoting. Women critics say, some men feel that a large number of women in a field will lower its prestige. "I have men on the staff who will vote against a woman for a job just because she's a woman. They just don't want women around," says one Harvard department head.

Moreover, whether intentionally or not, traditional academic hiring practices tend to work against women when it comes to filling prestigious posts, say campus women's groups. Top-flight colleges typically don't advertise openings, and often it's considered bad form to apply for a job; professors wait to be called. When a department has an opening, its ranking members commonly contact their colleagues at other institutions to ask for recommendations and then invite one or two favorite candidates to visit the campus.

Women have dubbed this the "old buddy system." Shirley Clark, associate professor of sociology and education at the University of Minnesota, says: "It may not be as blatant as an application returned to you stamped 'male only,' but it works the same way. A woman is at a disadvantage once a department chairman so much as uses masculine pronouns to describe the person he wants to hire."

Another obstacle to women in academia has been rules that forbid both husband and wife from working in the same institution or in the same department. The rules, designed to prevent such problems as one spouse passing judgment on another, don't discriminate on the basis of sex. But when, as frequently happens, an academic woman marries an academic man, it's usually her career that is sacrificed.

Consider the case of Margaret Harlow, who was an assistant professor of psychology at the University of Wisconsin when she married another professor in the department in 1948. Faced with a university rule against nepotism, she resigned her post. She spent most of the next 17 years assisting her husband and his colleagues in their research without formal recognition or pay.

In 1965, the university bent its regulations enough to allow Prof. Harlow to be a lecturer in another department. But it wasn't until 1970—22 years after she was forced to resign—that the university finally agreed to make her a full professor. "I could cry when I think of all the years I lost because of that silly rule," she says.

Academic women have made some headway in removing barriers to their progress, however. Nepotism rules have been revised at the universities of Arizona, Michigan, Pittsburgh and Wisconsin. Tufts University has established a university-wide clearing house for hiring that not only publicizes faculty vacancies but seeks out and encourages women and minority-group candidates to apply.

Individuals and groups have filed more than 250 employment discrimination complaints against colleges with the federal government under President Johnson's 1968 anti-bias order. But widespread results aren't expected to come soon because the Department of Health, Education and Welfare, which is charged with enforcing the rule, has only a small investigation staff.

However, one complaint led to the withholding of some $7.5 million in federal contracts from the University of Michigan until it came up with an acceptable plan to end sex discrimination. Among other things, Michigan agreed to give women staffers an estimated total of about $6 million in back pay, retroactive to 1968, to make up for past salary inequities. Contracts totaling about $3 million also were withheld from Harvard University until it furnished previously unreleased information about its hiring practices.

SENATOR MUSKIE SPEAKS ON DRUG ABUSE

Mr. EAGLETON. Mr. President, recently, in testmony delivered before the Foreign Relations Committee, the Senator from Maine (Mr. MUSKIE) discussed one of his drug control bills, S. 1944, to provide for international drug control assistance.

In his testimony, Senator MUSKIE emphasized the need for immediate action on the international as well as the domestic front if the traffic in illegal drugs is to be stopped. The Senator's testimony suggests some possible solutions to our massive drug problem, and to give it the widest possible circulation I ask unanimous consent that it be printed into the RECORD.

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

TESTIMONY OF SENATOR EDMUND S. MUSKIE

I want to thank the Committee for this opportunity to discuss my bill, S. 1944, to amend the Foreign Assistance Act of 1961 to provide for International Drug Control Assistance.

My bill authorizes the President to furnish bilateral assistance to any friendly foreign country, and to international organizations—such as the United Nations Special Fund for Drug Abuse Control—for the control or elimination of the production, processing, or distribution of narcotic and psychotropic drugs. It emphasizes crop substitution in opium-producing nations; new employment opportunities for those now engaged in opium production; assistance to law enforcement and government regulatory agencies; and treatment, rehabilitation, and preventive education programs suitable to diverse cultures.

This bill is similar to legislation introduced by Representative Scheuer in the House (H.R. 7492), with whom I have been working closely. It is also similar to portions of Senator Mondale's bill (S. 509) and Senator Church's bill (S. 1188) which I also support.

Mr. Chairman, we must bring opium production under control. The narcotics plague in this nation has reached such proportions that any delay in our efforts to destroy it can only have devastating effects on our people.

I am talking about the evil white powder Stewart Alsop calls the "city killer"—the powder that produces half of our crime and most of the fear which stalks our streets.

I am talking about the epidemic of heroin—the sickness of an addiction which has already afflicted people in every part of our country.

And I am talking about the countless condemned Americans:

About 1,000 babies born each year in New York City as addicts, helpless heirs to the terrible pain of their mother's habit.

About the thousands of veterans exposed to heroin in Vietnam who are now carrying a horrible curse home to their families and our towns.

About more than 100,000 despondent and disillusioned people whose health and will and hope have been shattered almost beyond repair.

We have not done enough to cope with that problem. But we have made a beginning. Last year, the Congress authorized nearly a quarter of a billion dollars for narcotics treatment and prevention programs over the next two fiscal years. In May I introduced a bill (S. 1945) also introduced by Rep. Scheuer, to create a special White House Office to coordinate the drug fight here at home and around the world.

I am pleased that the Administration has finally decided to follow up on these con-

gressional initiatives. I commend the President for reversing his earlier decision and requesting the money Congress has authorized for treatment. And I am pleased that the President has sent up legislation similar to the Muskie-Scheuer bill to create an Office of Drug Abuse Control.

But narcotics addiction is not just an American problem. Opium and its derivatives are used by addicts all over the world, and in some areas the per capita consumption of narcotics is a good deal larger than in the United States. As long as poppy is grown to supply addicts and users in these foreign areas, some opium will be available and will be utilized to supply the demand for opiates in this country. *Thus, if the United States is ever to control narcotics addiction in this country, we must participate in a meaningful way in an international effort to control or eliminate opium production wherever it exists.*

Today, the major international treaty which relates to the drug trade is the single Convention on Narcotic Drugs of 1961.

This convention is primarily designed to control the production of opium for legitimate medicinal purposes—for such drugs as morphine and codeine. The single convention is supervised by the International Narcotics Control Board which reports to the Economic and Social Council of the United Nations.

In one sense, the single convention must be considered a great success. Opium grown in India, Turkey, and the USSR for medicinal use does not enter the illicit market once it is collected by the governments concerned. The problem is with opium which never passes through official channels. From the American point of view, this problem has been particularly serious in Turkey, which until recently has been estimated to supply 80% of the illegal opium that reaches our shores.

For this reason, I was particularly gratified by the announcement yesterday of Turkey's decision to eliminate opium production in 1972. Representative Scheuer and I had urged the Administration in a letter of April 29 to negotiate with the Turkish Government a reduction this fall of the opium producing provinces to 3 or 4 and a total ban of all production by 1972. Yesterday we issued a statement congratulating the Administration for its success in arriving at just such an agreement and praising the Turkish Government for taking this major step in helping to curb the world-wide heroin trade.

I hope the Administration will follow up on this agreement by assisting Turkey in the difficult task of enforcing such a ban. The problem of law enforcement is all the more difficult when one considers that enough opium to supply all addicts in America today could be produced in a 5 to 10 square mile area. The United States is in a unique position to give Turkey the technical and financial assistance necessary to enforce the opium production ban, as would be provided by the Muskie-Scheuer bill.

But even if Turkish opium supplies to the illegal market are eliminated, a broad international approach to the problem will still be required. The successful elimination of Turkish sources would probably not cut significantly the flow of illegal drugs into the United States. Dealers in illicit drugs have demonstrated remarkable flexibility in replacing sources of supply that have been eliminated. And new sources of supply are easy to find. Most of the world's supply of illegal opium is produced in the far east. Burma, Laos, and Thailand account for more than half of the illegal world supply, with the Afghanistan-Pakistan region running second. The elimination of opium-production in these areas will no doubt prove even more difficult than the Turkish case, since production usually occurs in remote areas over which the central government has inadequate administrative control, and since opium is often the only cash crop which can be both grown in these areas and transported to markets.

In fact, there is evidence now accumulating that the poppy fields of southeast Asia are contributing more and more to the heroin epidemic in the United States. And that is directly connected to our tragic involvement in the war in southeast Asia.

During the last few years, as production of opium gum has been gradually reduced in Turkey, the number of heroin addicts on the streets of American cities has nonetheless doubled, tripled, and quadrupled. And so has drug-related crime. In 1967, for example, the President's National Crime Commission reported that less than 10% of the persons arrested for serious crimes in New York City were addicts. Today, in cities like New York or Washington, half or more of the serious crimes are committed by addicts.

The spread of the heroin epidemic in America corresponds precisely to the escalation of our involvement in the war in southeast Asia.

The amount of illegal narcotics being smuggled into this country from southeast Asia has already reached shocking proportions. The Bureau of Customs has recently announced that between the beginning of March and April 24 of this year, it made 248 seizures of narcotics through Army and Air Force post offices. One package it seized originating in Bangkok contained 17 pounds of heroin, an amount valued at $1.75 million when sold on the street.

One of the most disturbing aspects of the drug traffic in southeast Asia is that it is apparently carried on, to a considerable degree, right under the noses of American officials, and many of its kingpins are evidently corrupt officials receiving American assistance. These facts were contained in a remarkable study compiled by Reps. Morgan F. Murphy (D–Ill.) and Robert H. Steele (R–Conn.) for the House Committee on Foreign Affairs.

The report alleged, for example, that the Laotian and South Vietnamese air forces are deeply involved in smuggling heroin into South Vietnam. It also said that Air America planes have been used to smuggle heroin, although it adds that there is no evidence to link American officials or an American agency to the smuggling activities. And the report claims that the Laotian tribesmen, who with U.S. aid are fighting the Communists, are principal growers of poppy.

But most alarming, the report alleges that official corruption among our allies in southeast Asia plays an important role in the drug traffic that is destroying the social and economic fabric of our cities here at home. Though they say it is difficult to assess the extent of corruption, Murphy and Steele report:

Reliable sources report that at least two high-ranking Laotian officials, military and governmental, including chief of the Laotian general staff, are deeply involved in the heroin business.

In Thailand, a former diplomat and member of one of the most respected Thai families is reputed to be one of the key figures in the opium, morphine base, and heroin operations in that country and throughout southeast Asia.

Recently, a member of the South Vietnamese legislature and friend of high-ranking governmental officials, was arrested smuggling heroin into Vietnam. The U.S. military command has supplied Ambassador Bunker with the names of high-ranking Vietnamese officials it suspects of involvement in the heroin trade, and believes the corruption has reached the point where only forceful intervention by President Thieu can succeed in checking the traffic.

There have also been reports that Vice President Ky is implicated in the current heroin trade. The study mission was unable to find any evidence to support this allegation.

Mr. Chairman, this burgeoning narcotics traffic in southeast Asia cannot go unchecked. If it is in the interest of our national security to save the people of southeast Asia from Communism, it is certainly in our interest to save our citizens from the devastation of heroin addiction. Certainly, a first step for the United States in the war against drug addiction must be to pull our troops out of southeast Asia by the end of this year.

But, we must go further; we must demand that, as a condition of receiving further economic assistance, that our allies in southeast Asia smash the heroin traffic within their borders. They must root the corruption out of their own governments, arrest and convict the financiers of heroin traffic and the distributors of illegal drugs, and engage in aggressive programs to substitute other cash crops for the cultivation of poppy.

To engage in such a program will require massive assistance from the United States and from international organizations such as the United Nations special fund for drug abuse. A massive program to eradicate illegal drug traffic in southeast Asia must become a principal aim of our foreign assistance program to that part of the world. And it is to create a mechanism for such a program that S. 1944 must be enacted.

Mr. Chairman, I have been emphasizing that a true solution to the problem of drug abuse will be reached only through international cooperation involving the support of both producing and consuming countries. Later this year, in my Subcommittee on Arms Control, International Law and Organization, I hope to hold hearings on a range of programs in international organizations, and on possible changes in international treaties, for better control of the illegal drug trade. At that time, I hope to be able to supplement the efforts you are making here today, and that the Congress will be making in the coming months, to fight the drug crisis in the nation.

Drug addiction and related criminal activities will become worse before they will lessen. We must move to stop the illegal drug traffic—domestically and internationally. And we must move quickly.

Thank you very much for granting me the opportunity to testify.

RACISM IN SOUTH AFRICA

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Helen Suzman, published in Sunday's New York Times.

The article is remarkable, for several reasons. First, it captures in a relatively few words the tragedy and destructiveness of racism as it now exists in South Africa. It describes with clarity the cruelty and tawdry deception which is involved in the concept of "Bantustans" or "homelands" for black South Africans. It projects, too, the eventual devastating effects for black and white South Africans alike, of continuation and enforcement of the policy of apartheid.

But even more remarkable—given the colossal obstacles Mrs. Suzman and other South Africans of all races who share her outlook face, and given the social and legal harassment to which they are subjected—is Mrs. Suzman's reason, moderation and constructiveness.

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

SHARPEVILLE FORGOTTEN

(By Helen Suzman)

The feeling of unreality that always pervades one when listening to the proceedings in the South African Parliament is stronger than ever this session.

Outside the House of Assembly in real life, inflation caused by the high costs of production engendered by the artificial shortage of skilled labor is reaching an all-high level; services are markedly less efficient, and flashpoints of violence have recently occurred, like warning symbols.

Inside the House, the Government calmly announces it has no intention of deviating from its traditional policy of reserving (tacitly and by law) most of the skilled jobs for whites who incidentally are numerically unable to fill such jobs. It tackles the inflation by upping taxes, particularly indirect taxes, to curb consumption, and it ignores the flashpoints of violence.

The Government has forgotten Sharpeville. It is intent on implementing its political solution to the African "problem"—separate development and the creation of self-governing, possibly independent, African territories within the body-mass of the Republic of South Africa. Parliament has recently passed a bill setting up model constitutions for such future Bantustans.

The Government is hung up on the idea propounded by the late Prime Minister, Dr. Hendrik Verwoerd, whose lofty intellect was revered by his supporters, that since naked "wit baasskap" or white supremacy is not acceptable in the outside world, and a multi-racial South Africa with whites hopelessly outnumbered, is quite unacceptable here, the only alternative is to create independent Bantustans for the different Bantu or African tribes. This then would be the ethical quid pro quo for the denial of all meaningful rights to black Africans in so-called white South Africa.

The fact that the homelands consist of over 250 fragmented areas, with only one, the Transkei, a large contiguous area, that they are economically nonviable, that they provide only 8,000 jobs outside of subsistence agriculture, is brushed aside by the Government.

So, too, is the fact that many years of striving after separate development has left South Africa in the same demographic situation as before—that there are many more Africans living in so-called "white" South Africa than in the homelands—8 million in the cities and on the white farms according to the latest Census figures, while 6.9 million live in the homelands.

That hundreds of thousands of these black Africans have never set foot in the Bantustans is no concern of the Government. It is there the black Africans must seek their national identity, there they must enjoy political rights. Their status elsewhere is that of temporary sojourners, migratory workers, who, while permitted to remain in the white areas as long as their labor is required, will be sent back to the homelands when they become what one prominent Nationalist politician called "superfluous appendages."

To this end, vigilant officials are constantly busy weeding out Africans, mainly old men, women and children who do not "qualify" to remain in the white areas. Some 26 resettlement villages have been established in the Bantustans, and into these forlorn places go those people whose presence in the white areas is deemed superfluous.

No men not already in the towns are allowed in from the Bantustans except as contract laborers, who return to visit their families once a year. No women not already in the towns are allowed in at all, except for short visits.

The existing urbanized African community is for the time being allowed to enjoy family life. Those who were born in the towns or who have lived there continuously for a number of years enjoy a certain privileged status. All, however, are under constant threat that this legal protection will eventually disappear, as it is pronounced Government policy that ultimately the entire African labor force must be placed on a migratory basis.

One's mind boggles at the thought of the grotesque society the South African Government is deliberately creating for the African people.

Economists have warned that the migratory labor system is costly and inefficient, that it is impossible to train men on the move and that a modern industrial society requires ever-more skilled workers.

Sociologists warn that restless, rootless masses of men separated from their families are the least responsible members of a community. Grinding poverty and its handmaiden, malnutrition, are only too common among deserted families in the rural areas.

Already the rate of illegitimate births in the homelands and in the urban townships has reached very high proportion. Crime—violent crime—is on the increase.

Life on the surface is peaceful and orderly enough in South Africa.

All the hallmarks of a prosperous modern industrial country are to be found in the bustling cities; where black Africans too, despite everything, have themselves developed a growing middle class. In many respects, the urgent needs of the economy have proved stronger than political policies.

South Africa has been propelled along by the sheer power of her vast economic resources.

Now, somehow, one has the feeling that things are catching up on us. It remains to be seen whether Dr. Verwoerd's famous dictum "We'd rather be poor and white than mixed and rich" is indeed South Africa's choice.

FUNDING FOR HEALTH: AN EXCELLENT INVESTMENT

Mr. WILLIAMS. Mr. President, on July 13, the senior Senator from California (Mr. CRANSTON) presented valuable and extensive testimony to the Labor, and Health, Education, and Welfare, and Related Agencies Subcommittee of the Senate Appropriations Committee.

In this testimony, he highlighted the direct benefits accruing to our Nation's citizens from programs dealing with everyday human problems in health and welfare, and the potential human tragedy that could result from reducing or retrenching development of these programs by inadequate financial support.

He also pointed out that the Federal dollar invested in these programs is returned many times over both in dollars as well as in human terms. His exposition is most persuasive and makes clear the urgency for adequate financing of these all-important programs. As usual Senator CRANSTON has demonstrated his deep sensitivity for the pressing human needs in the United States. This impressive document is clear evidence of his consistent efforts on behalf of the people of California and the Nation.

Mr. President, I ask unanimous consent that Senator CRANSTON's testimony be printed in the RECORD.

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

STATEMENT OF SENATOR ALAN CRANSTON

I would like first to congratulate Senator Magnuson on his outstanding accomplishment since he has chaired this subcommittee in obtaining substantially increased appropriations for Health, Education, Welfare and Poverty programs despite drastic cutbacks in numerous vital areas recommended by the administration in the last several years. It has been a long uphill fight but through Senator Magnuson's dedicated perseverance and astute initiatives many federal programs have been able to continue providing needed services to the individual and needed support to the community in the vital areas of health, poverty and social services. Last year he was successful in maintaining appropriations at a level consistent with national need despite unreasonably low budget requests to curtail some very important programs.

Once again, the administration has indicated its failure to attach adequate importance and priority to the areas of social concern represented by these programs. I submit that this is a false economy, and a decision with a potential for tragic effects on every citizen. These programs deal with everyday human problems. They can alleviate severe burdens thrust on individuals by illness, unemployment, lack of training and preparation for full involvement and social adjustment in a complex society, and the pervasive debilitation of the poverty environment. Each dollar placed in these programs promise a return, with interest, to the national economy through the resulting increase in productivity of each individual assisted.

NIH RESEARCH

Nowhere is this more evident than in the area of biomedical research where progress frequently is ultimately measureable in dollars as well as in human terms. An interesting study has been undertaken by Dr. Hugh Fudenberg, a San Francisco immunologist and physician, and professor at the University of California Medical Center there. He made a cost benefit analysis of the research and development that led to vaccines against polio and measles, and to the discovery of chemicals now used to treat and prevent tuberculosis. After subtracting the scientific costs from the toll in dollars of hospitalizations, custodial care and lost earnings due to disability, he figured that successful research into those three diseases alone has already saved Americans the enormous total of $12 billion to $23 billion since these advances were made.

Kidney transplants, for example, are a new development in life-saving surgery. The surgery itself is straightforward, but the real progress has come as scientists have discovered the basic principles of the immune reaction whereby a patient's body may reject one donor kidney while accepting another.

According to Dr. Fudenberg, about 10,000 acutely ill patients with kidney failure could be saved each year in the United States through kidney transplants which are increasingly coming from donors who bequeath their organs for use after death. Computer matching of white-cell types and new drugs to suppress immune reactions when they arise make long-term survival increasingly likely.

Dr. Fudenberg estimates the cost of transplants for all eligible kidney patients in the U.S. at about $10 million a year. To keep these same patients alive by artificial kidney machines would cost about $100 million a year—and each year, with new patients needing more machines, the cost would go up. In a ten-year period the use of kidney machines, if there were no transplants, could cost Americans $1 billion a year.

Hemophilia, the genetic disease marked by severe and often uncontrolled bleeding, is another case where fundamental research has led to a medical advance with huge dollar savings as well as human benefits.

The disease is caused by an inherited defect in a natural clotting chemical called AHF—for anti-hemophilic factor.

More than a decade ago, Dr. Judith Pool, a

researcher in Stanford's hematology department, was looking for the specific organ in the body where she could pinpoint the synthesis of the defective AHF protein.

As a result of her discovery in 1964, AHF is now widely available—not merely to stop excessive bleeding when hemophilic patients must undergo surgery, but as a preventive chemical which victims of the disease can administer to themselves regularly so they can lead virtually normal lives.

It is estimated the cost of self-administered preventive care and treatment at home comes to about $1,200 to $1,400 a year for each patient. Previously, patients had to be hospitalized frequently with repeated blood transfusions, at costs as high as $10,000 a year.

About 12,000 Americans suffer from severe hemophilia today. For those hospitalized, the cost of their disease may come to $120 million a year. As a result of Dr. Pool's basic research and the subsequent development of commercially available cryoprecipitate, that cost can now be brought down to less than $15 million, and the millions of dollars restored to adult patients in annual earning power have not even been calculated.

The annals of medicine abound in other instances where fundamental research is ultimately translated into practical advances at enormous savings in human lives and money, and many of those translations are on the horizon now. For example, investigations in basic immunology have recently led to methods for the detection of carcinoma of the colon by immunologic analysis of serum, and detection of digoxin toxicity (digoxin is a drug frequently used in heart failure therapy), using antibodies for diagnoses. The savings are estimated at more than $½ billion yearly.

One more example will suffice. Basic research by neurochemists and by individuals interested in the metabolism of trace metals, by a series of events led to the recent development of a new therapy for Parkinson's disease, which affects ½ to 1 million persons in America. The cost benefits for the disease alone (more than 70% of the patients treated with the new medicine are able to return to work) are estimated to be $1.6 billion yearly.

These are, of course, just a few of the many instances where fundamental research is ultimately translated into practical advances at enormous ultimate savings in human lives and money, and overall national economic gain. Many such new, cost effective biomedical breakthroughs are on the horizon now. However, the administration's budget request for the National Institutes of Health, except for the $100 million Special Cancer Research appropriation, is actually a decrease of $20 million below the level of appropriations for biomedical research programs in 1971.

This is shocking and must not be accepted. We must not permit the urgent national crusade against cancer to drain dollars from equally vital and promising research areas. On this, all agree, including the report of the National Panel of Cancer Consultants. The NIH programs have suffered a consistent reduction in level of effort—taking into account the high annual inflation in research costs—since Fiscal Year 1969 because of price-wage increases even where funding amounts have been maintained.

The Coalition for Health Funding has determined that in order to maintain the 1969 level of research effort in NIH programs and to provide the special program development proposed by the President would require an appropriation level of $1,519,000,000 or $232 million above the President's request. I believe this national movement of outstanding organizations and individuals in the health field has conducted a fair, exhaustive, objective, educated evaluation of the alternatives available in the area of biomedical research and realistically balanced the national resource capability against the possibilities. Because I believe this is a carefully measured figure with a realistic objective, I urge the committee to accept this recommendation.

In the Health Institutes, the reasonable figure recommended by the Coalition would correct the underbudgeting of the President's request as follows:

National Heart and Lung Institute

The President's budget requested $194,448,000 for 1972, the same amount that was appropriated in 1971. This is a regressive proposal for the number one cause of death in America—in 1969 about three times as high as cancer deaths and 38.4 percent of all American deaths that year. The American Heart Association has recommended that this amount be increased by $44.3 million. This figure would take into account the effects of inflation, as well as an increment of 20% to cover a minimum amount of growth since 1969—less than seven percent annually. In addition, it would include the sum of $5 million to begin studies in Sickle Cell Anemia, which has been earmarked by the President for high priority attention. Increased appropriations for this Institute would permit advancement of several of many promising on-going programs, including more adequate financing for 12 heart attack specialty centers.

Research in lung disease was identified as a responsibility of the Heart and Lung Institute in November, 1969. I have been concerned about the serious shortage of researchers in the field of pulmonary disease at a time when serious respiratory diseases such as emphysema and bronchitis are on the increase. As our abuse of the environment increases, the effects show up in increased respiratory ailments, many of them disabling, some of them fatal. The serious gaps in our knowledge about the incidence, cause and cures of lung disease can be filled only through increased training of researchers to perform the time-consuming studies needed and through increased epidemiological studies to search for clues regarding the causation of lung diseases.

By contrast, the administration request will result in a decrease in research grants for both heart and lung disease from 1,563 in 1971 to 1,533 in 1972; in a decrease in fellowships from 288 to 278 undergraduate cardiovascular training funds will remain the same); and a decrease both in grants for graduate cardiovascular and pulmonary research (from 255 to 243) and in grants for clinical training from 1,020 to 972.

National Institute of Dental Research

This Institute supports some 80% of the research in the nation's dental research system. It has also been the Institute subject to the greatest proportion of cuts in the past three years. For instance, while 271 research grants were supported in 1969, the administration proposes to fund only 208 in 1972; where 97 training grants were awarded in 1969, only 81 will be awarded in 1972; and the number of fellowships awarded represents a 33 percent drop, from 121 in 1969 to 81 in 1972.

In a field where practitioners and the public agree that preventive care can forestall many problems which frequently will impair the overall health of the individual it is a major error to detract from efforts to find the causes and cures of dental disorders by systematically reducing dental research support.

The National Institute of Dental Research has been instrumental in furthering the study of the Buonocare sealant. This sealant attacks a major cause of tooth cavities by sealing the pits and fissures or grooves, in teeth which trap decay-causing bacteria that toothbrush bristles cannot reach. The sealant is designed to increase the effectiveness of the resistance to decay that fluoride supplies.

In an experiment, Dr. Buonocare sealed 200 teeth in 60 children aged 4 to 15, leaving the children's other teeth unsealed. After one year, he found cavities in 42 percent of the untreated test teeth, but none in the sealed teeth. Initial studies directed by NIDR indicate the sealant has been retained in over 50% of those teeth painted.

This sealant breakthrough promises a real-life gleaming child's smile in every mother's kitchen exclaiming, "Look, Ma, no cavities!"

NIDR research into plastics has led to a more durable, attractive, composite type of filling material for front teeth. New plastics also promise to hold brackets for orthodontic wires so well that unsightly bands may soon be a thing of the past on teenagers undergoing tooth straightening. Plastics and ceramics emplanted in jaws may provide substitutes for missing teeth. Another imaginative line of research is exploring the potential of natural cements marine animals, such as mussels and barnacles, use to hold fast to ships and rocks. A waterproof cement able to bond fillings to teeth regardless of the shape of the cavity would save hours of drilling away sound tooth mineral to make mechanical locks between non-adhesive material and teeth. Even the traditional amalgam used to fill molars is being studied to improve its durability. Replacing a small amount of the silver with gold, promises to make a tougher, longer lasting filling.

All of these are part of the national caries program, which is a targeted program and will require additional funding to achieve its goal of making caries almost completely preventable by the 1980's.

I believe the suggestion of the Coalition on Health Funding that this Institute's funds be increased to $43.6 million is a fully justified one and urge your Committee to recommend that amount for the National Institute of Dental Research.

I'd like to say that I was proud to cosponsor Chairman Magnuson's bill, S. 1874—the proposed "Child Dental Health Act," which would elevate dental care to a level comparable with its need and importance to a child's health and development.

National Institute of Arthritis and Metabolic Diseases

This Institute provides support for research in a broad spectrum of diseases and metabolic disorders, including such prevalent ones as diabetes, kidney disease, gastrointestinal disease, among others. It also supports research in the vital area of nutrition. The President's budget has reduced support in these fields by almost $5 million in fiscal year 1972, with a resulting decrease of approximately 10% in the level of research program support in projects from 2,028 to 1,823; in fellowships from 343 to 280 and in graduate training grants from 264 to 249.

This is hardly an adequate response to the crying need for answers to the prevention and treatment of these diseases. Diabetes is the eighth leading cause of death; recent research indicates we are on the threshold of unlocking the door to its cure. The tragic consequences of kidney disease are well known—the terrible life and death choices that must be made in distributing dialysis treatment to only a portion of those needing it while inadequately financed research teams continue to seek out improved methods of kidney transplants and artificial kidneys.

As an outgrowth of the development of the artificial kidney machine, developed by Dr. Scribner at the University of Washington, with NIAMD support, he also developed the "artificial gut system." This is a system that can give total nutrition to a human being for indefinite periods. It is useful for several groups of patients:

For individuals with chronic bowel diseases (who cannot absorb nutrients).

For infants born with congenital defects enabling them to remain alive until they are old enough for surgery to correct the defect.

For those waiting for kidney machines or transplants.

Research in nutrition while having less dramatic implications lies at the basis of human development and well-being. With the substantial cuts proposed by the President for this Institute, nutrition research will undoubtedly share in the serious reductions. I urge the Committee to recommend $166,700,000 for the Institute of Arthritis and Metabolic Diseases, an increase of $32,300,000 over the President's request.

National Institute of Neurological Diseases and Stroke

This Institute received the greatest reduction on the NIH Institutes in the budget request of the President, a cut of $11 million dollars or over 10 percent over last year's appropriation. This will result in the interruption of on-going programs which have provided useful and valuable information in mental retardation, epilepsy, muscular disorders, head and spinal cord injury and many other equally vital areas. One major loss, will be the failure to continue the development of clinical stroke centers, which your committee, last year deemed of such paramount importance and so capable of expansion that you directed $12 million be utilized to develop ten additional centers, to expand the activities of the 17 then existing centers, and to support training programs.

Unfortunately, although stroke is the third largest killer in the nation, the Institue has not been able to comply with this mandate. Only one additional center was funded in FY 1971, rather than ten as directed by this Committee. Planning for six additional stroke centers had progressed to the talking stage, but negotiations were postponed because of lack of funds. One of these centers was a much needed stroke center in Southern California. Furthermore, all existing stroke centers, rather than expanding activities as directed by your Committee have suffered a 10 percent cut from approved levels.

Another critical problem is the effect on the Institute of Neurological Diseases and Stroke of the freeze placed upon all training programs at NIH two years ago. This means no training of doctors in the early diagnosing of potential stroke victims, a vital preventive measure which can save many from the tragic consequences of this illness by referring them to stroke centers for early treatment. I urge your Committee to recommend an appropriation of $120,996,000, an increase of $25,500,000 over the President's request, for the Institute of Neurological Diseases and Stroke.

National Institute of General Medical Sciences

The basic research supported by this Institute underlies all the research activities in specific disease areas. Many of the discoveries which led to the eradication or prevention of given diseases, or to new diagnostic and therapeutic methods, were the results of basic research by individual scientists not thinking of the application of their work to a specific disease.

In addition, this Institute supports research in certain clinical disciplines that are of central importance to a variety of medical problems. Among these are studies on trauma, and on pharmacology and toxicology, both areas of great potential and need. The administration has reduced its request for this Institute by over $16 million dollars from the amount appropriated in 1971. This is a step that can have severe repercussions in the entire medical research field, and I hope your committee will recommend an increase of $46,300,000 over the President's budget for a total appropriation for this Institute of $196,391,000.

National Institute of Allergy and Infectious Diseases

This Institute, though one of the smallest at NIH, has been no less productive than the others. It has been credited with a major responsibility in the development of the vaccine against German measles. This Institute, also, received a substantial reduction —$4.6 million—in the amount requested in the Presidents budget. Dr. Fudenberg, who conducted the cost benefit analyses on basic medical research, came up with an interesting statistic relating to this Institute. His analysis of only four immunologic and infectious diseases which have been eradicated or dramatically reduced as a result of basic research reveals a total savings ten fold life span for Research Grants, Training Grants, Fellowships and Development Awards. I urge the Committee to invest in this highly cost-effective, humanitarian effort by recommending a budget increase of $13.6 million to $112,031,000 for FY 1972.

I have discussed only some of the Institutes budgets in any detail, but I feel the same pattern exists in each Institute, and would recommend an increase in each Institute comparable to that suggested by the Coalition for Health Funding. As the Coalition astutely pointed out, "the most critical consequence of the Administration's budgetary actions on NIH programs flow from the drastic reductions made in funds available for training grants and fellowships and in the support that will be available for new research projects. These actions will seriously diminish the number of trained young men and women available to further the progress in the medical sciences, to provide the faculties of expanding health professional schools, and to generate and exploit the new research ideas and leads upon which future health progress is dependent."

National Cancer Institute

I am gratified that no special plea is necessary for an increase in the budget for funds to support cancer research. The President's $100 million increase in funds for this purpose is well justified and I am heartened by the general commitment on the part of the President and Congress to authorize additional appropriations as needed. Special congratulations are due the members of this Committee for their prompt action in enacting this $100 million increase in the 1971 second supplemental budget.

National Library of Medicine

Another major contribution made by the National Institutes of Health to medical science and to the medical community is through the National Library of Medicine. The tremendous expansion in biomedical knowledge and information in the last 25 years has made it imperative that there be a central national and international resource that can compile and disseminate all important data. At the same time, there has been a tremendous breakthrough in the development of communications technology. The National Library of Medicine has met both these challenges. The enormous collection of medical writings held by the Library, its world-wide acquisition program, coupled with its bibliographic activities, notably the Index Medicus and Medlars, constitute the basic intelligence process of medicine not only for the United States but for the international medical community.

I was very disappointed to learn that because of financial restrictions, the Library placed a ceiling on the number of research searches it performs for individuals physicians, research centers, hospitals, medical schools, and other members of the medical community. In 1970, over 20,000 searches were performed. In May this year, the Library was instructed to reduce by ten percent the number of requests it filled because the funds did not exist to support the computer processing.

One of the exciting communication systems developed by the Library is its on-line bibliographic service which has been enthusiastically accepted by the medical community. This service consists of a keyboard physically situated in a medical library, such as a hospital library, medical center library or research institute library, which is connected to a data base (one in Santa Monica, California, and one at the National Library of Medicine here in Washington). The physician or researcher can ask a question directly of the data base through the keyboard and receive, through a series of exchanges between himself and the data base a bibliography of all data pertinent to his question. Each request is answered within 15 minutes, through use of this on-line device, as against the normal delay of three to six weeks for processing and retrieval of written requests. The costs are estimated to be about one fifth of previous costs, and the system has doubled the capacity of the National Library of Medicine to handle requests. Current estimates indicate the information retrieved is about equally divided among treatment of an individual patient, research, and education.

Currently 52 of these on-line devices are operating throughout the nation, with a demand for many more. The Library estimates it could usefully provide terminals and training for 25 more devices at a cost of $125,000. In addition, the entire system could be made toll free (at great reductions in both user and library costs) for an additional $75,000.

While one thinks of a library as being rather remote from the direct care of a patient, these new developments in communications utilization bring the library to the patient's bedside and offer a tremendous potential to the physician.

Funding for the Library has remained fairly constant since its founding; however, when inflation-caused increased costs are taken into account, the Library has in reality been suffering a 5% reduction each year. I support the recommendation of the Coalition on Health Funding and urge the Committee to recommend an increase of $3.5 million over the President's budget to enable the Library to continue the outstanding work it is doing, and to expand activities which indicate a great potential.

Health Manpower

Another major responsibility of the National Institutes of Health is the development of health manpower. The Senate Committee on Labor and Public Welfare, of which I am a member, has just completed its deliberations on legislation to extend programs in health professions and in nurse training. We have adopted a new capitation-tied-to-innovation approach I feel will have the double benefit of increasing the supply of scarce manpower in the health field and at the same time improving the training provided. I urge that when this legislation is enacted, your committee recommend appropriations up to the full amounts authorized for this vital institutional support for health professions and nurse training.

Last year Congress extended the Allied Health Professions programs and recommended significant improvements in their operation as well as increased financial support. Society's demand for more and better comprehensive health care has created a demanding challenge for the nation's institutions to increase both the quantity and quality of allied health professionals. This challenge can best be shown by the unparalleled growth of the allied health professions. In 1900 there was only one allied health professional for every physician. In 1970 there were 15 allied health professionals for every physician and by 1980 there will be a demand for 25 allied health professionals for every physician. The development of new types of allied health professionals, the increasing recognition given to specialized skills and roles performed by allied health professionals, and the development of team training have made these programs vital to the overall improvement in the rendering of health care.

The Division of Allied Health Manpower has half a million dollars in approved but

unfunded special project grants from FY 1971, and a backlog of $1 million in training grants. Next year, applications can be expected to be approved at a much higher rate, due to the growing expertise of schools of allied health in planning and developing needed programs.

The Association of Schools of Allied Health Professions cites construction as a need of high priority. The administration has requested zero funds for this purpose. The Coalition for Health Funding has suggested $30 million, a large sum, but not when viewed in context of the great number of allied health professions schools and their urgent need for facilities.

To support the increase of manpower in the vitally important allied health professions, I support the Coalition's total recommended funding of $69,244,000, an increase of $42,750,000 over the President's request.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

In shifting attention from the National Institutes of Health to the Health Services and Mental Health Administration, one finds the same pattern of reductions resulting, I feel, in the same long-term critical losses in potential benefits to the nation.

National Institute of Mental Health

There are four major issues involved in the nation's ability to perform adequately in its programs for prevention and treatment of mental illness: The construction of community mental health centers; the staffing of such centers; special programs for child mental health; and the critical reduction in psychiatric training.

Construction of community mental health centers

In fiscal year 1971, there was no appropriation for construction of Community Mental Health Centers. The only funds available were those carried over from the 1970 appropriation. The situation, already critical due to the lack of appropriations in FY 1971, will become progressively worse unless appropriations are made for fiscal year 1972. The failure to provide funds in the 1972 request contrasts with a need which Dr. Bertram Brown, Director of the National Institute of Mental Health, in testifying before the House Subcommittee on Appropriations, assessed at $35 to $50 million. In California, alone, I would anticipate a need in 1972 for at least the $2,300,000 in Federal funds obligated for Community mental health centers construction in 1971.

The administration has recommended that in the future funds for construction of community mental health centers be provided by Hill-Burton programs. This is a totally unrealistic suggestion, in light of the severe cutbacks the administration is offering in hospital construction funds under the Hill-Burton program. I would recommend that $45,000,000 (as recommended by the Coalition for Health Funding) be added to the appropriation for the National Institute of Mental Health in 1972 to partially offset the present needs in the States, and to provide continuity for the Community Mental Health Center construction program. This compares to an authorization of $90,000,000 for fiscal year 1972.

What is really at stake on the construction question is the future of the community mental health centers program. For the Administration has adopted a policy to limit staffing grants to centers constructed with NIMH funds, and that construction program, if the administration has its way in being phased out with zero appropriations for FY 1971 and 72.

Staffing grants for community mental health centers

The fiscal year 1971 appropriation for Community Mental Health Center new staffing grants in the Mental Health appropriation included an increase of $30,000,000 above the President's Budget request. The statement of the Managers on the part of the House made it quite clear in the Conference Report that the funds were being appropriated to support applications recommended for approval in fiscal year 1970 and additional applications expected to be approved during 1971. Later, however, a decision was made by the Administration to limit the amount of money made available for new awards in fiscal year 1971 to $18.8 million.

Further, these awards were limited to centers which had received prior construction support under the Community Mental Health Centers program. Consequently, at the close of fiscal year 1971 I understand that there are approximately 63 applications on hand at the National Institute of Mental Health, requesting a total of $24,000,000 in staffing grant support, that will remain unfunded because of a lack of available funds. There are 7 applications from the State of California alone, including 4 centers that have been designated by the Secretary of HEW as serving poverty populations.

Assuming that the same number of applications are recommended for approval in fiscal year 1972 as were recommended in 1971, the National Institute of Mental Health will have on hand $32,000,000 of approved but unfundable applications at the close of fiscal year 1972, because of a lack of available funds. Therefore, I would recommend that at least an additional $25 million be added to the Mental Health request for fiscal year 1972 for new staffing grants for community mental health centers. Combined with the need for continuation staffing grants of approximately $145 million, the total appropriation for staffing grants I feel essential is $170 million. This will not meet the total need, I realize, but again, I feel this figure, which was the recommendation of the Coalition on Health Funding, represents a realistic distribution of available funds.

Mental health of children

Over half of the U.S. population is now under 25 years of age. It is estimated that about 10 percent of this group, or ten million children, require some form of mental health services. Despite the fact that the total population of the Nation's mental hospitals has decreased during the past 15 years, resident population rates for children have increased.

Out of approximately 2,300 mental health clinics throughout the Nation, less than one-tenth were child guidance clinics. Moreover, only 40 percent of the 268,000 patients under 18 years seen at such clinics were actually treated, with the remaining 60 percent receiving no more than a diagnosis. The cost to society is difficult to measure, but it is known that in 1969, nearly one million children aged 10 to 17 were brought before juvenile courts. Further, during the past two decades, the suicide rate among adolescents and young adults has increased by 60 percent.

The National Institute of Mental Health has made the mental health of children one of its highest priorities, and is pursuing the problem through a combination of research, training and community services. Approximately two-thirds of the community mental health centers funded to date highlight specialized services to children, with over 52,000 children under 18 treated in 1970. Those projects designed to improve the Nation's mental hospitals focus heavily on upgrading the quality of institutional care provided to seriously disturbed children. In the area of training, several programs are directed at developing skilled child therapists, many of whom are emphasizing the prevention of child behavior disorders. Such programs have led to a significant increase in the number of professionals and paraprofessionals qualified to work with children and their families in both preventive and remedial activities.

Even if one considers total national resources, the provision of services to only 268,000 out of a potential total of ten million mentally ill children is intolerable. Section 271 of the Community Mental Health Centers Act as amended authorizes $20 million for construction and staffing of child mental health facilities, but the 1972 Mental Health budget includes no funds under this authority. I urge that these programs be funded at at least the level recommended by the Coalition for Health Funding of $12 million.

Psychiatric training

While the President has affirmed the need to expand physician training, the National Institutes of Mental Health budget for fiscal year 1972 for psychiatric training support reflects a reduction of $6.7 million. This is the first step of a plan to phase out, within three years, the entire psychiatric training support program which now stands at about $34,000,000.

Since 1946, the number of psychiatrists in the United States has increased from 3,000, mostly working in overcrowded state hospitals, to almost 25,000 as a result of Federal support of psychiatric training programs and training stipends through the National Mental Health Act of 1946. The administration proposes to phase out this program as it moves to a program of block grants to medical schools nationally. Such a move will be catastrophic to just-developing community mental health programs across the nation as it precipitates a crisis in professional manpower and psychiatric leadership for the 70's. Service programs in alcoholism and drug abuse, as well as services focused on mental health needs of children and families, will be hamstrung in their development. For the 45 psychiatric residency training programs of the eight California medical schools and state and community hospital psychiatric services, this means an *eventual* loss of at least $3.5 million per year.

The Manpower Division of the American Psychiatric Association reports that this will result in the loss of 1296 out of 4117 residency slots nationally. For California this means that at least 167 approved residencies will be lost out of 579 available for graduate training in psychiatry.

It is difficult to conceive of any rationale for these reductions at a time which has been cited by the President as one of "a crisis in health care." That offered by the Office of Management and Budget, when measured against the facts, is seen as lacking substance. For instance, OMB suggests that most psychiatrists trained since 1946 under the NIMH program are now highly paid private practitioners in urban or suburban settings serving a selected affluent clientele. In fact, almost 60% of psychiatrists are principally engaged in public service settings. In California, many private psychiatrists are providing professional services for newly developing community mental health programs. Most of the psychiatrists who are principally engaged in private practice devote significant time to community service and teaching, often without compensation. The income level of psychiatrists is one of the lowest of the various medical specialities.

The OMB further suggests that shifting psychiatric training funds to medical school grants will improve the psychiatric manpower situation in the 70's. In fact, many Departments of Psychiatry in medical schools will be gravely disabled with both undergraduate teaching of medical students and postgraduate training of psychiatrists curtailed. The already-limited numbers of medical school graduates going into psychiatry and child psychiatry will be decreased, not increased.

The proposed deletion of Federal support for psychiatric training will return psychiatric training to the private mental hospital, will cripple one of the few innovative pro-

grams in American medicine, and will deprive the nation of manpower and leadership for the fight on old and new forms of mental illness. To prevent this calamity, I urge this subcommittee to restore the $6.7 million cut to the NIMH budget for psychiatric training.

Alcoholism treatment

In December of last year, the Congress unanimously passed the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (P.L. 91–616) and the President, on December 31, 1970, signed this landmark legislation into law. This Act has been widely hailed by the leading medical and health associations of the nation as the first comprehensive federal legislation in our history that would realistically deal with the epidemic of alcoholism in our nation. For reasons unknown, the administration has requested no funding to implement the program to attack alcoholism which this law would provide.

In March I participated with Senator Hughes, Chairman of the Subcommittee on Alcoholism and Narcotics, of which I am a member, of the Labor and Public Welfare Committee, in hearings to inquire into the plans for the implementation of this Act. Our Subcommittee was informed by NIMH, OEO, and OMB personnel that the Administration has no intention of requesting an expanded budget for FY 1972 to implement this law, which authorized $100 million for this fiscal year.

At the same time, the Administration has proposed that the alcoholism program in OEO under the Economic Opportunity Act, for which the Congress required mandatory funding of $10 million in FY 1970 and $15 million in FY 1971, be cut back from the $12.8 million actually funded by the Administration in FY 1971 to $2 million in FY 1972. S. 2007, Senator Nelson's bill to extend the Economic Opportunity Act, has earmarked $18,000,000 in FY 1972 for OEO's Alcoholic Counseling and Recovery program, and I will support this earmarking in subcommittee, full committee, and on the floor of the Senate.

But I do not feel that this is enough. I firmly agree with Senator Hughes that, by proposing nothing to fund the vital programs authorized by P.L. 91–616 the Administration is, in effect, vetoing a law passed unanimously by the Congress and signed by the President. I urge this Committee to recommend funds at the full level of authorization for FY 72—$100 million—to begin to implement, albeit belatedly, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

Regional medical programs

Another major program operating within HSMHA is the Regional Medical Programs, the program established in 1965 in response to the recommendations of a Presidential Task Force on heart disease, cancer and stroke. Practice has led those involved to move from the categorical base of heart, cancer and stroke (and kidney which was added last year by the Health Services Improvement Act of 1971—P.L. 91–519) to deeper involvement in the provision of health care as a whole. RMP has developed into a major link between the Federal government and the private sector of health providers at the local level. A strong momentum has gathered for regional medical programs to improve the capacity of the health system, and in order to maintain this interest at its peak, firm commitments for future maintenance and development of the programs are essential. Instead, what we have is an administration decision to retrench and retrench drastically.

The President has proposed a new obligational authority of $52,456,000 for these programs, which when added to the sum of $34.5 million which were impounded in FY 1971 would make only $86.9 million available for obligation for regional medical programs in FY 1972, a sizeable reduction from the $106 million appropriated last year. This reduction is recommended in the face of a large backlog of approved but unfunded RMP projects—in excess of $45 million. This amount, when added to the $5 to $10 million in new projects, which the RMP can be expected to approve in its August meeting, demonstrates how far the Administration budget request falls short of the need.

It is estimated by those deeply involved in regional medical programs that they can wisely and usefully utilize the full $150 million authorized. I don't doubt this figure. However, I believe that when looking at the overall critical needs in health programs, each program potential must be adjusted to conform to realistic budgetary limitations. For that reason, although I believe more can be effectively spent for RMP, I ask that your Committee recommend the $118 million suggested by the Coalition for Health Funding. The reductions proposed by the Administration will result in severe cutbacks in ongoing programs, such as those directed at improving health care systems, developing critically needed health manpower, and improving treatment and disease prevention procedures.

In my own State of California, the California RMP has achieved an outstanding program for care in the treatment of kidney disease. We are fortunate in my State to have enough life saving dialysis machines to service each individual needing dialysis. The problems attacked by the regional medical program was that of getting the people to the machines. A plan which would have achieved 100% utilization of these machines, coupled with a major effort to remove kidneys from cadavers and subject them to classification for matching with patients was ready for implementation. However, without sufficient financial support, this program will be curtailed with the result of continued major medical expense for treatment, and, more importantly, continued agony and uncertainty for victims of this disease.

Another promising RMP program in California which will be curtailed is the development of a dysemmetry system, in which the Mt. Zion Tumor Center has instituted a computer link with community hospitals which provides the exacting and highly technical data necessary in radiotherapy treatment. This program showed great promise in the treatment of cancer patients. Unfortunately, its further development has also been retarded by the Administration's proposed RMP cutback.

These examples are repeated in every region—the Washington-Alaska region could expand the tremendously promising relationships between remote community hospitals and urban medical centers for the training of medical manpower and treatment of patients. In Georgia, RMP could expand its activities relating to experimental health care systems in rural areas which do not have physicians. This program has been begun on a minor level with considerable success and its curtailment brings to a stop dramatic inroads in rendering health care to areas where it was nonexistent.

Emergency health personnel

I would like at this point to congratulate the chairman on his success in convincing the Administration of the value of the Emergency Health Personnel Act which he introduced last year and which was adopted almost unanimously in both houses. I'm sure he is gratified that the administration has decided to include in its budget request $10 million for implementation of this program which would provide medical manpower to areas of critical need. The Administration's request of $10 million will hardly meet the expectations of the many applicant communities who have critical shortages and have the full support of their health establishment in complementing existing resources through this means. Because the need is so great, I would urge this Committee to increase the appropriation for this program to the full authorized amount of $20 million for fiscal year 1972.

FAMILY PLANNING AND POPULATION GROWTH

Congress has consistently assumed the leadership in the field of family planning and population growth. In 1967, it was Congressional initiative that resulted in the amendments to the Social Security and Equal Opportunity Acts that created the original authority for federal family planning services programs. Last year, Congress again led the way by enacting the Family Planning Services and Population Research Act (P.L. 91–592) of which I was a cosponsor. Approved unanimously in the Senate and by an overwhelming margin in the House, the Act established a national family planning policy aimed at providing every American woman, regardless of income, the opportunity to plan voluntarily the size and spacing of her family. To achieve this goal, the Act created new authority intended *to supplement existing authority* for federal financing of family planning services and population-related biomedical and behavioral research.

On June 2, I introduced S.J. Res. 108, calling for establishment of a national policy of achieving population stabilization in our country by voluntary means consistent with human rights and individual conscience. It is now co-sponsored by one-third of the United States Senate. I expect to begin hearings shortly on that measure in the Special Subcommittee on Human Resources, which I am privileged to chair, of the Labor and Public Welfare Committee.

Now, the Congress must once again show the way—this time in the realm of funding. For, despite the Administration's favorable response to the passage of the Family Planning Services and Population Research Act, its budget totally ignores the Act's population research provisions. Instead, it seeks funds only under previous general National Institute of Child Health and Development authority.

As a result, out of a total research authorization for FY 1971 of $58 million, only $28 million was appropriated. Out of a total authorization of $78 million in FY 1972, only $37.7 million has been requested.

Continuing to fund population research at less than half the authorized level is another tragic instance of misplaced Federal priorities. Few public research efforts promise such immense social and economic returns for what would amount to only a modest investment even if fully funded.

To begin with, the less effective our contraceptive technology, the higher the costs of family planning services.

Because of side effects frequently produced by the most effective methods of birth control available today—oral contraceptives and intrauterine devices—two-thirds of the women choosing these methods abandon them within two years and must be instructed in other methods. Those who are able to use the pill or loop require continuous medical monitoring and checking. This increases substantially the costs of providing family planning services. In short, we are trying to provide 20th Century medical care in an area where we do not begin to possess 20th Century technology.

But the gap between the contraceptives we *have*, and those modern medical science *could provide* is slowly being closed. A number of leading researchers in the field have recently submitted to the Special Subcommittee on Human Resources a series of brief papers on promising areas of research. The overwhelming thrust of these papers is that lack of adequate funding more than any other single factor is retarding progress in developing new contraceptive methods. I

strongly urge you to raise the fiscal year 1972 appropriation for this subject from $16.1 million to $53.8 million as suggested by the public witnesses.

Let me now turn briefly to the question of funds for population education.

During consideration of the Family Planning Services and Population Research Act in the last Congress, I offered an amendment authorizing funds for the development of family planning and population growth information and materials. The amendment was incorporated in the final legislation signed by the President. The purpose of this amendment—which authorizes only $1 million for FY 1972—was twofold:

First, it was designed to improve the efficiency of the federal effort in family planning by developing effective outreach and education materials for users and potential users of federally funded family planning programs. To its credit, the Administration also asked for $700,000 of the authorization to be used by the Health Services and Mental Health Administration for this purpose.

Second, the amendment was intended to provide resources for the development of population growth materials and information. Regrettably, the Administration has completely overlooked this second legislative purpose.

Each year the Center for Population Research in NICHD funds studies into the nature, causes and consequences of population growth in this country. As the nation begins to focus on the issue of population growth, it is essential that the results of these studies be made widely available to all our people, not just to the academic community.

Mr. Chairman, I urge the Committee to appropriate the remaining $300,000 of the FY 1972 population education authorization for the direct use of the Office of Population Affairs under the Assistant Secretary for Health and Scientific Affairs, to develop and disseminate population growth materials.

As an example of the kind of information that could be disseminated under such a program, I would like to submit for the Committee's examination a copy of the Interim Report of the President's Commission on Population Growth and the American Future, on which I have the honor to serve. This report outlines some of the choices facing this country with regard to population growth.

Next March, the Commission will issue its final report. I am confident that along with this report will come a great deal of educational material to provide the background for our conclusions.

It is vital that the American people have access, not only to the report of the Commission, but to a wide variety of new information in the years to come concerning the impact of population growth on our society.

Early childhood development

There is another critical area that I would like to discuss today, and that is the area of early childhood development.

As you know, last year the President sought only $339 million for the Head Start Program. The final Head Start appropriation figure for FY 71 was $360 million. I had cosponsored with the Senators from Minnesota, New York, and Wisconsin (Mr. Mondale, Mr. Javits, and Mr. Nelson), an amendment which was adopted by the Senate to appropriate the full authorization of $398 million. Although the conference report authorized less, the funds finally appropriated amounted to $21 million more than rquested by the Administration, and $34 million more than expended the previous year—the same level as in the House-passed bill.

Last year's appropriation supported year round pre-school training for 263,000 disadvantaged youngsters nationally, plus another 209,000 during the summer. There are 3.5 million children under the age of six whose families live below the poverty level—and children from marginal income families as well—who vitally need the head start afforded them by this program.

The present Head Start program needs expansion to serve as many children in as wide an age group as possible with sufficiently comprehensive services as are necessary. For this reason, I cosponsored with Senator Mondale S. 1512—the proposed "Comprehensive Child Development Act of 1971"—which will be incorporated as an amendment to S. 2007, legislation providing for the continuation of the expired Economic Opportunity Act for an additional two years. S. 2007, is currently being considered in the executive session by the Employment, Manpower and Poverty Subcommittee, of which I am a member, of the Labor and Public Welfare Committee.

Earmarked in this bill for the Head Start and Follow Through programs is a total of $500,000,000 to be authorized for fiscal year 1972. I trust that this figure will remain unchanged as the bill progresses to the Senate floor, and I most strongly will support full funding.

The President has requested $376,817,000 for the Head Start Program in FY 72, with the intention of giving special attention this year to the children of persons eligible for assitance under the proposed welfare reform bill. I believe that Head Start must continue to be a comprehensive child development program and not a babysitting program for working mothers. This is not enough. For this reason, I recommend that this Subcommittee ultimately report no less than $437 million so that we can begin to expand on the Head Start concept in FY 1972, and build a truly comprehensive development program for our young.

Social and rehabilitation service training

Another area of special concern to me is the severe budget cuts in training programs of the Social and Rehabilitation Service, particularly in the rehabilitation training authorized by the Vocational Rehabilitation Act. These programs support training in rehabilitation counseling, occupational and physical therapy, speech pathology and audiology, prosthetics-orthotics and special training in the rehabilitation of the deaf, blind, and mentally retarded.

This program has been cut 47%, from $27.7 million in FY 1971 to $14.65 million in FY 1972. The rationale offered for the administration cut is that the administration would like to stop and evaluate the kinds of training they have supported in the past. That rationale is entirely unacceptable to me. These programs make a positive contribution to our society far beyond the costs involved. Through these programs, disabled individuals who otherwise would often be forced to seek financial support from federal or state programs, can be helped to become economically independent and productive members of society. This is yet one more instance of the false economy pursued by the Administration at the expense of necessary services for individuals. I ask that you appropriate no less than the amount that was appropriated in FY 1971.

Welfare administration freeze

Related to this problem is the fact that the President, as he did in his FY 1971 budget, has once again included a 110 percent freeze on the federal share of welfare supportive costs (administrative social services, and personnel training expenses for all welfare programs—old age assistance, aid and medical assistance to the blind and disabled, and AFDC). The House quite properly rejected this provision last year, but the Senate Appropriations Committee decided to insert a compromise limitation—raising the ceiling to 115 percent and eliminating the exception language.

As you know, it was the feeling of the Senate Finance Committee that any such limitation required substantive legislation to alter the Social Security Act. The Finance Committee vigorously opposed the provision, and it was defeated on the floor of the Senate by a two to one roll call vote. I was principal sponsor of the amendment (No. 1076) which deleted section 208 from the committee-reported H.R. 18515, the Labor-HEW Appropriation Act, FY 1971.

Once again, however, both the House and Senate Appropriations Committees must grapple with the question of the 110% limitation. And once again I want to re-emphasize my strong opposition to the provision, and my vigorous support for the restoration of the open-ended nature of the federal share for these programs established by the Congress under the Social Security Act.

Under the Act, all individuals wishing to make application for aid are guaranteed the right to do so, and the Act requires that the aid be furnished with reasonable promptness to all eligible individuals. At this time of high unemployment, and in the aftermath of the Supreme Court ruling invalidating residency requirements for public assistance, many states, including California, have been experiencing significant increases in new applications for assistance.

In California, for instance, the latest HEW figures available show an AFDC caseload of 1,639,000 recipients, an increase of 33% above the March 1970 caseloads. Such increases in turn inevitably escalate administrative costs for personnel to engage in determining and validating eligibility, program management, and making monthly payments to millions of recipients. The meat-axe approach to cutting down on welfare costs which the administration advocates makes no sense to me, especially in light of the continuing increases in the public assistance rolls.

How can we justify placing an arbitrary limitation on federal spending in this area, when the statistics clearly show that the numbers of those seeking public assistance are increasing at such rates and when the Social Security Act requires States to provide services to families seeking aid, in order to "prevent and reduce dependency on welfare"? The 110% ceiling or any other similar arbitrary ceiling would place an unfair burden on already hard-pressed county and state taxpayers who would be forced to provide for the extra local share of the funding if this arbitrary limitation is imposed. An attempt to restrict overall federal expenditures at the expense of States and the welfare recipients themselves is totally unacceptable.

As you know, this Congress is presently considering legislation which would establish an entirely different approach to meeting the problem at issue here. If H.R. 1, the Social Security Amendments of 1971, clears the Congress and is signed into law this Session, the federal government will be assuming the cost of providing these services, and the question of open-ended funding in this area will be moot. This development, in itself, stands as sufficient reason for the Senate to reject any arbitrary welfare administration limitation at this time.

Emergency Employment Act

As you know, yesterday the President signed into law the Emergency Employment Act of 1971. I was privileged to work closely with Senators Nelson and Javits in preparing S. 31, the public service employment bill introduced in the Senate with 34 bipartisan cosponsors on January 25, and I am proud to say that I participated at every subcommittee, full committee, and conference committee meeting considering this landmark legislation. I am also extremely pleased that this act provides that "special consideration in filling public service jobs will be given to veterans who served in Korea or Indochina on or after August 5, 1964, and who received other than dishonorable discharges."

The unemployment rates for veterans as

compared to nonveterans in the same age group demonstrate the extra sacrifice today's young veterans are being required to make. Veterans 20 to 24 years old are now unemployed at a rate of 14.6 percent, while the rate for nonveterans in that age group is 10.8 percent. Among men 20 to 29 years old the rate for veterans averaged 10.8 percent compared to a rate of 8.4 percent among nonveterans. Furthermore, the rate for veterans 20 to 29 years old is almost 50 percent higher than it was in the first quarter of 1970. This tremendous increase in unemployment highlights the great need to act to stem the rising tide of young veterans' joblessness.

The Emergency Employment Act authorizes a total of $1 billion for fiscal year 1972, and I strongly urge that, without delay, full funding be appropriated for this most important measure. Those unemployed for 27 weeks or longer now number well over 500,000 and this bill authorizes only half that number of jobs. Anything less than full funding would be inconsistent with the efforts of this Congress to reduce the staggering rate of unemployment.

Commission on railroad retirement

Before closing my remarks, I would especially like to bring to your attention the budget for the Commission on Railroad Retirement. The life of this Commission has just been extended by P.L. 92-46 from July 1, 1971 to June 30, 1972. The study being conducted by the Commission on Railroad Retirement is extremely important to the work of the Subcommittee on Railroad Retirement, of which I am Chairman. The Railroad Retirement system faces seve: l serious long-term problems which Congress must address in the near future. The last independent evaluation of the operation of the Railroad Retirement system was completed over 17 years ago, in 1953.

There are sharp controversies over the validity of the Railroad Retirement Board's actuarial assumptions, whether the railroad retirement fund is operating at an actuarial deficiency, whether the investment policies regarding the fund should be changed, and whether the system should be merged with social security. The report and recommendations of the Commission should provide the necessary information on which Congress can base its action.

The Commission has requested $483,000 during fiscal year 1972, and in addition seeks authority to carry over from fiscal year 1971 approximately $82,000. I urge that the work of this Commission be adequately funded.

Mr. Chairman, I would like to thank you very much for the opportunity to appear before your subcommittee to express my views about these vital matters of such importance to the well being of my 20 million constituents and indeed all in this nation. In this statement, I have covered only a portion of the many vital areas within the jurisdiction of this Committee. There are other areas in health research, in the provision of health services, in programs to protect the health and safety of the individual, and to ensure his ability to adjust to social change, that I have not mentioned specifically. My omission has not been because these areas are less deserving, but because of the impossibility of devoting the time necessary to explain them adequately in this testimony. I have great confidence that the members of this subcommittee and the full Committee will fully deliberate all the facts presented to them and act wisely and generously in the best interests of the American people in making their recommendations to the Senate.

THE PROSPECTIVE ABM AGREEMENT

Mr. BAYH. Mr. President, I invite attention to an article by Dr. Bernard T. Feld, published in the New York Times several days ago.

Among other things, Dr. Feld's article raises three significant warnings with respect to an ABM agreement which press reports continue to indicate may shortly result from the SALT negotiations.

First, Dr. Feld counsels against an agreement which permits the continued development and deployment of large ABM radar. I want to express my own concern on that point as well.

As I noted when I introduced my resolution urging an ABM agreement in March, such an agreement must restrict ABM radar deployment as well as interceptors. The large, sophisticated radars are the central nervous system of ABM. They are easily observable. They take years to build and must be operated frequently and in a particular, identifiable mode to assure their usefulness. Our most knowledgeable scientists assure us that detection of their deployment is relatively easy.

Current evidence indicates that effective expansion of either the United States or Soviet ABM system is not feasible without new deployment of these special, oversized radars. Thus, if such deployments were banned, attempts by either side to surreptitiously expand their ABM system would become most impractical. Violations would be far easier to detect.

Conversely, if further radar deployment were permitted and did in fact occur, one side or the other might go ahead with a rapid program of ABM interceptor development. When satisfied with that development it could denounce the treaty and deploy the improved interceptors—a much faster operation than constructing the radars—in hopes of having achieved some form of strategic superiority.

The destabilizing effects of leaving that kind of possibility open should be obvious to all. Therefore, I hope and urge that the Nixon administration will conclude an ABM agreement that restricts ABM radars as well as interceptors to a small number and a very limited geographic area.

Dr. Feld's article also points up the fact that the desire to conclude some agreement can lead to an unfortunate dilution of the provisions of that agreement. Furthermore, the sense of relief and accomplishment which follows lengthy and successful negotiation efforts can obscure recognition of the limitations of the agreement reached and the necessity of coming to grips with the issues that agreement left untouched or only partially resolved.

I must make a mild demurrer to Dr. Feld's use of the limited test ban treaty as an example of the first of these two points. Even without the onsite inspections which we had hoped to secure, the tremendous advantages to all mankind in terminating nuclear pollution of the atmosphere made a limited test ban justifiable when it was negotiated—and today as well.

The tragedy is that the limited test ban treaty was not followed quickly by even more significant agreements in nuclear arms control. I do not disparage the useful advances subsequently made—the nonproliferation treaty, and the treaties on peaceful uses of outer space and the ocean bed. Each of these serves a most useful purpose. But they do not get directly at what remains the most critical problem—the superpower nuclear arms race.

I am concerned, therefore, at the effect of celebratory rhetoric about the prospective agreement. This is not to gainsay the importance of an ABM limitation treaty. Such an agreement is essential to our long-term national security. I believe—with many others—that such an agreement could and should have been reached many months ago. We must recognize, however, that an ABM agreement will necessarily have limited impact. It should be regarded not as an ultimate accomplishment in arms control, but rather as a first step on a long road—a first step which must be followed promptly by others if we are truly to limit the threat—and the cost—of the nuclear arms race.

A treaty to limit ABM should be seen as an incentive to make new progress on questions such as MIRV limitation, ICBM accuracy, and other technological advances which can have not only a costly but also a destabilizing effect. We should see this agreement, too, as part of a process which should eventually not only deter further escalation in the arms race, but also include reduction of the strategic stockpiles which now exist. Such reductions today are in our own interest, and the interest of world peace.

Finally, Dr. Feld points to the interaction between Soviet and American strategic weapons decisions and to the fact that "arms control is largely an internal problem, both here and in the Soviet Union." It is demonstrably true that the actions or alleged intentions of the "militarists"—as he calls them—on both sides inadvertently provide their opposite numbers with the strongest support. Each time defense authorities on one side see the other side buying some new weapon system, it becomes their most formidable argument for buying a similar or more destructive weapon system. Each time one protagonist perceives some new capability in the adversary, it becomes an argument for expanding his own capability and for resisting or postponing arms control agreements until he has done so.

But just as the actions of the military-oriented elements in both countries can be mutually reinforcing, so can the actions of those who argue within their own society for nuclear restraint and the gestures of political leaders willing to take an initiative for peace.

It is evident that John Kennedy became convinced of the need for such an initiative to get stalled discussions of a test ban moving in 1963. That is why he declared, in a June speech at American University, that we would no longer test in the atmosphere if the Soviets would not. Kennedy's initiative undoubtedly made it easier for Khrushchev to respond encouragingly. His response took the form of an invitation to conclude a test ban treaty, set in an otherwise truculent speech at Potsdam in July. Thus, flexibility on one side evoked flexibility on the

other and led rapidly to a mutually beneficial understanding.

The Kennedy precedent was one reason why, from the spring of 1969 on, many of us urged that President Nixon make a similar gesture related to ABM and MIRV. It is why there will be a bitter-sweet quality to any agreement emerging from the current SALT session: too many Americans feel that a chance to halt ABM and all its expense much earlier has been missed; too many of us feel that the chance to prevent the destabilizing and expensive MIRVing process has been lost altogether.

We must do our best now to see that no more opportunities are missed, that we make our signals and our reception of Soviet suggestions as clear as possible. In March 1970, just before the opening of the second round of SALT, the Soviets signalled their seriousness in a Pravda article signed by "Observer." Like Kruschev's invitation on the test ban, the favorable elements were set in a contest of sharp criticism of U.S. policy. However, citing favorably an American, McGeorge Bundy, who was advocating the doctrine of "sufficiency" in strategic arms, the Soviets indirectly but clearly put themselves on record as accepting that concept.

It is worth noting that a similar article, under the pseudonym "V. Viktorov" appeared in Pravda on the eve of the opening of the current session of SALT. In that article, by positive citations of Herbert York and Jerome Wiesener, the Soviet Communist Party embraced the view long held by many in this country that ABM is both unreliable and destabilizing and that, therefore, its limitation by agreement is desirable.

This augurs well for the conclusion of some form of ABM agreement in the current talks at Helsinki. I hope we will seize this opportunity—and that we will at the same time maintain these broader and even more urgent concerns which reflect our fundamental interests.

I ask unanimous consent that Dr. Feld's article, the "Observer" article, and a New York Times account of the "V. Viktorov" article be printed in the RECORD.

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

[From the New York Times, July 9, 1971]

SALT—WITH A DASH OF

(By Bernard T. Feld)

CAMBRIDGE, MASS.—Spring arrived late this year in New England but it was accompanied by a whole series of thaws on the international front. We and the Russians have finally concurred on a course in the Strategic Arms Limitation Talks (SALT) that could lead to an agreement this year, first to limit ABM defenses and then offensive nuclear weapons. We've also agreed to start talking serious about mutual troop reductions in Europe. France has unlocked the door through which England could enter Europe. Seymour Topping has been in China and Scotty Reston is there now. Even in the Middle East, the level of verbal belligerency is down several decibels.

So many logjams seem to be breaking up, and all at once, it is difficult to stay off the euphoric band wagon—especially if, like me, you are a congenital optimist. Nevertheless, I believe a few words of caution are in order.

The loudly heralded SALT breakthrough could have been arrived at any time during the last six months. What stood in the way was our insistence that the entire strategic offensive-defensive build-up be tied into one package, and the Russian insistence that any such package had to include either the thousands of our European and carrier-based "tactical" nuclear weapons or no offensive weapons at all.

One can only guess at Russian motives for agreeing now to consider only ICBM's in a first-stage offensive limitation; perhaps, having obtained numerical parity, economic factors are now being given greater weight. On our side, with the swollen military budget under serious attack, can it be that the Administration is preparing to dust off the "bargaining chip" argument that, last year, saved the ABM? (You don't need bargaining chips if you're not bargaining.) Furthermore, the image of peacemaker never did any Presidential candidate any harm.

In any case, a nuclear arms limitation agreement is so long overdue that almost any start must be welcomed. A freeze or ceiling on ABM's represents the easiest, and therefore the most natural starting point. And if it could be accompanied by some limitation on the new offensive systems that have been spurred by the threat of ABM deployment—the large Russian SS–9 missile and our (and soon their) MIRV—so much the better. But such an ABM-only or ABM-plus-partial-missile-freeze agreement could be a trap if it were to leave the door open to a technological race in improvement of ABM and MIRV.

The danger is that U.S. and Soviet leaders may decide, for internal political reasons, that the agreement shall permit the deployment and continued development of large ABM radars and further testing and deployment of MIRV systems. Such an agreement appears to be favored at this time by both governments, probably because assurances of continuing, vigorous military research, development and deployment are needed to win the support of militarists to any proposed treaty. But it would be tragic if the benefits of a SALT agreement were diluted by provisions encouraging the continuation of intensification of the race in military technology.

The partial Nuclear Test Ban Treaty of 1963 illustrates this danger. An ecological blessing, because it put an end to large-scale radioactive contamination of the atmosphere, the treaty's arms-control benefits have been nullified, over the years, by progress in utilizing permitted underground explosions to test new nuclear weapons. (In retrospect, disappointment is heightened by the realization that the obvious compromise, between the three annual on-site inspections offered by the Russians and the seven insisted upon by us, which would have made the test-ban universal, might have been possible if public pressures for such a compromise had been as persuasive as the prevailing military pressures on President Kennedy and Premier Khrushchev to retain the underground testing loophole.) Yet in 1963, as may again be the case in 1971, public sentiment in favor of a meaningful step to limit nuclear arms was so strong that, again in retrospect, it was a tragic mistake to settle for less.

What most people have failed to understand is that arms control is largely an internal problem, both here and in the Soviet Union. In both countries, insistence on "bargaining from a position of strength" has, until now, outweighed arguments in favor of bold initiatives to reduce the nuclear danger. Russian generals, writing about tactical nuclear weapons doctrine, are distinguishable from their American mirror-images mainly through the differences between Anglo-Saxon and Slavic names. When American hard-liners, in the name of arms control, propose agreements that insist on the complete opening-up of the Soviet Union in exchange for minor arms limitations, they are acting in unintended alliance with Soviet hard-liners who insist that vague pledges of good intentions are sufficient to verify drastic arms reduction measures.

A major difficulty comes from the closed nature of Soviet society as compared to ours. The U.S. internal hawk-dove struggle is ostentatiously aired. In Russia the conflict is more silent, only infrequently becoming visible through the heroic acts of a Sakharov or a Solzhenitsyn.

But there has been a great deal of change in Russia since Stalin, and enough of what goes on inside can be seen to make it clear that the struggle is being waged with vigor on both sides, and that what happens in the United States has a strong influence on this struggle. Defeat of American anti-ABM forces makes it more difficult for the Russian anti-ABM scientists to maintain the containment of their military expansionists; victory of the U.S. anti-SST lobby strengthens the hand of the Russian ecologists in their struggle to save Lake Baikal.

What happens this year at SALT will represent the outcome of these internal tug-o-wars in both countries. We have an unparalleled opportunity—perhaps a last chance—really to bring the nuclear menace under control. Or we can settle for small, weak, or useless public relations stunts.

[From the New York Times, July 8, 1971]

SOVIET SUGGESTS ACCORD WITH THE UNITED STATES IS NEARING ON LIMITING ABM'S

Moscow, July 7.—The Soviet Union indicated today that prospects were good for an agreement with the United States on the limitation of defensive weapons at the strategic-arms talks, which resume in Helsinki tomorrow. But it warned that the two sides faced a more difficult task in reaching an accord on offensive weapons.

A lengthy policy article in Pravda, the Communist party newspaper, stressed that any agreement must provide "equal security" for both sides, a concept first stated last month by Leonid I. Brezhnev, the Communist party leader.

The tone of the article left Soviet readers with the impression that the two powers were on the verge of an accord curbing antiballistic missiles or ABM's. For the first time, Soviet authorities sought to inform their people on the background to an ABM agreement and to why it was justified.

The article recalled that on May 20 the Soviet Union and the United States made public an interim accord on giving priority this year to agreements on both ABM's and some offensive weapons.

AMERICANS ARE QUOTED

Because of the strict rules here against discussing weapons systems in public, Pravda was forced to quote American sources to answer the question "Why is it expedient to begin the limitations of strategic arms with defensive systems?"

"The answer to this question can be found in the statements of many Americans—not dilettantes, but leading scientists with world reputation," Pravda said.

The article noted favorably remarks made by such scientists as Dr. Herbert F. York, former Pentagon research chief, and Dr. Jerome B. Wiesner, former White House adviser, who are known in the United States for their opposition to the ABM. They were quoted to the effect that ABM's were not reliable defensive shields, and that they could accelerate the arms race by forcing the deployment of more defensive weapons.

"Action is met by counteraction," Pravda said. "If one side strengthens its defense, then the other feverishly looks for new, more powerful means to pierce the defensive shield of the opponent. This process, if it is not stopped with the help of reasonable

agreements on curbing the arms race, is endless."

Russians were given some idea of what ABM's would cost. American sources were quoted as saying that the Safeguard ABM system to protect American land-based Minutemen offensive weapons would cost about $50-billion.

THE EXPECTED TERMS

The Pravda article, signed by "V. Viktorov," assumed to be a pseudonym for a Soviet official, seemed to indicate that the Soviet authorities had decided that despite some claims made in recent years by their military, an ABM system was not worth the effort or expense. Some 64 ABM launchers are reported to have been built around Moscow, and it is assumed that the Russians are seeking an agreement under which they would be retained and the Americans could build a similar system around Washington.

American sources here said that the rather full discussion of why an ABM accord would be useful seemed to indicate that the Soviet side at Helsinki had instructions to press hard for an agreement. This seemed borne out by the statement made by Vladimir S. Semyonov, a Deputy Foreign Minister, who heads the Soviet delegation. Mr. Semyonov, upon arriving in Helsinki today, said that he had clear instructions "to secure constructive results."

Pravda was less positive about the situation regarding offensive weapons. It repeated the oft-stated Soviet concern that "militarist circles" in the United States were seeking to block an accord or to negotiate from positions of strength.

But essentially, Pravda sought to make it clear that the Soviet Union would not agree to any limitation on offensive weapons that left the United States with an advantage or which was not based on "equal security" for both sides.

AN IMPORTANT PROBLEM

(Article by Observer)

The Soviet-American talks on the limitation of the strategic arms race—which took place at the end of last year in Helsinki and will be resumed in Vienna on 16 April—are arousing the unremitting interest of the international public. It is evident that a great deal in insuring international security will depend upon whether there is success in ending or at least limiting this race.

The Soviet Union unswervingly advocates the peaceful coexistence of states—irrespective of their social system—peace, and security. Its consistent and principled position aimed at easing international tension and at ending the arms race is extensively known. At its foundation lies the peoples' fundamental interests—strengthening peace and organizing good relations between states. This is an ineradicable feature of USSR foreign policy. General and complete disarmament is the most radical method of eliminating the dangers connected with the accumulation of increasingly more powerful means of destruction. During the entire history of the Soviet state the Soviet Government has repeatedly advanced proposals for implementing such disarmament.

In waging the struggle for general and complete disarmament our state by no means believes that here one can be guided by the principle "all or nothing." Given the presently continuing process of accumulating armaments, including the most destructive armaments, the interests of the struggle for peace demand utilization of all opportunities for restricting the arms race, reducing military danger, and relaxing international tension.

Proceeding from this, the Soviet Union has proposed and does propose the implementation, through reaching agreement, of a number of such measures which would reduce tension, cut back the scales of the arms race whipped up by the aggressive imperialist circles, and avert the possibility of the unleashing of a thermonuclear war. Limiting the strategic arms race could become one of the important and timely steps in this direction.

The 1963 Moscow treaty on banning nuclear tests, the 1967 treaty on space, which particularly envisages banning the orbiting of nuclear weapons and emplacing them on the Moon and other heavenly bodies, the treaty on the nonproliferation of nuclear weapons, and certain other international agreements were the beginning of the movement in such a direction. Article 6 of the nonproliferation treaty, which came into force on 5 March this year, specifically commits its signatories to conduct, in the spirit of good will, talks on effective measures for ending the nuclear arms race and for nuclear disarmament as well as talks on a treaty on general and complete disarmament under strict and effective international control.

Undoubtedly, the efforts not of one or two states but the united efforts of the world's states are required to resolve the problem of general and complete disarmament. Nuclear disarmament requires the participation of all nuclear states. At the same time the correlation of strategic forces on an international scale is now such that the efforts of the United States and the Soviet Union—which possess the greatest nuclear potential—aimed at the limitation of the strategic arms race could greatly promote the interests of the security of other countries also, along with the interests of universal peace.

Of course, to do this it is necessary that a serious and honest approach be taken by both sides, an approach shorn of intention to achieve unilateral advantages by means of talks or to utilize the talks as a cover for the development of a new round in the arms race.

In its approach to the resolution of the problem of limiting the strategic arms race, and also in its approach to the disarmament problem as a whole, the Soviet Union is invariably guided by the interests of strengthening general security and consolidating peace.

The present-day situation is such that science and technology have enabled man not only to harness the power of the atom, to create cybernetic and computer devices which considerably ease man's mental labor, to build anew new branches of industry, to revolutionize the science of control, and to accomplish a breakthrough in space, but has also placed in man's hands weapons of destruction which are monstrous in their force. Recent years have seen the creation of new generation of missiles, submarines, bombers, and other offensive means which are much more powerful and yet at the same time less vulnerable than their predecessors. The emergence of the new offensive means has brought into being means of combating them, and this, in its turn, has entailed a further improvement of the offensive means. Thus, there has arisen a real threat of the beginning of a new stage in the arms race, which on the political and military plane means the intensification of the danger of a world thermonuclear conflict.

The military-strategic balance of forces existing in the world makes quite unrealistic any of the West's militarist circles' calculations about the possibility of winning in the event of a thermonuclear war, and judging from everything, a new spiral in the arms race could not change the essence of this balance. If an unrestricted strategic arms race were to take place, one could expect a growth in the imperialist aggressive circles' illusions about the possibilities of obtaining military superiority, and, consequently, also the temptation to put fate to the test by means of unleashing a thermonuclear war.

On the admission of many bourgeois figures in the West who are fully informed about the true state of things, with every passing year the arms race becomes increasingly more unpromising. Thus, former adviser to Presidents Johnson and Kennedy on questions of security and military strategy McGeorge Bundy wrote recently: "A strategic nuclear engagement cannot lead to any kind of gain either from the viewpoint of national interests or from the viewpoint of ideology or the individual political positions of any leader in this or that country. None of the weapons systems now seemingly within the reach of this or that side can change this fact."

Meanwhile the race for strategic offensive and defensive weapons is using up huge resources. According to appraisals by the American press the cost of building the safeguard ABM system, which is now being developed, will reach approach 50 billion dollars.

If the strategic arms race is not halted there may be a repeat of what happened as regards nuclear weapons when in 1946, as a result of the refusal of the United States and other Western countries to accept the sound and concrete Soviet proposals on the banning and liquidation of nuclear weapons, the nuclear arms race started.

How then can a barrier be erected in the path of a further strategic arms race? The USSR and the United States have set about finding an answer to this question in Helsinki.

The very fact that talks on such an important question have begun between the USSR and the United States has enjoyed broad support on the part of the peace-loving public and the more farsighted political and government figures, including those in Western countries. Commenting on the Helsinki talks the CHRISTIAN SCIENCE MONITOR wrote that "in the United States the public yearns for an end to the fruitless accumulation of weapons." Here the world press has noted that Soviet Union's serious and businesslike approach to the talks—an approach that has also been recognized by U.S. officials, the chief of the U.S. delegation, G. Smith, and delegation member and former U.S. ambassador to Moscow, L. Thompson, at a press conference in Washington on 30 December 1969.

However, there are also forces—and these too are precisely in the West—that are not pleased with the talks on the restriction of strategic weapons and even less pleased with the prospect of an agreement between the USSR and the United States on this question. For example, the West German newspaper DIE WELT and certain other press organs, reflecting the attitude of the more reactionary, militarist circles of the Federal Republic of Germany, have actually spoken out against the Soviet-American talks on the limitation of the strategic arms race. The enemies of the restriction of the strategic arms race directly in the United States have also been more active recently.

It is impossible to pass over the fact that precisely now, on the threshold of the round of talks in Vienna, many U.S. newspapers and journals have started to write less frequently about the restriction of the strategic arms race, while giving somewhat more space to a diametrically opposed theme—the question of developing and deploying new systems of strategic armaments. In essence this campaign was begun by Defense Secretary Laird. The leader of the U.S. military department has recently made a whole series of public speeches in which he persistently calls for the buildup of various systems of strategic armaments. Laird particularly zealously insists that the development of the Safeguard ABM system should be immediately accelerated in the United States, and he is fighting for increased congressional appropriations for this purpose.

Neither is it possible not to be alarmed by how often and how many times the de-

fense secretary discusses Pentagon plans for creating new offensive strategic weapons systems. For example, at a press conference on 7 January. Laird designated the creation of a new strategic bomber to replace the B–52 and the development of improved underwater long-range offensive systems "as a most important task." He also advocated the development of an improved offensive intercontinental ballistic missile and so forth. On his own admission, many of the projects mentioned above are already in the "research and development" stage.

It is characteristic that whereas last year in seeking congressional approval of appropriations in the first place, for the Safeguard system, the government certified that the latter's further development would depend to a large extent on the results of the SALT talks with USSR. Now U.S. leaders prefer not to recall this.

The defense secretary is lavishly spicing his demands for the intensification of the arms race with references to the mythical "Soviet Threat." The utter groundlessness of such accusations directed against the Soviet Union is obvious. It is well known that the measures implemented in the USSR in the postwar period to strengthen its defense capability were a reply to the unrestrained race in nuclear missiles and other arms whipped up by the United States.

For it is sufficient to recall that hitherto the notorious theory of the need to insure military supremacy over the Soviet Union has been rife in the United States, particularly in military circles. The New York Post reasonably suggests: "In the light of the Pentagon's traditional negative approach to disarmament it is logical to suspect that this argument is designed to prevent the United States from holding talks."

The American press is paying attention to the fact that the voice of those who are seeking an increase in appropriations for military preparations is resounding ever louder in Washington. The New York Times recently wrote: "In the process of elaborating the American position in the talks with the Soviet Union on the restriction of strategic arms, some alarming signs of the military's excessive influence have come to light. . ."

In connection with Laird's increasingly frequent speeches in favor of the accumulation of U.S. strategic arms, many American observers are pointing out that this answers the interests of the military-industrial complex. It is no secret that the military-industrial complex would like to start an expensive new round in the strategic arms race, whip up a militaristic tendency in Washington's foreign policy, and lead matters to a further exacerbation of international tension.

Laird's traditional inclination toward bellicose speeches does not surprise us, but nobody can close their eyes to the fact that he occupies the responsible post of a member of the government. Every one of Laird's public statements is legitimately regarded by the public as a statement or reflection of the U.S. ruling circles' positions. It is asked: To what extent do Secretary Laird's militaristic appeals reflect the position of the U.S. Government?

A number of observers including those in the United States itself, are asking the question with a certain uneasiness; but is not this entire campaign in the United States for the benefit of the further development of the arms race a new relapse of the old American political disease which acquired, back in the time of J. F. Dulles, a sad notoriety under the name of the "position of strength policy"? What is the correlation between the well-intentioned official speeches which ring out at times in the United States in connection with negotiations, and those deeds and tendencies which are manifest in practice in the development of the strategic arms race? Is it really not clear that the essence of the position is tested by actions, by practice, and not by statements for the sake of effect if they are not confirmed in fact, and if they are not translated into reality.

If the vestiges of former notions from which even J. F. Dulles was forced to depart in his last years as secretary of state really are being reborn in the United States, then such a development of events cannot fail to give rise to the most serious doubts regarding the sincerity of U.S. intentions with regard to talks with the Soviet Union on limiting the strategic arms race.

History has many times irrefutably proved the whole groundlessness and illusionary quality of the calculations of those who have tried to talk to the Soviet Union "from a position of strength." The policy of pressure on the USSR is an attempt by unsuitable means. No one can have, nor must have any illusions on this score. The past half century has shown in deeds the capability of the working class and of all the working people of the Soviet Union to prove the firmness of their socialist gains and of the international positions of our motherland.

But the question is involuntarily asked: Do the latest statements by Washington officials about the further accumulation of armaments not reflect that growing influence of those military-political forces in the United States which do not want agreement with the USSR on strategic arms limitation? Such a question has recently been appearing more and more frequently on the pages of the American press too.

The solution of questions connected with strategic arms race limitation is doubtlessly not among the simplest of tasks. This is explained not only by the nature of these armaments, but also by the fact that the solution of problems connected with them touches upon such a sensitive question for every state as the problem of national security.

All the same, despite the difficulties, it is obvious that there is still time and there are still possibilities for reaching an understanding which all states are waiting for and which they will gain by. However, and indispenable condition for this, as the experience of international relations convincingly testifies, is the existence of goodwill on the part of both sides and the striving for mutually acceptable agreement. If both sides intend to hold honest talks without striving to obtain any unilateral military advantages and if the negotiations proceed from the necessity of insuring equal security for both sides with the simultaneous complete consideration of the task of reducing military danger and consolidating peace as a whole, then one can count on achieving agreed solutions. But if one of the sides tries to use the talks merely as a screen for expanding the strategic arms race, then naturally the whole weight of political responsibility for all the consequences of such a position will fall on it.

As the USSR delegation in Helsinki emphasized, the Soviet Union is approaching the talks with the most serious intentions and is striving to achieve a mutually acceptable and mutually beneficial understanding. At the basis of the Soviet approach to the problem of restricting strategic arms there is no desire to receive any additional unilateral advantages for itself in the sphere of safeguarding just its security alone. The Soviet Union has at its disposal an arsenal of modern armaments enabling the interests of the security of the USSR and its allies to be guaranteed to the necessary degree. The Soviet Union's position on this question is determined by concern for strengthening international security without harming the interests of all other countries.

The solution of the disarmament problem would help to release from the sphere of military production colossal means which are expended on armaments throught the world and whose utilization on economic development needs could assist the scientific, technical, and economic progress of all mankind, including the most developed capitalist countries, where the ostentatious prosperity of the minority cannot conceal, on the admission even of the bourgeois governments and press, the glaring elementary needs and requirements of the working majority.

The Soviet Union has confirmed by deeds its sincere interest in assisting by all possible means the solution of the tasks which ever more acutely face mankind in the field of restraining the arms race and of advancing along the path leading to partial disarmament measures and to universal and complete disarmament. Only such a path can provide an effective solution to the problems connected with insuring a stable peace.

CLINTON HESTER, FIRST ADMINISTRATOR OF CIVIL AERONAUTICS AUTHORITY, DIES—PROVIDED DEDICATED LEADERSHIP IN GOVERNMENT

Mr. RANDOLPH. Mr. President, a true gentleman and a former dedicated Government official, the Honorable Clinton M. Hester, died Sunday. He was at one time the chief attorney for the Department of Justice. Mr. Hester held personal and official friendships with many Members of the Congress.

I ask unanimous consent to have printed in the RECORD a news story on his life and public service, appearing in the Washington Post of today.

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

FIRST HEAD OF CIVIL AIR BUREAU, 76

Clinton M. Hester, 76, the first administrator of the Civil Aeronautics Authority, now the Civil Aeronautics Board, died Sunday at George Washington University Medical Center after a stroke and a heart attack.

Mr. Hester was born in Des Moines, Iowa, and received his law degree from Georgetown University. During World War I, he served overseas with the 301st Army Engineers, 76th Division.

He was assistant general counsel for the U.S. Shipping Board, special assistant to U.S. Attorney General Homer Cummins, and chief attorney for the Department of Justice before being appointed administrator of the CAA by President Franklin D. Roosevelt.

While in office, he supervised the construction of Washington National Airport.

An acknowledged authority on the life of President James Madison, Mr. Hester had served since 1960 as chairman of the executive committee on the design of the James Madison Memorial Library of Congress.

He maintained homes at the Watergate Apartments in Washington and in Boca Raton, Fla.

He is survived by his wife, Margaret; two children, Jean H. Wallace, of Washington, and Todd McCane, of St. Louis; one brother, two sisters and two grandchildren.

HARPER SQUARE

Mr. PERCY. Mr. President, during the past decade, there has been considerable discussion concerning the Nation's housing problems. Much recent attention has centered on two of these problems. First, it has become clear that there are still only minimal opportunities in the construction industry for minority group contractors, subcontractors, and employees. According to a recent article in the Wall Street Journal—"Black Con-

struction Contractors Find Selves Cut Out of Lucrative Long-Term Contracts," Friday, May 7, 1971:

> Despite more than three years of government and private discussions of how to help them, the country's estimated 8,000 minority group construction contractors, most of them black, largely remain trapped with limited opportunities.

And, a recent feature story in the New York Times—"Blacks Making Few Gains in the Construction Trades," Sunday, June 27, 1971—observed:

> Despite Government-imposed quotas and timetables, despite voluntary "home town solutions," despite "Outreach" programs to train inner-city youths and despite seemingly constant litigation, the number of black and other minority workers entering the construction industry remains a thin trickle.

Second, it is clear that existing Federal housing laws are inadequate as related to the economic mixing of tenants. "The Report of the President's Committee on Urban Housing: A Decent Home" cited as an inadequacy of Federal housing programs:

> Statutory restrictions and administrative practices which have raised unnecessary red tape barriers to private developers and sponsors and have limited their latitude for innovation and decision-making in project design, location and economic mix of tenants.

While some efforts have been made to encourage a better mix of tenants through "piggyback" payments for up to 20 percent of the units in a moderate-income subsidized project, these efforts have been restricted to rental housing and have met with only limited success.

These two housing-related problems challenge the conscience, commitment, and ability of our private sector and federal system to work together in meeting the need of citizens and communities.

I am very pleased to announce that the Harper Square project in Chicago, now under construction and approaching completion in the famous Hyde Park-Kenwood community of Chicago, is responding to this challenge and attacking these two problems simultaneously. To my knowledge, Harper Square is the Nation's first housing development that combines a full implementation of policies for hiring of minority group subcontractors and employees and a cooperative association with undesignated moderate- and middle-income units under the same roof.

With regard to hiring practices, it is the policy both locally and nationally of Crane Construction Co., Inc., the general contractor for Harper Square, to recruit, hire, and upgrade employees without regard to race, color, creed, or national origin; and to treat all employees equally as to compensation and advancement opportunities. In addition, Crane has insisted that its subcontractors, by signing a written agreement, adopt the same policies. Crane's policies appear to be action oriented in every sense. Labor analyses of three 1-week periods, chosen at random, indicate that the percentage of minority employees in the total Harper Square work force has never been less than 55 percent. Furthermore, as of February 1, 1971, six contracts totaling $1,530,000 had been awarded to minority subcontractors.

As for there being moderate- and middle-income units under the same roof, Harper Square is a privately built community assisted by city, State, and Federal programs intended to relieve the housing shortage for moderate- and middle-income citizens. It offers a unique and imaginative approach for the economic mix of tenants. One-third of the apartments are reserved for lower- and moderate-income families, but these units are undesignated so that no resident knows whether his neighbor has received a subsidy through lower income qualification or not. Government subsidies under sections 235 and 236 of the National Housing Act of 1968—legislation that I was pleased to help draft with my Senate colleagues in the Banking, Housing, and Urban Affairs Committee—make possible lower monthly charges and down payments for the moderate-income families who qualify.

Located on a 7.2-acre urban renewal site, Harper Square comprises two 25-story towers and 22 townhouses in a parklike area overlooking Lake Michigan. The development's total cost is $16.5 million. The first of 591 cooperative apartments and townhouses will be ready for occupancy by fall 1971, with full completion less than 10 months away.

Harper Square is a first-of-its-kind undertaking sponsored by the United Dwellings Foundation, a nonprofit corporation established by the Chicago Joint Board of the Amalgamated Clothing Workers of America. It is the union's first major housing venture outside New York City. In the words of Murray H. Finley, manager of the 11,000-member Chicago joint board and vice president of the Amalgamated Clothing Workers of America:

> Socially responsible organizations like our own can make a tremendous contribution to solving what is an acute shortage of moderate- and middle-income housing. In fact, we believe organizations with the resources have an obligation to do this.

I particularly appreciate these remarks which reflect the Amalgamated Clothing Workers' serious commitment to provide housing for the workingman of moderate means.

Harper Square is also the first residential development financed with a bond issue backed by the Illinois Housing Development Authority, a new State-chartered public corporation. According to Daniel P. Kearney, director of the authority:

> The Amalgamated Clothing Workers of America is totally committed and dedicated to providing decent housing and we are very pleased to be associated with them.

Baird & Warner, Inc., one of Chicago's most experienced property management firms, has been selected by the United Dwellings Foundation to manage Harper Square. Prospective buyers will meet with Baird & Warner to determine if they qualify for a moderate- or middle-income apartment, but this information will be kept completely confidential. No resident, including those serving on the board of directors elected by the co-op's buyers, will know the income level of any other buyer.

I would also point out that Harper Square reflects the many advantages of home ownership. Because the residents own instead of rent, they save income tax. The money paid in for interest and taxes can be deducted from their gross income, thus decreasing their tax. Because they own instead of rent, they have greater participation in management. As members of the Harper Square Association, they will vote on all major policy decisions. Because they own, the pride in possession and the bond among fellow owners are likely to result in better appearance and greater sociability.

Harper Square also reflects societal concerns for a better environment. Three-fourths of its land will comprise trees and landscaping, thus creating an atmosphere of an oasis in the city. To avoid what architect William Keck aptly describes as "postage stamp landscaping in a sea of asphalt," parking space for 475 cars in a 3½-story garage has been placed off to the side of the development, away from the landscaped park. The garage was specifically designed to not detract from the environment.

Mr. President, I think the many fine aspects of the Harper Square residential development recommend it as one example of a model for individuals seriously interested in urban housing problems and solutions. It is the Nation's first housing development that implements policies for the hiring of minority subcontractors and employees and offers undesignated moderate- and middle-income units under the same roof in a cooperative association. It is also the first residential development financed with a bond issue supported by the Illinois Housing Development Authority. In addition, it reflects the advantages of home ownership and the society's concern for a better environment.

Before closing, I would like to commend Julian Levi, who played an instrumental role in convincing the Illinois Housing Development Authority and the Federal Housing Administration to support Harper Square. Julian Levi is professor of Urban Studies at the University of Chicago, executive director of the Southeast Chicago Commission, and Secretary of the American Council of Education. He devoted selfless time in his busy schedule to work on making the dream of Harper Square a reality. I very much appreciate his unselfish commitment and persistent effort in behalf of Harper Square.

CLARENCE M. MITCHELL, JR.

Mr. SYMINGTON. Mr. President, many years ago, before either of us had any idea we would be interested primarily in government, I had the privilege of getting to know Clarence M. Mitchell, Jr.

We became friends, and over the years I have come to admire his character, energy, and ability.

The July issue of Tuesday magazine, distributed by the Washington Star, includes a commendatory article on Mr. Mitchell, entitled "Black America's Lobbyist in Washington." 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:

CLARENCE MITCHELL JR.—BLACK AMERICA'S LOBBYIST IN WASHINGTON

(By William J. Eaton)

Clarence M. Mitchell Jr. stands nearly 6 feet, 2 inches tall and he weighs 215 pounds. He's a hard man to miss as he sits quietly in the gallery of the Senate or the U.S. House of Representatives, listening to the lawmakers below.

Often, it is the congressmen who do the listening as Mitchell talks in their offices or the hearing rooms on Capitol Hill. For Mitchell is one of the most trusted and respected lobbyists in Washington, where for 21 years he has been the chief legislative spokesman of the National Association for the Advancement of Colored People.

"A man who embodies all that is best in lobbying," said Sen. Philip A. Hart (D-Mich.), speaking of Mitchell. "He asks not for special favors, but for equal treatment."

Others, both Republicans and Democrats, have attested to his influence in the passage of every civil rights bill since 1957. Mitchell was credited personally by President Lyndon B. Johnson for assuring adoption of the fair housing law in 1968. Mitchell helped to defeat the Supreme Court nominees G. Harrold Carswell and Clement Haynsworth, and took the lead in the battle for extension of the 1965 Voting Rights Act.

"The 101st U.S. Senator" is the description that has been applied to him more than once.

Mitchell probably enjoys the limelight as much as any man, but he shuns it, partly because he is so busy on NAACP affairs during his typical 10-hour day. He has also had his share of critics. Former Rep. Adam Clayton Powell once scorned Mitchell's approach as that of an Uncle Tom. Black militants and separatists have launched similar attacks.

When he received the Spingarn medal from the NAACP in 1969, Mitchell addressed himself to the younger, more militant Black people in the convention hall at Jackson, Miss., saying:

"We are the first to admit that we have not gotten rid of sickness, poverty, inequality and discrimination in our country and the world. But we have made a good start. . . . We are asking you to share in the building of a democracy that is a shield for the humble and the weak as well as a sword for the strong and the just.'

And he expressed his strong belief in the rule of law:

"I, too, am a law and order man. But I am a man who seeks just law. I am a man who seeks the kind of order that makes freedom grow instead of stifling it.

"We must be on guard against and repudiate those forces that would destroy us and our country by causing us to lose faith in the power of just law. Whether it comes from a Ku Klux Klan meeting in a cow pasture or a street-corner meeting in Harlem, the voice that ridicules our Constitution, that demeans our Supreme Court and discounts our civil rights laws is the sound of man's ancient enemy—ignorance."

But Mitchell does not spend much of his time making speeches. His specialty is Congress and civil rights legislation, and in these fields he is acknowledged to be without peer. Sen. Edward M. Kennedy (D-Mass.) put it this way about Black America's man in Washington: "His judgment is superb and his wisdom unsurpassed."

Remarkably enough, Mitchell does not live in the shadow of the Capitol dome but nearly 40 miles away in a neighborhood he describes as a slum area of Baltimore. He was born in that city 60 years ago and grew up there before going away to college at Lincoln University.

Mitchell received a law degree from the University of Maryland and pursued graduate studies at the University of Minnesota and Atlanta University. He was a newspaper reporter for awhile before arriving in Washington in 1941 to work for the Office of Production Management, which later became the War Production Board. Mitchell's assignment involved the handling of labor problems, especially opening up defense jobs to Blacks. Later, he became a member of the wartime Fair Employment Practices Commission set up by executive order of President Franklin D. Roosevelt.

After the war, Mitchell signed on with the NAACP, at first assisting the late Walter White and, later, becoming labor secretary of the organization. He was named director of its Washington bureau in 1950.

In one of his first controversial actions, Mitchell testified on organized labor's side during the hotly fought battle over the Taft-Hartley Law in 1947. It brought him sharp criticism from some big contributors to the NAACP who, as Mitchell recalls, were "good on civil rights but bad on labor." The NAACP board, however, supported his position that a law that would hamper labor unions would be harmful to Negro workers, too.

That 1947 alliance with organized labor has continued and been strengthened through the years, with a close personal relationship developing between Mitchell and Andrew J. Biemiller, chief lobbyist for the AFL–CIO and George Meany's man on the hill. On rare occasions, when the NAACP is at odds with the labor federation, Mitchell tries to resolve or mute the differences in his talks with congressmen. He clearly regards the AFL–CIO's aid on civil rights bills as more important than its opposition to President Nixon's "Philadelphia Plan" for enlarging the number of Blacks in building trade unions that traditionally excluded minorities.

During much of the 1950s, when Dwight D. Eisenhower was president, civil rights progress was slow, but Clarence Mitchell did not lose faith. He discovered that Ike believed that the federal government had the power to stop racial discrimination wherever federal funds were spent. "I don't think he realized how far that went," Mitchell said. "We were able to make a successful attack on school desegregation on military posts and areas adjacent to military posts, even before the 1954 [Supreme Court] decision."

Once the Supreme Court had ruled in the landmark *Brown v. Board of Education* case, Mitchell hit hard on the tribunal's finding in his talks with lawmakers "because this was the first time that the government had officially said segregation per se was unconstitutional."

In the mid-50s, Mitchell became the go-between on civil rights proposals for the Eisenhower Administration and liberal forces in Congress. He arranged a set of proposals that both Republicans and Democrats could support and won the backing of Lyndon B. Johnson, then majority leader in the Senate, and Johnson's GOP counterpart, William F. Knowland of California. The Senate balked at bypassing the conservative Judiciary Committee, however, and the civil rights package was dead for that year.

Sensing victory at the next session, Mitchell extracted promises from Johnson and Knowland to bring the measure up for vote early in 1957. They did, and the Senate outlasted a filibuster. Thus the first civil rights bill in a century became law.

"There wasn't anything magic about it," recalls Mitchell. "It was just a matter of going to all possible sources, some of whom people ordinarily would ignore. To me, the importance of getting that bill through was that we could break the spirit of defeat around here on civil rights legislation." It was mild legislation, providing for a civil rights commission, an assistant attorney general for civil rights and authorizing federal lawsuits to protect the right to vote.

During the early years of John F. Kennedy's presidency, no civil rights legislation was proposed. Kennedy and his brother, Robert, said the slim Democratic margins in both Senate and House made passage of further laws unlikely. Clarence Mitchell filed a dissenting opinion, saying: "What they didn't realize was that although Republicans were conservative on economic matters, sometimes you'll find there are Republicans who are liberal on civil rights."

Mitchell had in mind Rep. Clarence Brown (R-Ohio), the ranking GOP member of the House Rules Committee, who eventually provided a key vote in moving the 1964 civil rights bill toward final passage. Brown, considered an arch-conservative on most matters, had been scouted extensively by Mitchell in advance of the showdown, contributed to his optimism over the overcome.

In 1965, many liberals felt Congress should "take a breather" and not consider more civil rights bills. Not Clarence Mitchell, who said: "I guess many of us felt that when the tide's going your way, it's no time to start resting on the beach." The voting rights act, which has since put millions of Negroes on the voting rolls in South, was the result of such perseverance.

By 1968, the question was whether to seek a bill to halt discrimination in the sale or rental of homes and apartments. It was an issue with high political risk for President Johnson, many observers believed at the time.

On the wall of Mitchell's office not far from the Capitol, there is a picture of him with Mr. Johnson and the mongrel puppy known as Yuki. "It was at that meeting," says Mitchell, pointing to the photograph, "that we decided to go forward with the fair housing bill."

The Rules Committee of the House was again the bottleneck. Clarence Brown was dead. But Mitchell found another Republican to deliver a key vote—Rep. John Anderson of Illinois—and the bill came to the floor and won approval by a narrow margin. It zipped through the Senate with the aid of the late Sen. Everett M. Dirksen, also of Illinois, who said fair housing was an idea "whose time has come" despite his earlier opposition.

When the votes were approaching on the floor of Congress, Mitchell often would look to his Bible for comfort. Raised as an Episcopalian, he has switched to the Methodist church and takes an active layman's role. One of his favorite passages is II Kings 6:16-17, which tells the story of a servant who expresses concern to his master, Elisha the prophet, about being outnumbered in battle. Elisha replies: "Fear not: for they that be with us are more than they that be with them." The story says the Lord opened the eyes of the servant so he could see that "the mountain was full of horses and chariots of fire round about Elisha."

"I like to think that the Power that runs this world and the universe is really greater and more potent than anyone who gets elected to office or is in control of anything," Mitchell says. "If that Power gets into the picture it's bound to come out the right way."

Mitchell dislikes noisy business lunches. As a result, he rarely eats lunch at all. He starts his day in Baltimore early, rising about 6 o'clock each workday morning to make the 40-mile trip to his Washington office. He travels in a 1967 Buick which now has 140,000 miles on the speedometer. The driving time is used to think over plans for the day, while on the way to Washington, and contemplating what happened, on the way home.

In Maryland, Mitchell is a politically powerful name. Clarence's younger brother, Parren, was elected to Congress last November, narrowly defeating a 20-year incumbent in a Democratic primary and then coasting to an easier victory over a Republican opponent.

Clarence Mitchell III, just 30 years old, is a member of the Maryland Senate and is considering running for mayor of Baltimore.

The elder Mitchell's wife, Juanita, a lawyer, was a delegate to the Maryland Constitutional Convention and is president of the state's NAACP.

In Congress, Parren Mitchell is a member of the increasingly outspoken 13-member Black Caucus, all Democrats, from New York, Maryland, Pennsylvania, Illinois, Ohio, California, Missouri, Michigan and the District of Columbia.

Clarence Mitchell is pleased by this development, saying: "All in all I think of their operation as one that complements what we are doing. I think we need each other very much."

But he sees the Black Caucus' most valuable contribution in the working of the House always and its committees, noting: "It's always been my belief that the presence of a dark face in a room is in itself an important thing. People who may try to pull certain kinds of fast ones don't do it."

On the House Appropriations Committee, for example, powerful Rep. Jamie Whitten (D-Mass.) must now confront Rep. Louis Stokes (D-Ohio) on the controversy over food stamp expansion. "Even the opposition realizes that it has to have a dialog now," Mitchell says. "This is very healthy."

Mitchell, an early supporter of Hubert H. Humphrey for President in 1968, wore his slavery "HHH" button in his lapel long after the election was over. He has had a long acquaintance with Richard M. Nixon, who had spoken to many NAACP groups in Washington with Mitchell's sponsorship, and the lobbyist still has contacts with members of the White House staff. On two occasions, Mr. Nixon invited Mitchell to meet with him in the Oval Office where Mitchell had been so often with Lyndon B. Johnson. The Nixon-Mitchell meetings never occurred because of conflicting engagements. Once, Mitchell was unable to accept a White House invitation because of a prior commitment to address the Laundry Workers' union in Chicago.

What would this veteran Washington hand tell the President if he had the chance to address him directly? Mitchell quickly replies:

"Well, I would certainly feel he ought to take a position that we've got to pass a strong equal employment opportunity bill with enforcement powers . . . but the President has already given his blessing to a different approach. I would feel that we couldn't dismantle programs like the Office of Economic Opportunity but, again, the justification for the two-year extension makes it clear the Administration is aiming at dismantling that agency.

"I would feel the Administration ought to take a hard look at its whole policy in connection with appointments. I know, for example, that they are denying an appointment (as a Federal judge) to a very well-qualified Black man up in the 3rd Circuit [Court of Appeals] because he undertook, along with his associates, to defend the Supreme Court when he was working on the District of Columbia Crime Commission.

"I would feel also that they've got to start checking the whole judicial system. The time is long past when we should just appoint white people [to the federal bench] in the southern and border states. It seems the federal government ought to keep up with the political realities that are developing with increased voter participation, and start now to put people on [the bench] on the basis of their ability. It would seem to me it would have a tremendous impact in keeping faith in our judicial system if the people could look at the federal government and see that it was being fair. This is something wholly in the hands of the President.

"I would try to get the President to stop this kind of reverse English on race matters. The example is coming out and saying, 'I'm for the enforcement of fair housing legislation but I'm not in favor of getting [Black] people into the suburbs because that isn't what Congress intended.' Well, this causes people to think the President can't possibly be sincere."

(Earlier, in a 1969 speech, Mitchell had expressed a similar thought in far more colorful language when he said: "We must save the Republican party by giving massive support to those Republicans in office who back civil rights and we must save the soul of the party from the hell of equivocation.")

Mitchell, who has helped to "cool" racial disorders in his native Baltimore, said providing a method of redress for the poor is a sure-fire solution to disturbances. "You can prevent fomentation of trouble if you can show the people there is a way of accomplishing things without brick-throwing. A few may throw bricks and light fires but the great mass of people want to do things in an orderly way."

Mitchell is trying to provide those methods of redress through law. As Sen. Charles Mathias (R-Md.) once said of him: "In these days of turmoil, shouting and disruption, it is more important than ever to pay tribute to the men and women who have labored quietly, patiently and effectively within the democratic process."

What are his views on racial separatism, a doctrine increasingly publicized?

"Basically, the idea of separatism has never really caught on in this country," Mitchell replied. "In the South, where separation has been most acute, there's very little talk of trying to set up a separate something based on race. The places where you hear most of that are New York and Chicago. Those people, for the most part, have always been making noises of that kind, on stepladders in Harlem or on the South Side of Chicago. Now, of course, they get down to City Hall and they start talking like that and they can get on television. It looks like they have a big following but that's not true.

"I would say it's a small percentage . . . and it's usually made up of people who haven't thought the proposition through or don't practice it themselves."

His attitude is reflected in the citation for the Spingarn Award, which says Mitchell has shown "uncompromising rejection of racism, white or black."

It is satisfying to Mitchell to watch some of the most rigid segregationists in the Senate begin to loosen up and recognize the tide of reality. Sen Strom Thurmond (R-S.C.), recently hired a Black staff member. Another Deep South senator sent Mitchell a book with a warm personal inscription—a striking contrast to the senator's predecessor who balked at having his picture taken with the NAACP official.

He traces the changed political conduct directly to the number of Blacks now eligible to cast ballots in southern states. (For example, almost 30 per cent of registered voters in Thurmond's home state of South Carolina are Black), following the adoption of the 1965 voting rights law. And one of Mitchell's biggest concerns now is that the Nixon Administration might try to weaken the effect of that law by issuing regulations that might open the way for some states to reduce the number of Black voters.

So his job is never-ending, with threats or opportunities alternating in bewildering variety. The only constant is Clarence Mitchell Jr., himself, gazing down from the Congressional galleries or patrolling the corridors of power in the Capitol.

Rep. Charles C. Diggs (D-Mich.) put it this way about Mitchell:

"He speaks softly but with wisdom and authority. He is a man of faith and patience but militantly persistent and stubbornly courageous. He is a creative agitator for change in making our federal government more responsive and relevant to the needs of Black people, in particular, and the poor and disadvantaged, in general."

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATION BILL, 1972

The ACTING PRESIDENT pro tempore (Mr. GAMBRELL). Under the previous unanimous-consent agreement, the Chair now lays before the Senate H.R. 9272, the unfinished business, which the clerk will report.

The legislative clerk read as follows:

Calendar No. 258, H.R. 9272, a bill making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. SAXBE. Mr. President, on behalf of the minority leader, I ask unanimous consent that the time allotted to the minority leader on H.R. 9272 be allotted to the Senator from Maine (Mrs. SMITH), the ranking minority member of the subcommittee handling the appropriation bill.

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

Mr. MANSFIELD. Mr. President, for the record, the time under the control of the majority leader and the distinguished acting minority leader has now been transferred to the chairman of the subcommittee and the ranking Republican member of the subcommittee.

Mr. SAXBE. That is correct.

QUORUM CALL

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

The ACTING PRESIDENT pro tempore. On whose time?

Mr. MANSFIELD. Apart from the time allocated.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. McCLELLAN. Mr. President, I yield myself 10 minutes on the bill.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, I will be brief in my overall analysis of the pending appropriation bill, H.R. 9272, making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year 1972.

As the report indicates, the total amount recommended is $4,091,973,337 in

new obligational authority. This sum is $407,790,337 over the sum allowed by the House, is $268,621,037 over the total adjusted appropriations for 1971, and $124,828,663 under the total revised budget estimates for fiscal year 1972. It is worthy to note that included in the $407,790,337 total increase above the House allowance there is $352,615,000 for two activities that had been recommended by the House Appropriations Committee but were deleted on points of order raised on the House floor, as the language included in the text of the item, or the sum recommended therein, was unauthorized, and $9,435,000, the total allowed in four supplemental requests that were not presented to or considered by the House.

The two restored items previously deleted as unauthorized, concerned $283,961,000, the total amount needed to finance the five appropriation accounts of the Maritime Administration, and $68,654,000, the sum approved for salaries of supporting court personnel.

The four new items recommended by the committee would provide $8 million to the Bureau of Narcotics and Dangerous Drugs to implement the programs outlined in the President's message to the Congress on June 17, 1971; $735,000 additional for expansion of the community relations service; $400,000 for expenses of the Fire Prevention and Control Commission, and $300,000 for the National Tourism Resources Review Commission, in fiscal year 1972.

Other essential items added to the House bill involved the following:

For the Department of State, the sum of $7,816,337 was provided to cover the U.S. share—25 percent—of the 1971 calendar year budget of the International Labor Organization; $1,780,000 for expenses in the design and initial construction of the Tiajuana flood control project; and for the cultural exchange programs, the additional sum of $2 million in hard dollars for the regular—we reduced foreign cultural and exchange program, and $740,000 for the East-West Cultural Center in Hawaii.

For the Department of Justice, the committee recommended that $600,000 be restored to the bill for the community relations service. This sum, together with the $735,000 allowed in the supplemental request, will provide a total of $1,335,000 for expansion of the service. Also allowed was $1,959,000 for planning and site acquisition of a new metropolitan correctional center at San Diego, for the Bureau of Prisons.

For the Department of Commerce, the committee has provided an additional $20,803,000 to cover the high-priority items needed to finance essential activities, including the sea-grant programs, payable from the three appropriation accounts of the National Oceanic and Atmospheric Administration, and $1 million additional to help finance the research and technical services programs of the National Bureau of Standards.

For the judiciary, the committee has added $642,000 for salaries of 61 assistant secretaries that are needed to help cope with the workload in particular areas of the circuit courts. This sum is in addition to the $68,654,000 mentioned above as a restored item for salaries of supporting court personnel.

In the category of related agencies, the committee has added—

The sum of $100,000 for costs of contractual studies and investigations by the Commission on American Shipbuilding;

The sum of $700,000 additional for expansion of subcontracting programs and management assistance for the Small Business Administration; and

The sum of $300,000 for additional personnel and other costs essential for the Tariff Commission to help with the workload in serving the Congress and the President on trade and tariff policy matters.

Mr. President, this gives a brief outline of the most important changes by the committee to the House bill. Of course, the details of all appropriation items are set forth in the committee report, a copy of which is on each Member's desk.

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

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

The amendments agreed to en bloc are as follows:

On page 4, line 10, after "5 U.S.C. 3109", strike out "$18,000,000" and insert "$19,000,000".

On page 5, line 19, after the word "Congress", strike out "$152,774,000, of which not less than $2,100,000 shall be used for payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States" and insert "$160,590,337".

On page 6, line 12, after "(22 U.S.C. 2669)", strike out "$4,793,000" and insert "$4,815,000".

On page 9, line 4, after "1944", strike out "$4,500,000" and insert "$6,280,000".

On page 11, line 9, after the word "Congress", strike out "$2,900,000" and insert "$2,918,000".

On page 12, line 5, after "(31 U.S.C. 529)", strike out "$40,000,000" and insert "$42,000,000"; and, in line 6, after the word "than", strike out "$5,800,000" and insert "$4,000,000".

On page 12, at the beginning of line 18, strike out "$5,260,000" and insert "$6,000,000".

On page 15, line 23, after "(42 U.S.C. 2000g–2000g–2)", strike out "$5,250,000" and insert "$6,585,000".

On page 19, line 18, after the word "account", strike out "$57,842,000" and insert "$59,801,000".

On page 20, at the beginning of line 20, strike out "twenty-eight" and insert "sixty"; in line 26, after the word "exceed", strike out "$300,000" and insert "$375,000"; and, on page 21, line 2, after the word "activities", strike out $57,089,000" and insert "$65,089,000".

On page 28, line 3, strike out "$6,500,000" and insert "$7,500,000".

On page 28, line 16, after the word "use", strike out "$180,000,000" and insert "$186,134,000".

On page 29, line 3, after the word "facilities", strike out "$100,000,000" and insert "$116,430,000".

On page 29, at the beginning of line 19, strike out "$27,500,000" and insert "$30,739,000".

On page 30, line 19, after the word "Patents", strike out "$59,250,000" and insert "$59,450,000".

On page 31, line 3, after "(15 U.S.C. 278d)", strike out "$46,000,000" and insert "$47,000,000".

On page 32, after line 4, insert:

"SHIP CONSTRUCTION

"For construction-differential subsidy and cost of national-defense features incident to construction of ships for operation in foreign commerce (46 U.S.C. 1152, 1154); for construction-differential subsidy and cost of national-defense features incident to the reconstruction and reconditioning of ships under title V of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1154); and for acquisition of used ships pursuant to section 510 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160); to remain available until expended, $229,687,000."

On page 32, after line 15, insert:

"OPERATING-DIFFERENTIAL SUBSIDIES—LIQUIDATION OF CONTRACT AUTHORITY

"For the payment of obligations incurred for operating-differential subsidies granted on or after January 1, 1947, as authorized by the Merchant Marine Act, 1936, as amended, and in appropriations heretofore made to the United States Maritime Commission, $239,145,000, to remain available until expended: *Provided*, That no contracts shall be executed during the current fiscal year by the Secretary of Commerce which will obligate the Government to pay operating-differential subsidy on more than one thousand seven hundred voyages in any one calendar year, including voyages covered by contracts in effect at the beginning of the current fiscal year."

On page 33, after line 4, insert:

"RESEARCH AND DEVELOPMENT

"For expenses necessary for research, development, fabrication and test operation of experimental facilities and equipment; collection and dissemination of maritime technical and engineering information; studies to improve water transportation systems; $23,750,000, to remain available until expended: *Provided*, That transfers may be made from this appropriation to the "Vessel operations revolving fund" for losses resulting from expenses of experimental ship operations."

On page 33, after line 14, insert:

"SALARIES AND EXPENSES

"For expenses necessary for carrying into effect the Merchant Marine Act, 1936, and other laws administered by the Maritime Administration, including not to exceed $1,125 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator; not to exceed $1,250 for representation allowances; $22,210,000."

On page 33, after line 21, insert:

"MARITIME TRAINING

"For training cadets as officers of the Merchant Marine at the Merchant Marine Academy at Kings Point, New York; not to exceed $2,500 for contingencies for the Superintendent, United States Merchant Marine Academy; to be expended in his discretion; and uniform and textbook allowances for cadet midshipmen, at an average yearly cost of not to exceed $475 per cadet; $7,513,000: *Provided*, That except as herein provided for uniform and textbook allowances, this appropriation shall not be used for compensation or allowance for cadets: *Provided further*, That reimbursement may be made to this appropriation for expenses in support of activities financed from the appropriations for 'Research and development', 'Ship construction', and 'Salaries and expenses'."

On page 34, after line 11, insert:

"STATE MARINE SCHOOLS

"For financial assistance to State marine schools and the students thereof as authorized by the Maritime Academy Act of 1958 (72 Stat. 622–624), $2,200,000, to remain available until expended, of which $801,000 is for maintenance and repair of vessels loaned by the United States for use in connection with such State marine schools, and $1,399,000, is for liquidation of obligations incurred under authority granted by said Act, to enter into contracts to make payments for expenses incurred in the maintenance and support of marine schools, and to pay allowances for uniforms, textbooks, and subsistence of cadets at State marine schools."

On page 39, after line 20, insert:

"SALARIES OF SUPPORTING PERSONNEL

"For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, $69,296,000: *Provided*, That the salaries of secretaries to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code for General Schedule grade (GS) 5, 6, 7, 8, 9, or 10, and that the salaries of law clerks to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code for General Schedule grade (GS) 7, 8, 9, 10, 11, or 12: *Provided further*, That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed $49,642 and $30,089 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $61,159 and $38,671 per annum, respectively."

On page 41, line 3, after "$15,930,000", insert a colon and "Provided, That not to exceed $100,000 shall be available for liquidation of obligations incurred in prior years".

On page 41, line 11, after the word "Columbia", strike out "$9,600,000 and insert "$9,660,000".

On page 44, line 20, after "(84 Stat. 1037–1038)", strike out "$45,000" and insert "550,000".

On page 46, after line 16, insert:

"NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

"SALARIES AND EXPENSES

"For necessary expenses of the National Commission on Fire Prevention and Control, authorized by Act of March 1, 1968 (Public Law 90–259), $400,000."

On page 46, after line 22, insert:

"NATIONAL TOURISM RESOURCES REVIEW COMMISSION

"SALARIES AND EXPENSES

"For necessary expenses of the National Tourism Resources Review Commission established by section 6 of the International Trade Act of 1961, as amended (Public Law 91–477), $300,000."

On page 47, at the beginning of line 10, strike out "$22,300,000" and insert "$23,000,000".

On page 50, line 1, after "5 U.S.C. 3109", strike out "$5,036,000" and insert "$5,336,000".

Mr. McCLELLAN. Mr. President, I understand that other Senators wanted to be present as we proceed.

I ask unanimous consent that I may now suggest the absence of a quorum and that the time consumed not be taken from the time agreed to on the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HRUSKA. Mr. President, in the absence of the Senator from Maine (Mrs. SMITH), I yield myself 4 minutes on the bill.

Today the Senate has before it for consideration an appropriation bill to cover the fiscal year 1972 expenses of one of our coordinate branches of the Federal Government, the judiciary, three vital departments in the executive branch, the State Department, the Commerce Department, and the Justice Department, and various related agencies. The bill as approved by the Senate Appropriations Committee totals almost $4.1 billion, which is 407.8 more than the amount approved by the other body but $124.8 less than the budget estimates.

The subcommittee with responsibility for this bill has worked very hard on this matter and has, in this Senator's opinion, come up with an excellent bill which balances the requests of the interested parties against the need for careful spending. Under the very able leadership of the chairman of the subcommittee, my good friend from Arkansas (Mr. McCLELLAN), and the gracious guidance of the ranking Republican, the Senator from Maine (Mrs. SMITH), 8 days of hearings were held and more than 100 witnesses were heard. It is my hope that after some discussion today, the full Senate will validate the work of the committee without amendment.

Other members of the committee and interested Senators will be discussing various aspects of this bill today. I would like to take just a few minutes to comment on some portions of the measure which are of particular interest to this Senator, particularly in relation to my membership on the Committee on the Judiciary.

I. THE DEPARTMENT OF JUSTICE

For the operations of the Department of Justice in fiscal year 1972, the President requested a total of $1,587,806,000. The House allowed $1,552,696,000 and the Senate committee has increased this by $11,294,000 to a total of $1,563,990,000.

Mr. President, the work of this great Department is vital to a country which prides itself as a nation of laws. I am very pleased that Congress in the past few years has seen fit to greatly expand the appropriation for the Justice Department, the great bulk of this growth coming within the budgets of the Law Enforcement Assistance Administration and the Bureau of Narcotics and Dangerous Drugs. I am hopeful that this year will be no exception. Under the very effective leadership of the present Attorney General, the Department has done an excellent job of meeting its responsibilities in all areas of its jurisdiction.

(A) LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Because of my longstanding interest in reducing crime in America, I am most gratified at the action of the Appropriations Committee in approving the full budget requested by President Nixon for the Law Enforcement Assistance Administration. For fiscal year 1972 LEAA will be appropriated under this bill $698.9 million to assist State and local governments mount effective law enforcement programs.

The committee's action is a meaningful comment, not only on the continuing need for large-scale funds for anticrime efforts, but on the current effectiveness of the LEAA program as well.

The LEAA program is a complex one and its goals are as important as they are broad. It is working to reduce crime, to improve every aspect of our law enforcement and criminal justice system, and to improve both the degree of safety and quality of life for all Americans.

The ACTING PRESIDENT pro tempore. The Senator's 4 minutes have expired.

Mr. HRUSKA. I yield myself 1 additional minute.

It is clear—from support given by the Congress and numerous other sources—that the program is a striking success. In a very short period of time a national crime control program has become a working reality, with tens of thousands of projects under way.

Jerris Leonard, the new Administrator of LEAA, has set the agency on a course that will be even more productive and new progress is being built on the solid base constructed under the past leadership of Richard W. Velde and Clarence M. Coster, the Associate Administrators.

Those of us who have been deeply involved in efforts to reduce crime are, like the vast majority of Americans, interested in results—hard, measurable results. It is, therefore, most heartening to note the recent report from the Federal Bureau of Investigation that of 61 major cities recorded reductions in their rate of crime in the first 3 months of this year. That is a striking achievement and it is more than coincidence that LEAA has given substantial funds to those cities. In all, some $87 million in Federal anticrime funds have gone to those 61 cities since the agency began operation less than 3 years ago.

I would note particularly, Mr. President, that my own city of Omaha reported a decrease of 19 percent in its crime rate and a 26-percent decrease in violent crime in the first quarter of this year. More than $2 million of Federal anticrime funds have helped bring about this happy result.

Last week we were all heartened to learn that Washington, D.C., which should be a showcase for the Nation, reported its first annual decrease in major crime since 1956 when crime index reports were begun here. For the year ending June 30 police reported an 18.7 percent decrease in crime reports. LEAA

has granted more than $14 million to the District of Columbia to assist in this effort.

The confidence of the Senate in LEAA is well placed. There is every reason to believe that the accomplishments to date, notable as they are, really represent only the beginning of the inroads that will be made against crime in every part of the Nation over the next few years.

BUREAU OF PRISONS

This bill through the appropriations provided for the Bureau of Prisons takes what I consider to be positive action toward the resolution of one of our most pressing problems—our antiquated jails. The 1972 appropritions which the committee is recommending for the Bureau of Prisons reflects a positive approach to improving our corrections programs. Critical resources are being provided to assure that more effective resources are available to meet the needs of jails and prison systems.

It is particularly noteworthy that funds are provided in the appropriations bill for construction of the Behavorial Research Center at Butner, N.C. This long-needed center will be conducting studies to develop methods for treating offenders with psychiatric disorders. I believe the development of this new center represents a major thrust forward in the field of corrections. Significant progress has been made in the planning of this facility and I am hopeful that it will become operational at the earliest possible date.

One item in the Bureau of Prisons appropriations disallowed by the House was planning and site acquisition money for the San Diego Metropolitan Correctional Center. The Senate committee is recommending restoration of these funds amounting to $1.96 million, because the institution will provide relief for immediate and very critical law enforcement and corrections problems in the San Diego area. During the past several years there has been a substantial increase in Federal prosecutions in the southern California area. At the present time, the principal jail housing Federal prisoners is the San Diego County jail. While I am told that officials at the San Diego jail have been extremely cooperative, the overcrowded conditions have caused major problems. The Federal caseload in the southern district of California is such that additional capacity is the only solution for the problem. We believe that planning efforts for this metropolitan correctional facility should begin immediately and I am very hopeful that if the Senate approves this item we can make a strong case for the restoration by the conference committee.

(C) BUREAU OF NARCOTICS AND DANGEROUS DRUGS

The 1971 appropriation for the BNDD was $43,705,000. In line with his continuing commitment to the war against drug abuse, the President requested $57,089,000 for this agency for fiscal year 1972. This amount was approved in its entirety by the other body and among other things will permit the BNDD to add 2,417 new positions.

Following action by the House the President sent to Congress his landmark message on drug abuse of June 17. As a result, the BNDD came to the Appropriations Committee with a supplemental request for $9.6 million over and above the amount approved by the House. This additional amount would implement the President's message by providing funds for research and development of special detection methods; for training of foreign narcotics enforcement officers; for 300 additional positions in the enforcement area; and for other miscellaneous expenses.

The committee has approved a total of $65,089,000 for BNDD operations in fiscal year 1972, or $8 million more than the figure approved by the House. Aside from uncontrollable increases, key factors in this increase of $21,384,000 over fiscal year 1971 are expanded enforcement activities, growing laboratory operations, and stepped-up training.

The threat of drug abuse in this country has not diminished. I am very hopeful that the increase of $8 million over the House-approved amount will be approved by the Senate and retained in conference.

(D) FEDERAL BUREAU OF INVESTIGATION

For the work of the FBI during this fiscal year the Department requested $334,486,000. The House approved the full amount and the Senate Appropriations Committee has suggested no departure from this amount. These funds will bring FBI strength to 21,318 positions, which is an increase of 1,371 positions.

The Director of the FBI, J. Edgar Hoover, gave the committee detailed testimony on the present activities of the Bureau and general information on some of the cases presently under investigation. He indicated that these funds will be used to increase FBI field strength and to give it greater capacity to handle its growing investigative workload, particularly in organized crime and violent-oriented group activities. Another area of attention this year will be the staffing of the FBI Academy at Quantico, Va.

As usual Mr. Hoover was most informative and responsive to the questions asked by the committee and this Senator, for one, feels that the work of this vital agency continues to be administered by a most capable and dedicated man.

II. DEPARTMENT OF COMMERCE

For the Department of Commerce the President submitted a budget request of $1,258,020,000. Of this amount the House allowed $892,811,000. The Senate has restored several important items amounting to $311,944,000 which brings the total appropriations for this Department in the committee bill to $1,204,755,000. This figure is some $53.2 million less than the administration's request.

(A) MARITIME ADMINISTRATION

The great bulk of this Senate increase is to restore $283.9 million for the Maritime Administration. These funds were approved by the House committee but were deleted on the floor of the other body on a point of order for lack of authorization. The President on July 9 signed the authorization for all maritime items and accordingly the committee has restored these appropriations to the bill. These funds are for the purpose of carrying out the provisions of the Merchant Marine Act of 1970 to once again place the U.S. Merchant Marine on a par with the other leading maritime nations. These funds will be used to construct 22 new ships and to expand maritime research and development.

I believe there should be no problem with these appropriations in light of the action by the President and I am hopeful that the conference committee will not need to dwell on this item for long.

(B) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The next largest addition to the Commerce Department budget approved by the committee is $20,800,000 for three items for the National Oceanic and Atmospheric Administration. The creation of NOAA became effective October 3, 1970, pursuant to Reorganization Plan No. 4 and is designed to bring together closely related functions of various departments and agencies. The administration is charged with developing programs relating to marine resources, environmental monitoring and prediction, and greater understanding of oceanic and atmospheric phenomena.

The additional funds recommended by the Senate committee will provide the means whereby NOAA can carry on high priority programs in the areas of air pollution, weather forecasting, deep ocean exploration, tropical experiments for prediction of storms, and other items. These are very important functions which will be of great benefit to the Nation and it is hoped that these additional sums can be retained in the final bill.

(C) U.S. TRAVEL SERVICE

Before discussing the appropriations for the Department of State, I want to make mention of an additional $1 million added to the bill by the Senate committee for the U.S. Travel Service.

To carry out the provisions of the International Travel Act of 1961, as amended, President Nixon requested for fiscal year 1972 the sum of $9,474,000. The House cut this to $6.5 million, but our committee has recommended the addition of $1 million to enable the Department of Commerce to step up its campaign to bring overseas visitors to the United States. Aside from the obvious balance-of-payments benefits increased tourism will bring to this country, it is difficult to imagine a more effective device than exchanges of this type to enhance, broaden, and improve world understanding and knowledge.

III. DEPARTMENT OF STATE

The smallest appropriations for any of the three Departments covered by this bill is for the Department of State. The President requested $509,598,000 for this Department for fiscal year 1972. The House allowed $491,673,000 and our committee has recommended $505,049,337 or an increase of $12,376,337.

While the subcommittee was privileged to hear from the Attorney General and the Secretary of Commerce, we greatly missed the testimony of Secretary Rogers whose presence was required by the Pres-

ident in California. In light of the very dramatic and welcome developments during the past week in the foreign affairs field, however, the committee understands the reasons and need for the Secretary's absence.

(A) INTERNATIONAL LABOR ORGANIZATION

The House refused to approve the request for $7.8 million to pay the U.S. contribution to the assessed budget of the International Labor Organization. Our committee has voted to approve these funds—in contrast to our position of a year ago—because we have been told that very constructive steps have been taken by the ILO to rectify the problems which caused our action last year.

Witnesses from the Department of State testified that U.S. labor is being given again an important voice in the ILO and that many of the weaknesses and biases of the organization are being corrected.

Because we as a nation are anxious to meet our treaty commitments and obligations and because we are devoted to the goal of international organization and cooperation, we are desirous of paying our assessments if at all possible.

Part of the testimony from the Department of State said:

> The curtailment of [ILO's] programs would be blamed on the United States and we would be condemned for attacking an organization of service to working people everywhere. Under these circumstances our ability to influence the course of events will drop sharply. In this sense, the continued failure to pay would decrease, rather than increase, our influence in charting the future course of the organization.

This, combined with our desire to remain a member of ILO and not to withdraw leaving the Soviet Union as the dominant power in the organization, convinced our committee that the effects of our boycott had been felt to the fullest extent and that the continuation of this policy would be counterproductive. For these reasons we voted to approve these funds. If the Senate ratifies our action we must take this matter to conference and meet head-on the opposing views of the other body.

(B) PASSPORT OFFICE

The Senate bill, like that approved by the House, provides funds for 35 additional positions for the Passport Office. No funds are appropriated for increasing the number of branch offices for the Passport Office.

Earlier this year in Public Law 92–14 (S. 531), Congress gave its tacit approval to a 2-year trial program for the processing of passport applications to take place at first-class post offices throughout the United States. This program is designed to make it more convenient for the public to obtain required travel documents as the demand increases annually.

Now that this test period has been approved, this Senator is most anxious that careful records be kept during this time so that Congress can be assured that the accuracy and security of these documents is being maintained as efforts are made to make their acquisition easier.

(C) BUILDINGS ABROAD

The Senate committee has added a $1 million item to the House allowance for this program. It was brought to our attention that during the past 9 years the United States has paid about $2.8 million in rent for inadequate chancery facilities in Buenos Aires, Argentina. Testimony indicated that construction of our own chancery building for this city would cost $3.8 million, of which $2.8 million could be generated from the sale of presently owned property. Our committee approved the $1 million difference so that construction could begin immediately.

IV. THE JUDICIARY

For the 12 months comprising this fiscal year the Judiciary has requested $178,679,000. The House committee approved $169,531,000, which was a reduction of slightly more than $9 million. This sum was cut to $100,877,000 on the floor of the other body on a point of order, because the $67.8 million approved for the salaries of supporting personnel did not conform to the language of the existing authorization. Our committee has recommended a total of $170,233,000, including the restoration of the challenged item, and an additional $702,000 for travel expenses and 61 secretarial assistants for circuit court judges.

I am confident that the new language relating to the salaries of supporting personnel will meet the previously raised objections.

These sums should be considered in contrast to the vast expenditures by the other two branches of the Federal Government. In light of the invaluable service to the Nation rendered by the Judiciary, the cost appears small indeed. This Senator would like to have seen approved several additional requests made by the Judiciary, but is convinced that the funds appropriated will be sufficient to permit the various Federal courts to carry out their responsibilities.

One example of the relative staffing for the Judiciary is indicated by the fact that the Chief Justice of the United States carries out his vast responsibilities with the aid of only six assistants—including secretaries and a driver. It might be well for other officials to try to emulate this example.

V. RELATED AGENCIES

(A) COMMISSION ON CIVIL RIGHTS

For the work of the Commission on Civil Rights, a budget request of $3,960,000 was filed, which is $560,000 above the present authorization. Because the House had already approved an authorization of $4 million, the committee of that body approved an appropriation of $3.5 million. This was trimmed back to $3.4 million on the floor of the House, because the increased authorization had not as yet been approved by the Senate. An appeal was filed with our committee to restore the full amount of the request and I regret that a decision was made to approve only the $3.4 million authorized.

The Senate authorization has been reported favorably to the full Judiciary Committee by the Constitutional Rights Subcommittee and may come up for consideration at the full committee meeting scheduled for tomorrow.

The full amount of this authorization is needed by the Commission so that it can enlarge and improve its ongoing projects in the fields of Puerto Rican, American Indian, and Mexican American rights. In addition, new projects relating to the restrictive employment practices of labor unions, health services provided to minority citizens and the administration of justice in prisons will have to be eliminated unless the full appropriation is approved.

It is the hope of this Senator that some way can be found to provide additional resources to the Commission so that it may carry on its important work.

(B) SUBVERSIVE ACTIVITIES CONTROL BOARD

A request of $467,000 was received to fund for an additional year the activities of the Subversive Activities Control Board. The House allowed $450,000 and our committee concurred.

In the recent past, few cases have been referred to the SACB by the Attorney General and the workload of the Board has been light. To better utilize the expertise of this body, President Nixon on July 2, 1971, signed an amendment to Executive Order 10450, dated April 27, 1953. The effect of the President's action was to enlarge the responsibilities of the Board so that among other things it will have jurisdiction to determine which of several categories of organizations and, within specified guidelines should be placed on the Attorney General's list for use in the Federal Government's employee security program. In addition, under the new amendment to the order, the Subversive Activities Control Board will be authorized, upon petition of the Attorney General, to hear cases and make findings involving organizations which are alleged to fall within the following criteria: Totalitarian, Fascist, Communist, or subversive, or as having adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States, or of any State, or which seeks to overthrow the Government of the United States, or of any State or subdivision thereof, by unlawful means. The above criteria are substantially the same as those prescribed by Executive Order 9835 dated March 21, 1947, and continued in Executive Order 10450, dated April 27, 1953. The amended Executive order provides definitions for each one of the categories of organizations listed in the present Executive order and, as noted, provides for a new class of organization and a definition of that class in recognition of recent history.

The amended Executive order also provides that the Board may determine, after consideration of the evidence, whether those organizations previously designated have ceased to exist, or upon petition of the Attorney General or any cited organization, that such organization does not currently meet the standards for designation. In short, an additional purpose will be to update the list where needed and to eliminate listed organizations which no longer exist or do not meet the criteria established.

The Executive order thus separates the hearing function from the Department of Justice by transferring those functions to the Subversive Activities Control Board. It provides for a due process hear-

ing before an independent body with the Attorney General making his decisions based upon the recommendations and findings of that body.

It must be stressed that the objectives of Executive Order 10450, as amended, relate to the continuing vitality of the Federal employee security program. It should be pointed out that under Executive Order 10450, membership in the designated organizations is but one factor to be considered in implementation of the Federal personnel security program.

The need to provide for the integrity of Government employees is, of course, as old as the Government itself. The present security programs were set out in Executive Order 9835 of March 1947, and confirmed by the present Executive Order 10450 in April 1953. The new amendments are designed to guarantee the continued vitality of the program in light of current circumstances and to provide additional procedural safeguards.

The purpose of the bill we are introducing today is to apply the further constiutional safeguards of the Subversive Activities Control Act of 1950 and to extend presently existing powers of the Board to hearings conducted pursuant to the recent amendment to Executive Order 10450. Specifically, it would include the holding of public hearings with all of the customary due process procedures attendant to administrative hearings under the Federal Administrative Procedures Act.

Other provisions of the Subversive Activities Control Act of 1950 which this legislation would apply to hearings under Executive Order 10450 include those providing that the party proceeded against shall have the right to present its case with the assistance of counsel, to offer oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and fair disclosure of all relevant facts. An accurate stenographic transcript must also be taken of the testimony of each witness, and a transcript filed in the office of the Board.

In addition to these "due process" features, an aggrieved party shall have the right of appeal to the U.S. Court of Appeals for the District of Columbia Circuit.

This legislation will also change the name of the SACB to the Federal Internal Security Board.

I feel that these provisions of the Subversive Activities Control Act of 1950 are necessary to provide all the safeguards of a judicial hearing for organizations proceeded against under Executive Order 10450 while providing the Government with the necessary tools to make certain that these hearings are conducted in a judicious manner.

I thus urge the Senate to enact this legislation at its earliest possible convenience.

Mr. President, at the present time there are 283 organizations maintained on the Attorney General's list. This number has held steady since 1955 when the last review and updating of the list took place. The Justice Department now believes that as many as 263 of these 283 organizations are no longer active or in existence. Under the jurisdiction granted by the amendments to EO-10450 and the procedures contained in this bill now being introduced, the SACB will have the responsibility for making a determination that these 263 organizations should be removed from the Attorney General's list. In addition there are as many as 25 additional organizations which the Justice Department has reason to believe should be put on the list. The SACB would also be given authority to conduct hearings and make determination concerning the additional organizations.

These new responsibilities will mean that the Board will have a great deal of activity with which to remain occupied throughout the coming year. At the end of that time we can reexamine this entire question to see what the role of the SACB should be in future years.

There will probably be at least two amendments offered later today relating to the SACB and I expect to have more to say concerning the President's order and the need for the Board at the time these amendments are called up.

VI. CONCLUSION

I have discussed in these remarks just a few of the many, many items of great importance contained in this bill. As I said at the opening of my statement, the subcommittee with responsibility for this bill has taken great care to see that this bill balances the request of the interested parties against the need for careful spending. I believe the bill as reported from the Committee on Appropriations is an excellent one which deserves the full support of the Senate.

Mr. SCOTT. Mr. President, in the absence of the Senator from Maine (Mrs. SMITH), I yield myself 5 minutes.

I send an amendment to the desk, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 45, line 7, strike out "$1,500,000" and insert "$2,000,000".

On page 45, line 9, strike out "$22,000,000" and insert "$27,620,000".

Mr. SCOTT. Mr. President on behalf of myself and the distinguished Senator from Michigan (Mr. HART), I offer an amendment to restore the full amount of the funds cut by the House from the fiscal year 1972 budget for the Equal Employment Opportunity Commission.

President Nixon's budget requested $27,620,000 for the Commission but the House of Representatives cut this to $22 million. The Senate Appropriations Committee has retained the figure adopted by the House.

However, the President has indicated his strong interest in maximum possible funding for EEOC, and I hope that my colleagues on both sides of the aisle will support this amendment.

The Commission has experienced severe problems, since its very beginning, in dealing with the tremendous number of complaints filed with it by individuals who feel they have been discriminated against as they sought to find, or retain, jobs.

As an indication of what is happening, let me cite a few statistics. During fiscal year 1970, the Commission received approximately 14,100 complaints from such individuals. The original budget estimate for fiscal year 1971 was based on the expectation that there would be about 16,-900 complaints filed during that 12-month period. However, there were actually 22,920 complaints received during fiscal year 1971. This represents an increase of 35 percent over the original estimate, and an even greater 62 percent over the number of complaints received during fiscal year 1970. The Commission expects that there will be another 30- to 40-percent increase in incoming complaints during fiscal year 1972, as opposed to fiscal year 1971.

With complaints coming in at this rate, and even though the House allowance provides for approximately 350 new posisions, the Commission will still not be in a position to effectively carry out the responsibilities that have been entrusted to it by the Congress in the critical area of job discriminaton. The purpose of this amendment is to restore the $5.62 million which was cut from the amount requested by the President and to bring the amount of the appropriation up to the budget request.

The Commission, as my colleagues know, is authorized to receive charges of discrimination and to attempt to resolve grievances through informal means of conciliation and persuasion. But neither the Congress nor the Commission has any control over the number of complaints the Commission receives. Any individual who feels he has been discriminated against in employment may file a charge, and the Commission is required to investigate it.

The Commission has a substantial backlog, amounting to approximately 25,000 complaints that are in some stage of processing by the Commission. On the other hand, during the last 18 months a number of steps have been taken by the Chairman of the Commission to streamline its procedures and to restructure the Commission's field operations. There has been substantial improvement in terms of the number of investigations that have been rendered. During fiscal year 1971, investigations completed increased by more than 50 percent as compared to the fiscal year 1970 results. The number of completed decisions was more than twice as many as those completed during fiscal year 1970. So they are making substantial progress.

But as the number of incoming complaints increases, the Commission's backlog will also increase if we do not give them the full amount of the money that has been requested so that they can hire the people in their field offices to deal with these complaints.

In my view, it would be disastrous if this body fails to take whatever steps it can to make sure that this Commission has all the tools and personnel necessary to do the job which we have mandated to it.

Even with the amount which has been approved by the House, the Commission would only be able to add to its staff about 50 percent of the compliance per-

sonnel which it needs to do the job in the field.

It was a proud day in the history of this body when we enacted legislation to set up the Equal Employment Opportunity Commission. I am proud to have been one of title VII's strongest supporters, and I know many of my colleagues share my views in that regard. But I am absolutely convinced that despite our strong commitment to the mission of EEOC, we must take this step now to insure that the agency can perform its tasks to the maximum extent. In the past, the President has indicated the strongest possible support for full funding for the Commission, and his support is equally as strong now as it was then. This administration is strongly committed to the elimination of discrimination in employment, and I hope that all of my colleagues will take this opportunity to express their own commitment toward that goal.

Mr. President, at this point I suggest the absence of a quorum, as I am about to ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SCOTT. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, I want to call attention to what the amendment does. I know that if we tag any item with a civil rights label we have an uphill fight to try to fight its enactment, but I want to call attention to what the amendment would do. They have an agency here that had 910 positions last year. The House has, after thorough examination of the record of the agency, its work and its program, which is reflected in the House hearings, allowed an increase of $5,815,000, I believe it is, over 1971 allowance. That provided additional job personnel of 346 people. That was added to the 910 people, or a 33-percent increase in personnel strength. This amendment would add another 324 positions, making a total increase in personnel strength for this small agency from 910 employees to a total of an additional 670 employees in 1-year, about an 80-percent increase in personnel strength.

I do not think that is justified, and I shall later have printed in the RECORD the matters that came up before the Appropriations Committee when the committee voted 9 to 6 to reject the proposal.

I cite the House hearings, pages 703 and 704, where Representative ROONEY, the chairman of the House Appropriations Committee, questioned Mr. Brown closely about his previous estimate and the workload, and what occurred.

Mr. ROONEY. How many new incoming complaints did you estimate for fiscal year 1970?

I suppose he meant 1971, estimated in 1970.

Mr. BROWN. The estimate for 1970 was 17,000.

That, Mr. President, was when they were asking for increases in this appropriation last year.

Mr. ROONEY. What was the actual number?

Mr. BROWN. New incoming complaints for 1970 was 14,129.

Mr. ROONEY. How many investigations did you estimate last year would be completed in fiscal year 1970?

Mr. BROWN. 6,300.

Mr. ROONEY. How many were actually completed?

Mr. BROWN. 4,471.

On the next page, we find some explanation of why he contends the workload was not lived up to.

It states:

Mr. ROONEY. Let's take a look at decisions to be rendered at page 13 of your justifications. What was your estimate last year for "received during the year?"

Mr. BROWN. 5,040.

Mr. ROONEY. What was the actual figure?

Mr. BROWN. 2,720.

In other words, only about 60 percent of the estimate that they had estimated actually materialized. Yet they want almost double, about an 80-percent increase in personnel over what they had.

Mr. President, I ask unanimous consent that beginning on page 703, under the title "Workload Statistics," and page 704, and the workload statistics on page 705 be printed in the RECORD, to show absolutely the lack of need for any such personnel as is here proposed.

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

WORKLOAD STATISTICS

Mr. ROONEY. Let's take a look at your workload statistics at page 13 of the justifications. Compare these statistics with your estimates submitted last year as they appear at page 591 of the printed hearings. When you were here a year ago the three folks presently at the table were here a year ago, too, were they?

Mr. BROWN. Yes, they were.

Mr. ROONEY. How many new incoming complaints did you estimate for fiscal year 1970?

Mr. BROWN. The estimate for 1970 was 17,000.

Mr. ROONEY. What was the actual number?

Mr. BROWN. New incoming complaints for 1970 was 14,129.

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Mr. BROWN. 6,300.

Mr. ROONEY. How many were actually completed?

Mr. BROWN. 4,471.

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Mr. BROWN. 5,040.

Mr. ROONEY. What was the actual figure?

Mr. BROWN. 2,720.

Mr. ROONEY. What was your estimate for "completed" during the year?

Mr. BROWN. 5,700.

Mr. ROONEY. What was the actual figure?

Mr. BROWN. 1,145.

Mr. ROONEY. Now we should look at "conciliations." What was your estimate for 1970 for received during the year?

Mr. BROWN. 3,306.

Mr. ROONEY. What did it turn out was the actual figure?

Mr. BROWN. 515.

Mr. ROONEY. What was your estimate for completed during the year?

Mr. BROWN. 3,000.

Mr. ROONEY. What did it turn out was the actual figure?

Mr. BROWN. 623.

Mr. ROONEY. If we look at reinvestigations on the same page, page 13 of your justifications book, what was your estimate for fiscal year 1970 for received during the year?

Mr. BROWN. 390.

Mr. ROONEY. What was the actual figure?

Mr. BROWN. Sixty-five.

Mr. ROONEY. What was your estimate for fiscal 1970 for completed during the year?

Mr. BROWN. 400.

Mr. ROONEY. What did it turn out was the actual figure?

Mr. BROWN. Sixty.

Mr. ROONEY. At the bottom of the page you have some figures with regard to conciliations followup. Let's look at those. What was your estimate for received during the year?

Mr. BROWN. 1,500.

Mr. ROONEY. What did it turn out was the actual number received?

Mr. BROWN. 227.

Mr. ROONEY. What was your estimate for completed during the year?

Mr. BROWN. 1,490.

Mr. ROONEY. How many did you actually complete during the year?

Mr. BROWN. Ninety-one.

Mr. ROONEY. I do want you to know, Mr. Brown, as one who has supported this program ab initio, that these kinds of figures in a workload do not offer me too much encouragement. Encouragement to do what? To do the things you were told not to do. That is about what it amounts to.

RELOCATION OF OFFICES

As I recall, in that conference with the Senate last year, there were discussions as to relocating offices. A Member of the House from Texas made a mighty effort in this regard. It turns out that you have used funds appropriated for another purpose to thwart the stopping of your relocations.

By the way, what relocation was Congressman Pickle of Texas interested in?

Mr. BROWN. From Austin to Dallas.

Mr. ROONEY. What did you do about that, if anything?

Mr. BROWN. That has been relocated. That is in the process. It will be finalized probably this month.

Mr. ROONEY. You just went ahead and did it?

Mr. BROWN. Mr. Chairman, unfortunately I was faced with a very substantial problem. I had to make a decision as to whether all the work and effort and time that had been put into the reorganization was going to be wasted and we would have to start all over again and waste all the money we had put into it.

Mr. ROONEY. Here is the chance for you to talk as long as you want. See if you can somehow justify this, so that when Mr. Pickle reads this record he won't think that you defied him and just went ahead and did what you felt like doing.

WORKLOAD STATISTICS

Mr. BROWN. First, let me address myself to the question which you have raised by reading the figures of our estimates for fiscal year 1970, and the actual figures.

I think perhaps as I have explained before, during that year I took a look at the entire procedures for the Commission. I felt that we were not turning cases out as fast as we possibly could. I felt that what was needed, as I looked at the entire structure of the Commission, was a new procedure for handling complaints.

During that year, we instituted completely new procedures. The institution of these new procedures required that we throw out most

of the work that we had done before. It required that we do an extensive amount of retraining of the staff which was on board at that time. It required an extensive amount of time to shake the new procedures down. We knew at the time we undertook the new procedures that the short-term effects of those procedures would be to lessen the amount of work which we could turn out.

I can say, as a result of those procedures, the amount of work which we have turned out this year is substantially above that which we had turned out last year.

Mr. McCLELLAN. Mr. President, I should like to read this paragraph under "Workload Statistics" on page 705. This is the testimony of Mr. Brown, the Administrator.

He says:

Mr. BROWN. First, let me address myself to the question which you have raised by reading the figures of our estimates for fiscal year 1970, and the actual figures.

That is what I have just referred to, Mr. President.

Then he said:

I think perhaps as I have explained before, during that year I took a look at the entire procedures for the Commission. I felt that we were not turning cases out as fast as we possibly could. I felt that what was needed, as I looked at the entire structure of the Commission, was a new procedure for handling complaints.

During that year, we instituted completely new procedures. The institution of these new procedures required that we throw out most of the work that we had done before. It required that we do an extensive amount of retraining of the staff which was on board at that time. It required an extensive amount of time to shake the new procedures down. We knew at the time we undertook the new procedures that the short-term effects of those procedures would be to lessen the amount of work which we could turn out.

I can say, as a result of those procedures, the amount of work which we have turned out this year is substantially above that which we had turned out last year.

Mr. President, I call attention to the fact that to increase the staff by 80 percent would simply mean that they cannot get the additional training and they cannot get them in operation. They have to get them on board. To have an agency with 910 employees now and to increase them by an additional 670 and throw that staff in with the 910 employees they already have would simply create a situation from which we will not get beneficial results. They will not be trained. They will repeat the error they made before, because if we give them that money it means that with that many employees they have to set up a system and, of course, operate it properly.

I think we should go along with the House and give them about half of what they are asking and then let them get the additional employees if they can demonstrate on the basis of the workload they have before the end of the year that they can handle and dispose of more cases by reason of being given additional staff.

We have the supplemental appropriations process under which they can be heard and can demonstrate the need much better than under the pending bill in which they are asking to have their staff increased by approximately 80 percent.

We ought to go along with the House. I think the House was very generous in increasing them by about 33⅓ percent.

I think we would treat the agency fairly by doing so and we would be protecting the public interest. The door would be open if they can demonstrate the need and the capacity to assimilate additional employees and train them and get results and achieve an efficient operation from the additional staff that they want. At a later time, we could do that.

Mr. President, this agency started in 1965 with appropriations of $2.250 million.

In 1966, the amount was raised by $1 million. It was $3.250 million.

In 1967, it was $5.240 million.

In 1968, it was $6.655 million.

In 1969, it was $9.120 million.

In 1970, we increased them by more than $4 million. The amount was $13.4 million.

Mr. President, that is when they found out that they had to retrain their people and start all over again after all of these years and after all of this money had been spent.

Last year we gave them $16 million, another increase of nearly $4 million. The amount was $16.185 million.

This year the House has given them nearly a $6 million increase—$5 million and some odd thousands of dollars. If we give them this amount, it would be an increase of more than $10 million in 1 year.

With an agency that has operated for 6 years and has said that it had to retain its people and that it was not getting good results, I think it is better to do this gradually, if that will permit them to do it effectively and if they will get results, rather than to give them too much money and think that we are doing good when we are not.

Mr. SCOTT. Mr. President, I yield myself 3 minutes on the amendment.

Chairman Brown testified at page 854 of the hearings:

As I indicated when I testified before the House Committee last month, the new procedure are having beneficial results, particularly in terms of work produced by our people in the field. I fully expect that in terms of investigations completed, 1971 will show an increase of more than 50% over the 4,471 completed during 1970.

He also points out on page 856 of the hearings:

Mr. BROWN. I would think we are going to have a very substantial backlog still, even with the full budget, since we have underestimated this. We originally thought we would have 19,000 incoming charges, and that figure is now 31,000.

Senator MCCLELLAN. Are you going to have a backlog of 25,000?

Mr. BROWN. Probably a backlog close to 31,000; and we already have a backlog close to 21,000. With the tremendous increase in cases, I think the backlog would go up somewhere in the neighborhood of 30,000.

Why the increase? The increase is not because of questions arising from differences in color anywhere near as much as it arises from the greater awareness of women in this country of this discrimination against them as women.

On page 860, Chairman Brown, when asked whether these discriminations over the country are getting worse, stated:

Mr. BROWN. I don't know if they are getting worse, I think we have more people aware of what their rights are and the fact that the Commission does exist, and this was not true in the early days. We are getting a great number of additional complaints from the women group. The number of complaints from women has increased substantially, and we are running 20 to 25 percent ahead of where we were last year.

The final thing—well, perhaps two things—the type of investigation is getting much more complex than in the early stages.

So, this is not merely a matter which arises from questions of race or differences of discrimination as to age. A very large number of questions arise concerning the discrimination against women in employment. That is the reason, along with the reasons I have just stated, that the administration suggests that we go back to the amount in the budget. It is not an increase over the amount of the administration, but is a return to the budget figure. That is the request of the administration.

I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, with all of the strain and stress that has been going on about someone needing to be represented in the cases to be investigated, this commission has flouted the will of the House Members by converting some of these funds for the purpose of moving their headquarters. They moved their place from Austin to Dallas.

Mr. President, I ask unanimous consent that there be printed in the RECORD the portion on page 705 of the House hearings dealing with Relocation of Offices.

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

RELOCATION OF OFFICES

As I recall, in that conference with the Senate last year, there were discussions as to relocating offices. A Member of the House from Texas made a mighty effort in this regard. It turns out that you have used funds appropriated for another purpose to thwart the stopping of your relocations.

By the way, what relocation was Congressman Pickle of Texas interested in?

Mr. BROWN. From Austin to Dallas.

Mr. ROONEY. What did you do about that, if anything?

Mr. BROWN. That has been relocated. That is in the process. It will be finalized probably this month.

Mr. ROONEY. You just went ahead and did it?

Mr. BROWN. Mr. Chairman, unfortunately I was faced with a very substantial problem. I had to make a decision as to whether all the work and effort and time that had been put into the reorganization was going to be wasted and we would have to start all over again and waste all the money we had put into it.

Mr. ROONEY. Here is the chance for you to talk as long as you want. See if you can somehow justify this, so that when Mr. Pickle reads this record he won't think that you defied him and just went ahead and did what you felt like doing.

Mr. McCLELLAN. Mr. President, they were spending the money that was appropriated for investigations to move their location, defying the will of the

House. The House had instructed that they not do it.

I think the time has come to put this thing in its proper perspective and let it develop and grow. As they get more qualified and as they get more competent to do this work, we can increase appropriations if they are warranted.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has one minute remaining on the amendment.

Mr. McCLELLAN. Mr. President, I yield 4 minutes to the Senator from Nebraska, 1 minute from the amendment and 3 minutes from my time on the bill.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 4 minutes.

Mr. HRUSKA. Mr. President, somewhat reluctantly I rise in opposition to the amendment. I say reluctantly because the objectives of the Commission are good. I think they are in harmony with the general policy approved repeatedly by the Senate and by the House of Representatives. They are part of our national policy: to see that equal employment opportunities are extended to all persons.

However, there are several practical aspects to this situation which induced the subcommittee of the Committee on Appropriations and the committee proper to hold the increase in personnel and funds down to the level which the other body had approved. We should take into consideration that the authorized personnel for these purposes in fiscal year 1971 was 910 positions. Actually on board and employed and engaged in those positions were only 799 positions as of April 30, so I am informed. I do not have the actual number that are on board now or how many were on the payroll on June 30.

Mr. President, 910 positions were authorized for fiscal year 1971. The other body authorized an increase of 346 positions. If there is added to that number those that would be provided under the pending amendment it would be an increase in personnel of some 75 percent over last year. It is more than that when we consider the actual average number of people on the payroll during fiscal year 1971.

It is not only a matter of furnishing additional personnel, but it is also a matter of recruiting them and placing them in positions where they can accomplish the tasks assigned to them. It was the belief of the other body and of our committee that 346 positions would be an adequate increase until it was demonstrated that they have satisfactorily utilized these additional slots. If during the next 6 months they are able to proceed satisfactorily on the basis of the allotments in personnel and funds as provided in the bill, there will then be the opportunity to come in by way of supplemental requests. I am sure such a request would be viewed in light of the developments which occur between now and then.

So it is not that I would be opposed to the program or unaware of the necessity for prosecution of the equal employment program vgiorously and effectively. It is rather the practical cost of demonstrating that the added positions and funds will be effectively used. When that is done we can consider additional personnel and funds.

Mr. McCLELLAN. Mr. President, will the Senator yield for a question?

Mr. HRUSKA. I yield.

Mr. McCLELLAN. How many vacancies do they have in the positions authorized now?

Mr. HRUSKA. As of April 30, there were 799 actually employed. That would be roughly 800, so that over 100 positions were not filled.

Mr. SCOTT. My reading of the committee report shows that 888 of the 910 were available, either employed or on board, and the "on board" was defined as persons who had been accepted but who had not reported for work. So between April and the date of these hearings it is my understanding the figure went up to 888, less 21 actually hired but who had not reported.

Mr. HUMPHREY. Mr. President, I strongly support the amendment to H.R. 9272—State, Justice, Commerce, Judiciary, and Related Agencies Appropriations for fiscal year 1972—to provide an additional $5.62 million for the operations of the Equal Employment Opportunity Commission.

It was my privilege to play a central role in the effort in the Senate to secure enactment in 1964 of the historic Civil Rights Act. The Commission has been responsible for carrying out the provisions of title VII of that act, designed to eliminate discrimination in employment based on race, color, religion, sex, or national origin.

Yet today, we must recognize that discrimination in employment is a fact. We do not like to admit it, but it exists, it is widespread, and it must be corrected.

While the Commission was created to remedy this situation, it has been consistently underfunded and thereby limited in its efforts. The Commission's 875-man staff cannot keep up with the demand for its services. An individual who has been illegally discriminated against must often wait nearly 2 years before the final disposition of his complaint—10 times the length of time prescribed in the Civil Rights Act. At the present time, EEOC has a backlog of 25,000 cases of complaints discriminatory practices, yet is without sufficient funds and manpower to deal with them.

Justice deferred is justice denied, when men and women are required to wait as much as 2 years just to find out from the Commission if they have a case, and may file suit in court. These people want an equal chance at a job for which they qualify, and they have been guaranteed that right not only by the Constitution but also by the Congress in the Civil Rights Act under title VII. We must at long last give the Commission the full support that is necessary to make this promise real.

By approving these additional funds to enable the Commission to carry out its mandate, the Congress will not only be endorsing the right of every citizen to obtain equal employment opportunity, but will be taking a decisive step toward full utilization of the Nation's manpower in a just and democratic way.

Equality of opportunity is the birthright of all Americans. Our failure to protect this right must concern us all. The guarantee of job equality is a basic requirement of a healthy and dynamic society. It affects every aspect of a person's life: it gives a perspective, and therefore an incentive, to education; it gives a vested interest in the society and therefore a personal interest in its preservation and its well-being; it provides personal security and therefore a personal identity and integrity.

I cannot overemphasize the enormity of the task facing the Commission, and the priority we should give it in terms of the health of the Nation's economy and moral force. Continuing the existence of the Commission without full support in terms of adequate funds to carry out its function can only make the promise of the Civil Rights Act of 1964 less and less credible. I strongly believe we must now move instead to fulfill that promise, and one essential step must be to assure that Federal enforcement machinery to end discrimination in employment practices is fully operational and effective.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. McCLELLAN. Mr. President, that shows that after an entire year they did not have their personnel; they did not have that much complement.

Now, we want to boost it by 670 people all at once when after 1 year they could not get up to the 910 figure by proper processing. It seems to me we would only be throwing money away.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

There is another factor to this question. During the course of the last fiscal year a total reorganization of that Department and its personnel procedures and the allocation of personnel was undertaken. Chairman Brown of the Commission explained it to us and said the Commission is now much more effective and is turning out much more work with less personnel than before.

That factor entered into consideration by the other body and our committee. We would like to see what progress will be made with 346 positions. If another increase is warranted and the request is made, this Senator will speak out for them in committee and on the floor of the Senate. But we should do it in an orderly fashion.

The PRESIDING OFFICER. All time on the amendment has expired. The question is on agreeing to the amendment of the Senator from Pennsylvania (Mr. SCOTT). On this question the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. BYRD), the Senator from Florida (Mr. CHILES), the Senator from

Idaho (Mr. CHURCH), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from Connecticut (Mr. RIBICOFF), are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Washington (Mr. JACKSON), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from New Hampshire (Mr. COTTON), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), the Senator from Michigan (Mr. GRIFFIN) and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official busines.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

If present and voting, the Senator Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS) and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 51, nays 29, as follows:

[No. 148 Leg.]

YEAS—51

Allott	Hartke	Pearson
Beall	Hughes	Pell
Boggs	Humphrey	Percy
Brooke	Inouye	Prouty
Byrd, W. Va.	Kennedy	Proxmire
Case	Magnuson	Randolph
Cook	Mansfield	Roth
Cooper	McGovern	Saxbe
Cranston	McIntyre	Schweiker
Dole	Miller	Scott
Dominick	Mondale	Spong
Eagleton	Montoya	Stevens
Fong	Moss	Stevenson
Fulbright	Muskie	Symington
Gravel	Nelson	Tunney
Harris	Packwood	Weicker
Hart	Pastore	Williams

NAYS—29

Aiken	Ellender	Jordan, Idaho
Allen	Ervin	McClellan
Anderson	Fannin	Smith
Bennett	Gambrell	Sparkman
Bentsen	Goldwater	Stennis
Bible	Gurney	Talmadge
Brock	Hansen	Thurmond
Cannon	Hollings	Tower
Curtis	Hruska	Young
Eastland	Jordan, N.C.	

NOT VOTING—20

Baker	Church	Mathias
Bayh	Cotton	McGee
Bellmon	Griffin	Metcalf
Buckley	Hatfield	Mundt
Burdick	Jackson	Ribicoff
Byrd, Va.	Javits	Taft
Chiles	Long	

So Mr. SCOTT's amendment was agreed to.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CASE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CASE. Mr. President, will the Senator from Maine yield me 1 minute on the bill?

Mrs. SMITH. I yield the Senator 1 minute.

Mr. CASE. I thank the Senator. I take this time, first, to commend the Senator from Pennsylvania for his initiative in regard to the last amendment, and to express my great satisfaction that it was successful, and then to ask him whether I am not correct in my understanding that the amendment was an amendment to support the President's program, and that a vote in favor of the amendment was a vote in favor of the President's program. Is that correct?

Mr. SCOTT. That is correct. The President's request was for the full amount in the budget.

Mr. CASE. And a vote against the amendment would have been and was a vote in opposition to the President's program; is that correct?

Mr. SCOTT. Yes. I think I have answered the Senator. The President requested the full amount of the budget, and an affirmative vote was a vote in favor of restoring the budget to the full amount.

Mr. CASE. I thank the Senator. My question was prompted by possible confusion that might have resulted from the somewhat arcane method of tabulating votes in this body, and I felt that a statement straight from the horse's mouth would be reassuring.

Mr. SCOTT. I thank the Senator for his description of me. [Laughter.]

Mr. MCCLELLAN. Mr. President, I remember many times when gentlemen on that side of the aisle have not supported the President's program. So this is a two-way street, depending on whose ox is up to be gored.

Mr. HRUSKA. Mr. President, will the Senator from Maine yield me 1 minute on the bill?

Mrs. SMITH. Yes.

Mr. HRUSKA. Mr. President, I should like respectfully to differ with the conclusion that a vote of "nay" would have been a vote against the President's program. We had 900 authorized personnel. The action of the committee was to increase that number by 346. That was a respectable number, approved by the other body and the committee of this body. Comes now a request for 346 more positions, which would have represented an increase of 75 percent of the present authorized personnel.

I suppose if we had had an amendment asking for 500 additional personnel, that would be the President's position, and a vote of "nay" would have been a vote against the President's program. But I respectfully suggest that a vote of "nay" in this instance would have been in pursuance of the President's program, in a logical, orderly, effective way, and not against it.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

The bill is open to further amendment.

Mr. HUMPHREY. Mr. President, will the Senator yield? Who has the time, Mr. President?

Mr. MCCLELLAN. Does the Senator have an amendment?

The PRESIDING OFFICER. The Senator from Arkansas and the Senator from Maine have control of the time.

Mr. MCCLELLAN. I yield the Senator 2 minutes on the bill.

Mr. HUMPHREY. Just a half minute, Mr. President, to say that I was glad to get the President's positions on the previous amendment—yes, both positions as interpreted by the Republican Senators.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 991) to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. GAMBRELL).

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BENTSEN) 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.)

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9272) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

Mr. HART. Mr. President, I call up my amendment, and ask for its immediate consideration. I am not aware that the President has taken any position on this matter.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 11, line 9, strike out "$2,918,000" and insert in lieu thereof "$3,318,000".

Mr. HART. Mr. President, this amendment, which Senator GRIFFIN had hoped very much he would be able to offer, and which I am glad to offer as cosponsor, would increase by $400,000 the $2,900,000 that has been recommended for the American share for the International Fisheries Commission.

I feel certain that all the Senators from the Great Lakes States would support and cosponsor the amendment, although we have not had opportunity to circulate it.

Specifically, it would provide this additional amount for the Great Lakes

Fisheries Commission to enable the commission to carry out an intensified program for eradication of the sea lamprey.

As reported by the Senate Appropriations Committee, the bill provides $1,613,000 for the Great Lakes Commission. This amendment, if approved, would increase that to $2,013,000—a very modest expenditure, it seems to me, in terms of what it means to the Great Lakes States and Canada.

Despite nearly a quarter of a century of efforts by Federal, State, and Canadian agencies, working in cooperation, control of the sea lamprey in the Great Lakes has not yet been achieved. Substantial progress has been made in this direction.

According to Dr. Robert W. Saalfeld, executive secretary of the Great Lakes Fisheries Commission:

> The difficulty of establishing a fully effective program of sea lamprey control simultaneously on four of the five Great Lakes (sea lamprey are no threat to the fisheries of Lake Erie) stems mainly from the failure of the Commission to obtain the funds it believes are required to accomplish the job.

It is most difficult to estimate what the sea lamprey has cost since it first invaded the Great Lakes about 40 years ago.

By 1960 the lamprey had ended the commercial fishing industry in Lakes Superior, Huron, and Michigan. Some idea of the economic loss alone can be obtained from these figures:

Between 1938 and 1947 the trout catch in Lake Huron dropped from 5 million pounds to less than 400,000 pounds.

In Lake Michigan commercial production dropped from 6.5 million pounds in 1944 to 50,000 pounds in 1950. In Lake Superior trout production dropped from an average of 4.4 million pounds in 1947 to 500,000 pounds in 1960.

Commercial fishermen in these upper three lakes, therefore, lost a combined annual income of $7.5 million.

Through chemical control efforts, the lamprey population in the upper Great Lakes is estimated to be 10 to 15 percent of the 1960–61 peak.

This reduction has been brought about largely through treatment of breeding grounds with a chemical lampricide called TFM. The additional funds sought by this amendment would enable the Great Lakes Fisheries Commission to expand the control to other streams in the three upper Great Lakes, and, in addition, to the American side of Lake Ontario.

Commission estimates indicate the cost of not expanding this program. For example, last year I was told that a delay in treating three key rivers in northern Lake Huron could result in production of 700,000 young lamprey a year. This number of lamprey could destroy as much as 30 million pounds of fish in Lake Huron, the equivalent of five times the estimated commercial harvest from that lake.

At a time when we are deeply—and justly—concerned about maintaining a balanced ecology, this is a small amount to expend to help restore that balance in our Great Lakes.

Mr. BYRD of West Virginia. Mr. President, may we have order in the rear of the Chamber? The Senator is entitled to be heard; and as long as even one Senator wishes to listen, that Senator is entitled to hear.

Mr. HART. I thank the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HART. I realize that the House has advanced moneys to support this effort. I realize fully the restraints that operate on our own Appropriations Committee as they consider it. But just this morning I had a conversation, by phone, with Mr. John Bailes of the Michigan Department of Natural Resources, and he underscored the urgency with which we view the necessity of capitalizing on the progress we have made in arresting and eradicating the lamprey He made the following comment:

> About one-half of the $400,000 increase would be utilized to intensify sea lamprey control efforts on the Upper Great Lakes of Huron, Superior and Michigan. This new effort would be directed toward control of sea lamprey reproduction in certain river estuaries and inland lakes. Lamprey from these areas have gone uncontrolled up until now due to the high cost and difficulty of treatment. The scarring rates and mortality of planted trout and salmon are high in these areas. The other one-half of the $400,000 increase would be utilized to extend lamprey control to Lake Ontario and bring the U.S. treatments on that Lake in phase with Canada, which has already made plans to begin sea lamprey control in Lake Ontario this summer. Sea lamprey is now so abundant in Lake Ontario that trout and salmon stocked by the Province of Ontario and State of New York have all been scarred and most killed by predatory sea lamprey. Currently in the Great Lakes, the eight Great Lakes states are stocking approximately 7 million salmon, 500,000 steelhead or rainbow trout, and the Federal Government is planting approximately 4 million lake trout. This $400,000 would assure a greater survival for these planted fish and would be a net savings in the total Great Lakes rehabilitation program.

I hope the amendment will be adopted.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement by my colleague, Senator GRIFFIN.

There being no objection, the statement by Senator GRIFFIN was ordered to be printed in the RECORD, as follows:

> Mr. President, I join my colleague, the Senior Senator from Michigan (Mr. HART), in strongly urging that Congress appropriate an additional $400,000 for the Great Lakes Fishery Commission to intensify its sea lamprey control program.
>
> This $400,000 would bring appropriations for the Commission up to the level originally requested by that agency.
>
> Mr. President, control of the sea lamprey in the Great Lakes has not yet been achieved despite 23 years of effort by Federal, state, provincial, and international agencies.
>
> According to Dr. Robert W. Saalfeld, Executive Secretary of the Great Lakes Fishery Commission, the international organization charged with sea lamprey control:
>
> "The difficulty of establishing a fully effective program of sea lamprey control simultaneously on four of the five Great Lakes (sea lamprey are no threat to the fisheries of Lake Erie) stems mainly from the failure of the Commission to obtain the funds it believes are required to accomplish the job."
>
> The lamprey has been a chronic menace to large fish in the Great Lakes—especially the lake trout—ever since it first appeared in Lake Huron in 1938.
>
> The lampreys effect on the ecological balance of the three Upper Great Lakes has been devastating. As Norman S. Baldwin, former Executive Secretary of the Great Lakes Fishery Commission, put it:
>
> "Although the sea lamprey is not solely responsible for the scarcity of valuable fish in the Upper Great Lakes, it must bear a major share of the blame, and its control is basic to restoration of an ecological balance and rehabilitation of the sport and commercial fisheries."
>
> A parasite, the lamprey survives by attaching itself to a large fish, sucking the life from it, and then moving on to its next victim.
>
> Dr. Baldwin's description is vivid:
>
> "A parasitic lamprey is equipped with a sucker-like mouth rimmed by horny teeth for attachment, a horny tongue for rasping a hole in the skin of its prey, and a set of glands which discharge a secretion into the wound made by the tongue. This secretion prevents coagulation of the prey's blood and breaks down the flesh. On a diet of blood and bits of flesh the adult lamprey grows from 7 to 18 inches in 12 to 20 months. . . . Judging from laboratory feeding studies, a lamprey can destroy 35 to 40 pounds of fish during its adult parasitic life."
>
> By 1960 the sea lamprey had demolished the commercial fishing industry in Lake Huron, Lake Michigan, and Lake Superior. Fishermen who once made an annual catch of 16 million pounds worth $7.5 million are now forbidden by State authorities to fish for lake trout.
>
> Although commercial fishing is dormant, progress has been made in the fight against the lamprey, largely due to the efforts of the Great Lakes Fishery Commission, an international agency created in 1956.
>
> Today the lamprey population in the Upper Great Lakes is estimated to be 10–15 per cent of the 1960–1961 peak.
>
> This impressive reduction has come about largely through treatment of breeding grounds with a chemical lampricide called 3-trifluoromethyl-4-nitrophenol (TFM).
>
> TFM, when deposited in precisely measured concentrations in streams where lampreys breed, is lethal to sea lamprey larvae but has no effect on other fish.
>
> Even though the sea lamprey has been reduced to 10–15 per cent of its former population, the lake trout has not yet returned in significant numbers, despite an extensive planting program. Scientists estimate that in order to achieve a self-reproducing stock of lake trout it will be necessary to reduce the lamprey population to 5 per cent of the 1960–1961 peak. This would result in restoration of 85 per cent of the pre-lamprey population of lake trout—a visible self-sustaining fishery. Dr. Saalfeld states:
>
> "If current lamprey abundance could be reduced another order of magnitude (or about 5 per cent of their abundance before control measures took effect) by intensification of the chemical control program it would trigger a rapid development of a spawning lake trout stock."
>
> Such an intensified program requires additional funding.
>
> When the Commission made its initial budget request for fiscal year 1972, it asked for $1.788 million. This request was trimmed by $400,000 by the Office of Management and Budget. Subsequently, the Commission learned that an additional $200,000 would be required to test the lampricide, TFM, in order to comply with pesticide regulations of the Environmental Protection Agency.
>
> This additional $200,000 (actually $225,000 to meet the cost of inflation) was approved by OMB, by the House of Representatives, and by the Senate Appropriations Committee, thus bringing the total appropriation for the Great Lakes Fishery Commission in H.R. 9272 to $1.613 million. It should be emphasized, however, that this additional $225,000

is for an unforeseen expense and cannot be used for intensification of the lamprey control program.

Therefore, I strongly urge that $400,000 in additional funds be appropriated for the lamprey program. This figure corresponds with the initial request made by the Commission and would enable the Commission to intensify the control program in the upper three lakes and to extend the program to the United States side of Lake Ontario.

Mr. President, recent appropriations for the Great Lakes Fishery Commission have been sufficient only to permit the Commission to establish a maintenance operation. The lamprey program is now at a point where a concerted effort by the Commission can tip the balance in favor of the lake trout. Presently, the sea lamprey is holding its own.

A 1968 study by the Commission estimated that restoration of a viable lake trout fishery in the Great Lakes could result in a net annual benefit of $1.5 billion to U.S. commercial and sports fishing interests alone.

Clearly, an additional $400,000 appropriated now means economy in the long run.

Mr. President, I hope that Congress will see fit in 1971 to enable the Great Lakes Fishery Commission to move to finish the job it started in 1956.

Mr. President, I ask unanimous consent that the following documents be printed in the RECORD immediately following my statement:

(1) A copy of my letter to the Honorable George H. Mahon, Chairman of the House Committee on Appropriations, dated June 11, 1971.

(2) A copy of a letter from Robert W. Saalfeld, Executive Secretary of the Great Lakes Fishery Commission, dated June 7, 1971.

(3) A copy of an article entitled "Sea Lamprey in the Great Lakes" by Norman S. Baldwin, former Executive Secretary of the Great Lakes Fishery Commission, which appeared in the Fall 1968 issue of Limnos magazine.

U.S. SENATE,
Washington, D.C., June 11, 1971.

Hon. GEORGE H. MAHON,
Chairman, Committee on Appropriations, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to urge increased funding for the control and eventual elimination of the sea lamprey in the Great Lakes.

I have enclosed a copy of a letter from Robert W. Saalfeld, Executive Secretary of the Great Lakes Fishery Commission, which I believe clearly documents the need for additional funding.

As you know, the lamprey has been a chronic menace to large fish in the Great Lakes—especially the lake trout—ever since it first appeared in Lake Huron in 1938.

By 1960 commercial fishermen who had made an annual catch of 16 million pounds of lake trout in previous years were out of business. Today, due to the efforts of the Great Lakes Fishery Commission, the lamprey population has been reduced to 10–15 per cent of the 1960–1961 peak.

But the lake trout has not returned in significant numbers, and commercial fishing in the upper Great Lakes has yet to be reestablished.

Recent appropriations for the Great Lakes Fishery Commission have been sufficient only to permit the Commission to establish a maintenance operation. The lamprey program is now at a point where a concerted effort by the Commission can tip the balance in favor of the lake trout. Presently, the lamprey is holding its own, as the enclosed correspondence clearly indicates.

It is my understanding that the Subcommittee on the Departments of State, Justice, Commerce and the Judiciary has reported to the full Committee a bill that would appropriate $1,613,000 for the Great Lakes Fishery Commission.

I strongly urge that $400,000 in additional funds be appropriated for the lamprey program. This figure corresponds with the initial request made by the Commission and would enable the Commission to intensify its control program in the upper three Lakes and to extend its program to the United States side of Lake Ontario.

More money now can enable the Commission to take the necessary steps to assure eventual elimination of the lamprey as a threat to Great Lakes fish.

This, of course, means economy in the long run, a goal I share with every member of your Committee.

With best wishes, I am

Sincerely,

ROBERT P. GRIFFIN,
Minority Leader.

GREAT LAKES FISHERY COMMISSION,
Ann Arbor, Mich., June 7, 1971.

Hon. ROBERT P. GRIFFIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRIFFIN: In response to a request from your office, I am pleased to provide the following capsule version of the sea lamprey control program on the Great Lakes.

When the sea lamprey entered the Great Lakes above Niagara Falls through the Welland Canal about 1921, conditions were ideal for its explosive increase. Lake trout were in abundance in Lakes Huron, Michigan, and Superior and their habits matched those of the sea lamprey admirably. The exclusively parasitic lampreys soon reduced the lake trout to virtual extinction in these lakes by sucking blood from wounds made by rasping teeth. Between 1938 and 1947, Lake Huron trout production dropped from 5.0 million pounds to less than 400,000 pounds and the fishery collapsed. In Lake Michigan, commercial production dropped from 6.5 million pounds in 1944 to 50,000 pounds in 1950. Lampreys encountered some trouble negotiating the locks in St. Marys River to reach Lake Superior, but by 1947 enough of them had made it to establish a rapidly growing population. Lake trout production in Lake Superior dropped from an average of 4.4 million pounds per year to less than 0.5 million pounds in 1960. Commercial fishermen in these 3 upper lakes, therefore, lost a combined annual income of more than 7.5 million dollars. Losses to other channels in the trade and to the sport fisheries are inestimable.

The sea lampreys spawn in the gravel riffles of streams during the spring and early summer. When the eggs hatch the larvae drift to areas of softer bottom where they burrow and spend 2 to 10 years of their larval existence. After their larval existence they metamorphose or transform into the adult parasitic form and migrate to the Great Lakes during the fall or spring months. The next 12 to 20 months are spent feeding on fish of the lakes. During this period they grow from about 7 to 17 inches. At the end of this period the adult lamprey enters a stream to spawn and dies.

Sea lamprey control is carried out under the direction of the Great Lakes Fishery Commission, an international organization created by treaty between the United States and Canada. The Fish and Wildlife Service is the contracting agent for the United States and the Department of Fisheries and Forestry is the agent for Canada.

The principal method of control involves the application of a selective toxicant "lampricide (TFM)" to streams to destroy larval sea lampreys. It has become abundantly clear over the past few years that the control program is basic to the redevelopment and re-establishment of the Great Lakes fisheries, and it is gratifying to know that a substantial degree of control has been achieved in Lake Superior, Lake Michigan, and Lake Huron by periodic chemical treatment of lamprey-producng streams. At the present level of intensity the program is holding the lamprey in Lakes Superior and Michigan at about 10–15 percent of their abundance before control measures took effect; and a similar decline of lampreys is already evident in Lake Huron where first-round chemical treatments will be completed this year.

Coupled with sea lamprey control is the trout-salmon rehabilitation program which involves intensive annual plantings of hatchery-reared fish. This program carried out cooperatively by State, Federal, and Provincial agencies has involved plantings totalling 28.4 million lake trout, 2.4 million coho, and 0.4 million chinook salmon in Lake Superior since 1958; 11.3 million lake trout, 10.8 million coho, and 6.2 million chinook salmon in Lake Michigan since 1965; and 2.8 million coho and 2.1 million chinook in Lake Huron since 1968. As the sea lamprey have yielded to control, these planted fish have survived and grown exceptionally well on the forage fish available; and their presence in the lakes has been responsible for the development of significant sport fisheries in the upper three lakes. In Michigan waters alone, preliminary studies indicate that an estimated 180,000 anglers spent 2 million days of sport fishing in 1970. The catch of salmon and trout was estimated at 1.0 million fish and the net value of the resource between 5 to 7 million dollars.

Currently, the major problem of sea lamprey control is the difficulty of reducing the lamprey population to a level which does not hinder the development of a self-reproducing stock of lake trout—the primary objective of the program. Unfortunately, lake trout do not mature and reproduce until they reach 7 years of age and about 28 inches in length, and since lamprey prefer to attack larger fish, even a remnant population can inflict heavy losses on lake trout for about 3 to 4 years before they spawn for the first time. Scientists studying lake trout in Lake Superior have provided evidence that lamprey predation is the major source of mortality of lake trout over 25 inches in length. They believe that if current lamprey abundance could be reduced another order of magnitude (or about 5 percent of their abundance before control measures took effect) by intensification of the chemical control program it would trigger a rapid development of a spawning lake trout stock.

The difficulty of establishing a fully effective program of sea lamprey control simultaneously on four of the five Great Lakes (sea lamprey are no threat to the fisheries of Lake Erie) stems mainly from the failure of the Commission to obtain the funds it believes are required to accomplish the job. As a matter of fact, the differential gap between the funds requested by the Commission and those received from the two governments has grown wider in the last few years. The financial problem is compounded by the fact when the United States Government is unable to provide the funds requested, the Canadian contribution must be automatically lowered to meet a cost sharing formula which calls for the U.S. to contribute 69 percent and Canada 31 percent of total program expenses.

To illustrate the problem specifically, in July 1970 the Commission submitted to the two governments a sea lamprey control and research program for fiscal year 1972 which provided for intensification of lamprey control in the 3 upper lakes and an extension of chemical control to Lake Ontario lamprey streams. The program called for a total expenditure of 2.613 million dollars—U.S. contribution of $1.788 million dollars and Canadian contribution of $0.825 million dollars. Later in 1970, the Commission was advised by the U.S. Government that its contribution would have to be limited to $1.388 mil-

lion dollars rather than the $1.788 million requested. At the same time, the Commission received the distressing news that in order to obtain continuing clearance for its registration of lampricide (TFM) by the Pesticide Regulation Division of the Environmental Protection Agency (EPA) it would be necessary to carry out a wide range of toxicology and residue chemistry studies that would eventually yield the data needed to establish tolerance limits in water, fish, and food or food stuffs. The estimated cost of this registration-oriented research on TFM in fiscal year 1972 alone was $290,000.

In January 1971, the Commission held an emergency meeting to determine what revisions in the fiscal year 1972 program were needed to include research on TFM and stay within a budget limitation established by a U.S. contribution of $1.388 million dollars. An immediate decision was to defer intensification of control in the 3 upper lakes and an extension of chemical control to lamprey streams on the U.S. side of Lake Ontario. If the Commission was forced to absorb the costs of TFM research in its operational control program, it would also be necessary to curtail chemical control on the U.S. side of Lake Huron and carry out only a "maintenance" program on Lake Michigan and Lake Superior. Recognizing that the two governments might be sympathetic to these problems, the Commission requested an increase in contributions for fiscal year 1972 amounting to $200,000 in the U.S. and $90,000 in Canada to cover the cost of TFM registration-oriented research. The request is now being considered favorably by the U.S. Congress and the House of Commons in Canada. If these additional funds are obtained, the Commission would then be able to carry out in fiscal year 1972 the TFM research, conduct a maintenance control program on the 3 upper lakes, and extend chemical operations to the Canadian lamprey streams of Lake Ontario.

It is hoped that the foregoing is sufficient to bring you abreast of the progress made and some of the biological and fiscal problems confronting sea lamprey control in the Great Lakes.

Respectfully yours,

ROBERT W. SAALFELD,
Executive Secretary.

SEA LAMPREY IN THE GREAT LAKES

(By Norman S. Baldwin)

Movement of sea lamprey (*Petromyzon marinus*) from Lake Ontario to Lake Erie through the Welland Canal about 1920, and their subsequent establishment in the Upper Great Lakes, initiated a series of biological changes which have extended beyond the fish directly attacked by this parasite. The initial impact was borne by the large, cold-water fish such as lake trout (*Salvelinus namaycush*), burbot (*Lota lota*), whitefish (*Coregonus clupeaformis*), and rainbow trout (*Salmo gairdneri*). The catch of these species dropped sharply and one, the lake trout, was almost completely eliminated in Lake Huron and Lake Michigan. Smaller cold-water species which became abundant in the absence of lake trout have recently been displaced in Lake Michigan by the alewife (*Alosa pseudoharengus*). Alewives have become so numerous that certain plankton species which they prefer for food have now become scarce.

Although the sea lamprey is not solely responsible for the scarcity of valuable fish in the Upper Great Lakes, it must bear a major share of the blame, and its control is basic to restoration of an ecological balance and rehabilitation of the sport and commercial fisheries.

The threat posed by the sea lamprey was not generally recognized until it was well established in all the lakes and had seriously affected the commercial fisheries in Lake Huron and Lake Michigan. Control by federal, state, and provincial agencies began in 1948, and in 1956 was made one of the responsibilities of Great Lakes-Fishery Commission, an international agency established by the United States and Canada for the conservation and development of Great Lakes fishery resources.

Early steps to control lamprey were too little and too late to prevent the parasite from becoming firmly established in all of the lakes; screens placed in streams to block lamprey from spawning grounds were repeatedly washed out and were soon replaced by electrical barriers. These devices consisted of a series of electrodes which, when charged with line or generator power, produced an electrical field in the waters and lamprey and fish moving upstream could not penetrate. These electrical barriers were not fully effective in some large rivers during severe flooding, although they rarely washed out.

It was not until 1958, after more than 6 years of experimentation by the U.S. Bureau of Commercial Fisheries, that a chemical method to reduce lamprey was perfected and applied, first on Lake Superior, then on Lake Michigan, and recently on Lake Huron, paving the way for the restoration of lake trout, rainbow trout, whitefish, the introduction of Pacific salmon, and a return to a more balanced ecological situation.

The sea lamprey might seem an unlikely candidate for the role of "spoiler" on the Great Lakes. In the ocean, attacks on fish have been reported but there is little evidence that the parasite causes serious losses to important species. Furthermore, in Lake Ontario and the Finger Lakes of New York, landlocked sea lamprey and lake trout have co-existed for at least 100 years and possibly since the retreat of the glaciers thousands of years ago. It should be pointed out, however, that in these lakes trout survival appears relatively low and the populations are in a precarious position when exposed to fishing pressure. A significant fishery appears to require the support of hatchery plantings.

It may be surprising to some to learn that in addition to the sea lamprey, the Great Lakes contain four native species of lamprey—two non-parasitic and two parasitic. The northern brook lamprey (*Ichthyomyzon fossor*) and the American brook lamprey (*Lampetra lamottei*) remain in streams during their entire life without parasitizing fish. The silver lamprey (*Ichthyomyzon unicuspis*) and chestnut lamprey (*Ichtyomyzon castaneus*) on the other hand are parasitic for about a year before they spawn and die. The silver lamprey was reportedly abundant in Lake Erie during the last century but is rarely encountered now. It appears to prefer warmer water than the sea lamprey and its distribution in the colder lakes is restricted. The chestnut lamprey generally remains in rivers and is abundant in several including the Manistee in Michigan where it causes significant damage to brown trout.

Although no fish in the Great Lakes, except the very small species, are immune to sea lamprey attack, lake trout are by far the most vulnerable. They inhabit the cooler water preferred by sea lamprey and are perhaps attacked more successfully because they present a large "target." More importantly, they mature at a relatively large size and advanced age and are exposed to sea lamprey for several years before they spawn. Lake trout planted where lamprey are abundant show good survival until they reach about 20 inches at which time they come under heavy attack with few reaching 24 inches.

The key to controlling a species is usually found only after a careful study has been made of its habits and behavior. The sea lamprey is no exception and during the early years was closely studied. Despite the collection of much information these studies are continuing so that control methods can be improved.

The sea lamprey in the Great Lakes spawn in the gravel riffles of streams during the spring and early summer. The eggs are deposited in depressions made by moving stones. On hatching, the larvae burrow into the bottom mud where they spend from 3 to 9 years depending on growing conditions. During this time they are called ammocetes. These larvae are seldom seen since they move only occasionally and usually at night. They feed on small organisms filtered from the water which they pump into their burrows for respiration. Growth is typically slow but in a few streams may be fast enough to bring about transformation of a small proportion of a hatch in 3 years. Generally, larvae remain in streams for about 5 years and reach a length of 7 inches before assuming parasitic characteristics (transforming) and migrating to the lake to feed on fish. A parasitic lamprey is equipped with a sucker-like mouth rimmed by horny teeth for attachment, a horny tongue for rasping a hole in the skin of its prey, and a set of glands which discharge a secretion into the wound made by the tongue. This secretion prevents coagulation of the prey's blood and breaks down the flesh. On a diet of blood and bits of flesh the adult lamprey grows from 7 to 18 inches in 12 to 20 months. At the end of this period, the adult lamprey enters a stream, spawns, and dies. Judging from laboratory feeding studies, a lamprey can destroy 35 to 40 pounds of fish during its adult parasitic life. On the other hand, the capture of fish with healed wounds indicates that not all victims succumb. However, attacks which perforate the body cavity, exposing the internal organs, invariably prove fatal. Simultaneous attacks by two heavily feeding lamprey must be lethal to all but the largest fish.

Attempts to control lamprey have been aimed at preventing reproduction by blocking spawning streams with mechanical or electrical barriers or destroying the larvae during their prolonged stay in streams. The first method was abandoned in 1960 when it became apparent that the chemical treatment of streams which had begun in 1958 was proving more effective. Electrical barriers are still operated on certain streams, but only to follow changes in lamprey abundance. These installations are fenced and booms placed above and below to safeguard the public.

The application of chemical control methods in 1958 on Lake Superior was preceded by almost 7 years of intensive research to find a chemical that could be used in lamprey streams without seriously effecting other fish species. Out of some 6,000 chemicals screened one has emerged as the best of several which are selectively toxic to lamprey. The chemical, which has no known use outside the lamprey control program, is 3-trifluoromethyl-4-nitrophenol and is referred to as TFM.

Exposure to a concentration of TFM from 1 to 6 parts per million for a period of 8 hours is lethal to sea lamprey larvae in most streams. In a few streams where the concentration of dissolved substances is high, 14 ppm TFM may be required. At these concentrations there is no danger to humans or animals drinking the water. Fish display varying degrees of resistance to the lampricide. Of 11 species, tested, smallmouth bass (*Micropterus dolomieu*) were least susceptible, requiring about 8 times the concentration required to kill lamprey. Rainbow trout and coho salmon (*Oncorhynchus kisutch*) require about 3.6 times the concentration needed to kill lamprey. Walleye (*Stizotedion vitreum*) are almost as susceptible as lamprey and particular care must be taken to maintain precise concentrations in rivers where these fish are present. The condition of fish also affects resistance to TFM; individuals that have spawned or are heavily diseased are likely to succumb while healthy

individuals show no ill effects from exposure.

The way in which TFM acts to kill larval lamprey is not clear. Death appears to be due to a combination of circulatory and respiratory failure. Inhibition of certain enzymes and irreversible blockage of oxygen uptake by the blood are also suspected.

Further investigation of chemicals led recently to the discovery that TFM could be synergized with a molluscicide 5.2'-dichloro-4'-nitrosalicylanalide which, when added in small amounts (2 percent by weight) doubled TFM toxicity without reducing its selectivity. The synergist has a low solubility and precise concentrations are hard to achieve in certain streams. Therefore, it is not used where susceptible species may be endangered.

A stream treatment requires a considerable amount of information before it can be properly carried out. First, a survey is made with portable electric-shocking equipment to locate the sections of the stream inhabited by young lamprey, for it is necessary to know what tributaries of the main stream need to be treated and how far upstream the chemical must be introduced to destroy all the ammocetes. The survey crews move electrodes on poles over the stream bottom creating an electrical current which causes the ammocetes, hidden in the mud, to emerge. These are collected and identified, for it is necessary to distinguish sea lamprey larvae from one or other of the native species usually present.

The molluscicides used to synergize TFM has also been used as a survey tool in water where electro-shocking is not always effective. Sand granules impregnated with the synergist are spread over the surface and sink to the bottom where they slowly release the chemical. Lamprey then emerge in about 30 minutes and can be easily collected.

Before treatment begins, a test of the effectiveness of TFM with and without the synergist is made at each stream to determine the concentration required. This is necessary because subtle changes in water chemistry modify the action of the lampricide. It is not unusual to find that the required concentration varies widely in neighboring streams, or in the same stream from season to season. In the trailer laboratory set up on the stream to be treated lamprey ammocetes and fish are placed in jars filled with water from the stream and different amounts of chemical are added to expose the fish and lamprey to a wide range of concentrations. In this way the lowest concentration required to kill lamprey and the highest concentration tolerated by fish are determined. A suitable concentration between these limits is selected for the actual treatment.

In streams with numerous branches, chemical feeding must be carried out on a schedule which will allow the treated water in a side branch to reach the main stream as the main mass of treated water arrives. Dilution of the lampricide to sub-lethal concentrations is thereby avoided. Dyes such as fluorescein are used before hand to estimate the time it will take treated water to move down the stream system.

The lampricide is fed to the stream at the pre-determined rate by a pump which accurately delivers the required amount of chemical through a perforated plastic hose placed across the stream above the upper limits of lamprey distribution. Adjustments in the rate and period of chemical feedings are generally necessary, and the pump operator is in radio contact with the field headquarters where water samples from downstream are periodically analysed. After about 2 hours' exposure to the chemical, ammocetes begin to emerge from the bottom in a helpless state and, after 12 to 18 hours, large numbers of dead larvae can be seen on the bottom. The stream is re-surveyed later with electric shockers for surviving ammocetes to check on the effectiveness of the treatment.

Approximately one-tenth of the 3,000 tributaries entering the upper three Great Lakes have been found to contain lamprey larvae; 113 in Lake Superior, 98 in Lake Michigan, and 83 in Lake Huron. Surveys in the lower lakes, still to be completed, have located 12 lamprey streams on Lake Erie and 22 on Lake Ontario.

Chemical treatment of streams began in 1953 on Lake Superior where lake trout, although declining rapidly, were still present in fair numbers. By 1961, the main lamprey streams had been treated and results were beginning to show. In the fall of that year, the proportion of lake trout with lamprey wounds dropped sharply and in the following spring the catch of spawning lamprey at barriers fell to one-fifth of the average catch of the preceding five years. In order to maintain control, it was necessary in 1962 to begin the re-treatment of streams in which larval lamprey had become reestablished following the initial treatment. By the end of the second round of treatments in 1966, the catch of spawning lamprey had fallen to one-tenth of the precontrol level.

Before control measures could take effect, however, sea lamprey had so reduced lake trout in inshore waters of Lake Superior that natural reproduction had essentially ceased by 1959. These inshore stocks have been re-established by an extensive planting program and trout in these areas are now mainly of hatchery origin. Natural reproduction resumed in 1964 on major spawning grounds in Wisconsin waters and naturally produced trout are appearing in greater numbers each year. Isolated populations of lake trout on offshore grounds which suffered less from lamprey are now almost fully recovered.

Chemical treatments were extended to Lake Michigan and Lake Huron in 1960 but suspended in the latter lake when it became apparent that funds would not be available to establish control on these two lakes simultaneously while maintaining control on Lake Superior. The first round of stream treatments was completed on Lake Michigan in 1966. It also produced a decline in the catch of spawning lamprey at barriers on 3 streams from 12,855 in 1962 to 1,168 in 1966, and an increase in the commercial catch of whitefish from 226,000 lb. to 1,422,000 lb. The angler catch of lake-run rainbow trout or steelhead in 1967 was reportedly the largest ever taken by the sport fishery.

Although the treatment of some 24 streams on Lake Huron in the period 1960 to 1962 brought about a temporary improvement in whitefish and rainbow trout abundance in the areas covered, recovery was quickly suppressed when the control program could not be continued and the streams re-treated. In 1966, however, when it became evident that the cost of maintaining control on Lake Superior and Lake Michigan would be significantly less than expected, the program on Lake Huron was reactivated. More than half its lamprey streams have now been treated and the remaining streams will all be disposed of by the summer of 1970 if requested funds are made available.

The success of the lamprey control program must ultimately be judged on its ability to hold predation losses from lamprey at such low levels that populations of lake trout, rainbow trout, and whitefish will maintain themselves without the aid of planting and still provide a significant sport and commerical fishery. Rainbow trout, lake trout and whitefish populations have responded favorably to the reduction in lamprey. Spawning has resumed in Lake Superior and young naturally-produced lake trout are beginning to show among the hatchery fish that make up most of the stock in inshore waters. It has been estimated that if lamprey in Lake Superior can be held at 5 per cent of the pre-control level, the potential harvest of lake trout by the sport and commercial fisheries will be 4 million pounds by 1976, roughly 85 per cent of "normal" production. The annual net benefit forecast for these fisheries is $2,100,000 while the estimated cost of lamprey control is $400,000. In recent years, the lamprey population has been about 10 per cent of the pre-control abundance.

Even greater benefit may be realized in Lake Michigan and Lake Huron with a major expansion of sport fishing for coho salmon. The effect of sea lamprey on this new species cannot be predicted as yet but it may be less vulnerable than rainbow trout or steelhead. The latter persisted in Lake Michigan during high lamprey abundance but did not provide good fishing until the parasite was reduced.

Finally, the control of alewife populations by lake trout, coho, and rainbow trout, may be the most important by-product of lamprey control particularly in Lake Michigan.

In order to maintain control, streams which produce lamprey must be re-treated periodically to destroy re-established larvae before they can become parasitic and move to the lakes. In Lake Superior and Lake Michigan, roughly half the streams which at one time produced lamprey become reinfested after each treatment and require re-treatment usually within 4 years. These treatments will probably have to be continued indefinitely.

The greatest benefits from sea lamprey control will be realized in the Upper Great Lakes where the parasite has been particularly destructive. However, extension of the control program to Lake Erie and particularly Lake Ontario will also bring rewards. Sea lamprey have never been abundant in Lake Erie and have not had a detectable effect on the warm-water fishes that are now dominant in that lake. Larvae have been found in only 12 streams, mainly at the eastern end. Control of these populations should not be difficult.

In Lake Ontario, where lamprey have been present since the earliest records of the fishery, there is evidence that the parasite is taking a significant toll of whitefish and rainbow trout and has contributed to the poor survival of planted lake trout. There is also a growing conviction among fishery scientists that the historically poor fish production of Lake Ontario may be partly due to the presence of sea lamprey and alewife. The establishment of predatory species in Lake Ontario would give tremendous impetus to the sport fishery.

It is expected that lamprey control will be well established on all three of the Upper Great Lakes by 1970. It will then be possible to begin treating streams on Lake Erie and Lake Ontario. Preliminary surveys have not been completed on the south shores but it appears that there may be about 15 lamprey streams in Lake Erie and roughly 30 in Lake Ontario.

It is tempting but dangerous to view lamprey control as a routine operation, for the residual sea lamprey may adapt in a number of ways to the pressure now placed on them. The sea lamprey must, therefore, continue to be closely studied and control methods modified to compensate for changes in the habits of the parasite. The research which led first to the development of a control method must be continued to keep it effective.

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

On page 794 of the House hearings, we find a table showing these appropriations for the last 2 years and as proposed for this year. It will be noted that these appropriations have increased. For 1972, we have provided very substantial increases. Last year, the total amount appropriated was $1.388 million. This

year, the total amount appropriated is $1.613 million, an increase of $225,000.

Mr. President, what is requested here is over and above the budget request. I suggest to those who like to follow the President's program that they should vote against this proposal. It is not in the President's program. There have been substantial increases. There was no testimony before the committee warranting this increase, other than a letter from Senator GRIFFIN.

I suggest that the amendment should be rejected.

Mrs. SMITH. Mr. President, as the ranking minority member of the subcommittee which handled H.R. 9272, the appropriation bill for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, I want to compliment the distinguished chairman of the subcommittee (Mr. MCCLELLAN) for the excellent manner in which he carried out his assignment and duties in reporting the bill at this early date. I commend the members of the subcommittee staff, William J. Kennedy, Harold Merrick, and Joe T. McDonald, for their invaluable assistance.

The chairman has already discussed all the money items in the bill, so I shall not take the time of the Senate to expand in this area, except to state that the appropriation bill before us totals $4,091,973,337 and is $124,828,663 under the estimate. There was a need to preserve a certain balance to maintain the integrity of the most necessary programs, while still indicating that we were aware of the need to avoid adding to inflationary pressures.

So far as the money items in this bill are concerned I support them wholeheartedly. I was amazed when it was brought to my attention that in a 9-year period the taxpayers of the country paid in rent $2,752,524 for an Embassy office building in Buenos Aires and that the amount of the present rent there is $280,000 a year. This kind of expense is irresponsible management when we consider that a new building can be erected for $3,800,000. I have asked for a listing in other areas where hard dollars are being paid for rentals, and I will serve notice now that if any more situations like the one in Buenos Aires are on this list I will do all I can to correct these inequities.

For the mutual educational exchange program it was my suggestion and amendment to add some additional hard dollars for the program. I believe a good job is being done under a very capable new leadership.

There are other areas in the bill where additional funds were requested but could not be allowed at this time. For instance, the Civil Rights Commission requested an increase in the House allowance of $3,400,000 to $3,960,000. The ceiling on the present authorization is $3,400,000. The House recommended $3,500,000, but a point of order was raised, so the House had to go back to the amount authorized.

Mr. President, I believe that the committee used excellent discretion in these decisions before reporting the bill. I feel that the amounts recommended in the bill for the various departments and agencies will provide adequate funding for the current fiscal year and will meet the obligations of the department.

Mr. President, I join the chairman of the subcommittee in support of the passage of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, as I indicated in my remarks, I appreciate the concern that both committees have shown over the years in their approach to lamprey eradication. I am advised that the $225,000 which the chairman has just commented on as being added by the House actually is aimed not at the fight directly against the lamprey but, rather, to provide resources to test a chemical which may or may not improve in its use in the program.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. MCCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment. (Putting the question.)

The Chair is in doubt.

Mr. MILLER. Mr. President, I ask for a division.

The Senate proceeded to divide.

Mr. MILLER. Mr. President, I ask for the yeas and nays.

Mr. HART. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. 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. HART. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MILLER. 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. MILLER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. ALLEN). All time has now been yielded back on this amendment.

The question is on agreeing to the amendment of the Senator from Michigan (Mr. HART).

On this question, the yeas and nays have been ordered.

Mr. HUMPHREY. Mr. President, may I ask, can I get 2 minutes to speak from time on the bill on this amendment?

The PRESIDING OFFICER. There is no time. All time on the amendment has been yielded back.

There is time available on the bill.

Mr. HUMPHREY. If one wished to have something to say on this amendment, is it subject to further amendment?

The PRESIDING OFFICER. The Senator from Arkansas (Mr. MCCLELLAN) could yield the Senator time on the bill to speak on the pending amendment.

Mr. HUMPHREY. Mr. President, will the Senator from Arkansas yield me 2 minutes from the time on the bill?

Mr. MCCLELLAN. For what purpose?

Mr. HUMPHREY. To discuss the pending amendment.

Mr. MCCLELLAN. I am happy to yield 2 minutes to the Senator from Minnesota from time on the bill for that purpose.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 minutes.

Mr. HUMPHREY. Mr. President, the reason for my interest in this amendment is that some years ago it was my privilege to offer amendments in this body relating to the control of sea lamprey in the Great Lakes. We began a system of barriers to prevent the flow of this particular kind of insidious infection in the waters of the Great Lakes that takes out white fish and lake trout. Sea lamprey attach themselves to the bodies of these very fine fish, the white fish and the lake trout, and destroy them.

If we retreat from this effort, we will lose tremendous opportunities to win this battle.

What the Senator from Michigan is proposing is a modest—indeed a very modest effort to save commercial fishing in the Great Lakes.

The other day, we appropriated millions of dollars for all kinds of research and hardly a word was raised against it.

All we are asking here is an opportunity to preserve one of the greatest sources of fresh water fish in the world, fish that once provided economic opportunity as well as wholesome recreation for thousands and thousands of people.

I would hope that the Senate would just give the Senator from Michigan the opportunity to pursue this research through this appropriation, because it is needed. Very candidly, our fishing industry in the Great Lakes is practically at an end due to the sea lamprey. We have made some progress. Let us not turn back for the sake of $400,000. I believe that with $400,000, we would have a chance to make a breakthrough that might save one of the most important industries in the Great Lakes; namely, the fishing industry.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Michigan. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF),

the Senator from Missouri (Mr. SYMINGTON), and the Senator from Virginia (Mr. BYRD) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK) and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from New Hampshire (Mr. COTTON), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOPER) is detained on official business.

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Michigan (Mr. GRIFFIN), the Senator from New York (Mr. JAVITS), and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 47, nays 36, as follows:

[No. 149 Leg.]

YEAS—47

Bayh	Hartke	Pearson
Bennett	Hughes	Pell
Bentsen	Humphrey	Percy
Boggs	Inouye	Proxmire
Brooke	Kennedy	Randolph
Case	Magnuson	Ribicoff
Church	Mansfield	Roth
Cranston	McGovern	Saxbe
Dole	Miller	Schweiker
Eagleton	Mondale	Scott
Gambrell	Montoya	Stevens
Gravel	Moss	Stevenson
Gurney	Muskie	Tunney
Hansen	Nelson	Weicker
Harris	Packwood	Williams
Hart	Pastore	

NAYS—36

Aiken	Dominick	Mathias
Allen	Eastland	McClellan
Allott	Ellender	McIntyre
Anderson	Ervin	Prouty
Beall	Fannin	Smith
Bible	Fong	Sparkman
Brock	Fulbright	Spong
Byrd, W. Va.	Goldwater	Stennis
Cannon	Hollings	Talmadge
Chiles	Hruska	Thurmond
Cook	Jordan, N.C.	Tower
Curtis	Jordan, Idaho	Young

NOT VOTING—17

Baker	Cotton	McGee
Bellmon	Griffin	Metcalf
Buckley	Hatfield	Mundt
Burdick	Jackson	Symington
Byrd, Va.	Javits	Taft
Cooper	Long	

So Mr. HART'S amendment was agreed to.

Mr. HART. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOGGS. Mr. President, I would like to ask the distinguished Senator from Maine (Mrs. SMITH) if she would yield me a couple of minutes in order that I might ask a question or two of the chairman of the committee.

Mrs. SMITH. Mr. President, I am glad to yield the Senator up to 5 minutes.

Mr. BOGGS. I thank the Senator very much.

Mr. President, I would like to congratulate the chairman and the members of their committee for their fine work on this bill. I think they have done an outstandingly fine job. I do have one question I would like to ask the distinguished Senator from Arkansas (Mr. MCCLELLAN), floor manager of the bill, if I may.

It is my understanding, from reading the committee report on page 25, that the bill provides an increase of $16.430 million over the House figure for research and development and facilities of the National Oceanic and Atmospheric Administration. My concern is in regard to the sea grant program which is mentioned here. Do I understand that this increase includes a $5 million increase for the sea grant program, may I ask the chairman of the committee?

Mr. MCCLELLAN. The Senator is correct. The committee granted $5 million over and above the House figure.

Mr. BOGGS. Would that bring the sea grant program to $20 million?

Mr. MCCLELLAN. $20.190 million.

Mr. BOGGS. I thank the Senator very much. I thank the Senator from Maine for yielding to me.

I yield back my time.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. MATHIAS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment of the Senator from Maryland will be read.

The legislative clerk read the amendment, as follows:

On page 3, line 3, immediately after the word, "abroad;" insert the following: "and for staff and resources for historical research; and for staff and resources for the declassification of documents;".

On page 3, line 7, stike out "$244,750,000" and insert in lieu thereof: "$245,400,000".

The PRESIDING OFFICER. Does the Senator from Maryland wish to have the amendments considered en bloc, since more than one amendment is being offered?

Mr. MATHIAS. Yes.

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. MATHIAS. Mr. President, this amendment simply proposes to provide to the Department of State an additional $650,000 for staff and to accelerate two very important functions. One of them is the examination and publication of historical papers, and, second, the declassification of documents——

Mr. MCCLELLAN. Mr. President, we cannot hear the Senator. I would like to get the two points he is making; I mean, the two aspects of the amendment. I did not quite understand them.

Mr. MATHIAS. Let me say again to the Senator from Arkansas——

Mr. MCCLELLAN. I could not hear the Senator.

Mr. MATHIAS. The amendment proposes an additional $650,000 for the State Department to enable it to have additional staff and equipment for two purposes: one, the examination and the publication of historical papers; and, second—very pertinent for the current moment—the declassification of documents.

I would like to emphasize, of course, that these are both ongoing functions now being carried on within the Department of State. The purpose of this amendment is to provide the extra resources to accelerate—to speed up—this process because some of the material that is now entombed in the Department might be of very great value to the Congress and to the rest of the country in determining some of the issues that are before us.

As the Senator from Arkansas is aware, the Historical Office of the Bureau of Public Affairs in the Department of State has been sifting these historical documents over the years, and they are periodically published in volumes which are entitled "Foreign Relations of the United States." These publications are, I am sure, of very great value to historians and other scholars, to the press, and to the public at large.

The unhappy thing is that there is at this time a lag of 25 years. The latest published documents are those that carry dates in the year 1946.

I would hope that, with the addition of a few more personnel, this timelag could be reduced to 20 years.

This acceleration would, of course, encompass an era of intense historical interest—1946 to 1951—which was the early part of the cold war. I would expect that an additional sum of about $200,000 could appreciably accelerate the work of the Historical Office and quickly reduce the timelag by these 5 crucial years.

The importance of declassifying State Department documents which no longer warrant classification needs no elaboration. It is an arduous and painstaking process already being carried out by the State Department. What the Department does need is more personnel and resources in order to speed up this important function. I would envision that with an additional allocation of about $450,000 the Department of State could beef up its declassification program and also provide reading room facilities in which the declassified documents could be indexed and made available for examination by the public, by the press, and, Mr. President, even by Members of Congress.

Let me emphasize that this proposal deals only with the ongoing program of declassifying past documents. The question of finding a fundamental solution for the future which will build a greater degree of automatic action into the declassification process is now under consideration in a number of offices in the Congress, but, I think, Mr. President, that is a matter for another day.

What I am suggesting here is providing the sinews to speed up an important public service which the public deserves and could well use.

I hope the Senate will support this amendment.

Mr. MCCLELLAN. Mr. President, I yield myself 5 minutes.

I may say to the Senator that the committee had no request for this item. I have no information about it, as to

whether it is needed, whether it is required. I have no information that the Department is not now doing what the Senator wants done, perhaps not doing quite as fast as he would like to have it done, but can the Senator tell us how many people are working on this project now?

Mr. MATHIAS. Let me say to the Senator that this is a regularly established office——

Mr. McCLELLAN. It is what?

Mr. MATHIAS. It is doing the job, but it is doing it only up tc the point of the year 1946. It would certainly seem that with respect to the very critical Cold War years, for instance, when we were giving aid and support to Ho Chi Minh, helping to install him as leader in Vietnam, and then when we changed our course and decided we did not want to support Ho Chi Minh any more—all of the facts which were covered in that critical period could be unfolded if we put a little more effort behind it.

The State Department, as I said, is engaged in this work, but it does seem to me that a 25-year timelag reduces the usefulness of the work.

Mr. McCLELLAN. I ask the Senator, can he tell me, using my time, how many people are engaged in doing it now, how many jobs this would provide, and how it would speed it up? We have had no hearings.

Mr. MATHIAS. It is my understanding that the number of people engaged in this work is in the neighborhood of 25. If they had three or four additional people, I am told they could materially speed up the work.

Mr. McCLELLAN. Mr. President, I do not know that I would oppose this if I had further information, but this is the first time I ever heard of it, the first time any request has been made. The committee had no information about it, and did not know the Senator was interested in increasing the appropriation. We have heard nothing from the Department.

Rather than appropriate in this fashion, I would suggest that if this matter has merit—and it may well have—it is a matter that ought to be presented on the supplemental.

We have had all year here. We got the budget and had our hearings, and nothing came before us about it, either from the Department, from those favoring it on the outside, or from the Senator himself.

It is difficult for the committee to function, and function properly and judiciously, if we are going to try all these things on the floor of the Senate without any previous information about them. If the Senator wishes to operate that way, all I can do is say what I have said. But I think we ought to let it come before the Appropriations Committee in the supplemental.

There may be a lot of documents down there that ought to be opened up. Opening up the files is not doing as much harm to some of the people involved as it is to those wanting them opened up, the way it appears to me. I am in favor of them all being opened up as long as we do not harm the national security. As far as the rest of them are concerned, let them go.

Mr. HRUSKA and Mrs. SMITH addressed the Chair.

Mr. McCLELLAN. I yield the Senator from Maine 2 minutes.

Mrs. SMITH. Mr. President, this sounds like a very worthy amendment. I would like to support it; but I would suggest that we are appropriating more than $244 million for salaries and expenses, and I am sure there is no prohibition in the law that some of this money cannot be set aside for this very purpose.

As the chairman has explained, we have not had any justification—not even a request, to my knowledge—for this. This is a completely new item, and I would hope the Senate would think a second time before adopting the amendment.

Mr. McCLELLAN. I yield 2 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I find myself in accord with the views of the Senator from Arkansas on this amendment. Whatever effort is being made to declassify these papers, whatever personnel are devoted to it, and whatever haste or lack of haste may be applied to the program is a policy matter. We have no information on it. It is a policy matter to be determined by the legislative committee, the Committee on Foreign Relations.

Any finding they make or any information they submit, I am sure, would receive very receptive and favorable consideration by our committee.

But even if we disregard that orderly process in this appropriations procedure, we could turn to the proposition that here the State Department is doing what is enjoined upon it by the law, and by its practices and procedures. If there is anything wrong with it, and if they feel they do not have enough money, they should make their wants known.

I believe, on the basis of the way this committee has functioned in the past, that they would consider any request very sympathetically if a request were made. I would suggest that the matter be deferred until the Committee on Foreign Relations can be consulted, and the State Department, and if they want to make a case for it, they can ask for the money in the supplemental.

Mr. MATHIAS. Mr. President——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. MATHIAS. I yield myself 5 minutes.

So that there may be no misunderstanding at all with the Senator from Arkansas, I should like to further answer his question. He asks how many people are involved here. I told him three or four additional people; but that figure deals with the publication. As the Senator will recall, this amendment is in two parts, and there is also a portion dealing with declassification. As far as that function goes—again let me emphasize, this is nothing new; we are not talking about Pentagon paper or pumpkin papers or anything else; we are just talking about what is going on every day down at the State Department—as far as the declassification function is concerned, we are advised by officials in the State Department that in order to keep somewhere near current, they would need about 20 additional people for this function.

I think we need to do this. I regret that the matter did not come up in time for the committee to give it consideration. But, as the members of the Appropriations Committee will recognize, it has all become topical in recent weeks, as our attention has been drawn to it.

So that is the reason we are somewhat taken by surprise. I listened with great attention to the Senator from Maine, and, having found that her advice is always good advice, and thinking that I detect in what she says a willingness to listen to this matter as a substantive proposition at another stage in this session of the Senate, I ask unanimous consent, Mr. President, to withdraw the amendment.

The PRESIDING OFFICER. The Senator may withdraw his amendment. The amendment is withdrawn.

Mr. BIBLE. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 5, line 23, strike "$160,590,337" and insert "$160,680,000".

Mr. BIBLE. Mr. President, this amendment provides $89,663 for U.S. participation in the International Center for the Study, Preservation, and Restoration of Cultural Objects, the so-called Rome Centre.

The so-called Rome Centre is an independent intergovernmental organization which was established by UNESCO in 1958. It collects, develops, and disseminates technical information relating to the preservation of culturally and historically important objects. There are at present over 50 members and, in my judgment, its greatest value to the United States would be the sponsorship of educational programs to train and inform professional conservators.

At our hearings we were told by Secretary Ripley of the Smithsonian Institution that there is a great shortage of professional museum conservators in the United States. He testified that there was a need for training 100 to 200 conservators in the next decade. Eighty-five percent of them would be needed as specialists in archeological work and the others in art restoration. At the present time the supply of American specialists is so inadequate that museums advertise these vacancies for many months. Because of the rich cultural heritage in Europe, the Rome Centre has served as an ideal institution for training these people and should provide a good return for the money spent in training and educating the professional people who will be needed in our own country.

The experts say that the 10 years' experience with the Rome Centre has convinced them that it is a very worthwhile institution. The Centre is financed by 1 percent of the contribution of a particular nation to UNESCO. There is only a 3-year authorization for our participation which was deliberately set by Congress in order to allow a careful review

of the money spent and to measure the benefits received.

The funding is established by formula whereby no nation would have allocated more than 1 percent of its contribution to UNESCO for the activities of the Centre. The Smithsonian Institution, the National Park Service, the National Trust, and other leading individuals and organizations in the field of cultural preservation strongly support our Nation's participation in the Centre. It would appear to me that with the millions and millions of dollars we have spent in other fields this relatively small amount might be a good investment to make. In connection with the 1-percent formula, in no event can any one nation contribute more than 30 percent of the total budget of the Centre.

I submit the amendment to the chairman of the committee for his consideration.

Mr. McCLELLAN. I yield myself 5 minutes.

Mr. President, this request would enable the payment for the U.S. share of the 1971 calendar year budget of the International Bureau for the Study of the Preservation and Restoration of Cultural Property, as authorized by Public Law 91–243 of May 9, 1970. The act provides, as the distinguished Senator from Nevada has just said, that not to exceed $100,000 may be appropriated to pay the membership fee and for necessary supporting services. The Department of the Interior supplies the staff services.

The committee disapproved this item, as did the House. Testimony by representatives of the State Department was rather vague as to the purpose to be served by the United States joining the International Center.

Mr. President, this item was authorized by Congress last year.

I do not know whether we ought to wait another year to put this in the bill or not. The House left it out. In order to be fair to those who think it should be placed in the bill this year, if my colleagues have no objection, I will be willing to take it to conference.

Mr. HRUSKA. Mr. President, I certainly would not have any objection. It is a new item. We did not know quite how to handle it. It is an activity that we had hoped the Smithsonian Institute would undertake on its own. However, Congress has said, as a matter of policy, in the public law to which reference has been made, that there would be a separate organization.

I have no objection to taking the amount to conference and seeing what progress we can make.

Mr. McCLELLAN. I do not know whether the House would be adamant on it or not.

Mrs. SMITH. I agree that it sounds as though it is a Smithsonian Institute obligation or responsibility. However, I would have no objection to taking it to conference.

Mr. BIBLE. Mr. President, I yield myself 2 minutes.

I appreciate the sentiment of the members of the committee. The legislative committee had some doubts with respect to this program, because we limited its authorization to 3 years. It has been represented to us as being tremendously valuable in gaining the expertise to preserve the monuments and the archeological work in which this country is engaging today. This is a very important field. If it helps in that area, I think it is at least worth a trial. I am delighted that the Senator has agreed to take the amendment to conference. I hope he will be successful, because I think the program is worth at least the experimentation on a 3-year trial.

I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Nevada.

The amendment was agreed to.

Mr. PROXMIRE. Mr. President, I call up my amendment which is at the desk.

The amendment will be stated.

The legislative clerk read as follows:

On page 49, strike lines 16 through 21, inclusive.

Mr. PROXMIRE. I yield to the senior Senator from Louisiana whatever time he requires.

Mr. ELLENDER. I thank the Senator. I must attend a meeting of the Appropriations Committee in a few minutes.

Mr. President, this Board was created in 1950, with five Commissioners, and it now has 10 clericals. This Board has been in existence more than 20 years. It has been given by the Congress in excess of $7.5 million. Nothing has been gained for our domestic or international security by that expenditure.

In the past, the life of this Board has been extended by the Congress, after promises were made that the Attorney General would find some work for it to do. Those promises were not met. During the hearings it was indicated that this Board heard only three witnesses during the entire year, and the record of other recent years presents the same picture of inactivity.

After much consideration, I have decided to cosponsor with Senator WILLIAM PROXMIRE an amendment to halt the financing of the now obsolete Subversive Activities Control Board and to encourage the appropriate committees of the Congress to consider the establishment of a more efficient unit. This amendment would not abolish the Board but would halt its financing until we are shown that it has definite legal duties to carry out.

As I said, it is evident that SACB can no longer carry out the investigative functions assigned to it by the Congress many years ago. In fact, the head of this Board was honest enough to admit in open hearings that his people no longer have enough work to keep them busy.

As chairman of the Senate Appropriations Committee, and as concerned as I am about the financial status of our Government today, I cannot justify the spending of nearly a half million dollars per year on a board and a staff that, by its own admission, has no work to do.

For years now the Justice Department has told us that it would give the Board sufficient work to keep it busy. Yet this past year, as in previous years, these five $33,000 per year Board members and their 10 well-paid staffers have literally had nothing to do except question three witnesses.

I have nothing adverse to say about either the Board members or about their staff. But the fact is that under recent Supreme Court decisions they are now left without authority to act on anything at all. This is not the fault of the Board, but the fact is that the SACB is a meaningless body.

We have no more assurance that the Justice Department will be able to carry out its latest promise to provide the Board with work than we had in the past several years, even though the President issued an Executive order on July 2 expanding the duties of the Board.

Judging from recent Supreme Court decisions the Court will probably act on several counts to nullify the new duties created by the President's recent Executive order.

In addition, regardless of what the Court might hold, there is a serious problem with this Executive order from the viewpoint of the Congress. There is real question in my own mind—a doubt shared by Senator McCLELLAN of Arkansas, Senator ERVIN of North Carolina and others who have looked into the matter—that the executive department should be allowed to expand the purpose and scope of a board created for specific and limited purposes by the Congress. This type of action could cut deeply into legislative control over Government agencies and would set a dangerous precedent in the balance of powers concept on which our Government operates.

If there is investigative work of this type to be done—and there may well be considering the actions of some of the self-proclaimed revolutionary forces at work in this country today—the Congress should establish a new board that can actually investigate subversive forces.

This would be much more effective than pouring more money into an obviously obsolete board which through no fault of its own, can no longer carry out the functions assigned it by the Congress.

Mr. President, the pending amendment would save the Government at least a half million dollars, for this fiscal year alone. It would also assist the Congress to protect itself against the unwarranted expansion of executive authority in this field.

In conclusion, I ask unanimous consent that a table I have prepared, showing the amounts appropriated to the SACB in the past, be entered in the RECORD at this point.

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

SUBVERSIVE ACTIVITIES CONTROL BOARD—AMOUNTS REQUESTED IN BUDGET AND APPROPRIATED BY FISCAL YEAR

	Estimates	Appropriations
1951	$250,000	$175,000
1952	620,000	235,000
1953	470,000	291,305
1954	550,000	350,000
1955	300,000	285,000
1956	300,000	298,600

SUBVERSIVE ACTIVITIES CONTROL BOARD—AMOUNTS REQUESTED IN BUDGET AND APPROPRIATED BY FISCAL YEAR—Continued

	Estimates	Appropriations
1957	$350,000	$350,000
1958	395,000	375,000
1959	375,000	375,000
1960	400,000	380,000
1961	395,000	395,000
1962	395,000	395,000
1963	395,000	395,000
1963 (supplemental)	150,000	
1964	448,000	525,000
1965	475,000	475,000
1966	480,000	480,000
1967	291,000	289,050
1968	330,000	295,000
1969	425,000	344,400
1970	422,000	401,400
1971	404,400	401,400
Subtotal	8,711,400	7,511,600
1972	455,000	[1] 450,000
Grand total	9,166,400	7,961,600

[1] Amount contained in H.R. 9272, as reported to Senate.

The PRESIDING OFFICER. Who yields time?

NO MORE FUNDS FOR THE SACB

Mr. PROXMIRE. Mr. President, as the distinguished chairman of the Committee on Appropriations has pointed out, this amendment would delete the $450,000 appropriation voted by the House and the Appropriations Committee for the operation of the Subversive Activities Control Board.

This group was established by the Internal Security Act of 1950. As outlined in the law, the board was to provide a registry of Communists and subversives in this country. The Board was to act as a factfinding panel and was given no prosecuting function.

The original act required subversives to come forward and register themselves and provided penalties for willful refusal to register. In 1965, in Albertson against SACB, the Supreme Court held this self-registration requirement unconstitutional as a violation of the self-incrimination provisions of the fifth amendment.

For 2½ years thereafter, the Board held no hearings, called no witnesses, did no work whatsoever—except spending the taxpayers' money.

In 1967, Congress amended the Internal Security Act, taking the burden off individuals to come forward and register themselves. The law was changed to provide that the Attorney General could cite individuals and groups to the Board, which would in turn hold hearings to determine if the individuals or groups were subversive. The 1967 amendment also provided that if no new cases came before the Board by the end of the 1968 fiscal year, the Board would cease to exist. I stress that, Mr. President, because the same kind of procedure is before us today. Back in 1967 we said we were going to give them one last chance, and if nothing occurred in the next year, that would be the end. Well, the Board was perpetuated when in June 1968, a few hours before the Board that had done nothing was about to expire, Attorney General Ramsey Clark certified seven new cases to the Board.

But even the new provisions were found to be unconstitutional, in a December 1969 decision of the Circuit Court of Appeals for the District of Columbia. In Boorda against SACB, the appeals court held that penalizing membership in an association without requiring any finding that the member knew of the group's purposes, or intended to participate in those purposes, violates the freedom of association guarantees of the first amendment of the Constitution. The Supreme Court refused to grant certiorari, thus allowing the decision to stand.

In its 20-odd years of existence, the Board has not registered anyone—not a Communist, not a subversive, not anyone. It was established as a registry for subversives, but the registry has not registered anyone. Its list is blank. The result—20 years of futility.

The clearest documentation of this futility comes from the annual reports the Board is required to file under section 12 of the Internal Security Act.

The Board has determined on its own that one organization is a Communist-action organization—and that is the Communist Party of the United States of America. That certainly is a brilliant piece of investigative work—that they found the Communist Party of the U.S.A. to be a subversive organization.

The Board has determined that there are seven organizations which it considers to be Communist fronts.

Adding the two figures together and dividing by the amount which has been spent by the Board, we get $744,000 per organization. That three-quarters of a million dollars was not spent to fight communism and subversion, but just to enter the names of the organizations on a list.

That is all the Board has done. It has chalked up zeroes in terms of the number of registration resulting from its orders, the number of final orders determining an organization to be a Communist-infiltrated organization and the number of final orders determining individuals to be a member of a Communist action organization—because the Supreme Court has ruled such action to be unconstitutional.

In terms of financing, the Board has always been a "cushy" sinecure. The Board's budget has always been six figures—usually in the neighborhood of $300,000. Since its creation, it has cost the taxpayers $5,958,000—exclusive of the $450,000 appropriation before us today.

Mr. President, I ask unanimous consent that a summary of the Board's financing and actions be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, one word stands out in this summary, and that is the word "None." The Attorney General would propose some action, then the subsequent action of the Board would be "None," or the final Board determination would be "None."

The last 6 months provide a good example of what the Board does. Since the first of the year, the Board has held 10 days of hearings and heard three witnesses.

That is 10 days out of 130 working days. This means the Board is working 7.7 percent of the time and is idle 92.3 percent of the time. That is an interesting ratio for someone pulling down $36,000 a year in dollars which the taxpayers worked a lot harder to earn.

Now, in an attempt to breathe some new life into the Board, President Nixon has issued an Executive order which gives the Board authority over what is commonly known as the Attorney General's list, a list which has been dormant for about 15 years. This is the list which is compiled for Federal personnel security. It is designed to list not just Communist-type subversives, but anyone who might threaten security—including Fascists, advocators of violence to deny constitutional rights and others. Under the Executive order, the Board, not the Attorney General, would compile the list.

The use of the Executive order to amend the law is a strange procedure and raises three questions:

First. How can the Internal Security Act be amended? The standard way is by Congress, not the Executive. If the Board's power should be expanded, that action should be taken by Congress.

The Justice Department, however, argues that if this appropriation is approved today, Congress has given the go-ahead to the Board to take over the list, without legislation, without congressional hearings, without any authorization at all. The power would be transferred by the action we take on this appropriation bill.

Robert C. Mardian, Assistant Attorney General in charge of the Internal Security Division, told the Appropriations subcommittee working on this legislation:

> I think that if the Congress acts on the appropriation which is now pending for the SACB, with the kowledge that additional functions are to be given to the SACB, that based on custom, usage, and I think existing law, the SACB may upon petition of the Attorney General make recommendations to the Attorney General for additions to the list.

It is that simple. If this appropriation is approved, the executive branch will feel that it can move full steam ahead in letting the Board take charge of the list.

Second. Does this expansion of the Board's jurisdiction remove any of the problems raised by constitutional challenges? I feel strongly, Mr. President, that the answer to that question is "No." The basic problems which gave rise to the 1969 Boorda against SACB decision still exist; namely, that the action of the board is an infringement of the freedom of association guarantee of the first amendment.

Third. Is the expansion of the Board's authority envisioned by the Executive order consistent with the other provisions of the Internal Security Act? No, it is not. By giving the Board jurisdiction over groups which would deny constitutional rights by violence, we will be substantially extending the Board's powers beyond just those who advocate the overthrow of the Government. The "clear and present danger" exception to the freedom of speech applies only to the overthrow of the Government and does not encompass the broader category. Hence, the Board's new jurisdiction not

only is in violation of the freedom of association, but also of the freedom of speech.

Mr. President, the case for the abolition of the Board is pervasive and overwhelming. I hope that today will be the day the Senate moves to end this era of futility and waste. I urge the adoption of the amendment.

Mr. President, I ask unanimous consent that a memorandum on the SACB, written by the American Civil Liberties Union be printed in the RECORD.

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

MEMORANDUM OF THE AMERICAN CIVIL LIBERTIES UNION ON THE SACB

Congress created and has supported by appropriation the SACB. Congress has done so because of its initial and successive determination that there should be such a body, whose functions are those set out in 50 U.S.C. § 791, *et. seq.* Without reviewing those functions in detail, suffice it to say that the Board has been given authority by Congress only to concern itself with communist organizations; not other allegedly "subversive" political activity can be the object of investigation by the SACB. In fact, the SACB has become a moribund relic.

By promulgating Executive Order 11606, President Nixon has attempted to resurrect the SACB by giving it the authority and responsibility to undertake investigations which are wholly without the scope of a Congressional mandate. In so doing, the President has seriously trespassed on the domain of Congress. Congress can, and should resists this intrusion by refusing to appropriate monies for the support of the SACB.

In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his function in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocable about who is to make laws which the President is to execute. The 1st Section of the First Article says that, "All legislative Powers herein granted it be vested in a Congress of the United States. . . ." After granting many powers to the Congress, Article I goes on to provide that Congress may "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof"

Youngstown Sheet & Tube Co. v. *Sawyer* 343 U.S. 579, 587–88.

Where Congress has specifically defined the limits of a body's authority, and the President would fiat attempts to radically broaden those limits, the Chief Executive is breaching the sphere of power reserved to Congress.

The President has placed Congress in a position where, if its votes to appropriate monies to the SACB, it will be granted that it has "ratified" the Executive restructuring of the SACB's authority. If the SACB is to be given vastly increased investigative authority—particularly since such a grant of authority raises grave issues of personal liberty—it should be because Congress has had full opportunity to consider and debate such an enlargement. Congress should have the benefit of judgment and the advice of the Appropriations Committee. This sort of decision is Congress' to make in its own orderly, considered and prescribed fashion.

The danger here though, is not merely that of inadvertent or inadequately considered ratification of the President's order. More significantly still is the very real probability that Congressional acquiescence, by appropriation in this instance, will be taken as ratification of the process of Executive usurpation itself, as an endorsement of the violation of the autonomy of Congress in matters legislative.

The words of Mr. Justice Frankfurter are instructive.

"The Founders of this Nation were not imbued with the modern cynicism that the only thing that history teaches is that it teaches nothing. They acted on the conviction that the experience of men sheds a great deal of light on his nature. It sheds a great deal of light not merely on the need for effective power, if society is to be at once cohesive and civilized, but also on the need for limitations on the power of governors over the governed.

"To that end they rested the structure of our Central Government on the system of checks and balances. To them the dictum of separation of power was not merely a theory; it was a felt necessity. It was not long ago it was fashionable to find our system of checks and balances obstructive to effective government. It was easy to ridicule that system as outmoded—too easy. The experience through which the world has passed in our own day has made vivid the realization that the Framers of our Constitution were not inexperienced doctrinaires. These long-headed statesmen has no illusion that our people enjoyed biological or psychological or sociological immunities from the hazards of concentrated power. It is absurd to see a dictator in a representative product of the sturdy, democratic traits of the Mississippi Valley.

"The accretion of dangerous power does not come in a day. It does come, however, slowly, from the generative force of unchecked disregard of the restrictions that sense in even the most interested assertion of authority." (Italics added.) *Youngstown Sheet & Tube Co.* v. *Sawyer,* 343 U.S. 593–4.

EXHIBIT 1

(Summary of Board's financing and actions)

Summary of SACB action, 1950–70

Number of final orders determining an organization to be a Communist-action Organization	1
Number of final orders determining an organization to be a Communist front	7
Number of final orders determining individuals to be a member of a Communist organization (Such determination declared unconstitutional by the Supreme Court)	0
Number of final orders determining an organization to be a Communist-infiltrated organization	0
Number of registrations resulting from SACB's orders	0

Yearly expenditures

Fiscal year 1951	$160,000
Fiscal year 1952	204,000
Fiscal year 1953	229,000
Fiscal year 1954	236,000
Fiscal year 1955	269,000
Fiscal year 1956	279,000
Fiscal year 1957	315,000
Fiscal year 1958	325,000
Fiscal year 1959	325,000
Fiscal year 1960	285,000
Fiscal year 1961	320,000
Fiscal year 1962	339,000
Fiscal year 1963	336,000
Fiscal year 1964	325,000
Fiscal year 1965	409,000
Fiscal year 1966	426,000
Fiscal year 1967	280,000
Fiscal year 1968	247,000
Fiscal year 1969	274,000
Fiscal year 1970	375,000
Total	5,958,000

SUBVERSIVE ACTIVITIES CONTROL BOARD, 1950–71

Fiscal year	Attorney General action	Subsequent Board action	Final Board determination
1951	Nov. 22, 1950: Petition that Board determine Communist Party of the United States a Communist-action organization and require it to register.	Apr. 23, 1951: Hearings commenced	None.
1952	Communist Party case carried over	June 9, 1952: Hearings concluded	Found that the Communist Party is a Communist-action organization within the meaning of the act and ordered it to register with the Attorney General. (The Communist Party never registered.)
1953	Apr. 22, 1953: Petition that the Board determine the following organizations Communist fronts and require them to register: American Committee for Protection of Foreign Born American Slav Congress Civil Rights Congress Committee for a Democratic Far Eastern Policy Council on African Affairs, Inc. International Workers Orders, Inc. Jefferson School of Social Science Joint Anti-Fascist Refugee Committee Labor Youth League National Council of American-Soviet Friendship, Inc. United May Day Committee Veterans of the Abraham Lincoln Brigade	Board ruled that all motions from organizations be filed by June 8, 1953.	None.
1956	Consideration of cases carried over	(a) Considered recommendation of presiding member concerning hearings on Veterans of the Abraham Lincoln Brigade, National Council of American-Soviet Friendship, and United May Day Committee. (b) Dropped case against Council on African Affairs, Inc.	Ordered that organizations register as Communist fronts. (The organizations never registered. In fiscal year 1963 the U.S. Court of Appeals ordered the Board to vacate its order in respect to the National Council of American-Soviet Friendship, ruling that evidence presented by the Government was not proved by sufficient objective criteria. On April 20, 1966, the Board also vacated its order against Veterans of the Abraham Lincoln Brigade.)

SUBVERSIVE ACTIVITIES CONTROL BOARD, 1950-71—Continued

Fiscal year	Attorney General action	Subsequent Board action	Final Board determination
1965	Petition that Board determine the following organizations Communist fronts: American Peace Crusade; National Negro Labor Council. Petition that Board determine the following organizations Communist-infiltrated: International Union of Mine Mill & Smelter Workers of America; United Electrical, Radio & Machine Workers of America.	Hearings on American Peace Crusade. None.	None. None.
1957	Consideration of cases carried over.	(a) Adopted recommendation of presiding member in hearings on California Labor School, Inc.	Ordered organization to register as a Communist front. (Organization never registered.)
		(b) Hearings commenced on International Union of Mine, Mill & Smelter Workers and United Electrical, Radio & Machine Workers of America.	None.
1960		(a) Feb. 9, 1959: issued report affirming its earlier determination in Communist Party case.	
		(b) Concluded hearings on American Committee for Protection of Foreign Born.	Ordered organization to register as Communist front. (Organization never registered. On Apr. 6, 1966, the Board ordered this registration order vacated and the petition dismissed.)
		(c) Hearings continued on International Union of Mine, Mill & Smelter Workers.	None.
1961		Concluded hearings on International Mine, Mill & Smelter Workers.	None.
1962	Petition that Board deliver an order to register as provided by the Subversive Activities Control Act to 10 individuals.	(a) May 4, 1962: issued report determining International Union of Mine, Mill & Smelter Workers a Communist-infiltrated organization.	None.
		(b) Issued notice of a prehearing conference to 10 individuals.	None.
		(c) Hearings to determine whether following organizations had undergone alleged dissolution: American Peace Crusade; California Labor School, Inc.; Civil Rights Congress; Colorado Comm. to Protect Civil L berities; Jefferson School of Social Science; Labor Youth League; Washington Pension Union.	None.
1963	Carryover of individual party membership cases; petition filed for additional 17 individuals.	(a) Heard 19 individuals' case to determine whether or not they were Communist.	Board determined that 14 individuals were members of party and should register. (Individuals never registered; order was later declared unconstitutional.)
1966	March 4, 1966: Petition that Board determine WEB DuBois Clubs of America a Communist front organization and order it to register.	None.	None.
1967		None.	None.
1968		None.	None.
1969	Petition that Board determine 12 individuals members of a Communist action organization.	Evidentiary hearings held on 8 of these individuals.	4 individuals were determined to be members of the Communist Party. (This determination was vacated after the Supreme Court ruled it unconstitutional.)
1970	Petition that Board determine 10 individuals members of the Communist Party.	Evidentiary hearings held on 5 individuals.	5 individuals were determined to be members of the Communist Party. (The order making this determination was vacated after the Supreme Court ruled it unconstitutional.)
		Board dismissed all individual membership petitions pending before it.	
1971	Petition that Board determine Center for Marxist Studies and Young Workers Liberation League Communist front organizations.	Evidentiary hearings.	

Mr. PROXMIRE. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROCK). Who yields time?

Mr. McCLELLAN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 10 minutes.

Mr. McCLELLAN. Mr. President, I appreciate that the Board has had a rough and kind of tortuous career from the time it was first established. It was first established by act of Congress. Many parts of that act later, after the Board had had time to do a lot of work, were held to be unconstitutional. Some of the things that we are blaming the Board for at this time we could better blame ourselves for, or blame the Supreme Court for. The Board did a lot of work and a lot of hard work, and a lot of courageous work, but its efforts were set aside by the Supreme Court.

Thus, I think that if there is any blame, it should not be placed on the Board in that regard particularly, because the Board followed the orders and directives of Congress and the statute which Congress enacted. It was the Supreme Court which held that that act, in some of its parts, was unconstitutional. So I think we should keep this in proper perspective and not blame the Board for having done the best it could and then find its work to be overruled by the Supreme Court.

Mr. President, this has been a controversial Board, as there have been those who wanted to get rid of it from its inception, those who did not approve of it from the beginning.

The House kept this item in the bill, as the President requested. I heard some Senators say on the floor a while ago that by having voted the way they did they were voting for the President's program. I want to see how those Senators will vote on this amendment.

This is a part of the President's program; and to make sure that the Board had more to do than it would have under existing law, the President issued an Executive Order, No. 10450, which I ask unanimous consent to have printed in the RECORD together with the amendment of Executive Order No. 10450, signed by the President on July 2, 1971.

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

SUBVERSIVE ACTIVITIES CONTROL BOARD

Executive Order 10450, as amended July 2, 1971, make the following changes in existing procedures with respect to the Federal Personnel Security Program and the Subversive Activities Control Board.

1. It transfers to the SACB the responsibility for conducting hearings and making determinations, on petition of the Attorney General, concerning certain organizations which he believes should be considered for designation on the Attorney General's list.

2. It does not materially alter the present standards, except that it establishes a requirement that advocacy of force or violence must be "unlawful."

3. It provides definitions for the terms "totalitarian," "fascist," "communist," and "subversive."

4. (a) It provides criteria for the Board in its consideration of whether an organization unlawfully advocates force or violence to deny others their constitutional or statutory rights. It also provides criteria for the Board when it considers whether an organization seeks to overthrow the government of the United States, or any state or subdivision thereof, by unlawful means.

(b) The above criteria include the unlawful destruction of property or injury to persons and the commission of acts which violate certain laws pertaining to treason, rebellion or insurrection, riots or civil disorders, seditious conspiracy, sabotage, trading with the enemy, obstruction of the recruiting and enlistment service of the United States, impeding officers of the United States, and related crimes and offenses.

5. It confers on the Board the power to consider whether an organization has ceased to exist, and to make such determination.

6. It empowers the Board, on the petition of the Attorney General, or on the petition of any organization which has been designated pursuant to a determination of the Board, to conduct appropriate rehearings to determine whether an organization currently meets the standards for designation.

7. The Board's determinations are to be regarded as final, subject to appeal by an organization, and the Attorney General is required to appropriately review and modify the information furnished to the departments and agencies consistent with the determinations of the Board.

8. The Board is directed to issue appropriate regulations for the implementation of this Order.

The above provisions will have the following effect on the Board's workload:

1. It will cause the Board to hear approximately 260 cases for removal of organizations presently on the Attorney General's list.

2. It will provide the Board with a number of cases, potentially 25, which are presently under consideration by the Department of Justice.

3. As new organizations are formed and sufficient evidence becomes available which indicates that these organizations may fall within the criteria established by Executive Order 10450, the Department of Justice will send these additional cases to the Board.

SUBVERSIVE ACTIVITIES CONTROL BOARD

It is important at the outset to distinguish between the functions of the Subversive Activities Control Board under the Internal Security Act of 1950 and the responsibilities of the Attorney General under Executive Order 10450, insofar as they relate to determinations concerning organizations which pose a threat to the Nation's security.

Broadly stated, the purpose of the determinations made pursuant to the 1950 Act is to give wide public dissemination of the fact that an organization is communist dominated, infiltrated or controlled.

The purpose of the designation responsibility imposed on the Attorney General under Executive Order 10450 relates solely to Federal personnel security. It is the responsibility of the Attorney General in this connection to furnish the heads of departments and agencies the names of foreign or domestic organizations, associations, movements, or groups or combinations of persons that he has determined to be totalitarian, fascist, communist or subversive or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means. Organizations which have been designated by the Attorney General have been placed on a consolidated list captioned "Organizations Designated Under Executive Order 10450." It is commonly referred to as the Attorney General's list.

Until the recent amendments to Executive Order 10450, there was no relationship between the hearing functions of the SACB and the designation functions of the Attorney General under Executive Order 10450. However, with the recent amendments to Executive Order 10450, the SACB has been given an important function, i.e., the hearing function in connection with designations on the Attorney General's list.

Principally because the Attorney General was charged with the sole responsibility for both the prosecutive and designation functions prior to the recent amendment, thus placing him in the unfortunate posture of both prosecutor and judge, the Attorney General's list has not been revised for approximately 17 years. Although the Attorney General's list is maintained for Federal personnel security purposes only, the thousands of requests received annually by the Department of Justice for copies of the list demonstrate the urgent need for updating it.

The Department of Justice is presently processing a large number of cases to be sent to the Board for the purpose of removing from the list organizations previously designated, but which have been out of existence for a number of years or which no longer meet the criteria for designation. In fact, our records disclose that of the 283 organizations now designated, not more than 20 are still in existence or have been active in the past several years. In addition, the Department currently has under consideration approximately 25 potential cases involving organizations of national or regional significance. When these cases are ready for presentation, the Attorney General will refer them to the Board for a determination. These new cases will deal principally with the violent-action organizations which are covered by the criteria set forth in the new amendments to the Order.

In connection with new cases, it should be noted that the new amendments provide definitions and criteria to guide the Board in making its determinations. Under these definitions, the Board will be permitted to conduct hearings and make determinations with respect to violent-action oriented groups which have recently become part of our history.

DEPARTMENT OF JUSTICE,
Washington, D.C., July 8, 1971.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: There is attached a Memorandum of Law dealing with the question as to whether the Subversive Activities Control Board can be assigned the function of conducting hearings under Executive Order 10450 to determine whether organizations should be listed pursuant to that Order.

Sincerely,

ROBERT C. MARDIAN,
Assistant Attorney General,
Internal Security Division.

USE OF THE SUBVERSIVE ACTIVITIES CONTROL BOARD TO CONDUCT HEARINGS UNDER EXECUTIVE ORDER 10450 IN CONNECTION WITH THE DESIGNATION OF CERTAIN ORGANIZATIONS

The function of designating subversive organizations was both established and assigned to the Justice Department by Executive order. It seems clear that the President could reassign this task to another agency in the Executive Branch by issuing a subsequent order (3 U.S.C. 301). Question has been raised, however, as to whether the Board's status, which resembles that of the traditionally independent regulatory agencies, precludes such a transfer. We conclude that there is no rule which forbids such agencies from accepting functions assigned by Executive order. There are, in fact, precedents for such action. These include the following Executive Orders:

(1) The FPC is authorized to have hearings and issue permits for the construction and operation at the borders of the U.S. of gas and electric transmission facilities. Executive Order No. 10530, May 10, 1954. The inherent power to issue such permits is considered as being vested in the President by the Constitution. The delegation was sustained under the President's inherent right to delegate functions vested in him by the Constitution.

(2) The President has delegated to the FCC his statutory power to issue and to revoke on notice and hearing licenses to land or operate submarines cables in the U.S. Executive Order No. 10530 of May 10, 1954. The Executive order recites that the delegation is made under 3 U.S.C. 301, which authorizes Presidential delegations within the Executive Branch.

(3) Under E.O. 8843 of August 9, 1941, the President authorized the Board of Governors of the Federal Reserve System to establish consumer credit controls. These controls included a licensing system and administrative hearings for revocation of licenses.

(4) E.O. No. 11423 of August 16, 1968, delegates authority for granting permission for facilities at U.S. borders such as conveyor belts for coal. Ultimate authority is placed in the Secretary of State but he is directed to request the views of the ICC on such matters.

This list of precedents does not pretend to be exhaustive; however, based on the above, certain conclusions may be offered. It seems that an independent regulatory agency may acquiesce in an order from the Executive to perform a new function if (a) the function is otherwise authorized by law, (b) it does not interfere with other agency functions, and (c) it is closely compatible with the agency's other activities. On this basis it seems that the Order is on reasonably sound grounds.

The SACB appropriation for fiscal 1970 is set forth in the "Department of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1971," which was approved on October 21, 1970, 84 Stat. 1940. It reads in its entirety (84 Stat. 1061):

"For necessary expenses of the Subversive Activities Control Board, including services as authorized by 5 U.S.C. 3109,[1] not to exceed $15,000 for expenses of travel, and not to exceed $500 for the purchase of newspapers and periodicals, $401,400."

It would be fair to construe the term "necessary expenses" as including any expenses necessary for executing tasks lawfully assigned to the agency. Assuming that the power to list groups can be validly transferred to the SACB, there seems to be no problem in using the Board's appropriation to carry out the proposed order.

The legislative history of the Act shows that there was concern with whether the Board would be able to receive and hear cases under existing law. See *Hearings before the Senate Committee on Appropriations, State, Justice, Commerce, the Judiciary, and Related Agencies*, 91st Cong., 2d Sess. pp. 871 ff.; S. Rep. No. 1135, 91st Cong., 2d Sess., 35; *Hearings before a Subcommittee of the House Committee on Appropriations*, 91st Cong., 2d Sess. pp. 737 ff. Congress was aware that appropriations might well be used for new and unspecified duties which were to be found for it. Thus, Chairman Rooney of the Appropriations Subcommittee dealing with the Board stated on the House floor at the time the appropriation was approved; (CONGRESSIONAL RECORD, vol. 116, pt. 12, pp. 15580–15581):

"Mr. ROONEY of New York. They have practically no jurisdiction at the present time. As I said to the distinguished gentleman from Illinois (Mr. Yates) in the full committee, they are in a standby position.

"We have been told by administration officials, that they wanted us to go ahead with this appropriation because they were going to find new duties for the Board. I do not know what duties they will find for them. But I do not think it is a function of this committee to cut their appropriation out completely. We have them down to bare bones, and we do have to pay salaries to the Presidential appointees."

Subsequently, in Senate hearings on the appropriation Senator Thurmond appeared as a witness and testified (*Hearings, supra* at 908):

"PLANS OF ATTORNEY GENERAL TO GIVE BOARD NEW AND EXPANDED DUTIES

"Furthermore, I am informed by the Attorney General that he has plans to give the Board new and expanded duties, and that these plans should be forthcoming shortly. The Board should receive appropriations so that it will be prepared for these new duties."

Senator Thurmond later repeated this statement during debate on the Senate floor on an amendment by Senator Proxmire designed to eliminate the Board's appropriation. (CONGRESSIONAL RECORD, vol. 116, pt. 22, p. 29865).

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[1] 5 U.S.C. 3109 provides for employment of services of experts and consultants.

Based on the broad language of the Appropriation Act and its legislative history, it is clear that the Board's appropriation can be spent on the proposal to give the Board "new and expanded duties" and that Congress was aware of such a proposal.

AMENDMENT OF EXECUTIVE ORDER NO. 10450 OF APRIL 27, 1953, RELATING TO SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

By virtue of the authority vested in me by the Constitution and statutes of the United States including 5 U.S.C. Sections 1101 *et seq.*, 3301, 3571, 7301, 7313, 7501(c), 7512, 7532 and 7533; and as President of the United States, and finding such action necessary in the best interests of national security it is hereby ordered that Executive Order No. 10450 of April 27, 1953, as amended, is hereby further amended as follows:

1. Paragraph (5) of Section 8(a) shall read: "(5) Knowing membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organization) which is totalitarian, fascist, communist, subversive, or which has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means.

2. Section 12 shall read:

"(a) Executive Order No. 9835 of March 21, 1947, as amended is hereby revoked.

"(b) The head of each department and agency shall be furnished by the Attorney General with the name of each organization which shall be or has been heretofore designated under this order. Except as specifically provided hereafter, nothing contained herein shall be construed in any way to affect previous designations made pursuant to Executive Order No. 10450, as amended.

"(c) The Subversive Activities Control Board shall, upon petition of the Attorney General, conduct appropriate hearings to determine whether any organization is totalitarian, fascist, communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means.

"(d) The Board may determine that an organization has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their constitutional or statutory rights or that an organization seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means if it is found that such group engages in, unlawfully advocates, or has among its purposes or objectives, or adopts as a means of obtaining any of its purposes or objectives—

(1) The commission of acts of force or violence or other unlawful acts to deny others their rights or benefits guaranteed by the Constitution or laws of the United States or of the several States or political subdivisions thereof; or

(2) The unlawful damage or destruction of property; or injury to persons; or

(3) The overthrow or destruction of the government of the United States or the government of any State, Territory, district, or possession thereof, or the government of any political subdivision therein, by unlawful means; or

(4) The commission of acts which violate laws pertaining to treason, rebellion or insurrection, riots or civil disorders, seditious conspiracy, sabotage, trading with the enemy, obstruction of the recruiting and enlistment service of the United States, impeding officers of the United States, or related crimes or offenses.

"(e) The Board may determine an organization to be 'totalitarian' if it is found that such organization engages in activities which seek by unlawful means the establishment of a system of government in the United States which is autocratic and in which control is centered in a single individual, group, or political party, allowing no effective representation to opposing individuals, groups, or parties and providing no practical opportunity for dissent.

"(f) The Board may determine an organization to be 'fascist' if it is found that such organization engages in activities which seek by unlawful means the establishment of a system of government in the United States which is characterized by rigid one-party dictatorship, forcible suppression of the opposition, ownership of the means of production under centralized governmental control and which fosters racism.

"(g) The Board may determine an organization to be 'communist' if it is found that such organization engages in activities which seek by unlawful means the establishment of a government in the United States which is based upon the revolutionary principles of Marxism-Leninism, which interprets history as a relentless class war aimed at the destruction of the existing society and the establishment of the dictatorship of the proletariat, the government ownership of the means of production and distribution of property, and the establishment of a single authoritarian party.

"(h) The Board may determine an organization to be 'subversive' if it is found that such organization engages in activities which seek the abolition or destruction by unlawful means of the government of the United States or any State, or subdivision thereof.

"(i) The Board may further determine, after consideration of the evidence, that an organization has ceased to exist. Upon petition of the Attorney General or upon petition of any organization which has been designated pursuant to this section the Board after appropriate hearings may determine that such organization does not currently meet the standards for designation. The Attorney General shall appropriately revise or modify the information furnished to departments and agencies consistent with the determinations of the Board.

"(j) The Board shall issue appropriate regulations for the implementation of this section."

RICHARD NIXON.

THE WHITE HOUSE, *July 2, 1971.*

Mr. McCLELLAN. Mr. President, in my judgment there is a question as to whether the President had the authority under the Executive order to increase the powers of this board and to increase its authority in the field of investigation.

I asked the Justice Department to submit to the Appropriations Committee a brief pointing up their authority or what they felt it was their authority to do. I have a memorandum here from the Department of Justice entitled, "Use of Subversive Activities Control Board to Conduct Hearings Under Executive Order No. 10450 in Connection With the Designation of Certain Organizations." That is what the President's order covers. This memorandum pointing up the President's authority to issue this directive has been printed in the RECORD as previously requested.

Mr. President, I point out that in the memorandum, after stating the functions of the Board, the following is stated:

The approved provisions will have the following effects on the board's workload: It will cause the board to hear approximately 260 cases for removal of organizations placed on the Attorney General's list. It will provide the board with a number of cases, potentially 25, which are presently under consideration by the Department of Justice.

That is not my statement. That is, in effect, the President of the United States saying that he has potentially 25 cases at this time to submit to the Board.

It further states:

As new organizations are found and sufficient evidence becomes available which indicates that these organizations may fall within the criteria established by Executive Order No. 10450, the Department of Justice will send these additional cases to the board.

Mr. President, I know it is easy to say that they had three cases and did 10 days work. I would point out that I have a little experience with investigative work as it pertains to hearing cases where we would have to make investigations for 10 days of hearings before the Permanent Investigations Subcommittee of the Committee on Government Operations. It often required 60 or 90 days' work, and sometimes longer, to get those cases prepared for presentation.

A lawyer in getting a case ready for trial and getting the material ready to present in court spends much more time in preparing the case than he does in the actual courtroom trial. I expect that is the situation with respect to this Board. I am not defending it. It has done the best it could with what it had. The past administration gave it practically no business to work on.

Mr. President, I have no brief for any board or agency of this Government that is not needed. If it is the sense of the Senate, of this branch of the legislative branch of the Government, that this Board and its work is not needed, then I think the duty of the Senators here is to vote against the Board and to vote for the amendment to strike out this appropriation. However, I submit as to the need for this kind of authority, tribunal, or agency vested with the power to investigate subversive activities in this country that those activities are increasing. And if we strike down this Board, it is my opinion that the subversive activities will accelerate further.

If we strike down this Board by not making these appropriations, I say to the Senate today without any reservations that I believe it becomes immediately incumbent upon Congress to set up some machinery, some quasi-judicial tribunal or agency to investigate and to weigh carefully what is happening in this country with respect to some organizations, too many, that have already appeared to be subversive or tend to be subvervise, that distribute subversive literature and advocate the overthrow of the Government by force and would undermine and subvert this Government if they could.

I believe that we ought not to completely destroy and ought not to completely abandon all efforts to try to protect America from its enemies within.

I have no one on this Board. I have never had anyone on it. I have no polit-

ical interest in it. I have no personal interest in any person on the Board. But there is a problem developing in America and it is growing worse and more critical.

If we want to make a complete retreat and abandon all efforts on the part of the Congress and on the part of the administration and not support the House or the Department of Justice, this is the opportunity to do it. And Senators must vote accordingly.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, will the Senator yield to me?

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, this amendment should be considered in its broadest context and in a historical perspective. Ever since the beginning of our Republic there has been a concern about making proper provision to insure that Government employees possess that integrity which is necessary if this experiment we are engaged in as a self-government known as the United States of America is to succeed.

From time to time in our history there have been various threats to our national security that may appear in various forms. We have had many such situations in the last 20 to 25 years especially. However, the threats are always there, and the effort to undermine the Government—the actual, declared, open, and avowed declaration or purpose of destroying the effectiveness of this Government—continues.

Back in 1950 the first legislative effort was made under President Truman. In 1950 Congress first enacted a law on a national security program for personnel security.

Three years before that, President Truman had issued an Executive order which created the very well known Loyalty Review Board. It had for its purpose the making of provisions to insure integrity in Government employees.

In 1950 there was the act of Congress, 64 Stat. 476, which was the statutory basis for the origin of the Attorney General's list of subversive organizations.

That was followed by another Executive order in 1951 to extend the coverage of the original Executive order to all executive agencies instead of only to the Defense Department. During that time the original direction of the program was shifted from loyalty to the United States to security for the United States, a much more comprehensive concept, a much more firm basis for a personnel policy insofar as Government positions are concerned.

The present Executive Order No. 10450, approved by President Eisenhower in 1953, made a very broad and comprehensive amendment to the earlier Executive orders. It provided, among other things, that the Attorney General render such advice as may be requisite to enable heads of Federal agencies to establish and maintain appropriate employee security programs. A list was compiled in connection with this effort. Almost 300 organizations are currently on the list which has not been revised since 1955. One of the purposes of the most recent amendment of Executive Order 10450 is to see that that list will be updated and revised.

In the performance of its duties the Subversive Activities Control Board has encountered legal difficulties. We know the history of that, and it has been debated here many times in the last few years. But the obstacles do not eliminate nor do they end the necessity to have an effective program for Government personnel security. That is the overriding issue, and the question to which we should address ourselves today is whether or not there is need for the Board and the responsibilities assigned to it. This Senator strongly believes there is a need and that that need is very immediate and very, very important.

The previous Executive order has now been amended. Among other things President Nixon provided in the amendment of July 2 of this year for a definition for each of the categories of organizations listed in the present order. It adds a new category—violent action oriented—in recognition of recent history in connection with subversive organizations that are actively working in this country today, and in a very vicious and dangerous fashion.

The most recent amendment to the Executive order also provides certain guidelines, criteria, and standards by which the Board can determine which organizations should be placed on the Attorney General's list.

It should be borne in mind that this designation of one of these categories of subversive organizations, or membership, or activity therein, is not a veto of an applicant for Government employment, it does not deny him that employment, nor is it ground to terminate his employment; it is only one of the many factors to be taken into consideration either in hiring an applicant for Government employment or in terminating his employment.

Under the new amendment, the Subversive Activities Control Board would be authorized, upon petition of the Attorney General, to hear cases and to make findings involving organizations which are alleged to fall within the following criteria:

> Totalitarian, fascist, communist, or subversive, or as having adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States, or of any State, or which seek to overthrow the Government of the United States, or of any State or subdivision thereof, by unlawful means.

Therein lies the recognition of recent history.

In this connection, let me quote several statements by the leaders of these organizations which illustrate the goals of some groups to destroy the presently constituted Government of the United States. It is to investigate groups such as this that the new powers have been assigned to the Board.

We have a vigorous and persistent organization like Youth International Revolution, the members of which, for the sake of convenience, call themselves Yippies.

The following is language found in Jerry Rubin's book entitled "Do It—Scenarios of the Revolution":

> The Youth International Revolution will begin with mass breakdown of authority, mass rebellion, total anarchy in every institution in the Western world. Tribes of longhairs, blacks, armed women, workers, peasants and the students will take over.
>
> The yippie dropout myth will infiltrate every structure of Amerika. The revolution will shock itself by discovering that it has friends everywhere, friends just waiting for The Moment.

Mr. President, the moment to do what? The moment to destroy our present form of government. That is to be found again and again in the literature, findings, and judgments of these organizations.

In the testimony of Mr. J. Edgar Hoover before the House Appropriations Committee, we find, at page 74, an example of the language of the official Black Panther Party News, the Black Panther Party newspaper:

> The official Black Panther Party newspaper, the Black Panther, with a weekly circulation of nearly 100,000 copies, continues to be the chief propaganda voice of the group. Articles and cartoons regularly characterize the Government and local law enforcement as "pigs" and calls for the overthrow of the Government and the killing of Government officials as well as police officers. The paper repeatedly urges its readers to "kill racist pig cops"; to throw a "nigger wrench" into the machinery of the Government; to form underground terrorist groups; and to "rise up and take the power out of the hands of the pig."
>
> * * * * *
>
> Threatening open warfare if the Constitution is not replaced, the Panthers in their original call for a new Constitutional Convention said: "For the salvation, liberation and freedom of our people, we will not hesitate to either kill or die!"

Mr. President, I ask unanimous consent to have printed in the RECORD two other excerpts from the testimony of J. Edgar Hoover, Director of the Federal Bureau of Investigation, in his testimony before the House Subcommittee on Appropriations, which illustrate this same point.

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

EXCERPTS OF TESTIMONY OF J. EDGAR HOOVER, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION, BEFORE THE HOUSE SUBCOMMITTEE ON APPROPRIATIONS, MARCH 17, 1971

At a press conference held at Youth International Party headquarters in New York City on October 6, 1970, an announcement was made that a tape recording had been received from the Weatherman underground. The voice on the recording, reported to be that of Bernardine Dohrn, credited the Weatherman underground with the bombing of a police statue at Haymarket Square, Chicago, on October 5, 1970. The recording stated that the Haymarket Square bombing "begins a fall offensive of youth resistance that will spread from Santa Barbara to Boston, back to Kent and Kansas. Now we are everywhere and next week families and tribes will attack the enemy around the country." The recording warned "* * * guard your planes, guard your colleges, guard your children, guard your doors." Since the release of this

recording, a number of bombings have occurred throughout the United States directed at colleges and military installations.

* * * * *

A pipe bomb exploded at the Bank of America office in New York City on July 27, 1970. Five minutes after the blast a male called the New York Daily News stating, "This is a Weatherman * * * We have just bombed the Bank of America * * * Tell John Mitchell that no matter what he does, we cannot be stopped."

Early on October 10, 1970, an explosion occurred in the Long Island City Courthouse, Queens, N.Y. Shortly before the explosion, a telephone call was received at the Long Island City jail and an unknown male stated: "This is the Weatherman calling. There is a bomb placed in the court building that will go off shortly. This is a retaliation for what happened during the week." The significance of the caller's retaliation statement is not known.

Mr. HRUSKA. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter by the Weatherman leadership entitled "Weather Letter," directed to their followers as well as excerpts from communications from the Weatherman underground.

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

Our task now is to join the people of the world in destroying U.S. imperialism and building a socialist society. We must all understand what destruction and construction mean for us in our daily political lives. While the political direction of armed struggle is indicated by the underground, this does not mean others can sit back and let the underground do it alone. Our struggle must be waged on every level, on every front. We must learn from the Viet Cong, the Latin American revolutionaries, and the Palestine Liberation Front. We must all begin to think of ourselves as urban guerrillas and attack the enemy where we can. The communique issued after Pig Headquarters blew up, said, "Political power grows out of a gun, a riot, a Molotov, a commune . . . the soul of the people." We all have the power to change our lives, to begin to build as we begin to destroy, to begin to live our revolutionary love and our revolutionary hatred.

"He that's not busy being born is busy dying."

"Make Love and War."

—WEATHER LETTER.

* * * * *

COMMUNIQUE NO. 1 FROM THE WEATHERMAN UNDERGROUND

Hello. This is Bernardine Dohrn.

I'm going to read A Declaration of a State of War.

"Black people have been fighting almost alone for years. We've known that our job is to lead white kids into armed revolution. We never intended to spend the next five or twenty-five years of our lives in jail. Ever since SDS became revolutionary, we've been trying to show how it is possible to overcome the frustration and impotence that comes from trying to reform this system. Kids know the lines are drawn; revolution is touching all of our lives. Tens of thousands have learned that protest and marches don't do it. (Revolutionary violence is the only way.)

"Now we are adapting the classic guerrilla strategy of the Viet Cong and the urban guerrilla strategy of the Tupamaros to our own situation here in the most technically advanced country in the world."

* * * * *

COMMUNIQUE NO. 2 FROM THE WEATHERMAN UNDERGROUND

Tonight, at 7 p.m., we blew up the N.Y.C. police headquarters. We called in a warning before the explosion.

The pigs in this country are our enemies.

"They build the Bank of America, kids burn it down. They outlaw grass, we build a culture of life and music.

The time is now. Political power grows out of a gun, a Molotov, a riot, a commune . . . and from the soul of the people."

WEATHERMAN.

* * * * *

COMMUNIQUE NO. 4 FROM THE WEATHERMAN UNDERGROUND

September 15, 1970.

This is the fourth communication from the Weatherman Underground.

Now we are at war.

With the NLF and the North Vietnamese, with the Democratic Front for the Liberation of Palestine and Al Fatah, with Rap Brown and Angela Davis, with all black and brown revolutionaries, the Soledad brothers and all prisoners of war in Amerikan concentration camps we know that peace is only possible with the destruction of U.S. imperialism.

Our organization commits itself to the task of freeing these prisoners of war.

"We are outlaws, we are free!"

BERNARDINE DOHRN.

Mr. HRUSKA. Mr. President, this is the new thrust of this Executive order. There is a need for processing of some 25 organizations of this type which the Attorney General is ready to refer to the Subversive Activities Control Board for this purpose. So the need is that in one part. Another part is for revision of the Attorney General's present list—badly in need—because this list, pursuant to the law, is made available to all Federal Government agencies and to the public. The list is obsolete and it should be revised. Now there has been no machinery to do it. This order provides such machinery.

Mr. President, there is another need we should mention at least in passing and that is the pendency of a bill in both bodies which will give the Board certain additional duties and responsibilities; namely, there would be imposed upon them the necessity of protecting constitutional rights and extending constitutional safeguards to anyone who has a case to come before the Board.

That legislation, as proposed, will be discussed in due time on its own merits.

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

Mr. McCLELLAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. McCLELLAN. Mr. President, I yield 3 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, the work of this Board is well cut out for it in the coming year. There is the revision of the Attorney General's list of 283 organizations. It is said 263 of them are either nonexistent or nonfunctioning. That is one.

The second task will be to review the organizations and files of the Attorney General to find out where they fit into this new category or any of the old ones under the criteria prescribed in this new Executive order.

It seems to me that is enough justification for the continuance of the Subversive Activities Control Board so that it may proceed.

It has been suggested that the proper form of amendment is by Congress, and not by Executive order. It is late in our history and our consideration of this item to consider that. I fully subscribe to the idea that we have a legal method of amendment and a legal assignment of work. I believe that has been followed in the amendments to Executive Order No. 10450. But to get at this proposition, ever since 1947, our Presidents—five in number—have either created Executive orders or implemented them in the same fashion and in the same general area of personnel security. That has been done from 1947 to the present time.

So the precedents are here. The precedents are contained in the legal memorandum which the Senator from Arkansas put in the RECORD. We should go forward with this work. Bear in mind that even if this Board is not functioning, there will be the act of 1950 for the Attorney General to comply with.

May I have 2 more minutes?

Mr. McCLELLAN. I will yield 1 more minute to the Senator.

Mr. HRUSKA. One minute is enough.

There will still be the act of 1950 in the field of personnel security to comply with. Will that be undertaken by the Attorney General on his own, without hearings, without appeal, without the constitutional safeguards which are assured for persons and organizations appearing before the Board at the present time? It seems to the Senator from Nebraska that it would be the better part of prudence for the Government to retain the Board and to retain the Board's procedures.

Mr. MANSFIELD. Mr. President, will the Senator yield to me, for a request, without the time being charged to either side?

Mr. McCLELLAN. I yield.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, at 12:32 p.m. the Senate took a recess.

The Senate reassembled at 12:37 p.m., when called to order by the Presiding Officer (Mr. BROCK).

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Arkansas (Mr. FULBRIGHT).

Mr. FULBRIGHT. Mr. President, I rise to support the amendment offered by the Senator from Wisconsin. He has already put in the RECORD, as I understand, a summary of the action, or nonaction, of the SACB since 1950. This is 21 years in which the Board has done virtually nothing. This organization is simply one piece of debris, or, as I think the term is sometimes used, "flotsam and jetsam" of history which is no longer relevant to present conditions. If it ever was relevant, that time is past.

I think nothing could demonstrate that any more than the President's actions in the last few days and his statement that he intends to go to Peking. I think that should be considered the end of the era of profound apprehension that grew out of the early period of the cold war, at the time of Stalin. The Board was created at the height of the Stalin era, in which there was great concern resulting from the frustrations of the then cold war, and especially out of the frustrations that resulted from the defeat of Chiang Kai-shek in China. That, added to the other misfortunes that developed in Berlin and elsewhere, created a deep feeling of apprehension and resulted in the creation of this Board.

I think it was an unnecessary board, to begin with. We have a Department of Justice. It is sound and intact and a very large organization. I think the money we spend on it each year is in the neighborhood of $1.5 billion.

I ask my friend from Wisconsin if that is not correct. One of the principal objectives of the Department of Justice is to keep track of dangerous individuals within our society, and the Department has done it. I believe Mr. Hoover every year used to give statements, usually at the time of appropriations, of how many Communists there were in this country, et cetera.

But I do not want to belabor that. The fact is that this Board has done nothing worthwhile whatever in 21 years. It has cost almost $6 million. It is a convenient hideaway for people who are deserving in the eyes of the Executive and need a nice salary with nothing to do.

Every Government has such jobs. I do not complain about that. Usually they have more to do than this one; but this is also a symbol of a period which we are now outgrowing. I support what the President's new attitude is, and what I think he is moving toward, and I shall do what I can to make that effective. I think one of the things we can do is liquidate this vestige of a period of great frustration and disappointment.

There are other activities, I might say, that, like this one, ought to be liquidated, such as Radio Free Europe and Radio Liberty. They were also created under the same conditions under which this Board was created. They not only do not do any good, they do actual harm to the reputation and the standing of this country among many of our allies, and certainly among many of the Eastern European countries which are not allies, but which we hope will some day establish independent policies.

I think a great deal of the activity of The Voice of America is unnecessary. It was built up under the same circumstances which dictated the measures which we thought were designed to contain communism, as it was told to us—the same kind of reasons advanced for our entry into the war in Vietnam.

The President is seeking to liquidate this board, in my opinion. He says that. He has already made public a statement to that effect, and I think he ought to be supported. Although he has made this recommendation, I realize there are great pressures on him. In my opinion, this proposal is inconsistent with the direction in which the President is now moving. I think we ought to discontinue it, and at the same time save nearly $400,000 we are now spending for a useless activity.

Mr. PROXMIRE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. PROXMIRE. I yield 10 minutes to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I urge the Senate to adopt the Proxmire amendment. During a previous session I voted against this amendment upon the assurance that the executive branch of the Government would recommend to Congress the enactment of legislation which would assign to the Board a constitutional task. I have waited for 4 or 5 years for that legislation to be brought before Congress. It has not been brought. Instead of that, on the 2d of July, this month, we had an effort on the part of the executive branch of the Government to do some lawmaking through the agency of Executive Order 11605.

No person can deny the fact that this is legislation, not regulation of congressionally authorized activity. This Executive order is based on the pretext that the President has the power to regulate Federal employment, and that by virtue of that he has the power to give to this Board jurisdiction to pass upon the thoughts and the words of every group of people in the United States numbering from two up, to see whether they are advocating any of the unwise and foolish things mentioned in this Executive order.

Now, what is the purpose of this? It is done under the pretext that everyone of the 200 million people in the United States may sometime in the future seek employment with the Federal Government, and for that reason the President has the right to let this Board investigate every organization, and not only organizations, but unorganized groups consisting of combinations or groups of as many as two people to see whether they are thinking the foolish thoughts or advocating the foolish things mentioned in the order irrespective of whether they are trying to incite any actions to implement those foolish thoughts or to accomplish those foolish things. This is to be authorized by Executive order because, forsooth, those 200 million people may apply for jobs with the Federal Government, and there ought to be some record about them in the Civil Service Security Investigations Index.

This is an amendment to the Executive order of April 27, 1953; and section 9(a) of that Executive order provides:

> There shall be established and maintained in the Civil Service Commision a security investigations index covering all persons as to whom security investigations have been conducted by any department or agency of the Government under this order.

In other words, if this Executive order is carried out to the letter, every person that belongs to one of these organizations, or even joins with one other person to think the foolish thoughts mentioned or to advocate some of the things mentioned, will have his name placed in the Civil Service Commission security file so that he can be denied employment by the Federal Government in the future.

The Executive order manifests a fear of freedom. It manifests a fear of the American people. The strange thing about it, which I will say if I have time enough to do it, is that this very Board would be empowered by this Executive order to do one of the things which the Board is set up to keep other people from doing, that is, denying people their rights under our Constitution. This Board is set up to deny Americans their rights under the first amendment.

There are two fatal objections to this Executive order. The first is that it represents legislation, and the second is that if it were adopted by Congress, instead of by the fiat of the President, it would be unconstitutional under the decisions of the Supreme Court in many cases.

The distinguished Senator from Arkansas (Mr. McCLELLAN) put his finger on the first of these defects during the committee hearings. Assistant Attorney General Mardian came to testify, and he said that the President had constitutional and statutory authority to write this Executive order.

He never cited any authority, and I am inclined to think that the copy of the Constitution they have in Mr. Mardian's division of the Department of Justice, is like one that someone brought me the other day from the Military Intelligence Agency. That copy of the Constitution was stamped in this way:

> The opinions expressed in this document do not necessarily represent the opinions of this agency.

Mr. Mardian never cited any constitutional or statutory provision to sustain his contention and Senator McCLELLAN said there might be some statute that gave the President certain powers, but unless it does, he did not see how the President by Executive order can give to a board created for one purpose by Congress, with its powers and limitations prescribed, a function which Congress did not authorize.

Now, that was a firsthand observation of the extremely able and dedicated and distinguished chairman of the subcommittee which handled this bill, and the floor manager of this bill. That is unanswerable, but Mr. Mardian attempted to answer it this way: He said that if Congress authorizes this appropriation, it thereby ratifies any powers that the President attempted to give to the Board by the Executive order.

I want the Senate to know that if it approves this appropriation, it is ratifying a usurpation of the power of Congress by the President of the United States. There can be no question about this.

Article I of the Constitution declares, in section 1:

> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

If my recollection is correct, this provision is one of the few times that the word "all" is used in the Constitution of the United States. It says that all legislative power is vested in Congress and

none in the President. The President, by this Executive order, undertakes to authorize a witch hunt to be carried on by the Board in every area in the United States in which two or more people join in any movement or any organization for the purpose of advocating the foolish things stated in the Executive order.

The outstanding case on this subject is *Youngstown* v. *Sawyer*, 343 U.S. 579. That was the famous case in which President Truman seized the steel mills without an act of Congress authorizing it.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. ERVIN. Will the distinguished Senator from Arkansas yield me 2 minutes on the bill?

Mr. McCLELLAN. I yield 2 minutes to the distinguished Senator from North Carolina.

Mr. ERVIN. The justification which the Department of Justice gives for all these things is that the President is charged with the duty of enforcing the laws.

Justice Black, who wrote the opinion in the Youngstown case, stated as follows, on page 587:

> In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the first article says that "All legislative Powers herein granted shall be vested in a Congress of the United States. . . ."

Then he concluded the opinion as follows, on page 589:

> The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power and the hopes for freedom that lay behind their choice. Such a review would but confirm our holding that this seizure order cannot stand.

Virtually everything that this board is authorized to do by the Executive order was declared unconstitutional by the Supreme Court in the Yates case. I wish I had the time to explain that case to the Senate.

I thank the Senator from Arkansas and the Senator from Wisconsin for their generosity.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. I yield 1 minute to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope that with this vote today, the Senate will once and for all order the extinction of one of the last vestiges of the McCarthy era—the Subversive Activities Control Board.

Since 1950, this Board has existed solely for the purpose of registering Communists, and subversives. Yet it has not registered successfully a single subversive. And five times, the Supreme Court has declared that orders of this Board have violated the Constitution.

Only 2 years ago, in the Boorda case, the courts determined that some of the Board's preliminary fact-finding functions abrogate the freedom of association protections of the first amendment of the Constitution.

Now the distinguished Senator from Wisconsin and the distinguished chairman of the committee have demonstrated quite effectively that Congress has been throwing its money away for the past 20 years by funding this Board. The last 6 months in this Board's existence reflect its past record. It has heard three witnesses and it has held 10 days of hearings. No wonder that its Chairman acknowledged to the Appropriations Committee that the Board does not "have enough to fill our time." As the hearing record points out in the exchange with Mr. Mahan and members of the committee:

TOTAL WITNESSES HEARD

Chairman ELLENDER. How many witnesses did you hear this year?

Mr. MAHAN. We have heard three so far in relation to these two cases.

Senator McCLELLAN. Only three?

Chairman ELLENDER. That is all you have done?

Mr. MAHAN. Two who were informants.

Chairman ELLENDER. What do you do the rest of the time?

Mr. MAHAN. The rest of the time——

Chairman ELLENDER. Sit around?

Mr. MAHAN. No; as the Senator knows, I have spent some time, as much as possible, in the House and Senate trying to correct the laws so they will work more efficiently and effectively. I give advice when they ask for it in an attempt to get this law through——

Chairman ELLENDER. That is not your job. You are doing that to kill time. You have heard only three witnesses in 12 months?

Mr. MAHAN. We do not have enough to fill our time, that is correct, Senator.

Twenty years have passed. The shrill cries of former Senator Joseph McCarthy have long since died away. It is time to end the witchhunt.

I strongly urge my colleagues to support the amendment now before us to eliminate the Subversive Activities Control Board appropriations.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial published in the Washington Post of today, and a summary of SACB action from 1950 to 1970.

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

CURBING FREEDOM OF ASSOCIATION

There are two principal arguments against providing public money to finance the Subversive Activities Control Board—something the Senate is supposed to decide today. One argument is purely pragmatic: the agency is useless—totally, completely, unequivocally and indisputably useless. The courts have found the function for which it was created 20-odd years ago to be unconstitutional; and there is simply no way to pursue its purpose that would not subvert and impair the Constitution.

Senator Proxmire, who has been leading a fight to put the board out of harm's way by denying its appropriation request, said of it in an interview the other day: "Its sole purpose was to provide a registry of Communists and subversives in this country. But during the 20 years of its existence it has never registered any Communists or subversives—not a single one. For two and a half years the board didn't even hold a single hearing. Then Congress changed the law. As a result of the new law, since the beginning of the year, the board heard a grand total of exactly three witnessess. It still hasn't registered anyone. It hasn't even come close. The SACB is a monumental exercise in futility."

The senator is precisely right in his statistics. But the SACB is supposed to register organizations as well as individuals. After due deliberation, which must have used up several hours of its members' time during the past 20 years, it issued a final order determining that the Communist Party USA is a "Communist-action organization" within the meaning of the law. And it issued seven orders denominating organizations it didn't like as "Communist fronts." That is all it did—except, perhaps, for holding annual parties at Christmas-time, compiling annual reports on its annual idleness and, of course, cashing or depositing those government paychecks which amount in the case of each of the five board members to $36,000 a year. It must be exhausting. What with secretaries, assistants and other staff to help the board members, the SACB is asking for $450,000 for the fiscal year ahead. The Senate could more equitably and with far greater service to the national security use that tidy sum to buy the Washington Senators a couple of good pitchers and another long-ball hitter.

There is, however, an argument against extending the life of the SACB far more fundamental than the waste of public funds involved. President Nixon has proposed that the board be put to work listing voluntary associations of which it thinks, in its collective wisdom, that Americans shouldn't be members. Throughout the American past the choice as to what organizations to get into or to stay out of was left entirely up to the Americans themselves. Indeed, this was considered an elementary American freedom, guaranteed by the First Amendment as a cornerstone of the American political system.

Voluntary associations have been, much more than political parties, the motive force of the democratic process in this country. They are the characteristic American device for getting things done. Alexis de Tocqueville recognized their importance when he looked at the American scene 130 years ago. "In countries where associations are free," he wrote, "secret societies are unknown. In America there are numerous factions, but no conspiracies. The most natural privilege of man, next to the right of acting for himself, is that of combining his exertions with those of his fellow-creatures, and of acting in common with them." It is this natural right of free men which President Nixon would now authorize the SACB to curtail by putting the brand of official disapproval on dissident groups.

There is a quick, easy, effective and apt way to put a stop to this meddlesome interference with freedom of association and that is for the Senate to vote today against any appropriation for the SACB.

Summary of SACB action 1950–70

Number of final orders determining an organization to be a Communist-action organization	1
Number of final orders determining an organization to be a Communist front	7
Number of final orders determining individuals to be a member of a Communist action organization (such determination declared unconstitutional by the Supreme Court)	0
Number of final orders determining an organization to by a Communist-infiltrated organization	0
Number of registrations resulting from SACB's orders	0

Yearly expenditures

Fiscal year 1951	$160,000
Fiscal year 1952	204,000
Fiscal year 1953	229,000
Fiscal year 1954	236,000
Fiscal year 1955	269,000
Fiscal year 1956	279,000
Fiscal year 1957	315,000
Fiscal year 1958	325,000
Fiscal year 1959	325,000
Fiscal year 1960	285,000
Fiscal year 1961	320,000
Fiscal year 1962	339,000
Fiscal year 1963	336,000
Fiscal year 1964	325,000
Fiscal year 1965	409,000
Fiscal year 1966	426,000
Fiscal year 1967	280,000
Fiscal year 1968	247,000
Fiscal year 1969	274,000
Fiscal year 1970	375,000
Total	5,958,000

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, as the record reflects, as chairman of the subcommittee, I had some serious concern about continuing the appropriation for this Board—not on the basis that I do not feel there is a need for it, not on the basis that there is no work for it to do; but simply on the premise that it had not been given the work to do, with the purpose of determining whether, if the appropriation were made, the board would be occupied, and occupied with legitimate work that was of some value to this country.

I know that it may be very unpopular today to oppose subversion in this country, to try to do something about it, and to oppose the organizations in this country which are resorting to violence and which are advocating the overthrow of the Government. Mr. President, I will have to take that unpopular stand, because I do believe that a condition exists in this country that needs investigation. I believe there is a job for this Board to do; and the President, by this Executive order, has undertaken to outline, define, and direct the Board into this field of inquiry and determination.

I can appreciate that there may be a valid objection to the President's Executive order. I do not know what the Court will hold about it. That is a Court question. All I know about the Supreme Court is that it often reverses itself. Whatever it held last year or the year before or some other time may not be its guiding light in the next decision it makes. No one can depend on it. One cannot rely on it, with the record it has of repudiating its own precedents. It will just have to make the determination. I cannot.

I am hopeful that if this appropriation is made, this Board will become active in the field in which the President now directs its activity. It is very well to say that the Board is irrelevant, that its functions are irrelevant. But I do not think it is irrelevant, with conditions that prevail in this country, to try to do something about subversion.

If communism is irrelevant, then it is irrelevant today to spend some $3 or $4 billion every year to keep an army in Europe. For what? To protect Europe. From whom? If communism is no danger, every one of those troops should be brought home and that money should be saved. I voted to bring some of them home at the last opportunity—not necessarily because of that, but because I feel that over there, those countries now have developed an economic strength sufficient to support themselves and to defend themselves, without our trying to defend the entire free world.

Mr. President, as to whether it is a witch hunt, many things can be a witch hunt. The test here, the issue here, is this: Do we have a condition that should be given attention? I think we do. I think that support of this amendment and abolishing this Board will simply bring rejoicing in the camps of subversive forces in this country. There may be a better way to approach it, and I would like to find a better way, and I will support a better way; but I am not going on record today to repudiate the only effort being made in this field in this direction at this time and say to these elements and these organizations, which are openly abrogating the overthrow of the Government and are resorting to force and violence, "Go ahead. We're not going to investigate you any further. We're going to let you have your own way." I am not going to say that. My colleagues may say it. They may not mean it that way. That is the way, it seems to me, it will be interpreted by them. I cannot do that. I hope they will find a better way. I hope that the President is right. If he is not, then it is incumbent upon Congress to enact legislation within the framework of the Constitution, if that can be done, to give the country the protection it should have, protection from elements at least from within who are subversive, who are avowed enemies of our system of government, and who want to change it by force and violence.

Let me point this out: I have shown my concern. I have been open about it. The committee stated in its report, in which I joined, and I feel that way about it, with this assurance of the work they propose to give the Board, the committee is willing to recommend funds for the operation of the Board for 1 additional year.

In other words, with reference to relevancy, if it is irrelevant now, then the whole concept of the CIA is irrelevant and we should abolish it, too.

Mr. PROXMIRE. Mr. President, in the 1 remaining minute I have left, let me say that I am sure every Member of the Senate is opposed to communism. We are all against it. We are all deeply concerned about subversion. We all want to stop it. But, we want to do something effective—I repeat, effective.

The Board has been in existence for 20 years and it has done nothing. It consists of five members who receive $36,000 a year, who do not have the professional qualifications to act within the law against subversion.

I submit that the way to fight subversion is through professional organizations such as the FBI, the Defense Intelligence Agency, and the Attorney General's Office itself, and not by creating a board that is a sinecure for politicians who know other politicians.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. BROCK). The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. PROXMIRE).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Virginia (Mr. BYRD), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that, if present, and voting, the Senator from Alaska (Mr. GRAVEL), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), the Senator from Michigan (Mr. GRIFFIN) and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. BEALL) is absent to attend the funeral of a friend.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from New York (Mr. BUCKLEY). If present and voting, the Senator from Oregon would vote "yea" and the Senator from New York would vote "nay."

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from Ohio (Mr. TAFT). If present and voting, the Senator from New York would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 41, nays 47, as follows:

[No. 150 Leg.]

YEAS—41

Aiken	Fulbright	Nelson
Bayh	Harris	Packwood
Boggs	Hart	Pastore
Brooke	Hartke	Pell
Burdick	Hughes	Percy
Cannon	Humphrey	Prouty
Case	Inouye	Proxmire
Church	Kennedy	Ribicoff
Cooper	Mathias	Saxbe
Cranston	McGee	Stevenson
Dominick	McGovern	Symington
Eagleton	Mondale	Tunney
Ellender	Moss	Williams
Ervin	Muskie	

NAYS—47

Allen	Fong	Pearson
Allott	Gambrell	Randolph
Anderson	Goldwater	Roth
Baker	Gurney	Schweiker
Bennett	Hansen	Scott
Bentsen	Hollings	Smith
Bible	Hruska	Sparkman
Brock	Jordan, N.C.	Spong
Byrd, W. Va.	Jordan, Idaho	Stennis
Chiles	Long	Stevens
Cook	Magnuson	Talmadge
Cotton	Mansfield	Thurmond
Curtis	McClellan	Tower
Dole	McIntyre	Weicker
Eastland	Miller	Young
Fannin	Montoya	

NOT VOTING—12

Beall	Gravel	Javits
Bellmon	Griffin	Metcalf
Buckley	Hatfield	Mundt
Byrd, Va.	Jackson	Taft

So Mr. PROXMIRE's amendment was rejected.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HRUSKA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 169) authorizing the acceptance, by the Joint Committee on the Library on behalf of the Congress, from the U.S. Capitol Historical Society, of preliminary design sketches and funds for murals in the east corridor, first floor, in the House wing of the Capitol, and for other purposes.

The enrolled joint resolution was subsequently signed by the President pro tempore.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 19, 1971, he presented to the President of the United States the enrolled bill (S. 991) to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9272) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

Mr. ERVIN addressed the chair.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order.

The Senate is not in order and the Senator will not proceed until the Senate is in order.

The Senator from North Carolina is recognized.

AMENDMENT NO. 253

Mr. ERVIN. Mr. President, my amendment No. 253 is at the desk. I modify my amendment so as to correct an error as to the reference to the page and line number. I send forward my amendment as modified, and ask that it be stated.

The PRESIDING OFFICER. The amendment as modified, will be stated.

The amendment, as modified, was read as follows:

On page 49, line 21, before the period insert a colon and the following:

"Provided, however, That none of the funds appropriated in this paragraph shall be made available for the Board to execute any of the additional functions, duties, or powers which Executive Order 11605, dated July 2, 1971, purports or undertakes to confer on the Board."

ORDER OF BUSINESS

Mr. ERVIN. Mr. President, I yield 30 seconds of my time to the distinguished Senator from Idaho for a brief statement.

Mr. CHURCH. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

INTERVIEW OF PREMIER KOSYGIN AND REPORT OF RUSSIAN REACTION TO PRESIDENT'S ANNOUNCEMENT OF VISIT TO PEKING

Mr. CHURCH. Mr. President, I have just completed a 10-day journey to the Soviet Union as a delegate to the sixth meeting of the Dartmouth Conference held this year at Kiev.

I was in Moscow the day the news broke of President Nixon's acceptance of the Chinese invitation to visit Peking. That day, in company with Mr. David Rockefeller, Gen. James Gavin, and Ambassador Charles Yost, former Ambassador to the United Nations, I had the opportunity to participate in an interview with Premier Kosygin for 2 hours and 30 minutes.

I have prepared a news release describing the general Russian reaction to the news of President Nixon's proposed visit to Peking together with a summary of the interview with Premier Kosygin. I have issued the news release today and I ask unanimous consent that it may be printed in the RECORD.

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

RUSSIAN REACTION TO NIXON'S CHINA VISIT

WASHINGTON, July 19—Russians reacted with a quizzical, wait-and-see attitude to the news that President Nixon will visit China, Senator Frank Church disclosed today.

Just returned from a 10-day trip to the Soviet Union, climaxed by a two-and-one-half hour interview with Premier Kosygin at the Kremlin, Church said that the Russians, with whom he discussed the surprise announcement, displayed "mixed feelings" at the unexpected news.

"On the one hand, they admitted that the Nixon trip was consistent with their own view favoring universal normalization of relations with China," Church said. "On the other hand, they confessed a suspicion that anti-Soviet bias may be motivating recent American overtures toward China."

"My own efforts to assure them that the President's motives spring solely from a desire to promote peace in Asia," Church said, "were met with a plea for a similar gesture in Europe, such as American participation in the upcoming Conference on European Security, to which the United States has been invited, but not yet responded."

The Idaho Senator was a member of the American delegation at the sixth meeting of the Dartmouth Conference, held this year in Kiev. On its final day, Church—along with David Rockefeller, General James Gavin, and Charles Yost, former American Ambassador at the United Nations—were invited to fly to Moscow for the Kosygin interview.

"The purpose of the interview," Church said, "was to discuss the major topics taken up at the Kiev conference, and Kosygin himself made no mention of the Chinese invitation to President Nixon.

"However, other prominent Russians with whom we met spoke freely of their surprise and kept probing for a hidden meaning behind the announcement," Church added.

In the Kosygin interview, the subjects of American-Soviet cooperation in solving global environmental problems, strengthening the United Nations, and expanding trade between the two countries were explored.

A fourth topic had to do with the SALT talks now underway in Helsinki. Church said that Kosygin expressed agreement with his own view that these talks on limiting nuclear arms were most important in the world today.

"Mr. Kosygin maintained that the Soviet government would strive at Helsinki to reach agreements with the United States, even if it became necessary to enter into these on a step-by-step basis," Church said.

The four Americans who participated in the interview were the first to see Kosygin in more than five months.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9272) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

Mr. ERVIN. Mr. President, I would like to point out at the outset that my amendment does not affect in any way the existence of the board and it does not affect in any way any powers which the board has acquired under any act of Congress or under any Executive order preceding the second day of July 1971.

My amendment would simply prohibit the use of any part of the appropriation made by this act to the board to implement the legislative action which the President undertook to exercise on July 2 in violation of section 1, article V of the Constitution, which vests all of the legislative power of the Federal Government in Congress, and none in the President.

This Executive order is clearly legislation. It extends the jurisdiction of the board far beyond any jurisdiction the board has received from Congress or under any former Executive order.

In the interest of time, I ask unanimous consent that a copy of the Executive order be printed at this point in the body of the RECORD as a part of my remarks.

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

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 11605

Amendment of Executive Order No. 10450 of April 27, 1953, Relating to Security Requirements for Government Employment

By virtue of the authority vested in me by the Constitution and statutes of the United States including 5 U.S.C. Section 1101 *et seq.*, 3301, 3571, 7301, 7313, 7501(c), 7512, 7532 and 7533; and as President of the United States, and finding such action necessary in the best interests of national security, it is hereby ordered that Executive Order No.

10450[1] of April 27, 1953, as amended, is hereby further amended as follows:

1. Paragraph (5) of Section 8(a) shall read: "(5) Knowing membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organization) which is totalitarian, fascist, communist, subversive, or which has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means.

2. Section 12 shall read:

"(a) Executive Order No. 9835 of March 21, 1947, as amended is hereby revoked.

"(b) The head of each department and agency shall be furnished by the Attorney General with the name of each organization which shall be or has been heretofore designated under this order. Except as specifically provided hereafter, nothing contained herein shall be construed in any way to affect previous designations made pursuant to Executive Order No. 10450, as amended.

"(c) The Subversive Activities Control Board shall, upon petition of the Attorney General, conduct appropriate hearings to determine whether any organization is totalitarian, fascist, communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means.

"(d) The Board may determine that an organization has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their constitutional or statutory rights or that an organization seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means if it is found that such group engages in, unlawfully advocates, or has among its purposes or objectives, or adopts as a means of obtaining any of its purposes or objectives.—

(1) The commission of acts of force or violence or other unlawful acts to deny others their rights or benefits guaranteed by the Constitution or laws of the United States or of the several States or political subdivisions thereof; or

(2) The unlawful damage or destruction of property; or injury to persons; or

(3) The overthrow or destruction of the government of the United States or the government of any State, Territory, district, or possession thereof, or the government of any political subdivision therein, by unlawful means; or

(4) The commission of acts which violate laws pertaining to treason, rebellion or insurrection, riots or civil disorders, seditious conspiracy, sabotage, trading with the enemy, obstruction of the recruiting and enlistment service of the United States, impeding officers of the United States, or related crimes or offenses.

"(e) The Board may determine an organization to be 'totalitarian' if it is found that such organization engages in activities which seek by unlawful means the establishment of a system of government in the United States which is autocratic and in which control is centered in a single individual, group, or political party, allowing no effective representation to opposing individuals, groups, or parties and providing no practical opportunity for dissent.

"(f) The Board may determine an organization to be 'fascist' if it is found that such organization engages in activities which seek by unlawful means the establishment of a system of government in the United States which is characterized by rigid one-party dictatorship, forcible suppression of the opposition, ownership of the means of production under centralized governmental control and which fosters racism.

"(g) The Board may determine an organization to be 'communist' if it is found that such organization engages in activities which seek by unlawful means the establishment of a government in the United States which is based upon the revolutionary principles of Marxism-Leninism, which interprets history as a relentless class war aimed at the destruction of the existing society and the establishment of the dictatorship of the proletariat, the government ownership of the means of production and distribution of property, and the establishment of a single authoritarian party.

"(h) The Board may determine an organization to be 'subversive' if it is found that such organization engages in activities which seek the abolition or destruction by unlawful means of the government of the United States or any State, or subdivision thereof.

"(i) The Board may further determine, after consideration of the evidence, that an organization has ceased to exist. Upon petition of the Attorney General or upon petition of any organization which has been designated pursuant to this section the Board after appropriate hearings may determine that such organization does not currently meet the standards for designation. The Attorney General shall appropriately revise or modify the information furnished to departments and agencies consistent with the determinations of the Board.

"(j) The Board shall issue appropriate regulations for the implementation of this section."

RICHARD NIXON.

THE WHITE HOUSE, *July 2, 1971.*

[FR Doc. 71-9765 Filed 7-7-71; 12:01 p.m.]

[1] 3 CFR 1949-1953 Comp., p. 936; 18 F.R. 2489, 26 F.R. 6967.

Mr. ERVIN. Mr. President, my amendment should be adopted for two reasons. In the first place, if Senators of the United States believe in abiding by their oaths to support the Constitution, the amendment ought to be adopted. This is so because it will nullify the attempt of the President to make law. The President, clearly has no power to make law under our system of government.

During the argument on the Proxmire amendment, I referred to the case of *Youngstown Co.* v. *Sawyer*, 343 U.S. at page 579. This was a case where President Truman claimed he had powers as President and as Commander in Chief of the Army and Navy to seize the steel plants without authority from the Congress. The Supreme Court decided in that case that the President had no such power. The Supreme Court said some things about section 1 of article I of the Constitution that we need to heed this hour. Justice Black said:

It is clear that if the President had authority to issue the order he did, it must be found in some provision of the Constitution. And it is not claimed that express constitutional language grants this power to the President. The contention is that presidential power should be implied from the aggregate of his powers under the Constitution. Particular reliance is placed on provisions in Article II which say that "The executive Power shall be vested in a President . . ."; that "he shall take Care that the Laws be faithfully executed"; and that he "shall be Commander in Chief of the Army and Navy of the United States."

The order cannot properly be sustained as an exercise of the President's military power as Commander in Chief of the Armed Forces.

Then omitting some portion of the opinion irrelevant to the present argument, I continue reading Justice Black's opinion:

Nor can the seizure order be sustained because of the several constitutional provisions that grant executive power to the President.

In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make the laws which the President is to execute. The first section of the first article says that "All legislative Powers herein granted shall be vested in a Congress of the United States.

Then omitting other certain portions, I continue my reading:

The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a presidential policy be executed in a manner prescribed by the President.

I digress to note that that is exactly what the Executive order mentioned in my amendment does. I continue:

The preamble of the order itself, like that of many statutes, sets out reasons why the President believes certain policies should be adopted, proclaims these policies as rules of conduct to be followed, and again, like a statute, authorizes a government official to promulgate additional rules and regulations consistent with the policy proclaimed and needed to carry that policy into execution. The power of Congress to adopt such public policies as those proclaimed by the order is beyond question.

I digress to observe that the question whether Congress itself could adopt the provisions in the Executive order is a most serious constitutional question. I resume reading:

It is said that other Presidents without congressional authority have taken possession of private business enterprises in order to settle labor disputes. But even if this be true, Congress has not thereby lost its exclusive contitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution "in the Government of the United States, or any Department or Officer thereof."

The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power and the hopes for freedom that lay behind their choice. Such a review would but confirm our holding that this seizure order cannot stand.

The time is here, right now, for the Senate to decide whether the Congress should retain its legislative power or whether it should abdicate that power to an Executive order adopted by the President in the usurpation of authority which the Constitution denies to him.

It is a very serious question, Mr. President, whether Congress itself has the power to adopt laws containing the provisions of this Executive order. That question ought to be resolved by the Congress. Does the Constitution of the United States permit Congress to estab-

lish an executive board to exercise judicial power and to brand and stigmatize Americans because they belong to organizations which are foolish enough to believe or advocate the unwise things specified in the order? Congress should face that issue and make that decision. It ought not to tolerate the usurpation of legislative power by the President, as this Executive order attempts to do.

Oh, it may be said that other Presidents have issued Executive orders, but that does not do away with the power of Congress under the Constitution. Murder and larceny have been committed in every generation since mankind made his appearance on this earth, but that fact does not make murder meritorious or larceny legal.

Mr. President, the first amendment to the Constitution was designed to make Americans politically and intellectually and spiritually free. Under the first amendment to the Constitution, an American can advocate anything he desires to advocate, no matter how disgusting it may be, as long as he does not advocate action to bring it about.

He can advocate overthrow of the Government by force and violence as long as he does not urge action be taken to carry his advocacy into effect.

The Supreme Court said, in an opinion by Justice Brandeis, that the remedy for unwise ideas is education. Thomas Jefferson said no country has any need to fear injury at the hands of free speech as long as it leaves truth free to combat error. Justice Brandeis said, in one of his wise opinions, that remedies for foolish ideas such as those this Executive order is directed against are twofold. First, we should eradicate such ideas by education. We do not need less free speech, he said; we need more. We need Americans to stand up and tell what a great country we have. Then, he says, if bad ideas induce people to violate the law, they ought to be tried for their crimes in courts, where they have the presumption of innocence and where they have a right to confront their accusers and where they are entitled to a judicial trial before an impartial judge and jury. This is the important point I desire to make.

This Executive order is clearly unconstitutional, even if its contents had been incorporated in an act of Congress instead of in an Executive order made by a President who has no power to make any law.

I read from *Yates* v. *United States*, 354 U.S. 298, page 321, where the opinion was written by Justice Harlan, who is certainly no apologist for people who desire to overthrow the Government of the United States by force and violence. He said:

> The essence of the *Dennis* holding was that indoctrination of a group in preparation for future violent action, as well as exhortation to immediate action, by advocacy found to be directed to "action for the accomplishment" of forcible overthrow, to violence as "a rule or principle of action," and employing "language of incitement," *id.*, at 511–512, is not constitutionally protected when the group is of sufficient size and cohesiveness, is sufficiently oriented towards action, and other circumstances are such as reasonably to justify apprehension that action will occur. This is quite a different thing from the view of the District Court here that mere doctrinal justification of forcible overthrow, if engaged in with the intent to accomplish overthrow, is punishable *per se* under the Smith Act. That sort of advocacy, even though uttered with the hope that it may ultimately lead to violent revolution, is too remote from concrete action to be regarded as the kind of indoctrination preparatory to action which was condemned in *Dennis*. As one of the concurring opinons in *Dennis* put it: "Throughout our decisions there has recurred a distinction between the statement of an idea which may prompt its hearers to take unlawful action, and advocacy that such action be taken."

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. ERVIN. I wonder if I might have 2 minutes to finish.

Mr. McCLELLAN. I yield the Senator 2 minutes on the bill.

Mr. ERVIN. That is the fatal defect, I think, in this Executive order, if it had been incorporated in an act of Congress. It undertakes to reach ideas, and not to reach advocacy of action. It condemns advocacy of ideas as distinguished from advocacy of action.

I agree with the Senator from Arkansas that no one can foretell exactly what the Supreme Court is going to decide on a matter, but I do say that anyone who can read the English language, and reads article I, section 1 of the Constitution, knows that the power to make laws belongs to Congress and not to the President. And I say that anyone who reads the opinions in the *Yates* case and a multitude of other decisions, must realize there is a serious constitutional question here. So I urge the Senate to adopt my amendment, and to prevent this money from being used for anything except the exercise of powers given the Board by Congress and prior Executive orders. Let the administration or anyone interested propose legislation to be acted by Congress, and let Congress determine whether we can prescribe some kind of constitutional law to protect America against persons such as those described in the Executive order, without violating the Constitution of the United States.

Let us keep the power of Congress where the Constitution placed it. That is all my amendment seeks to do.

I thank the Senator for the additional time.

Mr. McCLELLAN. Mr. President, I yield myself 4 or 5 minutes. I shall be very brief.

The issue as to whether this Board will continue has been settled by the vote on the previous amendment. The House of Representatives has already appropriated the money in the bill. By the action of the Senate a few minutes ago, the Senate retained the appropriation for this Board to function.

We have complained that the Subversive Activities Control Board has had nothing to do. So the President, in good conscience, has undertaken by Executive order to give the Board some additional responsibility. I know there is a constitutional question here. I know that constitutional question will likely ultimately go to the Supreme Court. I do not know how the Court will decide it, but I do know that in the meantime what we are doing here is undertaking to get results for the good of this country out of this appropriation.

We can throw it away. The money is going to be spent anyway. As far as we can tell now, both Houses have appropriated it, and this is just an issue on the question of the President's power. There are honest differences of opinion.

We have literally thousands of Executive orders issued by the President. That has been a practice for years. Whether this one transgresses the power of the legislature is a question which, as I see it, the Supreme Court will have to decide.

But in the meantime, there is no one in this body, in my judgment, who will deny there is work that ought to be done either by this agency or by some agency of the Government in this field, with the threat of subversion increasing all the time. If this is not the right way to do it, then do not blame the Board, blame the legislature. Blame Congress. What are we doing about it, sitting here blaming the Board, with these conditions going on all the time? It is time for us to get into action, and quit trying to throw the blame off somewhere else. We have a responsibility, too, for the security of this Nation; and if the Board is not to weigh it, if we are not going to support it, then we should introduce legislation to take some action legislatively, to try to remedy this condition. We cannot escape by sticking our heads in the sand and blaming the Board.

We have got the appropriation now. The President says he wants to do it this way. He has the right. I am not sure. The Supreme Court itself at this moment does not know. If we would ask them today, they might change their minds by the time the case got to them, or they might decide it one way today and change their minds next year. There is no way to rely on that source; we have relied on it before, Mr. President, and found it repudiating its own decisions and its own precedents.

That is why there is a need for the Board. I submit, having retained the Board, let us not say to it, "Now, you cannot do the job the President asked you to do." Again I say to those who are complaining about someone not supporting the President's program, "This is your President's program. How will you vote on this issue? Where is the consistency?"

Mr. President, I am going to support the President. I am going to continue to do what I can in this field against subversion in this country. We may get on the wrong track; the Supreme Court may say we are on the wrong track. We may have to back up and try somewhere else. But in the meantime, the President and his Attorney General say this is the way. I have just about as much confidence in the judgment of the Attorney General of the United States as I have in the Supreme Court. That may be saying a whole lot, but I say it without any reservations.

Mr. President, this is the President's program. Let us follow it. We have got the Board; let us give it something to do.

The PRESIDING OFFICER. All re-

maining time having been yielded back——

Mr. McCLELLAN. I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, much has been said that the President by use of his power to issue Executive orders does not have the authority to grant these additional powers to the SACB. It seems to this Senator that he does have the power to shift from one agency or commission or department or board under his supervision, powers which are not in conflict with those presently held by the receiving body. Several examples of this have been given in the past and I ask unanimous consent that the list be printed at this point in the RECORD.

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

USE OF THE SUBVERSIVE ACTIVITIES CONTROL BOARD TO CONDUCT HEARING UNDER EXECUTIVE ORDER 10450 IN CONNECTION WITH THE DESIGNATION OF CERTAIN ORGANIZATIONS

The function of designating subversive organizations was both established and assigned to the Justice Department by Executive order. It seems clear that the President could reassign this task to another agency in the Executive Branch by issuing a subsequent order (3 U.S.C. 301). Question has been raised, however, as to whether the Board's status, which resembles that of the traditionally independent regulatory agencies, precludes such a transfer. We conclude that there is no rule which forbids such agencies from accepting functions assigned by Executive order. There are, in fact, precedents for such action. These include the following Executive Orders:

(1) The FPC is authorized to have hearings and issue permits for the construction and operation at the borders of the U.S. of gas and electric transmission facilities. Executive Order No. 10530, May 10, 1954. The inherent power to issue such permits is considered as being vested in the President by the Constitution. The delegation was sustained under the President's inherent right to delegate functions vested in him by the Constitution.

(2) The President has delegated to the FCC his statutory power to issue and to revoke on notice and hearing licenses to land or operate submarine cables in the U.S. Executive Order No. 10530 of May 10, 1954. The Executive order recites that the delegation is made under 3 U.S.C. 301, which authorizes Presidential delegations within the Executive Branch.

(3) Under E.O. 8843 of August 9, 1941, the President authorized the Board of Governors of the Federal Reserve System to establish consumer credit controls. These controls included a licensing system and administrative hearings for revocation of licenses.

(4) E.O. No. 11423 of August 16, 1968, delegates authority for granting permission for facilities at U.S. borders such as conveyor belts for coal. Ultimate authority is placed in the Secretary of State but he is directed to request the views of the ICC on such matters.

This list of precedents does not pretend to be exhaustive; however, based on the above, certain conclusions may be offered. It seems that an independent regulatory agency may acquiesce in an order from the Executive to perform a new function if (a) the function is otherwise authorized by law, (b) it does not interfere with other agency functions, and (c) it is closely compatible with the agency's other activities. On this basis it seems that the Order is on reasonably sound grounds.

The SACB appropriation for fiscal 1970 is set forth in the "Department of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1971," which was approved on October 21, 1970. 84 Stat. 1940. It reads in its entirety (84 Stat. 1061):

"For necessary expenses of the Subversive Activities Control Board, including services as authorized by 5 U.S.C. 3109,[1] not to exceed $15,000 for expenses of travel, and not to exceed $500 for the purchase of newspapers and periodicals, $401,400."

It would be fair to construe the term "necessary expenses" as including any expenses necessary for executing tasks lawfully assigned to the agency. Assuming that the power to list groups can be validly transferred to the SACB, there seems to be no problem in using the Board's appropriation to carry out the proposed order.

The legislative history of the Act shows that there was concern with whether the Board would be able to receive and hear cases under existing law. See *Hearings before the Senate Committee on Appropriations, State, Justice, Commerce, the Judiciary, and Related Agencies,* 91st Cong., 2d Sess. pp. 871. ff.; S. Rep. No. 1135, 91st Cong., 2d Sess, 35; *Hearings before a Subcommittee of the House Committee on Appropriations,* 91st Cong., 2d Sess. p. 737 ff. Congress was aware that appropriations might well be used for new and unspecified duties which were to be found for it. Thus, Chairman Rooney of the Appropriations Subcommittee dealing with the Board stated on the House floor at the time the appropriation was approved; (CONGRESSIONAL RECORD, vol. 116, pt. 12, pp. 15580–15581):

"Mr. ROONEY of New York. They have practically no jurisdiction at the present time. As I said to the distinguished gentleman from Illinois (Mr. YATES) in the full committee, they are in a standby position.

We have been told by administration officials, that they wanted us to go ahead with this appropriation because they were going to find new duties for the Board. I do not know what duties they will find for them. But I do not think it is a function of this committee to cut their appropriation out completely. We have them down to bare bones, and we do have to pay salaries to the Presidential appointees."

Subsequently, in Senate hearings on the appropriation Senator Thurmond appeared as a witness and testified (*Hearings, supra* at 908):

"PLANS OF ATTORNEY GENERAL TO GIVE BOARD NEW AND EXPANDED DUTIES

"Furthermore, I am informed by the Attorney General that he has plans to give the Board new and expanded duties, and that these plans should be forthcoming shortly. The Board should receive appropriations so that it will be prepared for these new duties."

Senator Thurmond later repeated this statement during debate on the Senate floor on an amendment by Senator Proxmire designed to eliminate the Board's appropriation. (CONGRESSIONAL RECORD, vol. 116, pt. 22, p. 29865).

Based on the broad language of the Appropriation Act and its legislative history, it is clear that the Board's appropriation can be spent on the proposal to give the Board "new and expanded duties" and that Congress was aware of such a proposal.

Mr. HRUSKA. A reference to the history on this subject of providing for integrity of employees of Government shows that following World War II President Truman determined that there was a need for questions of security to be considered in hiring Federal employees. To establish procedures for this program Truman in 1947 issued Executive Order 9835 which created loyalty review boards.

[1] 5 U.S.C. 3109 provides for employment of services of experts and consultants.

In 1950, Congress enacted 64 Stat. 476 which created a national security program and which is the first origin of the Attorney General's list of un-American organizations. This statute gives only inferential authority for such a list. There is no specific statutory authority. However, to carry out the directives of the act to maintain national security, Truman directed that the list be maintained so that Federal employment officials could have a list of organizations membership in which was considered a danger to security. The original act related to only some agencies, but this was extended by Truman in Executive Order 10237 of April 1951 to cover all Federal agencies. During this time the original direction of the program was shifted from loyalty to the United States to security for the United States. The Supreme Court case of Cole against Young directed that this type of screening could be used only for sensitive positions whereas it had previously been used for all positions.

President Eisenhower in Executive Order 10450 repealed Truman order Executive Order 9835 and ordered the "Attorney General to render such advice as may be requisite" to enable the heads of Federal agencies to "establish and maintain an appropriate employee-security program."

During the 1950's, Attorney General Brownell added a great many organizations to this list until by 1955 there were close to 300. Because of recent actions of later Attorneys General and the courts, this list has not been reviewed or updated since 1955 although civil service offices still use it for assistance in determining questions of security for Federal employment.

Of the 283 organizations presently on the list, the Justice Department has information that 263 are no longer active and believes that they should be removed from the present list, leaving only 20 now functioning. In addition Justice has under consideration 25 new organizations for addition to the list. It was felt that it would be far better to have the hearings and determination of security concerning these organizations carried out by the SACB pursuant to all of the procedural safeguards regarding such matters as subpoena powers, open hearings, right to counsel, transcripts of the proceedings, and right to cross-examination rather than in the privacy of the Attorney General's office pursuant to routine procedures without these safeguards.

In addition it should be pointed out that independently, Federal employment personnel are right now taking into consideration membership in such organizations as the Black Panthers before hiring. Notwithstanding the fact that the Black Panthers is not on the list. Would it not be better to have such an organization placed on a public list after due process hearings so that citizens can know that if they maintain membership in this organization they may be considered as security risks and denied Government employment rather than have them innocently join only later to realize the consequences? A nationwide public list is far better than a covert but powerful blacklist.

Under the amendments to EO–10450 the Attorney General will be relieved of his present role of "prosecutor and judge" of these matters and the fact finding will be transferred to the SACB with the Attorney General maintaining his present responsibility for final listing and dissemination of this information.

The action of the President in his Executive order of July 2 is no different from those just cited. I do not believe that he has overstepped his authority or transgressed on the legislative powers of Congress in any way.

Mr. KENNEDY. Mr. President, last week I spoke out against legislation proposed by the Attorney General which would apply to citizens in all Federal cases the same preventive detention measures which have been thrust upon the citizens of the District of Columbia.

At least with respect to that measure, however, the Congress will be able to work its legislative will. We have now learned that with respect to the Subversive Activities Control Board, the President of the United States has recently decided that the Congress should no longer legislate.

By issuing Executive Order 11605, which is unparalleled in scope, unprecedented in power, and dangerous in purpose, the President of the United States has sought to establish a "McCarthy committee" by Executive fiat. His order claims the right to create new powers for the Subversive Activities Control Board.

Without seeking congressional action, without permitting committee hearings, without allowing "speech and debate," without even filing a reorganization plan for congressional consideration—the President of the United States has proposed, enacted, and signed into law, his own personal legislation.

Perhaps we are losing our ability to be shocked. For in the recent past we have experienced the temporary suspension of several of our constitutional guarantees—all in the name of "national security," and all under a doctrine called "inherent power." First it was the right of free speech, chilled by military spying. Then it was the right to be secure in our homes, eroded by unsupervised wiretapping. It was due process of law, and the right to be protected against cruel and unusual punishment, which were ignored on May Day. And then the right of a free press was diluted in the case of the Pentagon papers.

And now, in furtherance of what this administration has apparently come to conclude is its inherent power "to expose"—as one official recently put it—we see an effort to suspend the very first constitutional mandate that "all legislative powers herein granted shall be vested in a Congress of the United States."

The so-called principle of law which has been cited in support of the Presidential power to make law was articulated by a high Justice Department official last week. He said:

> Where the appropriate committee having jurisdiction is advised of the functions, additional functions, which the Commission is granted, and the Congress acts upon that appropriation with that knowledge, that, as in this case, the SACB would have the authority to engage in that type of hearing activity.

That is the same theory that has been cited time and again in support of assertions that the Congress has declared war in Southeast Asia. The Congress has not accepted that theory before, and must not accede to it now.

I trust that all of us here today, no matter how we stand on the merits of the SACB, or on the powers of the SACB, will stand fast to the basic principles of constitutional government, and insist that these new measures be submitted to the normal machinery of the legislative process.

And so, I support the amendment introduced by the distinguished Senator from North Carolina, and I commend him for the courage, the wisdom, and the leadership, which he has once again displayed.

Mr. MCCLELLAN. I yield back the remainder of my time.

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Maryland (Mr. BEALL) is absent to attend the funeral of a friend.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Hampshire (Mr. COTTON) is detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from Ohio (Mr. TAFT). If present and voting, the Senator from New York would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 51, nays 37, as follows:

[No. 151 Leg.]

YEAS—51

Aiken	Chiles	Harris
Anderson	Church	Hart
Bayh	Cook	Hartke
Boggs	Cooper	Hughes
Brooke	Cranston	Humphrey
Burdick	Eagleton	Inouye
Byrd, Va.	Ellender	Jordan, N.C.
Cannon	Ervin	Kennedy
Case	Fulbright	Long
Mathias	Packwood	Scott
McGee	Pastore	Spong
McGovern	Pearson	Stevens
Miller	Pell	Stevenson
Mondale	Percy	Symington
Moss	Proxmire	Talmadge
Muskie	Ribicoff	Tunney
Nelson	Schweiker	Williams

NAYS—37

Allen	Fong	Prouty
Allott	Gambrell	Randolph
Baker	Goldwater	Roth
Bennett	Gurney	Saxbe
Bentsen	Hansen	Smith
Bible	Hollings	Sparkman
Brock	Hruska	Stennis
Byrd, W. Va.	Jordan, Idaho	Thurmond
Curtis	Magnuson	Tower
Dole	Mansfield	Weicker
Dominick	McClellan	Young
Eastland	McIntyre	
Fannin	Montoya	

NOT VOTING—12

Beall	Gravel	Javits
Bellmon	Griffin	Metcalf
Buckley	Hatfield	Mundt
Cotton	Jackson	Taft

So Mr. ERVIN's amendment was agreed to.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MATHIAS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

The PRESIDING OFFICER. The clerk will suspend. The Senate is not in order.

Mr. PASTORE. Mr. President, why can we not have order?

The PRESIDING OFFICER. The Senate will be in order. The clerk will not proceed until the Senate is in order. The clerk will not proceed. The clerk may proceed to state the amendment.

The assistant legislative clerk read as follows:

On page 22, following line 8, insert the following:

"SEC. 208. None of the funds appropriated by this title may be obligated or expended for the establishment, operation or support of any new or substantially expanded Federal, state, local or interstate computerized system for the collection, classification, indexing, exchange or dissemination of criminal offender records, criminal intelligence information, or the criminal histories of individuals until (a) the Congress has enacted legislation establishing policies and procedures to insure the integrity and accuracy of such systems and to protect the constitutional rights of all persons covered or affected by such systems, or (b) 120 days after the Law Enforcement Assistance Administration has transmitted to the Congress the report and legislative recommendations required to be submitted not later than May 1, 1971, pursuant to section 7(7) of the Omnibus Crime Control and Safe Streets Acts Amendments of 1970 (P.L. 91–644, 84 Stat. 1888), whichever occurs first."

Mr. MATHIAS. Mr. President, the very moratorium which I propose will not stop any existing computerized data systems in the Department of Justice, such as currently operating organized crime

intelligence programs or the National Crime Information Center exchange of information on wanted persons and stolen property. Nor would my amendment suspend any State or local criminal information or intelligence program currently receiving Federal aid. It would certainly be shortsighted to pull the plug on all computerized systems, or to decree that they could not add a single bit of new information or respond to any greater number of inequities than they receive today. I want to make it very clear that this is not the intent or effect of my amendment.

I do believe, however, that we should suspend the funding of new criminal justice data banks until the state of the law catches up with the state of the art.

Mr. President, this amendment would temporarily suspend Justice Department funding of any new or substantially expanded criminal justice data banks on individuals, to give the Congress, hopefully with the cooperation of the executive branch, a reasonable opportunity to enact uniform policies and procedures to govern such operations and insure that they will fully protect individual rights.

For example, the pending bill includes $4.3 million—$1.3 million for the FBI and $3 million for LEAA—to launch a new, ultimately nationwide computerized system for the exchange of criminal histories. The $4.3 million would support the hiring of 60 additional NCIC clerks to administer the national index for this new system, plus additional NCIC computer and transmission facilities, and Federal aid of $3 million to the States to expand the network from the Project SEARCH base of 15 States to 25 States and to convert an unspecified number of individual case histories.

More millions in LEAA funds are intended to support a wide variety of State and local criminal information and intelligence projects. According to one published report, as many as 46 States are expected to have some type of computerized data system by the end of fiscal 1972.

In short, we are being asked today to approve millions for data banks which will potentially affect the lives and freedom of millions of Americans. Yet, as I will discuss later in my remarks, Federal law on this sensitive subject is inadequate and obsolete, while State and local statutes lag even further behind the times.

I believe the Congress has an obligation to establish clear guidelines and controls for criminal justice data banks operated by Federal agencies, supported by Federal funds, or connected with Federal systems. Accordingly, last year I offered an amendment to the Omnibus Crime Control Act of 1970 which was adopted in section 7(7) of that act. That section states:

Not later than May 1, 1971, the Administration [LEAA] shall submit to the President and to the Congress recommendations for legislation to assist in the purposes of this title with respect to promoting the integrity and accuracy of criminal justice data collection, processing, and dissemination systems funded in whole or in part by the Federal Government, and protecting the constitutional rights of all persons covered or affected by such systems.

Unfortunately the Justice Department has failed to comply with this clear directive of Congress. The report is now more than 6 weeks overdue. The last word to me from the Justice Department was that the LEAA recommendations are still undergoing review and revision somewhere in the executive branch.

Mr. President, I am not sure at what precise point in time or the bureaucracy a detailed review becomes a stall. I do know that I proposed a May 1 report last year to solicit the views of the executive branch on data bank controls in a timely and orderly way, so that Congress could legislate and then appropriate in a sensible manner. Instead, we are now facing the precise situation I hoped to avoid. We are being asked to pay now and legislate later.

Mr. President, there is new case law in this area. In this connection, I ask unanimous consent to have printed in the RECORD the opinion by Judge Gesell in Menard against Mitchell, and the report and model State law proposed by the Project SEARCH Committee in Technical Memorandum No. 3.

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

[In the United States District Court for the District of Columbia, Civil Action No. 39-68]

DALE B. MENARD, PLAINTIFF, VERSUS JOHN MITCHELL, ET AL., DEFENDENTS

MEMORANDUM OPINION

Plaintiff has brought this action to expunge his arrest record contained in the Fingerprint Identification files of the Federal Bureau of Investigation. That record reads as follows:

Date arrested or received: August 10, 1965.
Charge or offense: 459 PC Burglary.
Disposition or sentence: August 12, 1965. Unable to connect with any felony or misdemeanor—in accordance with 849b(1)—not deemed an arrest but detention only.
Occupation: student.

Originally the matter was presented to another Judge of this Court on cross-motions for summary judgment and defendants prevailed. The Court of Appeals reversed and remanded for the taking of testimony after expressing interest and concern with issues suggested by the pleadings which the Court apparently felt had not been fully developed in the record. *Menard* v. *Mitchell*, U.S. App. D.C., 430 F.2d 486 (1970). Accordingly, further evidence was taken at a full hearing and the issues have been briefed and argued.

Menard, age 19 at time of arrest and subsequently an officer in the Marine Corps, contends that his arrest in Los Angeles was without probable cause and that future dissemination of the above arrest record, now in the files of the FBI, may impede his employment opportunities and subject him to an increased risk of being suspected and arrested for crimes on other occasions. He seeks expungement of the record or, in the alternative, strict limitations on its dissemination by the FBI.

Before considering the merits of the expungement issue raised, it is appropriate to set forth complete findings on two subjects indicated by the Court of Appeals as matters for particular inquiry on remand: the procedures and practices of the FBI with respect to maintaining arrest records and the circumstances of Menard's arrest.

I. *The Procedures of the FBI Identification Division*—Fingerprint and arrest records such as Menard's are under the jurisdiction of the Federal Bureau of Investigation's Identification Division. This Division, which has been in existence since 1924, functions under the Attorney General, and proceeds by authority of 28 U.S.C. 534, which reads as follows:

§ 534. Acquisition, preservation, and exchange of identification records: appointment of officials.

(a) The Attorney General shall—

(1) acquire, collect, classify, and preserve identification, criminal identification, crime and other records; and

(2) exchange these records with, and for the official use of, authorized officials of the Federal Government, the States, cities, and penal and other institutions.

(b) The exchange of records authorized by subsection (a) (2) of this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

(c) The Attorney General may appoint officials to perform the functions authorized by this section. Added. Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 616.

The Attorney General has made a series of rulings interpreting the statute. These are largely codified in 28 C.F.R. § 0.85(b) which provides that the Director of the FBI shall:

Conduct the acquisition, collection, exchange, classification, and preservation of identification records, including personal fingerprints voluntarily submitted, on a mutually beneficial basis, from law enforcement and other governmental agencies, insurance companies, railroad police, national banks, member banks of the Federal Reserve System, FDIC-Reserve-Insured Banks, and banking institutions insured by the Federal Savings and Loan Insurance Corporation; provide expert testimony in Federal or local courts as to fingerprint examinations; and provide identification assistance in disasters and in missing persons type cases.

The FBI Identification Division has fingerprints of some two hundred million persons on file. These records are maintained in separate criminal and applicant files. Fingerprints are submitted to the Bureau by federal, state, and local agencies on a reciprocal basis. Law enforcing agencies, primarily local police and sheriff's offices, submit prints of arrested persons in order to receive information on the person's prior criminal involvement. The Bureau reports its findings and maintains the fingerprint card so submitted, along with the accompanying arrest data, in its criminal file. Information on the subsequent disposition of each arrest is posted if received from the submitting agency. The information so recorded is cryptic and formal, without explanation or elaboration. Juvenile arrests and convictions, when submitted by local agencies, are treated the same as similar adult data. The criminal file currently contains information on some sixty million arrests of approximately nineteen million people.

Fingerprint cards are also received from agencies of the state and federal governments and others who seek information on an individual's record of criminal involvement in connection with permits, licenses, and employment clearance.

After check against the criminal file, these cards are maintained in the applicant file for future reference. The Division also receives hundreds of "name check" requests from contributing and non-contributing sources, including an occasional Congressman, asking for the criminal record of an individual by name without submitting any fingerprints for comparison. Many of these cannot be processed because of inadequate identification of the person named, particularly where common names are involved. Where possible,

however, and where the inquiring agency gives what the FBI considers a legitimate reason for the request, these inquiries are processed.

The volume of work of the Division is enormous, requiring about 3,300 employes. The Division receives an average of 29,000 fingerprints a day for processing, of which about 13,00 are received from law enforcing agencies in connection with arrests.

The Division, broadly speaking, considers any state, city or county official to be authorized to receive information if the agency has something to do with law enforcement or if it is authorized by statute, ordinance, or rule to fingerprint applicants for employment or for a permit or license. The laws and ordinances of various local areas vary widely. Some areas do not require fingerprinting for practically any pupose while others have highly detailed fingerprinting requirements for varied and often quite minor occupations. Examples are listed in Appendix A. The record contains a long list of state and local governments and a large number of different licensing authorities who by law or regulation are required to take fingerprints as part of their licensing duties. The Division maintains a current list of contributing or participating state and federal agencies which now numbers between 7,000 and 8,000. Of these, approximately 3,750 are local police departments and sheriff offices. Criminal record data is not sent directly to private employers, except in a few instances such as 390 banks insured by the F.D.I.C. and certain hospitals.[1]

As far as the Federal agencies are concerned, Executive Order 10450 of April 1953, C.F.R. 936 (1949–53 Comp.), 5 U.S.C. 7311, requires a check of the FBI fingerprint files on practically all applicants for employment in the Federal Government whether or not engaged in law enforcement. The Civil Service Commission and the Military account for the highest volume of fingerprints submitted to the Bureau.

Given the very general nature of its purported authority the Bureau has proceeded cautiously. It investigates the authority of local agencies to require fingerprints and insists that detailed forms be filled out by contributors showing the purpose for which fingerprints are to be submitted. The Attorney General advises in doubtful situations. The Division has carried out its work in a responsible, meticulous manner. Nonetheless, the end result is most unsatisfactory. While the Division has vigorously sought to develop complete records and particularly to learn of dispositions resulting from each arrest, this effort has not been successful due to the failure of arresting agencies to send in follow-up data on forms provided. Some police departments do much better than others in this regard, but the Division has no sanctions and must be satisfied with what it can get by persuasion since the whole system functions on a voluntary basis. Even more troublesome is the fact that the Division has little opportunity to supervise what is actually done with the arrest records it disseminates. It requires that a proper purpose be stated by the agency requesting information but what is in fact done with the information as a practical matter cannot be constantly checked. It is apparent that local agencies may often pass on arrest information to private employers. The Division makes no regular inspection to prevent this, for it has neither funds nor sanctions, and accordingly responds only to complaints. In a few instances police departments have been restricted, and in other instances when complaints were received personnel or administrative changes were demanded by the FBI and put into effect.

[1] Insurance companies are aided in necessary identification work but are not furnished criminal record data by the FBI.

The FBI does not supply an individual with his arrest record except under rare special circumstances. The reasons are apparently two: the difficulty of obtaining definite identification of the person requesting the record, and fiscal considerations. There is no sure procedure for finding an arrest record by name only. A clear set of fingerprints is required for matching purposes. Thus as a practical matter an individual must submit his prints to get a check made of his record. This is cumbersome. Moreover, the Division is already so hard-pressed that it cannot now meet the demands on it from all local agencies. A regular system of servicing individual requests would require an estimated $110,000 per annum, plus appropriations for at least six additional employees.

Any agency that forwards fingerprint arrest data to the Division may request the Bureau to remove the data from the file and return it. This the Bureau does automatically, retaining no copies and without inquiring as to the reasons underlying the request. Thus control of what arrest or criminal data remain in the files rests in every case (except where an arrest on Federal charges is involved) with the local arresting authority. In 1970 over 8,000 arrest records were returned by the FBI to local authorities. Some thirteen states, including California, have laws or procedures for authorizing this form of expungement in varying circumstances. In addition some states have laws limiting the type of arrest data that can be forwarded routinely to the Bureau.

Against this background, which was more fully developed in the record in an effort to supply the type of data requested in the decision of the Court of Appeals, it is possible to turn to the issues presented by this particular lawsuit.

II. *The Circumstances of the Arrest*— Menard was arrested on suspicion of burglary by two officers of the Los Angeles Police Department. The arrest occurred around 4:00 a.m. on August 10, 1965. The police had earlier that morning received a complaint of a prowler at a sanatorium located in a high crime area. The prowler was reported looking in windows and at the back parking lot of the institution. Checking on this complaint, the police obtained a description of the man and proceeded to patrol the area. A short distance away they saw an unkempt, unshaven man fitting the description, dressed in dark clothing lying on a park bench. That man was Menard. Near him on the ground was a wallet belonging to someone else containing $10. The officers had reason to believe the wallet might have been discarded by Menard as he observed the officers approaching him through the park. The arrest was made without knowledge of any specific burglary[2] but on the basis of the prowler complaint, the suspicious presence of the wallet, and the general circumstances outlined above. Menard's arrest was with probable cause. *Ker* v. *California*, 374 U.S. 23, 34–35 (1963); *Jackson* v. *United States*, 112 U.S. App. D.C. 260, 302 F. 2d 194, 196 (1962); *People* v. *Fischer*, 49 Cal. 2d 442, 314 P. 2d 967, 970 (1957).

Menard was booked at the precinct after the Watch Commander reviewed the facts and circumstances reported by the officers. He was fingerprinted and his prints with a notation of his arrest were sent to the Bureau in accordance with regular procedures. After further investigation, Menard was released in accordance with the provisions of the California Penal Code, the police being "unable to connect with any felony or misdemeanor at this time." Plaintiff and his family then sought by lengthy correspondence with the Los Angeles Police Department to have the record expunged by the Police Department but were finally advised on May 31, 1966, that removal of the record would be possible "Only upon order of a court of competent jurisdiction." This was confirmed by correspondence with the Bureau which took the position that the Bureau had no authority to determine what fingerprints should be in the FBI files.

[2] Burglary is defined under the California Criminal Code § 13–459 as follows: Every person who enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building . . . with intent to commit grand or petit larceny or any felony is guilty of burglary.

III. *Expungement:* The Government argues persuasively that a district court is without authority to make a determination of probable cause where a state arrest is concerned, and that in any event the Court should in such cases exercise its discretion and not intervene, leaving Menard to pursue his expungement remedies in the California state courts. There is substantial authority and much common sense supporting this position.

The FBI simply records in its files information supplied by other agencies, and is in no position to make an independent investigation of the circumstances of an individual's arrest by state authorities or later developments in his case. Nor is a Federal District Court in a position to litigate the merits of arrests made by state authorities far away from its jurisdiction, as the problems of proof in this case demonstrate.

The Bureau uniformly honors requests by contributing agencies that a record be removed from the FBI files and returned to the agency. Whatever the issue as to the legality of an arrest record, an action for its expungement cannot be maintained unless administrative remedies are first exhausted; and where these efforts are unsuccessful, as were Menard's, resort should be had in the first instance to the state courts. This procedure is strongly suggested if not compelled by recent cases which hold that federal courts should refrain from interfering with a state's administration of its own criminal laws, and should abstain from deciding issues of local concern until they are first presented to the state courts. *See, e.g., Younger* v. *Harris*, 401 U.S. 37, 43–44 (1971); *Fay* v. *Noia*, 372 U.S. 391, 417–20 (1963); *Buechold* v. *Ortiz*, 401 F.2d 371, 373 (9th Cir. 1968); *Ganger* v. *Peyton*, 379 F.2d 709, 710 (4th Cir. 1967). The fact that the Court has made the factual determination of probable cause in this case arises solely from the specific directions given on the remand and should be no precedent for the future.

The Court of Appeals apparently felt that a finding of probable cause was relevant to a determination of the question whether Menard's arrest record is a "criminal record" of the type which the Bureau is authorized to maintain under 28 U.S.C. § 534. Analysis demonstrates, however, that the question of probable cause has little to do with the merits of the underlying controversy. An arrest whether made with or without probable cause is to be sure a fact, but one that proves nothing so far as the actual conduct of the person arrested is concerned. An arrest without probable cause may still lead to conviction and one with probable cause may still result in acquittal. Under our system of criminal justice, only a conviction carries legal significance as to a person's involvement in criminal behavior. As the Supreme Court stated in *Schware* v. *Board of Bar Examiners*, 353 U.S. 232, 241 (1957):

> The mere fact that a man has been arrested has very little, if any, probative value in showing that he has engaged in any misconduct. An arrest shows nothing more than that someone probably suspected the person apprehended of an offense. When formal charges are not filed against the arrested person and he is released without trial, what-

ever probative force the arrest may have had is normally dissipated. [Footnote omitted.]

Other cases have held that arrests without convictions may not legally be used as the basis for adverse action against an individual. In *Gregory* v. *Litton Systems, Inc.*, 316 F. Supp. 401 (C.D. Calif. 1970), the practice of an employer in denying employment to persons with arrest records was found to violate Title VII of the Civil Rights Act of 1964. The court made factual findings that such a practice disqualified a higher proportion of blacks than whites, and that "information concerning a prospective employee's record of arrests without convictions is irrelevant to his suitability or qualification for employment." 316 F. Supp. 401, 403. *See also United States* v. *Kalish*, 271 F. Supp. 968, 970 (D. Puerto Rico 1967).

Relying on these general principles, Menard argues that in the absence of a conviction, the maintenance and use of his arrest record for any purpose whatsoever violates several constitutional guarantees—the presumption of innocence, due process, the right to privacy, and the freedom from unreasonable search under the Fourth Amendment. There are few precedents which deal directly with these issues. Those that do exist usually involve special circumstances such as dragnet arrests or arrests under patently unconstitutional statutes. *See, e.g., Wheeler* v. *Goodman*, 306 F. Supp. 58 (W.D. N.C. 1969); *Hughes* v. *Rizzo*, 282 F. Supp. 881 (E.D. Pa. 1968). Others have granted relief on motion ancillary to a pending criminal proceeding, calling upon general equity principles or local rules rather than constitutional considerations. *See, e.g., Morrow* v. *District of Columbia*, 135 U.S. App. D.C. 160, 417 F. 2d 728 (1969); *United States* v. *Kalish*, 271 F. Supp. 968 (D. Puerto Rico 1967); *Irani* v. *District of Columbia*, — A. 2d — (D.C. App. Jan. 27, 1971).

Each of Menard's constitutional arguments makes certain assumptions about the uses to which his arrest record will be put. As the Court of Appeals noted, it is a fact subject to ready judicial notice that dissemination of an arrest record may place substantial obstacles in the way of a person's opportunity for employment or advancement, and may also affect aspects of law enforcement and judicial action. No court has yet examined the legality of FBI practices with respect to the dissemination of arrest records. It is appropriate, therefore, to deal fully with those issues before reaching any expungement claims. The Court is required to determine under what circumstances, if any, arrest records not reflecting a later conviction may be disseminated by the Bureau either within or outside the Federal Government.

IV. *Dissemination of Arrest Records*—Throughout the years Courts have sought to preserve a citizen's right to privacy against changes in our culture and developing modes of governmental regulation. As early as 1886 the Supreme Court stated in *Boyd* v. *United States*, 116 U.S. 616, 630 (1886), that privacy is inherent in our constitutional form of government. Referring to earlier British precedent the Court noted that privacy was a sacred right, stating:

> The principles laid down in this opinion affect the very essence of constitutional liberty and security. They reach farther than the concrete form of the case then before the court, with its adventitious circumstances; they apply to all invasions on the part of the government and its employees of the sanctity of a man's home and the privacies of life. It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offense; but it is the invasion of his indefeasible right of personal security, personal liberty and private property, where that right has never been forfeited by his conviction of some public offence—it is the invasion of this sacred right which underlies and constitutes the essence of Lord Camden's judgment. . . .

A moment's thought demonstrates the wisdom of this precept, as of course many subsequent decisions and commentators have noted.[3] While conduct against the state may properly subject an individual to limitations upon his future freedom within tolerant limits, accusations not proven, charges made without adequate supporting evidence when tested by the judicial process, ancient or juvenile transgressions long since expiated by responsible conduct, should not be indiscriminately broadcast under governmental auspices. The increasing complexity of our society and technological advances which facilitate massive accumulation and ready regurgitation of far-flung data have presented more problems in this area, certainly problems not contemplated by the framers of the Constitution.[4] These developments emphasize a pressing need to preserve and to redefine aspects of the right of privacy to insure the basic freedoms guaranteed by this democracy. and citations.

In short, the overwhelming power of the Federal Government to expose must be held in proper check.

A heavy burden is placed on all branches of Goverment to maintain a proper equilibrium between the acquisition of information and the necessity to safeguard privacy. Systematic recordation and dissemination of information about individual citizens is a form of surveillance and control which may easily inhibit freedom to speak, to work, and to move about in this land. If information available to Government is misused to publicize past incidents in the lives of its citizens the pressures for conformity will be irresistible. Initiative and individuality can be suffocated and a resulting dullness of mind and conduct will become the norm. We are far from having reached this condition today, but surely history teaches that inroads are most likely to occur during unsettled times like these where fear or the passions of the moment can lead to excesses. The present controversy, limited as it is, must be viewed in this broadest context.

Menard, formerly a responsible officer in the Marine Corps, will in all likelihood not be hurt by his arrest which proved unfounded, but as a citizen he has the right to question the largely uninhibited distribution of information about this episode in his past. Where the Government engages in conduct, such as the wide dissemination of arrest records, that clearly invades individual privacy by revealing episodes in a person's life of doubtful and certainly not determined import, its action cannot be permitted unless a compelling public necessity has been clearly shown. Neither the courts nor the Executive, absent very special considerations, should determine the question of public necessity *ab initio*. The matter is for the Congress to resolve in the first instance and only congressional action taken on the basis of explicit legislative findings demonstrating public necessity will suffice.

This brings under pointed analysis the import of the legislation under which the Attorney General has delegated fingerprint identification functions to the Bureau. The statute previously quoted, 28 U.S.C. § 534, must be narrowly interpreted to avoid the serious constitutional issues raised by Menard and noted by the Court of Appeals. Viewed in this light, it is abundantly clear that Congress never intended to or in fact did authorize dissemination of arrest records to any state or local agency for purposes of employment or licensing checks.

The statute read as a whole is obviously designed only to facilitate coordinated law enforcement activities between the federal and local governments, that is, to assist arresting agencies, courts and correctional institutions in the apprehension, conviction and proper disposition of criminal offenders. Neither the statute nor the debates[5] so much as mention employment, and it is beyond reason to assume that Congress intended that this confidential quasi-investigative data should be handed to anyone who under authority of local ordinance or statute was authorized to take a fingerprint from an applicant for a position in public or private employment. At the time the statute was passed and since, there is no rational or uniform system among the states and local governments for obtaining fingerprints from applicants, and the compelling necessity of federal action to supply criminal information cannot be established by the whim or intolerance of any local board of selectmen.

The principal faults in the present system may be briefly indicated:

(1) State and local agencies receive criminal record data for employment purposes whenever authorized by local enactment. These enactments differ state-by-state and even locality-by-locality within a particular State. See Appendix A. Thus there is no pattern that finds justification either in terms of over-all law enforcement objectives or by category of employment.

(2) The Bureau cannot prevent improper dissemination and use of the material it supplies to hundreds of local aegncies. There are no criminal or civil sanctions. Control of the data will be made more difficult and opportunities for improper use will increase with the development of centralized State information centers to be linked by computer to the Bureau.

(3) The arrest record material is incomplete and hence often inaccurate, yet no procedure exists to enable individuals to obtain, to correct or to supplant the criminal record information used against them, nor indeed is there any assurance that the individual even knows his employment application is affected by an FBI fingerprint check.

(4) The demands made of the Division for employment data have so increased that the Bureau now lacks adequate facilities to service new applicants who fall within its own vague standards of eligibility.

In short, with the increasing availability of fingerprints, technological developments, and the enormous increase in population, the system is out of effective control. The Bureau needs legislative guidance and there must be a national policy developed in this area which will have built into it adequate sanctions and administrative safeguards.[6] It is not the function of the courts to make these judgments, but the courts must call a halt until the legislature acts. Thus the Court finds that the Bureau is without authority

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[3] *See especially* A. Miller, The Assault on Privacy (1971), and his voluminous notes

[4] See President's Commission on Law Enforcement and the Administration of Justice, Task Force Report: Science and Technology, at 74–77 (1967). Dealing specifically with arrest records, the Commission noted three serious problems in their use:

> The record may contain incomplete or incorrect information.
>
> The information may fall into the wrong hands and be used to intimidate or embarrass.
>
> The information may be retained long after it has lost its usefulness and serves only to harass ex-offenders, or its mere existence may diminish an offender's belief in the possibility of redemption.

[5] The legislative history is exceedingly spare. The discussion which did take place in Congress only emphasizes the limitation of the Identification Division to criminal law enforcement purposes. 72 Cong. Rec. 1989 (71st Cong., 2d Sess., Jan. 20, 1930).

[6] An extended discussion of the problem and some reasonable recommendations for legislation were made in the Task Force Report on Science and Technology, President's Commission on Law Enforcement and Administration of Justice, pp. 74–77 (1967).

to disseminate arrest records outside the Federal Government for employment, licensing or related purposes.

When the statute is thus construed there is no difficulty in upholding it for the limited purpose that was intended. There is a compelling necessity to furnish arrest data to other law enforcing agencies for strictly law enforcement purposes. Arrest records are available in uncovering criminal conduct, they play a significant role in the prosecutor's exercise of discretion, they greatly aid in setting bond, determining sentences and facilitating the work of penal and other institutions of correction. When arrest records are used for such purposes, they are subject to due process limitations within the criminal process, and misuse may be checked by judicial action. The same safeguards are not present when an arrest record is used for employment purposes, often without the knowledge of the person involved. Menard's arrest record will not be expunged where its dissemination outside the Federal Government is limited to law enforcement purposes.

This leaves open for consideration the Federal Government's use of these records for purposes of governmental employment only. Executive Order 10450, *supra*, limited as it has been by previous Court decisions, must be recognized as a proper exercise of the President's responsibilities in the name of national security. There are many Civil Service and other built-in safeguards which protect misuse of this information. It cannot be passed on to private employers, including Government contractors. The Government's discreet use of this information already in its possession for its own limited employment purposes in aid of national security cannot be said to infringe any constitutional right asserted by Menard. While the point is of no consequence in his particular case, the Court ventures to suggest that the Executive Order should be reexamined in the light of present conditions and can in several respects be made more consonant with fair play, particularly if all applicants for federal service receive a personal copy of their record in time to correct or explain any data therein contained.

Menard's prayer for expungement is denied. His arrest record may not be revealed to prospective employers except in the case of any agency of the Federal government if he seeks employment with such agency. His arrest record may be disseminated to law enforcement agencies for law enforcement purposes. An appropriate order to this effect is attached.

The foregoing shall constitute the Court's findings of fact and conclusions of law.

GERHARD A. GESELL,
United States District Judge.

June 15, 1971.

APPENDIX A

Sample of persons required to be fingerprinted by State or local statute, ordinance or rule

Glendale, Arizona: Taxicab drivers and operators; transient, itinerant or traveling merchants, peddlers, private detectives, solicitors or canvassers, massage parlor operators, and employees.

Denver, Colorado: Any applicant for a driver's license.

District of Columbia: Auctioners, fortune tellers, hackers, junk dealers, mediums, parking lot attendants, pawnbrokers, second hand dealers, solicitors, vendors; operators of billiard parlors, bowling alleys, detective agencies, massage establishments, pool rooms, shooting galleries; ABC licensees.

Town of Manalapan, Florida: Every person employed in any club, any place handling liquor, beer or wine in any form, motels, hotels, apartment houses, health spas, hospitals, and all newspaper carriers over the age of sixteen years, service station employees, special police officers, nurses, boat captains and crew members, town employees, estate maintenance employees, including lawn men, gardeners, and caretakers, and all domestic servants in the town.

State of Idaho: All real estate salesmen and brokers.

State of Maryland: Pari-mutuel employees and stable employees, including but not limited to foremen, exercise boys and grooms.

Springfield, Missouri: Female entertainers performing in establishments serving intoxicating beverages.

State of Nevada: Every applicant for a license to practice medicine.

State of North Carolina: Applicants for admission to the Bar.

Provincetown, Massachusetts: All non-residents seeking employment.

ORDER

This cause having come on for trial and the Court having this day filed a Memorandum Opinion containing its findings of fact and conclusions of law, it is this 15th day of June, 1971.

Ordered that defendants, their agents, successors and assigns, are permanently enjoined from disclosing the fingerprint card containing the arrest record of Dale B. Menard, or any facsimile thereof, to any person other than the following:

1. Employees of the Federal Bureau of Investigation;

2. Officials of any agency of the United States Government, in the event that Dale B. Menard applies to such agency for employment; and

3. Officials of any law enforcement agency of the United States Government or of any state or local govenment, provided that such official certifies that the record is to be used by that agency internally and solely for law enforcement purposes. The term law enforcement agency shall include only police and other agencies authorized to make arrests for criminal violations; courts; prosecutors' offices; and penal or other correctional institutions.

Nothing in this Order shall limit the ability of the Bureau or any receiving agency from disclosing the arrest record on order of any court of competent jurisdiction.

It is further ORDERED that plaintiff's prayers for relief in the complaint are in all other respects denied.

A MODEL STATE ACT FOR CRIMINAL OFFENDER RECORD INFORMATION

(Prepared by the Project SEARCH Committee on Security and Privacy)

CHAPTER I. INTRODUCTION

This report is designed to serve as a reference and as the medium for the promulgation of A Model State Act for Criminal Offender Record Information. While the Act should have the effect of enhancing the efficiency of criminal offender record keeping within the various states that adopt some or all of its provisions, the primary purpose of the Model State Act is to provide security and privacy protection. The report consists of this Introduction, a chapter on Drafting Philosophy, the Model Act, a Section-by-Section Analysis, and an extensive Bibliography.

Background

Project SEARCH, an acronym for System for Electronic Analysis and Retrieval of Criminal Histories, began on June 30, 1969. The project was designed to develop a prototype computerized criminal justice information system.

At present, having successfully developed and demonstrated the prototype, the 15 participating states—Arizona, California, Colorado, Connecticut, Florida, Illinois, Maryland, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Texas, and Washington—are cooperating with the FBI in the development of an operational system to be part of the National Crime Information Center.

The studies upon which the Model State Act is based were conducted by the Project SEARCH Committee on Security and Privacy with the continuing cooperation of all members of the SEARCH Project Group. This was a logical follow-on of the work of the Security and Privacy Committee and was anticipated in Technical Report No. 2:

"The committee is presently studying model legal statutes for the participant states and model administrative regulations for participant agencies. The conflict and diversity of legal structures supporting the identification function in the various states need to be reconciled for purposes of uniform requirements relating to security and privacy. Likewise, federal and state administrative regulations need to be standardized so that they are uniformly protective of civil liberties." The committee's thrust to develop model administrative regulations continues and they will be prepared for publication in the near future. This Model Act is intended to provide the legal framework within which standardized regulations may be fostered. It is essential that the Act be read in conjunction with the Analysis and that they be considered jointly, since the apparent rigidities of the Model Act are explained in the Analysis. The statute is intended as a model and not a straight-jacket; it is intended to set out general guidelines, and not to prescribe specific organizational commitments. Alterations may be needed in each state to take fully into account local needs and conditions. Such adjustments could be made without any serious reduction in the protection given to security and privacy.

Federal legislation

While the Security and Privacy Committee was busily engaged in developing the Model State Act, Congress passed the following provision (the so-called "Mathias Amendment") adding to the Safe Streets Act:

"Not later than May 1, 1971, the Administration (LEAA) shall submit to the President and to the Congress recommendations for legislation to promote the integrity and accuracy of criminal justice data collection, processing and dissemination systems funded in whole or in part by the Federal Government, and to protect the constitutional rights of all persons covered or affected by such systems.

The relevance of any such federal legislation to the Model State Act is, of course, quite obvious, even though there are significant differences involved. The State Act is concerned with criminal offender record information only, but it impacts all states and all state and local identification systems within the states. On the other hand, the recommended federal legislation applies only to those systems funded by the Federal Government; however, it is not limited to criminal offender identification records alone, but may include intelligence systems as well—indeed it may pertain to all kinds of criminal justice data systems wherever federally funded. Thus the federal and state statutes should ideally complement common goals.

Effect of the statutes

It is likely that both these efforts will have a profound effect upon the security and privacy of criminal history records for the following reasons:

1. There are currently some jurisdictions that provide criminal offender record information to private persons, sometimes for a fee;

2. Where there is no legitimate avenue presently available to obtain such data, people often attempt to obtain it by devious means. In some of these cases a criminal justice purpose might be served by permitting access if it could be legally authorized;

3. The fact that acceptance of Federal funding will be contingent upon meeting the stringent criteria likely to be promul-

gated as a result of the so-called "Mathias Amendment", should serve as a powerful stimulus for increased concern about security and privacy in all criminal offender record systems.

Thus, on the one hand, there will be strenuous efforts made to prevent improper access, while, on the other hand, some people and agencies now foreclosed from access are likely to be acknowledged as appropriately entitled to obtain limited access to the data. There should be, therefore, fewer "leaks" of the data to improper and unlawful recipients and, likewise, fewer attempts to illegally penetrate the system.

The need to develop these kinds of statutes (both the model state statute and the Mathias Amendment statute) has stimulated a great deal of re-examination of past practices in the field of criminal justice data systems. This is all to the good, for as files are computerized, it must be recognized that added dimensions occur with the increase in accessibility and the almost unlimited scope of responsiveness. Without reasonable security and privacy protections we will have less, not more, secure systems than we had in the past. However, it appears that the new emphasis upon personal privacy, plus the almost universal recognition of the need for the most sophisticated security measures possible, is a very healthy sign.

CHAPTER II. DRAFTING PHILOSOPHY

Strategy

The basic strategic approach adopted by the Security and Privacy Committee was a conscious affirmation that computerized criminal justice information systems are essential for the effective administration of criminal justice and that such systems can be developed and operated with adequate security against unreasonable invasions of individual privacy—indeed, that they can be so developed and operated as to provide new dimensions of personal freedom and protection for civil liberties and constitutional rights. The committee was keenly aware that criminal justice operations today form a large and complex system that spans geographic, administrative and political boundaries. Too frequently these boundaries become barriers to interaction and the flow of information between the relatively autonomous functioning units of the criminal justice system. This may be for reasons of functional isolation, geographic distance, financial conditions, communications problems, and/or the complexity of establishing practical channels for interaction and the flow of information, among other factors.

SEARCH was conceived for the very purpose of assuring more effective criminal justice and facilitating information sharing between and among criminal justice agencies through the employment of modern technology. From its very inception, the Project Group was genuinely concerned about security and privacy; indeed, both implicitly and explicitly, SEARCH participants set forth security and privacy as a prime priority.

The fundamental premise of the SEARCH system is to achieve a balance of interest between the need of government to obtain information about offenders and government's responsibility to protect civil liberties. The basic question is always: Is the information collected, stored and disseminated reasonably related to advancing the general welfare, health or safety of society? A unified information system has untold economic, efficiency and spatial advantages but these are not the primary considerations. The maintenance of a free society is more important than any argument for efficiency.

Tactics

The tactical approach adopted by the Security and Privacy Committee was a deliberate effort to bring forth an "ideal" type of Act—one that would reflect the highest possible standards, while at the same time, retaining practical viability. If the statute was to err, it was intentionally designed to err on the side of privacy protection. There was no model of any kind to guide the committee, so every step was a first step. It was recognized that the future success of any SEARCH-type system depended to a great extent upon the security and privacy protection capabilities of the various states and that these must be supported by appropriate legislation.

There were many problems and many opportunities in the gestation of the Act.

The entire problem of access was perhaps the most difficult security and privacy problem to resolve. Physical security in a government agency is pretty clear-cut in its implications and the degree of physical security is limited only by the availability of budget funds. Similarly new reasonably-priced message scramblers and other communication devices are making possible the prevention of surreptitious sabotage through electronic surveillance. Personnel security can be obtained by upgrading of personnel, careful prior screening and on-the-job supervision—once again, a matter of dollars rather than difficult decision. When the committee began to explore the ramifications of legal access—indeed the whole spectrum of information security—it was faced with questions that have never really been resolved in the past and have too often been swept under the rug. Wrestling with the concepts that must be dealt with in drafting a model statute helps to define and diagnose problems that have eluded satisfactory solution over the years. For the most part, these center about the fundamental issue of deciding to whom information contained in criminal offender record files should be given.

Which governmental agencies should be permitted access to which data items? All agencies to all data? Some agencies to all data? Some to some? Some to none? What categories of nongovernmental persons and organizations should be permitted access to criminal justice records? The news media? "Interested" citizens, in the sense of the usual public records doctrines? The subject himself? Can the statute establish categories of data and match them with categories of access? How about the special problems of class access in a computerized system as opposed to a search based upon an individual identification. These are some of the more obvious types of questions that had to be dealt with before a viable model statute could be drafted.

The committee seized the opportunity to face up to the problem of indirect access by noncriminal justice government agencies and by nongovernmental agencies and individuals who are currently alleged to be putting to good use the criminal offender records they receive from federal, state and local criminal justice agencies. The "good use" is claimed to contribute to the prevention of crime and, therefore, presumably, serves appropriate criminal justice purposes. In many jurisdictions there are currently valid statutes requiring state and municipal agencies to search fingerprints and report offender record information to a whole host of noncriminal justice agencies. It should be noted that a substantial pecentage of the fingerprint submissions processed by some central state bureaus, and responded to with a summary case history record are received from other than criminal justice agencies. The wise use of criminal offender information in the applicant/license area very likely helps prevent a significant amount of crime, and to that extent, it undoubtedly serves society as meaningfully as when such information is utilized in the post-criminal event sequence. The model statute was drafted to take into account the "need to know" of many fingerprint contributors who are not usually included in any list of criminal justice agencies. By the same token, the Act contemplates very strong proscriptions against access where legitimate criminal justice purposes cannot be clearly spelled out.

Another important consideration that was considered in the model state statute, and which is particularly relevant to the anticipated proliferation of direct on-line access terminals, is the distinction between primary users and secondary users. Only primary users (criminal justice agencies) would be allowed direct terminal access and secondary users must receive their information in appropriate cases from the primary users.

Format

Following analyses of the various possible formats for the model state statute, the committee decided that the realistic alternatives were:

1. A statute which attempted to detail all the specifics of a security and privacy program applicable directly to present and proposed systems.

2. A statute which created a broad framework of objectives and goals within which specific regulations would be formulated by a continuing committee of professionals who would audit, supervise and coordinate system operations.

A decision was made to opt for the more general type of statute. Among other considerations involved in this discussion was the very real concern that the courts would interpret omission in the statute, of any possible necessary element of security and privacy as international, rather than an oversight or a failure to anticipate future circumstances. (This is the legal doctrine of statutory interpretation—"expressio unius est exclusio alterius.") The rigidity of this type of statute did not commend it to the committee members for application to a fluid and dynamic social situation such as exists in this area, particularly in view of the rapidly evolving technology involved.

Content

A very significant decision was made by the committee that the statute would be directed to *all* "criminal offender record information" files or systems within the state. A corollary decision was made to limit the definition of "criminal offender record information" to identification type data and the proposed statute specifically excludes from the definition intelligence, analytical and investigative data and reports. The decision to include all files (both state and local) within the purview of the statute was arrived at after agonizing for some period of time over the feasibility of earmarking data which had been received from an interstate source and segregating it from the rest of the offender files. The decision to specifically exclude intelligence, analytical and investigative data and reports was based upon clarifying beyond any doubt the fact that the statute was intended to apply to identification files only. It was never the intent of the drafters to prevent the development of state and local files, reports and computer programs for intelligence, modus operandi, fraudulent check, latent fingerprint, or other analytical capabilities, or investigative programs, data and reports—yet these types of files are often necessarily accessed by other than name, fingerprints or other personal characteristics.

Logic

It is this balancing of values that is the essence of the drafting philosophy applied by the committee to the Model State Act. The committee sought to be both realistic and idealistic in proper measure and in a logical and coherent manner. The Act is fashioned so as to establish strict controls

without being arbitrary or capricious; to retain flexibility within the context of salutary constraints. Such a statute is a vital necessity at this point in time.

Statewide information systems, the addition of computers and related technology to the identification process, the judicial interpretation of privacy as a constitutionally-protected right—all have contributed their share to a renaissance of interest and support for the adoption of measures to strengthen the hands of administrators in the prevention of possible compromise of criminal history records. It is anticipated that this Model State Act will also contribute to this new enlightenment and help bring about the most secure systems criminal justice has ever known.

CHAPTER III. A MODEL STATE ACT FOR CRIMINAL OFFENDER RECORD INFORMATION

1. Legislative findings and purpose

The legislature finds and declares that a more effective administrative structure now is required to control the collection, storage, dissemination and usage of criminal offender record information. These improvements in the organization and control of criminal offender recordkeeping are imperative both to strengthen the administration of criminal justice and to assure appropriate protection of rights of individual privacy. The legislature further finds that vigorous protection of such rights of individual privacy is an indispensable element of a fair and effective system of criminal offender recordkeeping. The purposes of this Act are (1) to control and coordinate criminal offender recordkeeping within the State; (2) to encourage more efficient and uniform systems of criminal offender recordkeeping; (3) to assure periodic reporting to the Governor and legislature concerning such recordkeeping; and (4) to establish a more effective administrative structure for the protection of individual privacy in connection with such recordkeeping.

2. Definitions

For purposes of this Act, (a) "criminal justice agencies" shall be understood to include only those public agencies at all levels of government which perform as their principal function activities (i) relating to crime preventiton, including research or the sponsorship of research; (ii) relating to the apprehension, prosecution, adjudication, or rehabilitation of criminal offenders; or (iii) relating to the collection, storage, dissemination or usage of criminal offender record information.

(b) "criminal offender record information" shall be understood to include records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, rehabilitation and release. Such information shall be understood to be restricted to that recorded as the result of the initiation of criminal proceedings or of any consequent proceedings relating thereto. It shall be understood not to include intelligence, analytical and investigative reports and files, nor statistical records and reports in which individuals are not identified and from which their identities are not ascertainable.

(c) "interstate systems" shall be understood to include all agreements, arrangements and systems for the interstate transmission and exchange of criminal offender record information. Such systems shall be understood not to include recordkeeping systems in the state maintained or controlled by any state or local agency, or group of such agencies, even if such agencies receive or have received information through, or otherwise participate or have participated in, systems for the interstate exchange of criminal offender record information.

(d) "state" shall be understood to mean, unless otherwise expressly indicated, this state.

3. Relationship to other statutes

(a) In the event of conflict, this Act shall to the extent of the conflict supersede, except as provided in subsection (b), all existing statutes which regulate, control or otherwise relate, directly or by implication, to the collection, storage, dissemination or usage of criminal offender records. So far as consistent with this Act, the [state administrative code shall govern the transactions and proceedings conducted pursuant to this Act].

(b) Notwithstanding the provisions of the subsection (a), this Act shall not be understood to alter, amend or supersede the statues and rules of law which govern the collection, storage, dissemination or usage of records concerning juvenile or youthful offenders.

4. Criminal offender records control committee

(a) The Criminal Offender Records Control Committee (hereinafter the Committee) is established to regulate the collection, storage, dissemination and usage of criminal offender record information. The Committee shall be composed of persons representing the following state and local criminal justice agencies: [ ]. The Committee's Chairman shall be appointed by [the Governor] and shall serve at his pleasure. The Committee may appoint and fix the compensation of a staff director, a legal counsel and such other staff personnel as it may from time to time deem appropriate.

(b) The Committee may coordinate its activities with those of any interstate systems for the exchange of criminal offender record information, may nominate one or more of its members to serve upon the council or committee of any such system, and may participate when and as it deems appropriate in any such system's activities and programs.

(c) The Committee shall adopt such regulations as it finds appropriate to carry out its functions under this Act.

(d) The Committee may conduct such inquiries and investigations as it finds appropriate to carry out its functions under this Act. It may for this purpose request any agency that maintains, or has received, or that is eligible to maintain or receive criminal offender records to produce for inspection statistical data, reports and other information concerning the collection, storage, dissemination and usage of criminal offender record information. Each such agency is authorized and directed to provide such data, reports, and other information.

(e) The Committee shall report annually to the Governor and legislature concerning the collection, storage, dissemination and usage in this state of criminal offender record information. The Governor or legislature may require such additional reports as they deem desirable.

5. Security and Privacy Council

(a) [The Governor] shall appoint a Security and Privacy Council (hereinafter the Council), consisting of a chairman and not more than eight members, to conduct a continuing study and review of questions of individual privacy and system security in connection with the collection, storage, dissemination and usage of criminal offender record information. In appointing the Council [the Governor] shall seek such represenatives of the general public, state and local government, and the criminal justice community as may be expected to express fairly and vigorously the various interests involved. The Council's Chairman and members shall serve at [the Governor's] pleasure. The Council may appoint and fix the compensation of a staff director, a legal counsel and such other staff personnel as it may from time to time deem appropriate. The Council shall meet at the call of the Governor, its Chairman, or any three of its members to carry out its responsibilities under Section 11 of this Act to study the privacy and security implications of criminal offender records, or to formulate recommendations concerning their collection, storage, dissemination or usage. Each Council member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties.

(b) The Council may conduct such inquiries and investigations as it finds appropriate to achieve the purposes of this Act. The Committee, each criminal justice agency in this state, and each state and local agency otherwise authorized access to criminal offender record information is authorized and directed to furnish to the Council, upon request made by its Chairman, such statistical data, reports, and other information as the Council deems necessary to carry out its functions under this Act.

(c) The Council shall report annually to the Governor and legislature concerning both its responsibilities under Section 11 and other questions of privacy and security in connection with the collection, storage, dissemination and usage of criminal offender record information. It may make such additional reports and recommendations as it deems appropriate to carry out its functions under this Act.

(d) The Council may nominate one or more of its members to serve upon any similar council or committee connected with any interstate system for the exchange of criminal offender record information, and may participate when and as it deems appropriate in the activities of any such system.

6. Data verification and purging

(a) The Committee shall adopt regulations creating a continuing program of data auditing and verification to assure the accuracy and completeness of criminal offender record information.

(b) The Committee shall adopt regulations to assure the prompt and complete purging of criminal record information, insofar as such purging is required.

(i) by any statute or valid administrative regulation of this state;

(ii) by the order of any court of competent jurisdiction in this state;

(iii) by the law of any other jurisdiction, where the data or records in question have originated in that jurisdiction;

(iv) to correct any errors shown to exist in such information;

(v) to achieve any of the purposes of this Act, to improve the efficiency of criminal offender recordkeeping, or otherwise to promote the fair and efficient administration of criminal justice.

7. System security

(a) The Committee shall adopt regulations to assure the security of criminal offender record information from unauthorized disclosures at all levels of operation in this state.

(b) The Committee shall cause to be initiated for employees of all agencies that maintain, receive, or are eligible to maintain or receive criminal offender record information a continuing educational program in the proper use and control of such information.

8. Access

(a) Criminal offender record information shall be disseminated, whether directly or through any intermediary, only to (i) criminal justice agencies and (ii) such other individuals and agencies as are, or may subsequently be, authorized access to such records by statute. The Committee shall issue regulations to assure that such information shall be disseminated only in situations in which it is demonstrably required by the individual or agency for purposes of its statutory responsibilities.

(b) It shall be the Committee's responsibility to determine whether each agency requesting access to criminal offender record information is authorized such access under the terms of this Act. The Committee shall, as to each such agency, make a finding in writing of its eligibility or noneligibility for such access. Except as provided in subsection (c) of this section, no such information shall be disseminated to any agency prior to the Committee's determination of its eligibility or, in cases in which the Committee's decision is appealed under Section 12 of this Act, prior to the final judgment or a court of competent jurisdiction that the agency is so eligible.

(c) For a period of [six months] following the adoption of this Act, or until such time as the Committee completes its determination of the eligibility or non-eligibility for access of a requesting agency, whichever first occurs, any such requesting agency that is receiving criminal offender record information at the time of this Act's passage shall be deemed to be eligible for such access.

(d) Each agency holding or receiving criminal offender record information shall maintain, for such period as is found by the Committee to be appropriate, a listing of the agencies to which it has released or communicated such information. Such listings, or reasonable samples thereof, may from time to time be reviewed by the Committee, Council, or any of their staff members to determine whether this Act or any applicable regulations have been violated.

(e) Dissemination from any agency in this state of criminal offender record information shall, except for purposes of programs of research approved under Section 9, and with the further exception of instances in which a warrant has been obtained in accordance with subsection (f) of this section, be permitted only if the inquiry is based upon name, fingerprints or other personal identfiying characteristics. The Committee shall issue regulations to prevent dissemination of such information, except in the above situations, where inquiries are based upon categories of offense or data elements other than name, fingerprints or other personal identifying characteristics.

(f) Notwithstanding the provisions of subsection (e), access to criminal offender record information on the basis of data elements other than personal identifying characteristics shall be permissible if the criminal justice agency seeking such access has first obtained from a (magistrate, judge or justice) a class access warrant. Such warrants may be issued as a matter of discretion by a (magistrate, judge or justice of any court of this state) in cases in which probable cause has been shown that (i) such access is imperative for purposes of the criminal justice agency's investigational or other responsibilities, and (ii) the information sought to be obtained is not reasonably available from any other source or through any other method. A summary of each request for such a warrant, together with a statement of its disposition, shall within ninety days of disposition be furnished the Committee.

9. Research

(a) The Committee shall issue regulations to govern the usage in this state of criminal offender record information for purposes of programs of research. Such regulations shall require preservation of the anonymity of the individuals to whom such information relates, shall require the completion of nondisclosure agreements by all participants in such programs, and shall impose such additional requirements and conditions as the Committee finds to be necessary to assure the protection of privacy and security benefits.

(b) The Committee may monitor any such programs to assure satisfaction both of the requirements of this Act and of any applicable regulations. The Committee may, if it determines either that such requirements have not been satisfied or that a program's continuance otherwise threatens privacy or security interests, prohibit access on behalf of any such program to criminal offender record information.

(c) Any state or local agency may request the Committee to evaluate any proposed program of research and to offer recommendations concerning its consistency with the purposes and requirements of this Act.

10. Interstate systems for the exchange of criminal offender record information

(a) The Committee shall regulate the participation by all state and local agencies in any interstate system for the exchange of criminal offender record information, and shall be responsible to assure the consistency of such participation with the terms and purposes of this Act. The Committee shall have no authority to compel any agency to participate in any such interstate system.

(b) Direct access to any such system shall be limited to such criminal justice agencies as are expressly designated for that purpose by the Committee. Where any such system employs telecommunications access terminals, the Committee shall limit the number and placement of such terminals to those for which adequate security measures may be taken and as to which the Committee may impose appropriate supervisory regulations.

11. Rights of access and challenge

(a) Each individual shall have the right to inspect criminal offender record information located within this state which refers to him. If an individual believes such information to be inaccurate or incomplete, he may request the agency having custody or control of the records to purge, modify or supplement them. Should the agency decline to so act, or should the individual believe the agency's decision to be otherwise unsatisfactory, the individual may in writing request review by the Council. The Council, its representative or agent shall, in each case in which it finds prima facie basis for complaint, conduct a hearing at which the individual may appear with counsel, present evidence, and examine and cross-examine witnesses. Written findings and conclusions shall be issued. Should the record in question be found to be inaccurate, incomplete or misleading, the Council shall order it to be appropriately purged, modified or supplemented by an exploratory notation. Each agency or individual in the state with custody, possession or control of any such record shall promptly cause each and every copy thereof in its custody, possession or control to be altered in accordance with the Council's order. Notification of each such deletion, amendment and supplementary notation shall be promptly disseminated by the Committee to any individuals or agencies to which the records in question have been communicated, as well as to the individual whose records have been ordered so altered.

(b) Agencies at which criminal offender records are sought to be inspected may prescribe reasonable hours and places of inspection, and may impose such additional restrictions, including fingerprinting, as are reasonably necessary both to assure the record's security and to verify the identities of those who seek to inspect them.

12. Appeal

Any individual or agency aggrieved by any order or decision of the Committee or Council may appeal such order or decision to the [trial court] in the county in which he is resident or in which the Council, the Committee, their representative or agent issued the order or decision from which the individual or agency appeals. The court shall in each such case conduct a *de novo* hearing, and may order such relief as it finds to be required by equity.

13. Civil liability

(a) Any person may institute a civil action for damages or to restrain any violation of this Act, or both. Should it be found in any such action that there has occurred a willful violation of this Act, the violator shall, in addition to any liability for such actual damages as may be shown, be liable for exemplary damages of not less than one hundred and not more than one thousand dollars for each such violation, together with costs and reasonable attorneys' fees and disbursements incurred by the person bringing the action.

(b) If, in any civil action alleging the publication or dissemination of criminal offender records, it is found that the provisions of this Act or of any regulations issued thereunder with respect to the communication or dissemination of such records have been violated, the violator shall not be entitled to claim any privilege, absolute or qualified, as a defense thereto.

14. Criminal penalties

Any person who willfully requests, obtains or seeks to obtain criminal offender record information under false pretenses, or who willfully communicates or seeks to communicate criminal offender record information to any agency or person except in accordance with this Act, or any member, officer, employee or agent of the Committee, the Council or any participating agency, or any person connected with any research program authorized pursuant to Section 9, who willfully falsifies criminal offender record information, or any records relating thereto, shall for each such offense be fined [not more than five thousand dollars, or imprisoned in the state penitentiary not more than two years, or both]. Any person who knowingly, but without criminal purpose, communicates or seeks to communicate criminal offender record information except in accordance with this Act shall for each such offense be fined [not more than one hundred dollars, or imprisoned not more than ten days, or both].

15. [Authorization of appropriations]

CHAPTER IV. SECTION-BY-SECTION ANALYSIS OF THE MODEL STATE ACT

Section 1. Legislative findings and purpose

This legislation is designed to improve the organization, coordination and control of criminal offender recordkeeping. It establishes an administrative structure which is intended to emphasize strongly the mutually dependent goals of system security and individual privacy. The development of procedures which provide vigorous protection for individual rights of privacy, while at the same time strengthening the record-keeping capabilities of criminal justice agencies, will assure a more credible and useful criminal offender recordkeeping system. Moreover, it seems clear that interstate systems for the exchange of criminal offender records will shortly be organized, and standards to protect privacy and security may be most effectively and easily formulated early in the development of such systems.

This statute has its origin chiefly in recommendations contained in Project SEARCH Technical Report No. 2. Additional information pertinent to these issues is included in the Report.

Section 2. Definitions

It should be emphasized that "criminal offender record information", as defined in subsection (b), essentially includes only information traditionally recorded in the form of rap sheets. This statute is not intended to regulate either other sensitive forms of criminal justice records, such as intelligence, analytical and investigative files, or purely statistical files and records in which individuals are not identified and from which their identities are not ascertainable.

Section 3. Relationship to other statutes

The second sentence of subsection (a), which contains a reference to state administrative codes, is applicable only to those states which already have such a code. It should, of course, be deleted by the legislatures of other states. Subsection (b) assumes the existence of a discrete system of rules for the control of records concerning juvenile and youthful offenders. The phrasing of this subsection may have to be altered to conform to local usage.

Section 4. Criminal Offenders Records Control Committee

The Committee is intended to set privacy and security standards, promulgate regulations, and generally to be responsible for controlling the operation of the recordkeeping system. It is intended to be a coordinating body, drawing together criminal justice agencies which already are engaged in the collection, storage, dissemination and usage of criminal offender records. It is not intended as a heavy administrative structure, superimposed upon existing agencies, but instead as a working group of representatives of those agencies.

We recommend that certain categories of criminal justice agencies should in every state be represented on the Committee. These agencies include the state identification bureau, the state police, local police (both from municipalities of various sizes and from rural and suburban areas), and sheriffs in those states in which they have law enforcement functions. In addition, representatives of certain other agencies should be included on the Committee. These agencies include those concerned with probation, parole and corrections, the state criminal justice planning agency, the prosecutorial agencies, and an administrative representative of the state's court system.

It must be emphasized again that this is intended only as a model, which will require revision in light of local usage and circumstances. The Act requires the creation of a committee to govern the organization of criminal offender recordkeeping because we believe that this will, in most states, most effectively accommodate the various needs and interests of criminal justice agencies. Nonetheless, some states may find that a single administrator, armed with the authority given here to the Committee, will be the more efficient and effective arrangement. Where this is found to be true, we see no objection to the substitution. Moreover, it should be understood that the system suggested here for the appointment and removal of Committee members is only illustrative. Some states may find that other arrangements conform more closely to local needs and circumstances.

Although the Model Act does not specify the size of the Committee, we suggest that a reasonably small Committee, with no more than 12 to 15 members, would function most efficiently and effectively.

The Act declares that the Committee's Chairman shall be appointed by the Governor. Some states may prefer to have the Committee's Chairman appointed by the Governor with the advice and consent of the upper legislative chamber. Still other states may prefer the Committee's Chairman to be appointed by an executive officer other than the Governor.

Section 5. The Security and Privacy Council

The Council is chiefly an advisory body, designed to represent the interests of both the criminal justice community and the general public. Its members should be broadly representative both of the community and of the relevant interests. Some states may wish to include, either at the Governor's discretion or as a matter of statutory obligation, representatives of the legislature and of state and local executive authorities. It is hoped that this body will create and maintain greater public confidence in criminal justice recordkeeping. The Council is intended to be sensitive to problems that the public, or some portions of the public, may think exist in the recordkeeping system, to identify and examine the system's deficiencies, and to offer prompt and appropriate recommendations for the correction of those deficiencies. The Council has also been given responsibility for the evaluation of individual complaints that criminal offender records are inaccurate or otherwise misleading.

Here again, it should be emphasized that the mechanics of the Council's appointment and removal, as they are described here, are intended only to be illustrative. These procedures may be readily varied to conform to local usage and circumstances.

Section 6. Data verification and purging

(a) It is important both for the effective operation of criminal justice agencies and for the fair administration of justice that records containing criminal offender information be entirely accurate. It is hoped that the Committee will adopt the most modern and thorough methods possible to maintain their accuracy, including (1) provisions for systematic auditing of records by participating agencies, to assure that those records have been regularly and properly updated, and (2) periodic programs of employee re-education.

(b) This subsection is designed chiefly to implement existing law. Except in situations in which errors have been detected, purging is required only if it is now authorized by state law. The Committee could, however, permissibly undertake further purging if it deems such purging to be desirable for any of the purposes listed in (v).

Nonetheless, it is strongly recommended that both the Council and the Committee promptly undertake careful studies of the usefulness of various purging provisions. In particular, they should consider whether either or both of the following purging rules would be desirable. First, it might be required that records of arrests which do not terminate in convictions should be completely purged. A variant, already adopted in some states, would be to purge such arrest records only in situations in which the arrested person has not previously been convicted of any crime. Second, it might be required that records with respect to individuals who are unlikely in the future to engage in criminal conduct should be purged. A decision that an individual is unlikely to engage in future criminal conduct might be based upon the individual's age, health, pattern of recent behavior, or the length of time since the individual was last involved in any criminal justice proceeding. This second rule presents particularly complex and difficult factual issues, to which the Council and Committee should give full and careful study. We emphasize, however, that questions of purging are of major significance both for rights of privacy and for the efficiency of criminal offender recordkeeping, and they thus warrant urgent attention.

Section 7. System security

Technical questions of computer, physical and personnel security are examined in Chapter 4 of SEARCH Technical Report No. 2. Additional information is contained in the report from which that chapter was extracted.

Section 8. Access

It is the purpose of subsections (a) and (b) to limit access to criminal offender record information to (1) criminal justice agencies and (2) non-criminal justice agencies, if the latter are now authorized by statute to receive such information. Non-criminal justice agencies have been included because under existing law in many states they are now permitted direct or indirect access to criminal offender record information. We strongly recommend, however, that state legislature should carefully re-evaluate each such situation to determine whether such access is in fact necessary and desirable. It is essential both for the success of the system and to assure proper adherence to security and privacy standards that access to criminal offender record information should not be permitted non-criminal justice agencies without clear and compelling evidence of public need.

Dissemination of criminal offender record information should be permitted only when inquiry is made by name, fingerprints or other personal identifying characteristics. Dissemination of criminal offender record information accessed by categories of offense, or on any basis other than personal identifying characteristics, should be forbidden, except for limited research purposes or under the authority of a specific court order. The latter is modeled on the provisions which now govern wiretapping and electronic eavesdropping. It is intended to interpose the judgment of an impartial magistrate to control the usage of an investigative method that may, if misused, create important hazards for individual privacy rights. It should be emphasized again that this Act does not prevent intra-agency freedom of access, nor does it reach or affect analytical and investigative files. The references to magistrates, judges and justices should be revised to conform to local usage with respect to judicial officers authorized to issue warrants.

Section 9. Research

Research involving criminal offender record information should be closely monitored to prevent any violation of individual privacy rights. The Committee should promulgate regulations that would (1) preserve the anonymity of the records' subjects, (2) shield research data by a stringent security system, (3) require nondisclosure forms, and (4) limit the use of criminal offender records to legitimate, qualified researchers engaged in verified projects.

Section 10. Interstate systems for the exchange of offender record information

This section is responsive to problems illustrated by the SEARCH demonstration system and by the similar interstate system that may be expected soon to develop. The rules it contains are applicable only to such interstate systems. Direct access to such systems should be strictly controlled and limited. In particular, non-criminal justice agencies should under all circumstances be denied direct access to such systems, and the number even of criminal justice agencies shall be closely limited to those which necessarily and plainly require such access. Criminal justice agencies for which direct access would be merely a relatively minor convenience, such as agencies engaged exclusively in research, should be denied such access.

Section 11. Rights of access and challenge

It is imperative that rights of access and challenge should be given to those persons whose criminal records are contained in the system. Such rights will help to guarantee the accuracy of criminal offender records, to prevent unnecessary injuries to individual citizens, and moreover will help to create wider public confidence in the fairness and accuracy of the recordkeeping system. These purposes are particularly served by giving the Council authority to review and decide complaints concerning alleged omissions and inaccuracies in criminal offender records.

We recommend that no fees or charges should be imposed for the inspection of records or the institution of proceedings before the Council. Nonetheless, the Act's provisions are not intended to prevent the impositions of reasonable charges, based upon actual costs, if individual states believe such charges to be necessary.

We recognize that the obligation to notify

agencies to which records have previously been communicated of any alterations in those records may be thought to involve heavy administrative burdens. Nonetheless, it should be understood that this is essential to assure the accuracy of criminal offender records and hence the fairness of the record-keeping system. Further, it should be observed that as a practical matter the notification obligation will be limited to the time period selected by the Committee for purposes of Section 8(d).

Section 12. Appeal

Each state should include an appropriate reference to its own system of trial courts.

Section 13. Civil liability

The exemplary damages are recommended figures which may be adjusted to conform to local rules and statutes.

Section 14. Criminal penalties

The criminal penalties are recommended figures which may be adjusted by each state to conform to its other statutory provisions. It is, however, intended that willful violations of the Act should be regarded as serious criminal offenses, for which substantial penalties should be imposed.

Section 15. Authorization of appropriations

Each legislature should adopt here the form of words customarily used by it for these purposes.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, this amendment is something new. I had no knowledge of it until a little while ago. From an examination of it it is a legislative amendment and not an appropriation amendment. It undertakes to limit the expenditure of funds and it would trespass on the legislative prerogatives of this body.

I think I would be derelict in my responsibility if I did not raise a point of order to it. Therefore, I raise a point of order because there has been no notice that a legislative proposal would be raised.

The PRESIDING OFFICER. The point of order will not be in order until the Senator from Maryland has yielded the floor.

Mr. McCLELLAN. Did the Senator from Maryland yield the floor?

Mr. MATHIAS. No; I had not yielded the floor.

Mr. McCLELLAN. I will wait. I thought the Senator had yielded the floor.

Mr. MATHIAS. If the Senator wishes to make a point of order I will yield back my time so he can make his point of order and then I will have an amended version of this amendment.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. MATHIAS. I yield back my time.

Mr. McCLELLAN. Mr. President, so that I will not repeat myself I refer to the record of what I have just said as to the point of order, and I make the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. MATHIAS. Mr. President, I withdraw the amendment.

The PRESIDENT OFFICER. The point of order has been sustained.

Mr. MATHIAS. I offer a further amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 22, following line 8, insert the following:

"SEC. 208. None of the funds appropriated by this Bill may be obligated or expended for the establishment, operation or support of any new Federal, state, local or interstate computerized system for the collection, classification, indexing, exchange or dissemination of criminal offender records, criminal intelligence information, or the criminal histories of individuals during the first half of fiscal year 1972."

Mr. MATHIAS. Mr. President, this amendment goes to the same purpose as the amendment previously offered. It might be said that it is a law and order amendment, because all it intends to do is to persuade LEAA to submit a report which was supposed to have been summitted by the first of May of this year with respect to criminal justice data banks before we go ahead with any assistance of data banks or expand existing data banks. It is no more and no less than that.

I regret very much that the point of order was made against the previous amendment because it was a more flexible amendment. It was an amendment which would have automatically lifted any embargo of funds when the Department of Justice had complied with the law.

In this amendment, because of parliamentary restrictions, we have to suggest a specific time period or time lag, which is estimated to be long enough for them to comply with the requirement of law that certain reports and recommendations with respect to data banks should be submitted. That is not quite as flexible or quite as convenient from the Department's point of view, but I think it will get the point across.

As I noted earlier, there are wide variations in statutes governing access to records, particularly access by private firms and public agencies only marginally involved in law enforcement. Within the past month, since the decision of the District Court for the District of Columbia in the case of Menard against Mitchell, the FBI's Fingerprint Division has stopped responding directly to requests for information from private employers. Wherever State or local law permits, however, such firms can still obtain information about employees or applicants through the medium of a State or local law enforcement agency.

As District Judge Gerhard A. Gesell wrote in Menard against Mitchell:

> The Bureau needs legislative guidance and there must be a national policy developed in this area which will have built into it effective sanctions and administrative safeguards.

Another issue of growing importance as data banks proliferate is the right of individuals to inspect files about themselves and correct erroneous or misleading information.

Clearly this is another crucial point on which congressional decision and clear, uniform directives are required. Like so many of the issues raised by computerized data banks, it is a problem fraught with subtleties and distinction of the types which can engage lawyers and legislators endlessly.

Mr. President, all I am suggesting is that we delay for 6 months from the beginning of the fiscal year. It will amount to only a few days by the time this bill goes through conference and the conference report is adopted and the President signs the bill; it is just a few days to underscore to the Department of Justice the importance Congress attaches to the issue of data banks and what they are going to mean to America in the future. This is one of the real issues on which the freedom of American citizens may be determined in years ahead.

We are not saying at this point how to do it; we are just saying there must be a policy, there must be a philosophy, there must be some principles governing those who hold the keys to data banks with regard to the information on the private lives of every one of us. That philosophy must be established and adhered to. That is all that is requested by the modest delay suggested in the amendment.

Mr. President, I yield back my time.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

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

Mr. McCLELLAN. Mr. President, I really do not know the purpose of the amendment. I never heard of it until a few minutes ago, before the other one was introduced.

Apparently the Senator from Maryland wants to stop the expenditure of money for the next 6 months; for the first half of fiscal year 1972; he wants to stop expenditure of money that is in the bill, that may be obligated for the establishment, operation or support of any new Federal, State, local, or interstate computerized system for the collection, classification, indexing, exchange or dissemination of criminal offender records, criminal intelligence information, or the criminal histories of individuals during the first half of fiscal year 1972.

Well, I thought that was why we have been passing laws here, to try to do something about crime. Certainly it is of great service if officers apprehend someone out here for speeding in an automobile and they have some source where they can check and ascertain if the car is stolen and ascertain whether the person is wanted somewhere or not. That is what we have been trying to do with LEAA, and in connection with other laws we have passed. I do not understand why this delay is in order.

I do not understand the amendment.

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

Mr. McCLELLAN. Yes, I shall be glad to yield in a moment. I would have been very glad if the amendment had been brought to the attention of the Appropriations Committee and there had been support for it and something to sustain it, and we had had an opportunity to consider any reason that might be offered for its acceptance. But I am at a complete loss, and obviously, from the previous amendment that was introduced by the Senator, which is along the same

line, only having legislative provisions in it, if this is to be done, we ought to have legislation, and not just a limitation on an appropriation bill here to stop for 6 months the development of this kind of system. I do not think we want to do that.

Now I am glad to yield.

Mr. MATHIAS. The Senator has outlined a very impressive and very necessary list of functions which are performed by the data bank program. I want to assure the Senator that there is nothing in this amendment that is going to interfere with the functions of that program. All it is going to interfere with is the establishment of new data bank systems or a substantial expansion of existing systems.

The Senator will recall that I sent him, as chairman of the committee, a copy of my correspondence with Mr. Shultz which dealt with the very fact that the report required by Congress and due on the first of May, now almost 8 weeks ago, had not been submitted.

I called the Department's attention to it by correspondence during the month of June and sent copies to the Senator from Arkansas. It obviously is very important for us not to appropriate funds to greatly enlarge the systems when we do not have any idea how the Department is going to run the systems, what the philosophy is of holding the key or turning the key.

All I am suggesting is that we delay new projects 6 months from the beginning of the fiscal year and give the Department of Justice a chance to comply with the law. The law requires that they submit a report with a recommendation, which they obviously have not done. They obviously need more time. I think we should give them more time. I think it is obvious that they need a little more time to submit the report. They ought to be given that time to make the report by not expanding the system. The Senator will recall that was the gist of the correspondence which I sent to him under date of June 29.

Mr. McCLELLAN. I do not remember receiving the letter. If the Senator did send me the letter, I may have referred it to the Appropriations Committee or the Judiciary subcommittee. But let me point out that I do not see any objection to a report. It may be well to have a report. Nobody is objecting to having a report. But I do not see why we ought to cripple law enforcement during that period of time.

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

Mr. McCLELLAN. I yield myself another 3 minutes.

I point out to the Senator that this could very well affect the whole thrust of the LEAA as it is trying to develop these systems, and they are very effective. And then the FBI is affected. It could not give out the information. Also it would affect our efforts in the narcotics field. I do not see the wisdom of delaying these operations 6 months. Certainly we ought to get a report. Everybody wants the report. But why punish society? Why jeopardize the safety of Americans by interfering with law enforcement during that period of time? I just do not see it.

Mr. MATHIAS. Will the Senator yield?

Mr. McCLELLAN. Yes, I yield.

Mr. MATHIAS. I would again remind the Senator that there is not one thing being done today by the Justice Department or any of its component agencies, including LEAA, that will be affected or slowed down or stopped by this amendment. All it will do is say, "We are going to give you more time to get your report in so that we can look at it before you start building these new systems," and it seems to me that that is a fair safeguard. I think it is a fair compromise. I think it is one that the Senate should support.

Mr. McCLELLAN. Mr. President, there has been no hearing. I could not make that judgment today. I would like to take the Senator's word for it and his judgment, but I think this is too serious. I think this matter ought to have the proper processing.

Mr. HRUSKA. Mr. President, will the Senator yield me 2 minutes?

Mr. McCLELLAN. I yield to the distinguished Senator from Nebraska.

Mr. HRUSKA. There are some administrative difficulties with the amendment as it exists. For example, it refers to the fact that no funds will be expended for "the establishment, operation, or support of any new or substantially expanded programs in this field."

Mr. MATHIAS. Will the Senator yield? That language is not in the pending amendment.

Mr. HRUSKA. What language is retained? Does it refer to stopping all computer programs?

Mr. MATHIAS. No, just new ones.

Mr. HRUSKA. New ones?

Mr. MATHIAS. Just the new programs.

Mr. HRUSKA. What is a new program, Mr. President. Is it one that has not been used up until last month, or the first of June, or the last of July last year? What is new? It would be most difficult to make an adjudication on that, because there are new things phased in, and there are others that are discarded constantly.

There is another administrative difficulty that will be sure to arise. That department is now functioning on a continuing resolution. It is authorized under the law to make partial commitments and distributions and allocations of money. Those have already been made, and now ex post facto we are going to enact a law saying it shall not use moneys for certain purposes. The net result will be that it either will have to disregard it altogether or it will have to accept it altogether, and stop not only those things considered new by the author of the amendment but considered new by anybody else; that will mean a complete stultification of that program.

Notwithstanding the sincerity and the enthusiasm of the Senator from Maryland for making progress in this field, there is an overriding importance in having continued law enforcement efforts, because the criminal of today will only thrive upon the 6 months' delay that will intervene by reason of this amendment.

It would seem to me that it would have been better had we been able, by the presentation of this matter before the committee, to call witnesses from the Department and ask for an explanation, and ask them how much longer will it take to complete and transmit the report. What are the things that are hanging this thing up? I understand it has already been transmitted by Justice to OMB and is awaiting final clearance there. We were denied that opportunity, and it would be my hope that the Senate would reject this amendment and that we make as much progress as we can in other ways rather than usurp the legislative prerogative of the Committee on the Committee on the Judiciary.

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

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

The PRESIDING OFFICER. All time on the amendment having been yielded back, and the yeas and nays having been ordered, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Montana (Mr. METCALF), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. SCOTT. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS) and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is abent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Hampshire (Mr. COTTON) is detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD), and the Senator from New York (Mr. JAVITS) would each vote "yea."

The result was announced—yeas 29, nays 58, as follows:

[No. 152 Leg.]

YEAS—29

Bayh	Harris	Nelson
Beall	Hart	Packwood
Bentsen	Hartke	Percy
Case	Hughes	Proxmire
Chiles	Kennedy	Scott
Cook	Mathias	Stevenson
Cranston	McGovern	Taft
Eagleton	Mondale	Tunney
Ervin	Moss	Weicker
Goldwater	Muskie	

NAYS—58

Aiken	Brock	Curtis
Allen	Brooke	Dole
Allott	Burdick	Dominick
Anderson	Byrd, Va.	Eastland
Baker	Byrd, W. Va.	Ellender
Bennett	Cannon	Fannin
Bible	Church	Fong
Boggs	Cooper	Fulbright

Gambrell	McIntyre	Smith
Gurney	Miller	Sparkman
Hansen	Montoya	Spong
Hruska	Pastore	Stevens
Humphrey	Pearson	Symington
Jordan, N.C.	Pell	Talmadge
Jordan, Idaho	Prouty	Thurmond
Long	Randolph	Tower
Magnuson	Ribicoff	Williams
Mansfield	Roth	Young
McClellan	Saxbe	
McGee	Schweiker	

NOT VOTING—13

Bellmon	Hatfield	Metcalf
Buckley	Hollings	Mundt
Cotton	Inouye	Stennis
Gravel	Jackson	
Griffin	Javits	

So Mr. MATHIAS' amendment was rejected.

Mr. HRUSKA Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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, without amendment, the following bill and joint resolution:

S. 421. An act to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents; and

S.J. Res. 111. A joint resolution extending for 2 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 6072) to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets Nos. 18–A, 113, and 191, and for other purposes.

The message further announced that the House had agreed to the requests of the Senate for a conference on the bill (H.R. 8629) to amend title VII of the Public Health Service Act to provide increased manpower for the health profession, and for other purposes; and a conference on the bill (H.R. 8630) to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses; and that Mr. STAGGERS, Mr. ROGERS, Mr. SATTERFIELD, Mr. SPRINGER, and Mr. NELSEN were appointed managers on the part of the House at the conferences.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, will the Senator from Maine yield me 5 minutes, so that I may inquire as to the schedule?

Mrs. SMITH. Yes, indeed.

PROGRAM

Mr. SCOTT. Mr. President, I rise to express my appreciation to the distinguished Senator from Maine (Mrs. SMITH) and to ask the distinguished majority leader if he can advise us as to the ongoing program.

Mr. MANSFIELD. Yes.

Mr. President, in response, may I say to my distinguished friend, the Republican leader, that it is my understanding there will be one more amendment, by the distinguished Senator from Michigan, to the bill and then there will be a rollcall vote on final passage, after which the Senate will stand in recess until 10 a.m. tomorrow, at which time, immediately after the prayer and the recognition of the joint leadership under the standing order, the Senate will proceed to the consideration of the bill, H.R. 9382, making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes.

Following disposal of that appropriation bill, it is anticipated, again under the chairmanship of the distinguished Senator from Rhode Island (Mr. PASTORE) that the bill, S. 2150, authorizing appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, will be taken up.

It appears that then the next item on the calendar will be S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes. That bill has been on the calendar since June 21.

It is my understanding that the bill having to do with Lockheed and related corporations will be reported, and that will likely follow the bill just referred to, S. 382, to promote fair practices in the conduct of election campaigns. That bill, in turn, will be followed by the Department of Transportation appropriation bill, H.R. 9667, which was reported this afternoon but which has not yet been placed on the calendar.

Just placed on the calendar this morning is S. 2296, a bill to amend sections 107 and 109 of title 32, United States Code, relating to appropriations for the National Guard and to National Guard technicians, respectively. That will be taken up, to be followed hopefully by H.R. 4590, an act relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore. I understand that this act expires either today, or did expire yesterday, on the 18th. It calls for immediate consideration.

Then there is S. 986, a bill to provide minimum disclosure standards for written consumer product warranties against defect or malfunction, and so forth.

That is about as far as the calendar goes.

Mr. SCOTT. I thank the distinguished majority leader. Obviously, we have a great deal of legislative business before us.

The distinguished majority leader has said on an earlier occasion that there is a possibility we may be working on Saturdays. Do I understand correctly that that possibility is still very much alive?

Mr. MANSFIELD. Yes. That was announced last week. It is now being announced again. Senators should be prepared to meet on Saturdays, if need be, because within a matter of 3 weeks now we will take a month's vacation. I think that is little enough time to spend on the business at hand in view of the vacation recess which will take place.

Mr. SCOTT. I thank the distinguished majority leader and the distinguished Senator from Maine (Mrs. SMITH).

H.R. 9382—APPROPRIATIONS FOR THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. MANSFIELD. Now, Mr. President, I ask unanimous consent at this time, as long as the HUD appropriation bill will be laid before the Senate, that it be in order to ask for the yeas and nays on that appropriation bill.

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

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 9272) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

Mr. HART. Mr. President, I send an amendment to the desk and ask that it be started.

The legislative clerk read as follows:

On page 44, lines 25 and 26, strike out "$3,400,000" and insert in lieu thereof "3,960,000".

Mr. HART. Mr. President, the substance of the amendment I can state briefly—indeed, most of us are familiar with it. I suspect most of us know exactly what we are going to do about it.

Mr. President, one of the most effective ways of thwarting progress in this Nation, and of suggesting to the American people that we in the Federal Government lack sincerity in trying to do something about the problems confronting us, is to deny adequate funds to those agencies given the responsibility for moving us forward.

That is exactly what we have done in the case of the chronically underfunded U.S. Commission on Civil Rights. The administration has requested a budget of $3.96 million for the Commission. The House and our Senate Appropriations Committee have approved $3.4 million. It is imperative that we restore the $560,000 that has been cut from the budget request. To accomplish this, for myself and Senator SCOTT I offer this amendment.

Unless we restore these funds, the Commission this year, as it has in past years, will face the prospect of curtailing activities vital to its responsibilities because of a shortage of money. While we quibble about an amount that scarcely would buy the ink to print the Federal budget, serious national problems in-

volving members of minority groups go unattended for want of a few Federal dollars.

Mr. President, the Commission on Civil Rights is a unique agency. It has strong friends and it has bitter foes. But, unfortunately, it continually has been plagued by inadequate funding. Although the amount of money it is seeking is relatively small, the matter is important to the Commission and—more important—the country.

From 1968 until last year the Commission's spending was limited to $2.65 million. As each year went by, because of increasing costs, that level became more and more constricting.

Finally, last year the Commission's authorization was raised to $3.4 million. This sum at least enabled the Commission to regain its 1968 level of operations.

This year, the Commission is seeking funds to extend and initiate studies and projects involving minorities other than blacks and regions other than the South. In addition, as the Senate will recall, legislation has been passed increasing the salaries of all Federal employees. Part of the increase was effective in the last fiscal year, and part is effective in the current fiscal year.

On the basis of these Commission needs, the President's budget request this year for the Commission is $3.96 million. This bill cuts the President's request by over half a million dollars.

Let us not kid ourselves. To those who disclaim any intent to undercut the operations of this agency, let me point out that while this bill would increase the Commission's appropriation over last year's by $3,000, the effect of the last mandatory pay raise will be to increase the fiscal 1971 salary base by $160,000. In other words, we are not only precluding any possibility of expanding their vital efforts, but we would be putting them in the hole, in comparison to their 1971 level of operations, to the tune of $157,000. If that is anybody's idea of dedication to civil rights, this Senator would appreciate an explanation.

I think the issue has been succinctly stated by an editorial in the Sunday, July 18, Washington Post, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HART. Mr. President, in the meanwhile, the House has voted 262 to 67 on May 17 to increase the Commission's authorization to $4 million. In the Senate, the Subcommittee on Constitutional Rights reported favorably this increased authorization. That authorization is now pending in our Committee on the Judiciary, which I understand will meet this Tuesday.

The elements in the amendment involved are fairly, though admittedly rather briefly, stated in these remarks but let me address myself now to something which I anticipate—and were I in the chairman's position, I would certainly do the same—will be raised with respect to a point of order.

The fact that Commission's current authorization stands at $3.4 million and the fact that the Senate Appropriations Committee decided to hold the Commission's appropriation to $3.4 million will raise in the minds of some of my colleagues the appropriateness of increasing the existing appropriation above the existing authorization, as to whether it is in order under our rules.

I believe that there is no procedural problem involved in granting the Commission the amount requested in the President's budget. The Senate rule that bears on this is rule XVI.

It provides that on appropriation bills "no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or, unless the same be moved by direction of a standing or select committee of the Senate"; then here is the language I suggest establishes the legitimacy of the amendment under consideration, that it shall not be received unless it is "proposed in pursuance of an estimate submitted in accordance with law."

I repeat, one exception to the general rule is if the amendment is "in pursuance of an estimate submitted in accordance with law."

One such estimate that is submitted in accordance with law is the budget of the President. And as I have mentioned, it requests $3.96 million for the Commission on Civil Rights.

Mr. President, I ask unanimous consent that the correspondence between the Commission and the Office of Management and Budget be printed in the RECORD.

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

Hon. CASPAR W. WEINBERGER,
Deputy Director, Office of Management and Budget, Washington, D.C.

DEAR MR. WEINBERGER: As required by Office of Management and Budget Bulletin No. 71–5, I am submitting an exhibit projecting the increased pay costs for Fiscal Year 1972 brought about by Public Law 91–656, a narrative explanation of the method used in computing the increased pay costs and a copy of suggested changes in appropriation language which has been previously submitted to the Office of Management and Budget.

METHOD OF COMPUTING PAY COSTS

A percentage increase of .059, which is the average percentage increase effectuated by PL 91–656, was applied to all estimated direct and related personnel costs which were shown in the President's FY 1972 budget.

Sincerely,

HOWARD A. GLICKSTEIN.

SUMMARY OF 1972 INCREASED PAY COST—U.S. COMMISSION ON CIVIL RIGHTS

Page number in 1972 budget appendix	Organizational unit and account title	Request pending	Proposed amendment	Revised request
(1)	(2)	(3)	(4)	(5)
898	Commission on Civil Rights, salaries and expenses	$3,800,000	$160,000	$3,960,000
	Total of above account	3,800,000	160,000	3,960,000

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 18, 1971.

To the heads of executive departments and establishments.

Subject: 1972 increased pay costs.

1. *Purpose.* This Bulletin provides instructions for submission of a summary of the estimated *1972* increased pay costs of:

a. Civilian personnel pay increases effective in January 1971, under Executive Order 11576, which was issued pursuant to Public Law 91–656, and comparable increases granted by administrative action; and

b. Military personnel pay increases effective in January 1971, under Executive Order 11577, which was issued pursuant to Public Law 90–207.

The information submitted will serve as the agency request for amendments to the 1972 Budget for these additional pay costs. Amendments to the 1972 Budget for wage board or other pay increases not related to the Executive orders specified above will not be requested at this time.

2. *Requirements:* Each agency is requested to submit a summary of the estimated 1972 increased pay costs listed above by *March 5, 1971,* in accordance with the instructions provided in Attachment A. A short narrative explanation of the methods used in computing the increased pay costs should accompany the summary, along with any change in appropriation or limitation language, if required. Upon request, agencies will be required to provide a full analysis and backup of the summary data submitted.

3. *Policy.* The following policies will apply:

a. *Basis for estimates.* The amount of the 1972 pay increase costs specified above will be computed on the basis of program levels as contemplated by the costs and obligations shown in the 1972 Budget Appendix.

In calculating the amount of the budget amendment to be requested, consideration should be given to the additional payments for increased pay costs required to be made *to* other agencies or accounts for work being done on a reimbursable basis, as well as offsets to increased pay costs derived from advances and reimbursements *from* other agencies or accounts.

Appropriations should *not* be required for revolving and management funds (including consolidated working funds), since the increased pay costs for such funds should be completely covered by increased reimbursements and receipts.

b. *Absorption.* No estimate of absorption of these increased pay costs is required at this time. Present plans call for the later issuance of further instructions with regard to absorption of the increased pay costs to be incurred in 1972 (including increases which may be put *into effect* during the last half of that fiscal year).

4. *Agency justifications of 1972 requests.* Each agency will be notified by the Office of Management and Budget as soon as practicable of its portion of the budget amendment which the President will transmit to Congress for these pay costs. After such transmittal, budget justifications for committees of Congress should be based upon the amended recommendations. Prior to that time, justifications and testimony should be directed toward the unamended amount.

CASPER W. WEINBERGER,
Deputy Director.

SUMMARY OF 1972 INCREASED PAY COSTS

Each agency is requested to submit a summary of 1972 increased pay costs resulting from the items specified in paragraph 1 of this Bulletin. This summary will be in the form illustrated by Exhibit 1, and will be accompanied by the narrative explanation and appropriation language required in paragraph 2 of this Bulletin. Agency submission of the required summary will be made by *March 5, 1971*, in an original and two copies.

For purposes of this summary, allocation accounts (transfer appropriation accounts) will be reported with the parent account rather than with the receiving agency. It is therefore necessary that each agency receiving an allocation furnish to the agency responsible for the parent account the data necessary to prepare the report. Unless otherwise arranged between the agencies concerned, the information should be furnished to the parent agency by *February 26, 1971*.

In the case of advances and reimbursements paid into revolving and management funds (including consolidated working funds) and appropriation accounts, the associated increase in advances and reimbursements will be deducted from the increase in direct pay and related costs in the account of the receiving agency in arriving at its budget amendment request. This may be done without the necessity of clearance with the paying agency. Similarly, the agency making the advance or reimbursement will add the associated increase to the increased direct pay and related cost for its account in arriving at its budget amendment request.

The summary will be prepared on 8" x 10½" paper, as described below. Each account affected by the specified pay increases will be listed and the amount applicable to each account will be shown, with the total for all listed accounts provided as indicated in Exhibit 1.

Column 1. List the page number in the *1972* Budget Appendix on which can be found the account or fund listed in column 2.

Column 2. List under each bureau or organizational unit to which separate appropriations or funds are available, the title of each appropriation or fund account (other than allocations from other agencies) which is affected by the specified pay increases. These will include revolving and management funds (including consolidated working funds) and trust funds. Account titles will be listed in the order in which they appear in the budget.

Column 3. Show the amount requested in the 1972 Budget for the account or fund listed in column 2. This will be the amount shown in the appropriation language as proposed in the 1972 Budget Appendix. Where an administrative expenses limitation is shown in the 1972 Budget Appendix, the amount of the limitation will be shown in parentheses as a non-add entry.

Column 4. Identify the proposed 1972 budget amendment for the account or fund shown in column 2. Additional appropriations required will be the sum of the following:

a. The increased direct pay and related costs to the account;

b. *Plus* any increased payments or reimbursements required *to* other accounts;

c. *Minus* any increased payments or reimbursements *from* other accounts.

Where an increase in an administrative expenses limitation is required, the amount of the increase will be shown in parentheses as a non-add entry and identified with the symbol, "(A)". Where a waiver of a limitation on personal services is required, the amount shown in this column will be identified with the symbol "(W)".

Amounts requested and shown in this column should be in round thousands, i.e., if the above calculation comes to $34,231, the amount to be shown should be $34,000.

Column 5. Enter the sum of columns 3 and 4.

SUMMARY OF 1972 INCREASED PAY COST—DEPARTMENT OF GOVERNMENT

Page number in 1972 budget appendix	Organizational unit and account title	Request pending	Proposed amendment	Revised request
(1)	(2)	(3)	(4)	(5)
875	Office of the Secretary, salaries and expenses	$6,900,000	[1] $480,000	$7,380,000
	Bureau of Inspection:			
877	Salaries and expenses	7,253,000	430,000	7,683,000
878	Inspection services	5,800,000	220,000	6,020,000
897	Government Corporation ABC revolving fund	(9,450,000)	[2] (567,000)	(10,017,000)
	Total of above accounts	311,650,000	18,792,000	330,442,000

[1] Waiver of limitation on personal services required.
[2] Increase in administrative expenses limitation required.

Mr. HART. Mr. President, I hope that the Senate will join with me and appropriate the full sum of $3.96 million requested in the budget request by the administration.

But now it seems that an additional question will now be raised. It is claimed that the President's budget estimate, itself, is contingent upon authorization legislation not yet enacted. This claim, as I understand it, is based upon one sentence in the official budget sent to Congress. In the appendix of that budget on page 898, it is stated that the budget request for the Commission is $3.8 million. I have already indicated that this has been revised to incorporate mandatory pay increases, and the Senate committee reported the revised budget request at $3.96 million, the same amount called for in the amendment.

In the appendix, the estimate is followed by a sentence which reads:

Additional authorizing legislation will be proposed for $400,000.

That sentence in no way states that the estimate requested by the President is contingent upon new authorization to be passed. It does not state that the new authorization is a condition precedent of the $3.8 million amount, now revised to $3.96 million.

I have today received a letter from the Director of the Office of Management and Budget, George Shultz. He states that the estimate is not intended by the President to be in any way contingent upon prior authorization.

If I may, Mr. President, I will read the letter. The letter reads:

You have inquired regarding the Presidential Budget request for fiscal year 1972 for the Commission on Civil Rights. The appendix to the budget on page 898 states that the requested amount is $3,800,000, which has since been revised to $3,960,000 to cover mandatory pay raises. The section of the budget goes on to state that additional authorization legislation will be sought. This statement was not intended in any way to constitute a condition precedent to the President's request. That request remains in the amount of $3,960,000.

It seems to me that since the plain words themselves do not state the request is contingent, the additional sentence included on page 898 can be seen as an additional explanatory piece of information provided to the Congress, and not as a statement of a condition precedent to the request. We should not read into the budget document language which simply is not there.

We can, if we want to, deny the money. In short, if we must interpret that language as to the intent from the budget authority, it should be inserted, then certainly this authoritative statement as to the intent from the President's chief budget officer is decisive.

The President has indicated, according to Mr. Shultz, that this is his estimate and no condition is attached to it. It is the full amount which he wants.

Even if in some sense this language can be deemed an acknowledgement of contingency, any ruling that this precludes reliance on the exception provided in rule XVI, which I have read, would make that portion of the rule essentially meaningless.

Clearly this exception referring to an estimate would only be needed and resorted to when appropriations are sought in excess of the existing authorization. But precisely in such situations as this, the normal situation is for the budget to acknowledge that an increased appropriation will also be sought. If we cannot utilize the exception provided in rule XVI in this situation, the clear purpose of this particular provision in the rule would be nullified.

Therefore, I repeat that in my view a point of order does not lie.

In conclusion, let me reemphasize that maintaining the Commission at its present funding level of $3.4 million would seriously damage its work. As I have mentioned, simply meeting the automatic pay increase will cost an additional $160,000. Unless additional funds are forthcoming, the Commission will have to absorb this pay increase and reduce its program accordingly. Other funds are needed to extend current studies and activities in the direction I have touched on.

The Commission informs me that the studies and projects at stake involve Indians, Puerto Ricans, Mexican Americans, prisons, health services, and the role of labor unions in equal employment. The Commission has been doing valuable work in bringing to national attention discrimination, not only against blacks but against all minority groups, and wherever it exists in all parts of our country. It would be tragic to curtail these activities just as they are beginning to take shape.

In recent years, moreover, the Commission has been particularly outspoken in pointing out the distance between our ideals and our policies. It would be unfortunate if the impression were given that such forthright reminders were rewarded with a limitation of funds.

The very distinguished Commission Chairman, Father Theodore M. Hesburgh, president of the University of

Notre Dame, told the Senate Subcommittee on Administrative Practice and Procedure last month that four successive Presidents have assured him that civil rights is the Nation's most pressing domestic problem. The size of the Commission's budget reflects no such priority, and I regret to say that we in Congress are primarily to blame.

Father Hesburgh's plea is not alone. The Eisenhower Commission on the Causes and Prevention of Violence, and the Kerner Commission on Civil Disorder each tragically divide our Nation.

I hope very much that the Senate today will enable the Commission to move forward as intended.

EXHIBIT 1

FUNDS FOR THE CIVIL RIGHTS COMMISSION

The effectiveness, perhaps the very existence, of the Civil Rights Commission is at stake in the vote on its appropriation scheduled for tomorrow in the Senate. The commission has been the conscience of the federal government in the area of racial equality ever since its creation by Congress as an element of the Civil Rights Act of 1957. But as is so often the case with consciences, it has been too little heeded—and especially in regard to the funds necessary for its effective operation.

President Nixon asked for an appropriation of $3.96 million for the commission for the 1972 fiscal year. Unfortunately, the House reduced this to $3.4 million, and the Senate Appropriations Committee recommended acceptance of the House figure. An amendment to restore the $560,000 cut from the President's budget request will be offered on the Senate floor Monday morning. The additional money is imperatively needed; $160,000 of it must go to meet the cost of pay increases which Congress promised to all federal employees last year, and the remaining $400,000 will be used to extend and initiate vital commission programs.

The commission will suffer a serious blow with the resignation of its exceptionally able young staff director, Howard A. Glickstein, due to take effect next month. Mr. Glickstein has carried forward a remarkable tradition developed by a succession of devoted, imaginative and resourceful CRC staff directors who have given the tiny agency an impact out of all proportion to its modest means. He deserves the very warm thanks of the country for jogging it tirelessly about its obligations in respect of civil rights.

The CRC should be kept on the job. Its thankless role is to remind us of our failures, our shortcomings—and our promises. The Congress can best acknowledge that it genuinely means to meet those promises by giving the commission the funds it needs for its essential task.

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

Mr. HART. I yield.

Mr. MONDALE. Mr. President, I join with the Senator from Michigan in supporting the amendment. I do not know of any agency of the Federal Government that delivers more for less than does the Civil Rights Commission. It operates on a budget which, in my opinion, is scandalously low. It has continued to be the conscience of the country in this area.

The Civil Rights Commission, under the inspired leadership of its chairman, Father Hesburg, is continuing to perform its services in a nonpartisan and dedicated way. I believe this increase in the amount of appropriations recommended by the committee is essential. There can be no doubt that the Commission, in order to fulfill its responsibility, must broaden its effort to include a deeper study of civil rights and the implications of our treatment of all minorities, not only the black, but also all other minorities.

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

Mr. McCLELLAN. Mr. President, I yield the Senator 1 minute on the bill.

Mr. MONDALE. Mr. President, there are other minorities, many of which are not only nonwhite but which have language and cultural differences as well that add further complications. For example, in the city of Boston where there were 9,000 Puerto Ricans in school, only seven graduated last year from high school and four were from private schools. In New York City 250,000 Puerto Ricans were in schools and only 200 graduated last year with academic degrees.

There are other minorities in this country such as Portuguese, Orientals, Indians, Puerto Ricans, and Cubans, who face an unfair life in this country, and for whom it cannot be said that the words "equality and justice" fully apply to them and their lives.

I hope these funds can be added and that the Civil Rights Commission can broaden its efforts to more fully understand the problem and speak out for the justice these remarkable Americans deserve.

Mr. HUMPHREY. Mr. President, as one who was directly involved in the legislative effort to provide for the establishment of the Commission on Civil Rights, I have joined in the sponsorship of the amendment to H.R. 9272—State, Justice, Commerce, judiciary, and related agencies appropriations for fiscal year 1972—to provide additional funding for this vital Federal agency at the full level of authorizations requested by the administration for fiscal year 1972.

The Civil Rights Commission has had a short history but has made an impressive record in the 14 years of its existence. The Commission was created in 1957; its creation was part of the civil rights legislation of that year. In retrospect I think that we can all agree that it should have been created much earlier—in 1947 or 1937. I proposed a bill to establish a body such as the Commission in 1951. It was defeated that year and did not become enacted for another 6 years.

When the Commission finally was created, it was in a much weaker form than I had originally hoped for. It had no powers of enforcement, only the authority to hold hearings and issue reports.

These limited powers the Commission has used with surprising effectiveness.

We take for granted historic recent changes, even when they come after long struggle. Let me remind you where we were in civil rights in 1957.

Very few blacks in the South were able to vote in 1957. There were many counties in which not a single black was registered. It was the Civil Rights Commission that documented this situation through its hearings and reports and established for the record what the causes were of this great absence of black participation in the political process. Based on this foundation, and guided by recommendations of the Commission, the Congress enacted the Voting Rights Act of 1965, the most effective piece of civil rights legislation in this Nation's history. Five years later, it was the Commission that presented the evidence that convinced Congress that this voting legislation should be extended.

Returning to 1957 again: Blacks in all parts of the country had no right recognized under Federal law to choose the neighborhood in which they would live. Discrimination was legal. Again, the Commission investigated and documented the situation. The result was the Fair Housing Act of 1968.

The story is the same in education and employment. In 1957, 3 years after the decision in Brown against Board of Education, schools were still segregated. Long before others thought it was feasible or politically possible, the Commission recommended legislation which was finally enacted as title VI of the Civil Rights Act of 1964, which has proved an effective tool in bringing about the desegregation of schools.

Likewise in employment, Commission factfinding and recommendations led to the passage of title VII of the 1964 Civil Rights Act, banning discrimination in employment.

Despite this record I know that no one here will draw the inference that the Civil Rights Commission can or should now relax. On the contrary, its job is now harder than it was before any of this antidiscrimination legislation was passed.

First, the Commission now has the job of judging the performance of Government in assuring that our civil rights statutes become, in fact, the law of the land. The Civil Rights Commission has issued major reports critical of the enforcement efforts of all administrations over the past years. Their criticism has been highly constructive and vitally important. I am pleased that President Nixon agrees with this judgment and supports the $3.96 million appropriation for the Commission, which I am now urging the Senate to adopt.

Second, the Commission has been trying very hard for a number of years to document deprivations confronting minority groups other than blacks and propose effective remedies. They have been investigating the problems of Puerto Ricans in the eastern part of the country, of Mexican-Americans in the Southwest and of other Spanish speaking minorities and of Indians. To begin to deal adequately with the problems of these groups requires resources that Congress has never given to the Commission.

Third, civil rights problems are even more difficult. Passing and enforcing a few antidiscrimination laws does not solve all the problems. We need the Civil Rights Commission to keep abreast of the changing problems in the area of civil rights and to keep making new recommendations on how to meet these problems.

For these reasons, I strongly urge that the amendment increase funds for the Commission on Civil Rights by $460,000.

I do not concur in the ruling of the Chair, sustaining the point of order raised by the Senator from Arkansas (Mr. McCLELLAN). I join the Senator from Michigan (Mr. HART) in his interpretation of rule 16 and its application to this amendment. The amendment is in order and merits Senate approval.

Mr. PEARSON. Mr. President, today the Senate will vote on measures vital to the continuation of programs designed to uphold equal opportunity under the law. The accomplishments which the Civil Rights Commission and the Equal Employment Opportunity Commission have made since their inception have been instrumental in helping guide America out of the jungle of prejudice and discrimination and into a period of our history which recognizes more than ever before the primary responsibility to insure the rights guaranteed to every citizen of this Nation.

Mr. President, we are all familiar with the truly remarkable work the Civil Rights Commission has performed since its establishment nearly a decade ago. In a time when all responsible citizens are concerned that many elements of our society have lost contact with the democratic process, in a time when many of our most cherished institutions are questioned, and in a time when our primary function should be one of education as well as restoration of confidence, this Commission has resolutely and diligently pursued a course which has brought thousands of formerly disenfranchised citizens into the political process—many for the first time in their lives.

Likewise, the work of the Equal Employment Opportunity Commission has been instrumental in ferreting discrimination from the employment policies of this Nation. Its work is just begun, however, and it would be a serious mistake for Congress to reduce its funds at a time when the ground swell for equal rights in all areas of life is rising to unprecedented levels.

Mr. President, there is much talk these days about a reordering of priorities. Yet, if we are to begin to consider this area, it is imperative that we do so with the full understanding and attention of all the American people. This means that the Federal Government must continue to insure adequate access to the ballot box as well as the employment office. The way we vote today can determine whether the Federal Government will continue to provide leadership in this area or allow victories, gained with so much sacrifice and effort, to be discarded.

Mr. McGOVERN. Mr. President, I strongly urge the passage of the amendment proposed by Senator HART to restore the budget of $3.97 million for the U.S. Commission on Civil Rights.

Even this amount of funding is inadequate for the proper operation of the Commission. It stands as the sole independent agency acting as a watchdog and a conscience for our Government in the field of civil rights. We all well know that our record of fulfillment in the field of civil rights still leaves much to be desired. The Civil Rights Commission has served us well in pointing out the most flagrant cases of civil rights violations and by indicating where greater effort by the Federal Government is urgently needed. It would be a tragedy if the funds requested by the administration were further reduced.

It is a matter of simple justice to restore this appropriation from the $3.4 million level voted by the House of Representatives to the amount requested by the administration. Of course, $3.4 million is better than nothing, especially when the amount proposed by the administration is demonstrably inadequate. But it is one way to keep this vital agency functioning. We should be able to do much better than simply passing a minimal appropriation at this stage of our history, when we generally recognize the need to set right the centuries of injustice to those deprived of their civil rights.

Mr. President, in the event that Senator HART's amendment passes, I would urge the Senate conferees to be unyielding in their insistence on that appropriation. Passage of the amendment would demonstrate our commitment; maintenance of it would show the depth of that commitment.

Mr. KENNEDY. Mr. President, almost a month ago the Subcommittee on Administrative Practice and Procedure—in the course of its inquiry into implementation of the recommendations of Presidential and national commissions—heard testimony from Father Hesburgh, Civil Rights Commission Chairman. We had already examined the work of other recent social issue commissions, like the Crime Commission, the Violence Commission, and the Commission on Civil Disorders, and we had seen how little response there has been in terms of implementation of the recommendations of those commissions. Yet the record of the Civil Rights Commission was unique and significant: in 13 years the Commission has seen almost 80 percent of its recommendations implemented in some form. And surely this is not a Commission that has outlived its usefulness.

Father Hesburgh indicated at our hearings that the past four Presidents have publicly stated that civil rights is the most important domestic problem facing the Nation. Even so, at times like this, Mr. President, one wonders just where our present priorities are placed. As Father Hesburgh observed:

> This is another cause of frustration on the part of minorities as well as on the part of young people. If indeed I can quote four Presidents to this effect, starting with Eisenhower continuing to Nixon, that this is the most important domestic problem facing the nation, then one begins to wonder how important it is if our budget last year was $3,250,000 with a supplement of a little under $200,000 for pay raises and we are having difficulty even keeping that figure this year.
>
> Now, I am saying that if you ask youngsters how they determine what the priorities are, they say simply look at the federal budget and see where the money goes. If you go down a list of things budgeted in the federal budget and you see that one airplane with a very bad record as an airplane is getting four times as much as the total effort of the U.S. Commission on Civil Rights, I think that tells you something about the priorities of this country.

Mr. President, I do not believe I need to go into the accomplishments of the Civil Rights Commission since its establishment. I think we all know its substantial contributions to the progress of civil rights over the past decade. Nor do I believe that the Senate's power to authorize the additional $560,000 requested by the administration can be seriously questioned.

We are faced with an opportunity to do what should be done—what must be done—to begin to shape our budget to conform with our stated priorities. I am confident that the Senate will grasp that opportunity.

Mr. SCOTT. Mr. President, I am pleased to join with the distinguished Senator from Michigan (Mr. HART) in his amendment to provide the U.S. Commission on Civil Rights with the full appropriation requested in the President's budget.

The President has requested an appropriation of $3.96 million for the Commission for fiscal 1972. An amount of only $3.4 million was approved by the House and by our own Appropriations Committee. It is vital that the full amount of the President's request be voted today so that the Commission on Civil Rights can carry on its vital activities.

The President is very much concerned that civil rights agencies be provided with needed funds. His budget request for fiscal 1972 seeks to meet the need for adequate staff and other resources for effective civil rights enforcement by calling for a substantial across-the-board increase in budget for civil rights. In fact, the Commission on Civil Rights publicly commended the President for his action in seeking this increased funding. The civil rights problems facing this Nation continue to be severe and complex. Those agencies diligently working to solve these problems should not be hampered by inadequate funding.

I remind you that President Nixon played a leading role in the creation of the Commission in 1957. Mr. Nixon, as President of the Senate, rendered a number of rulings which made it possible for this body to vote on the Civil Rights Act of 1957. I am proud to recall that on a key vote on the Civil Rights Act of 1957 all 43 Republican Senators voting were recorded as voting in favor of the bill. This is a proud tradition. I call upon all of you, and especially my colleagues in the Republican Party, to continue this tradition and provide the Commission with the funding it so desperately needs.

The Commission is continuing to deal with the most critical issues facing this Nation. As you know, on June 11 the President issued a historic statement on housing policy. That statement recognizes the severe barriers that exist to providing housing to our people and the role Federal policy has played in creating the unjust conditions that are so extensive. The President's statement also sets forth imaginative guidelines for moving ahead in this area. The Commission on Civil Rights has been focusing national attention on the need to restructure our housing policies so that our cities do not continue to become increasingly black and poor while our suburbs are increas-

ingly white and affluent. Also, in June of this year, the Commission held a major hearing here in Washington that dealt largely with Federal housing policy. Top administration officials, including Secretaries Romney and Volpe and Attorney General Mitchell testified at that hearing. For all concerned—for the administration, for the Commission, and, most importantly, for the country—this was a constructive activity. We cannot now apply the brakes and force the Commission to curtail its programs.

If the Commission's appropriation is allowed to remain at $3.4 million many program restrictions will be required. This month, the Commission is operating under a continuing resolution which authorizes it to spend at the rate of $3.4 million. The month is not yet over, but I am advised that the Commission already has been required to curtail some of its activities. This should not be permitted to occur any longer than necessary.

It is not enough to enact legislation that guarantees and secures to all of our citizens their rights under the Constitution. We must make certain that those agencies charged with the responsibility of enforcing these laws have adequate tools with which to do the job. We raise expectations every time we pass a new civil rights law. We increase frustrations when we do not do what is necessary to insure that those laws are effectively implemented.

The Commission on Civil Rights has served as a watchdog to alert the country to what needs to be done to effectuate our laws. Its voice should not be stilled, even for a day.

I urge you to approve full funding for the Commission and enact an appropriation of $3.96 million.

Mr. MUSKIE. Mr. President, we have saddled a small but important agency, the Commission on Civil Rights, with a budget far too tiny to meet its important duties. For fiscal year 1971 the Commission has an authorization of $3.4 million and an appropriation of $3.397 million. It needs a budget of $3.96 million to function fully in fiscal 1972. The appropriation voted by the House last month—because of increased costs and mandated salary increases—would severely damage the Commission's operation. Its plans to expand its programs into important new civil rights areas would be set back drastically. This would include an Indian rights project and studies on the administration of justice in prisons, discrimination in health services, and equal employment and labor unions. A new field office in the North-Central States to serve the Indian program would not be opened and the Commission's Puerto Rican project and Mexican American education study could not expand beyond their present levels.

Since the establishment of the U.S. Commission on Civil Rights in 1957, it has been doing invaluable work in bringing to national attention discrimination against all minority groups, in all its forms and locations. It has been outspoken in pointing out to the Nation that our most pressing domestic problem is denial of equal rights to large segments of our population. Its criticisms have been factual and constructive. Its recommendations and contributions to the problem areas of voting, housing, employment, education, and suburban access had a visible effect and impact on the policies of the Government.

The Commission since its creation in 1957 has documented the denial of equal protection of the laws which has done deep harm to our fundamental concepts of equal justice and equal opportunity.

The denial of the right to vote was a common practice in many parts of the Nation in the late 1950's. Governmentally enforced school segregation, which the U.S. Supreme Court had held to be unconstitutional 3 years before the Commission was established, was not being eliminated. Housing discrimination against members of minority groups was practiced widely by builders, brokers, and lending institutions in all parts of the country. Hotels, restaurants, and other places of public accommodation commonly denied service to travelers for no reason other than their race. And federally assisted programs and activities were often administered on a racially discriminatory basis with no substantial effort on the part of the Federal Government to assure that Federal benefits reached all citizens.

Although many of these problems have persisted, much has changed over the last 12 years. Voting is a striking example. In many communities where few if any blacks were ever permitted to exercise the franchise, they now are voting in large numbers. Hotels, restaurants, and theaters which once refused to serve black citizens now are serving all customers. Many facilities provided under federally assisted programs, such as hospitals aided by the Hill-Burton and Medicare Acts, have changed their practices so that they now are serving all without discrimination.

These changes came about primarily through the enactment of Federal laws such as the Civil Rights Act of 1964 and the Voting Rights Act of 1965 and the numerous executive and administrative actions which were promulgated to implement and enforce these two historic acts.

It was the findings of the Commission on Civil Rights which paved the way for these pieces of legislation and administrative decisions.

The Commission's hearings, reports, and recommendations have played an important and valuable role in bringing about change. The Commission has helped to awaken the Nation to the existence of problems which previously were largely unrecognized. Its reports have provided the factual base for much of the legislative and executive action taken in the area of civil rights in recent years. Many of the Commission's recommendations, considered controversial at the time they were made, have been adopted in the form of legislation or executive action. For example, in 1959, the Commission recommended the enactment of legislation providing for Federal registrars to assure to blacks and other minority group citizens the right to vote. This recommendation provided the basis for the Voting Rights Act of 1965. A series of Commission recommendations aimed at assuring nondiscrimination in federally assisted programs was enacted into law as title VI of the Civil Rights Act of 1964.

In its recent report on "Federal Civil Rights Enforcement Effort," the Commission evaluated civil rights enforcement mechanisms within the Federal bureaucracy and found them to be suffering from lack of staff, coordination, and commitment. Its followup report found some encouraging developments, but this does not mean that strong civil rights enforcement is now assured or even that we have turned the corner in eliminating the many weaknesses that were found to exist.

The Commission's report on the "Ethnic Isolation of Mexican Americans in the Public Schools of the Southwest" was the Federal Government's first comprehensive look at Mexican Americans in the Nation's schools. Its report on "Home Ownership for Lower Income Families" found that the traditional pattern of racially segregated residence is being perpetuated and current programs are failing to fulfill their enormous promise of providing new housing opportunities to minority families who previously had little housing choice.

With this record of past service, I believe the Senate should approve for the Committee on Civil Rights the full appropriation recommended by the White House.

While the number of dollars is small, the principle is large indeed. The question is whether this body chooses to affirm today—July 19, 1971—that we are committed to continuing and expanding the struggle for racial equality in this Nation.

The Commission on Civil Rights, both in symbol and in reality, is at the center of this Government's commitment to the solution of the problems of our oppressed minorities.

How difficult it would be to place a dollar value on what this Commission has done, on what it now represents to the blacks and the browns of this country. But given the problems of domestic strife and racial injustice we face, can it be anything but ludicrous to say that this Nation does not have the additional $560,000 needed to enable this Commission to function effectively. What can such economizing say of our sense of national priorities?

We must not weaken the Civil Rights Commission. It must be strengthened. That is why I shall today vote for the amendment to increase the appropriations for the Commission.

Mr. McCLELLAN. The reason, I am sure, this amount was not included in the appropriation bill, and I am confident that a majority of the members of the Committee on Appropriations would have supported increasing the total amount of the budget, is that we have rules that govern the proceedings of our body, of our legislative process, and also of our appropriation process, and this amount clearly exceeds what is authorized up to this time. The House recognized that and voted accordingly.

Subsequently an authorization bill has been passed by the House and it is now before the District Committee of the Senate, and in all probability, in due time, it will be enacted into law.

But I have no alternative as chairman of the committee, as my distinguished friend recognized when he inferred that if he were in my position he would do what I now feel constrained to do as chairman of the committee to protect the integrity of our processes. Until this amount is authorized I cannot support this appropriation. This will not stop anything. There is enough appropriation here to carry on; and in due time when the bill is passed there will be a supplemental appropriation bill and by waiting until then and bringing it here then, the processes and the integrity of the proceedings of this body will be preserved and the interests of those the Senator seeks to serve will be served.

It is a question of whether we want to abandon the rules of the Senate. If it were a great emergency, I probably would feel constrained to waive it, as far as I am concerned, but I do not feel that that kind of emergency exists.

I simply raise the point of order and will be governed accordingly by the ruling of the Chair.

However, I feel it my duty to do so and I feel that is what the committee would have me do. We weighed it and considered it, and felt it should wait until there was an authorization. There was not any strong opposition from any source, as far as I know, but it was a question of whether we preserve the integrity of our processes or if we wished to establish the precedent here of not observing the rules. If we establish that precedent today, it will be done again tomorrow.

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

Mr. McCLELLAN. Yes. I believe I made a point of order. I meant to make it.

The PRESIDING OFFICER. The Chair will allow the Senator to ask a question. The Chair will withhold ruling on the point of order if the Senator wishes to ask a question.

Mr. HART. Mr. President, will the Chair indulge me?

The PRESIDING OFFICER. Does the Senator from Arkansas yield?

Mr. McCLELLAN. I am glad to yield. I stated frankly the situation.

Mr. HART. Mr. President, when I first had this matter called to my attention I thought we would have to ask the Senate to ignore or override a rule, and it was on that assumption I said that if I were handling the bill, as the Senator from Arkansas is, I would make the point of order.

But I rise, again, to suggest that our studies indicate that we are using the rule. We are seeking to use the exception in rule XVI in order that we may not have to wait for a supplemental bill.

The activities of this Commission will be reduced by every day that intervenes between now and the supplemental. I have cited the consequences of the pay increases. Activities would be cut back. Who among us would venture when that supplemental will come in? But whenever it comes, much of the effect of this in the intervening time will have been lost as far as the Commission is concerned.

Prior to the ruling by the Chair I wish to suggest again that the exception in rule XVI, "in accordance with law," means just that: An estimate submitted pursuant to statute, and that is what the President's budget is.

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

Mr. McCLELLAN. I yield to the Senator whatever time he needs.

Mr. BYRD of West Virginia. I have two questions to ask of the Senator from Michigan.

First of all, from what source was the "estimate," referred to in rule XVI, derived; and second, from what "law," as mentioned in the rule, does the authorization derive?

Mr. HART. If I may reply to the first point, the estimate derives from the annex or supplemental budget of the President, which budget has been filed in accordance with the law. Having established that figure, it is our contention and belief that rule XVI has precisely that kind of estimate in mind when it permits the Senate by amendment to go to a figure in excess of existing Senate authorization, which this does.

Mr. BYRD of West Virginia. If I understand what the Senator is saying, he is saying that the amendment here complies with rule XVI simply because the budget itself has been submitted in accordance with law.

It seems to me this misses the gravamen of the issue. It seems to me that what rule XVI says is that the estimate should be submitted in accordance with a specific authorization act.

Mr. McCLELLAN. Will the Senator yield at that point?

Mr. BYRD of West Virginia. Otherwise, Mr. President, we would need no authorization laws at all—and no authorization committees.

Mr. McCLELLAN. That is correct.

Mr. BYRD of West Virginia. The budget itself would then be self-enforcing, because it would provide the authorization in each instance simply by stating an estimate.

Mr. HART. Mr. President, if I may suggest, we would not need the exception to rule XVI if its meaning was as the able Senator from West Virginia says. I think rule XVI's exception, "or proposed in pursuance of an estimate submitted in accordance with law," is wiped out if we are to take the position that it must nonetheless be a submission which is not in excess of the existing.

To read it otherwise and to suggest that those words limit reliances on a budget estimate to situations where the budget request is no higher than existing authorization would make the express provision useless in precisely those situations for which it is needed and was designed to meet. Because if the estimate of the budget is no higher than the old authorization, the basic limitation of the rule is satisfied and the exception provided for increases in accordance with budget estimates would never be needed.

It is that reasoning that persuaded us that we are indeed operating the rule, and the rule does authorize us to reach this higher figure, all figures having been submitted in accordance with law.

Mr. BYRD of West Virginia. Mr. President, if I have heard correctly as I have listened to the discussions here, the budget estimate itself referred to the authority therefor as being yet in the future.

The PRESIDING OFFICER (Mr. CHILES). The Chair is ready to rule.

Mr. HART. Mr. President, I wonder if the Chair would permit me a very brief reply to the last point?

Mr. McCLELLAN. Mr. President, I yield such time as the Senator requires for that.

Mr. HART. I thank the Senator.

Mr. President, for two reasons I suggest that the budget itself does not condition this estimate upon a subsequent authorization. First, the very explicit statement from the budget director, Mr. Shultz, in the letter, reference to which I made a part of the RECORD. Second, if one reads the language in that budget, it is simply a statement of fact. Additional authorizing legislation will be proposed. It is the same boilerplate that one finds, if he wants to, with respect to other items in that budget where the additional new authorization figure has been recommended, because the budget request exceeds existing authorization.

For the variety of reasons assigned, I do trust the point of order will not be sustained.

The PRESIDING OFFICER. The Chair rules that the point of order is well taken and that the amendment is out of order.

Under the rule, the estimate is in excess of the amount authorized by law, the amount authorized by law being $3.4 million.

The Chair feels that the language cited by the Senator from Michigan as the exception in rule XVI "or proposed in pursuance of an estimate submitted in accordance with law," would be language that would come into play if the authorization was, perhaps, for the Department of Defense in giving it duties and saying it should have those funds as shall be necessary and required to carry out its duties. In that instance, estimates would be submitted in accordance with law. But in the act in force here, we have a specific appropriation with specific language. The authorization was for $3.4 million. That is further referred to, as stated by the Senator from West Virginia, in the budget estimate itself, when it says, "Additional authorizing appropriations will be proposed in the amount of $400,000." That is the language before the Congress, and there would be no need for the additional authorizing legislation at all if the amendment would be in order.

For that reason the Chair would have to rule that the amendment is out of order.

Mr. HART. Mr. President, may I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. Under our rules, am I per-

mitted to appeal from the ruling of the Chair?

The PRESIDING OFFICER. The Senator is.

Mr. HART. Mr. President, I realize it is late, but many Senators are interested in this question. With that explanation, I do appeal from the ruling of the Chair, and ask for the yeas and nays.

The PRESIDING OFFICER. The question is: Shall the decision of the Chair stand as the judgment of the Senate?

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. If the Chair is overruled in the appeal from the ruling of the Chair, will that become a permanent precedent of the Senate?

The PRESIDING OFFICER. Yes.

Mr. BYRD of West Virginia. Mr. President, I hope the Senator from Michigan will not ask for the yeas and nays simply for the reason that Senators who are not now present, when they come into the Chamber, will not have a clear understanding as to what they are voting on. They may vote to overrule the Chair and thus set a dangerous precedent. Let us have a voice vote. Otherwise, I shall have to move to lay the appeal from the ruling of the Chair on the table.

Mr. HART. Mr. President, that argument would have much stronger appeal if Senators knew every other time what they were voting on.

Mr. BYRD of West Virginia. Mr. President, I move to table the appeal from the ruling of the Chair—not because of the substance of the Senator's amendment, but because of the precedent which could be otherwise established.

The PRESIDING OFFICER. The Chair believes that the previous question was on ordering the yeas and nays.

The question, then, is on the motion by the Senator from West Virginia to lay on the table the appeal from the ruling of the Chair.

Do Senators request the yeas and nays?

Mr. McCLELLAN and other Senators requested the yeas and nays.

The PRESIDING OFFICER. The question is on the motion to lay on the table the appeal from the ruling of the Chair. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BENNETT (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Michigan (Mr. GRIFFIN). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. SCOTT. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Connecticut (Mr. WEICKER) is detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD), and the Senator from New York (Mr. JAVITS) would each vote "nay."

The pair of the Senator from Michigan (Mr. GRIFFIN) has been previously announced.

The result was announced—yeas 51, nays 38, as follows:

[No. 153 Leg.]

YEAS—51

Aiken	Eastland	McGee
Allen	Ellender	McIntyre
Allott	Ervin	Miller
Anderson	Fannin	Montoya
Bentsen	Fong	Pastore
Bible	Fulbright	Pell
Brock	Gambrell	Prouty
Byrd, Va.	Goldwater	Randolph
Byrd, W. Va.	Gurney	Smith
Cannon	Hansen	Sparkman
Chiles	Hollings	Spong
Church	Jordan, N.C.	Stennis
Cooper	Jordan, Idaho	Symington
Cotton	Long	Talmadge
Curtis	Magnuson	Thurmond
Dole	Mansfield	Tower
Dominick	McClellan	Young

NAYS—38

Baker	Hruska	Percy
Bayh	Hughes	Proxmire
Beall	Humphrey	Ribicoff
Boggs	Inouye	Roth
Brooke	Kennedy	Saxbe
Burdick	Mathias	Schweiker
Case	McGovern	Scott
Cook	Mondale	Stevens
Cranston	Moss	Stevenson
Eagleton	Muskie	Taft
Harris	Nelson	Tunney
Hart	Packwood	Williams
Hartke	Pearson	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Bennett, for.

NOT VOTING—10

Bellmon	Hatfield	Mundt
Buckley	Jackson	Weicker
Gravel	Javits	
Griffin	Metcalf	

So the motion to lay on the table was agreed to.

NATIONAL MARINE FISHERIES SERVICE

Mr. KENNEDY. Mr. President, I am delighted that the Appropriations Committee under the leadership of its distinguished chairman, the senior Senator from the State of Arkansas has restored the cuts made by the House to the budget of the National Marine Fisheries Service.

The American fisherman today is being assailed on all fronts—by a severe financial decline in the industry, by powerful competition from subsidized, modern, well-equipped foreign fleets, and by harassment by foreign vessels.

The National Marine Fisheries Service—formerly the Bureau of Commercial Fisheries—for decades has provided leadership and assistance to the fishing industry. The authorization approved by the committee would permit it to continue to act on their behalf—providing essential services that fishermen require.

First, it would provide funds for increased surveillance of foreign fishing vessels off our coasts. The past several months have been an object lesson in the inadequacies of the present system of surveillance and enforcement. It is essential to protect American fishermen from continued harassment and provocations by foreign vessels which occurred off the coast of Massachusetts in recent months.

Second, it would assure the development of improved methods for detecting and locating fish. There is a real need today to chart and assess the present fish resources to plan judiciously for their future use and to protect against species depletion. This is also of particular importance where the fisherman must seek alternate species because of contamination or exhaustion of his primary catch.

Third, it would provide for an intensive study in cooperation with the States of management alternatives for fisheries. Such a study could define methods for removing Government problems which present barriers to efficient and economical operations.

Our Nation's fishermen, whether in Massachusetts, or Washington, are caught in a vicious cycle—their equipment and boats require renovation and improvement in order to meet its Government-subsidized competition. Yet the funds for these improvements are becoming more and more scarce.

Mr. President, that is why I believe the $3 million cut by the House in the budget of the National Marine Fisheries Service was unwise. I want to commend the committee for its restoration of these funds. I feel it is important to the health of the fishing industry—and to the economy as a whole—to maintain a strong commitment to the American fisherman.

U.S. TRAVEL SERVICE

Mr. SCOTT. Mr. President, I rise in support of the recommended increased appropriations for the U.S. Travel Service. As approved by the Senate Appropriations Committee, this vital arm of the Commerce Department will be allocated $7.5 million, less than the full administration request, but $1 million over the House allowance.

Anyone who has reviewed our current balance of payments recently knows that we are sending out more dollars than we are taking in. As I have said on the floor of the Senate many times in the past, we certainly can reverse this unhealthy trend by encouraging more foreign visitors to see America. This is the job of the U.S. Travel Service, but they need additional support for their promotional activities.

I was a sponsor of the legislation 10 years ago to create the U.S. Travel Service. Since that time, their program has expanded significantly. USTS has done a remarkable job in promoting Pennsylvania, and I am pleased to note some of these activities specifically:

First, USTS has developed an attractive city folder on Philadelphia in 10 languages for use in promoting the city abroad.

Second, Pennsylvania attractions are prominently covered in USTS promotion materials that are used abroad.

Third, USTS works closely with the Pennsylvania tourism bureau and with the convention and visitor bureaus of Philadelphia and Pittsburgh.

Fourth, the plant-tour books carries a list of 58 Pennsylvania plants that have plant tours for foreign visitors.

Fifth, both Philadelphia and Pittsburgh have "Americans-at-Home" programs to open their homes to foreign visitors.

Sixth, USTS participated in the annual Pennsylvania travel conference.

Seventh, USTS has sponsored familiarization tours of Pennsylvania attractions by foreign travel writers and travel agents so they could go home and write about and sell Pennsylvania as a travel destination.

Eighth, 2 years ago, USTS held the annual meeting of the USTS overseas directors in Lancaster, so they could become better acquainted with the attractions of Pennsylvania.

Ninth, USTS has participated in two community meetings in Pittsburgh, the last called by the chairman of the county commissioners to develop foreign-visitor promotion and visitor-facilitation programs.

Tenth, several Pennsylvania hotels participate in the hotel language certification program.

One additional item of interest is the current Festival of American Folklife, at the Visit U.S.A. pavilion in Montreal. This program is part of the Man and His World exhibit, which runs through Labor Day. One of the prominent displays there is a Pennsylvania Dutch farm, where visitors can watch craftsmen and cooks show off their talents.

Mr. President, I urge the Senate to approve the recommended $7.5 million appropriations for the U.S. Travel Service. More than ever before, America must develop its ability to attract foreign visitors in greater numbers.

Mr. BURDICK. Mr. President, I rise today in support of something which I think is a good investment in the future of our Nation—added funds for the rehabilitation of criminal offenders.

There is no question that every one of my colleagues shares with me the strong desire to reduce crime. It is among the gravest concerns which the public has expressed to us in words and letters from our constituents.

If we are going to accomplish something, we first must recognize that the majority of crimes are committed by repeaters—and the cost of this recidivistic crime is billions of dollars per year. If we are to reduce crime we must do something about rehabilitating offenders, instead of turning hardened criminals back out on the streets again at the completion of their sentence.

The budget before us—for the Departments of State, Justice, Commerce. and related agencies—includes money for two agencies which have the potential for doing something about the problem of recidivism. I applaud the administration for having requested added funds for these activities, and I applaud the Committee on Appropriations for recommending these investments in rehabilitation.

As chairman of the Subcommittee on National Penitentiaries, I have had opportunities to observe first hand the work of the U.S. Bureau of Prisons, and I know that they are doing the best that they can, within the resources available, to provide treatment programs to the more than 22,000 Federal prisoners. Through the work of the Bureau's Director, Norman A. Carlson, they are providing leadership for the Nation in corrections.

Budgets approved in the past, however, had had to go largely for the maintenance of the custody and security of people in the Federal penal institutions, with only a small part—about 15 percent—for rehabilitative efforts.

The new Bureau budget which we are considering today includes an increase in funds, from $125 million to $176 million, and a substantial percentage of those added funds will be used for rehabilitative efforts. Compared to the billions of dollars which the criminal repeaters cost our society in the form of taxes, loss of life, limb, and property, this increase is extremely modest.

I think, however, that approval of this increase must be taken as a commitment on the part of Congress to try to do something about crime at the point where something most needs to be done. It is only during the correctional process that the public has the offender under its supervision, and it is here—or maybe never—when we can do something to influence these men and women to live lawfully. Any investment we make in such innovative forms of correction as community treatment centers will be small in comparison to the costs of crime to our society.

I also wish to express my support for the new funds which this legislation before us would make available in grants for improved State and local correctional programs by the Law Enforcement Assistance Administration, because the majority of criminal offenses are against State and local law.

This is an area where leadership is necessary. The Bureau of Prisons, as a model for the Nation, can provide program leadership which can be implemented around the Nation with the aid of LEAA funds.

I also wish to call the attention of this body to an article by Richard Starnes, distributed by the Scripps-Howard News Service, which states very eloquently some of the problems and solutions for corrections in our Nation. I ask unanimous consent that it be reprinted at this point in the RECORD.

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

FAINT FLICKER OF HOPE LIGHTS OUR PRISONS

(By Richard Starnes)

As a young prison guard Norman Carlson occasionally watched old convicts who had been a decade or more behind bars make their way thru the gates toward a precarious freedom.

What should have been a happy occasion often was not.

"Many of them would go literally in fear and trembling," recalls Mr. Carlson, who is new director of the U.S. Bureau of Prisons. "They were completely institutionalized, totally unprepared to return to society.

"We'd given them their $10 gate money and a suit of prison-made clothes and turned them loose. Often they had no friends or family, rarely even a job. It's no wonder so few of them made it. I often wonder if I could have made it myself in the same circumstances."

At 37, Mr. Carlson is responsible for some 21,400 federal prisoners and presides over spending an annual budget of $176 million. In many ways he epitomizes the refreshing breeze that has begun to sweep the dank and cheerless corridors of America's jails and prisons.

ATTEMPTS TO LEARN WHY

For the first time in man's 5,000-year history of keeping other men locked up, society is beginning to make systematic efforts to learn why some men wind up in prison, why some who regain their freedom stay out, and why an appalling number do not.

Altho federal institutions account for only a small percentage of those who are imprisoned in the United States (on any day the total behind bars is around 365,000), the U.S. Bureau of Prisons is in the forefront of reform.

"Entirely apart from humanitarian considerations," Mr. Carlson notes, "pure economics demand that we find ways of improving our correctional system. The direct cost of keeping a man in prison for a year runs to $4,000 or $5,000. But there are studies showing that when other costs are added in, such as keeping a man's family on welfare, it can cost the taxpayers as much as $10,000 per prisoner per year."

For a $3.6 billion industry, U.S. jails and prisons must rank along with Penn-Central and Lockheed for poor return on investment.

Success or failure in prison work is measured by a $5 word: recidivism. It means simply backsliding—the percentage of released men who again resort to crime and again find themselves in the hands of the law. It is a percentage that runs very high in the United States.

Even good institutions often have a 50 percent rate of failure; the national average is around 70 percent. That means essentially that a lot more than half of the $3.6 billion spent keeping men in jail is wasted.

"FLICKER OF LIGHT"

While Mr. Carlson is a realist and concedes that some of his wards are so hostile and aggressive that there is little that can be done except to protect society from them, his real enthusiasm is reserved for a number of innovative Bureau of Prisons programs "that are beginning to show a little flicker of light at the end of the tunnel."

One of these is the Robert F. Kennedy Youth Center at Morgantown, W. Va. An ultramodern institution where prisoners are called students, where there are no walls and guards, RFK has been open little more than two years. But the first fragmentary results of intensive computerized studies of its records are becoming known, and Mr. Carlson finds them "extremely encouraging."

Indications are that as many as 80 percent of Morgantown's "graduates" are still on the straight and narrow after a year. If these figures hold up (and Mr. Carlson is at pains to emphasize their tentative and preliminary nature) they are encouraging indeed. For at another Federal youth institution, a traditional closed prison at Englewood, Colo., the rate of failure may be as high as 50 percent, although Englewood itself is counted a good institution.

WHAT MAKES SUCCESS?

"Even at Morgantown," Mr. Carlson observes, "one of the problems is that it is difficult to know exactly which programs are responsible for whatever success we may be having. Is it the open nature of the institution? Religious program? Work-release? Vocational training? Academic programs? We simply don't know yet."

Extensive use of computerized psychological studies is being made at federal institutions for hardened criminals as well as at its youth centers. The aim is twofold: To try to find why men go wrong, then to try (as at Morgantown) to tailor correctional programs that will insure the enormous expense of their treatment will not have to be repeated again and again. All these studies are in their infancy, but some facts are already beginning to emerge.

Ninety-five per cent of the men sentenced to federal prisons, for example, need medical or dental care. But what is more startling, 66 per cent of these never before in their lives have had any medical care at all. Ninety-five per cent are high-school dropouts. Seventy-five per cent come from broken homes.

"If there is a generalization that can be drawn it is that these men are terribly lacking in the kind of warm, interpersonal relationships that the rest of us take for granted," Mr. Carlson says.

"I visited Morgantown recently and talked to a number of students and it was remarkable how many spoke of one or another staff member to whom they could relate. For some of them it was probably the first relationship with a stable adult they'd ever had."

FEW SHOWPLACES

Altho Mr. Carlson is fond of quoting a bromide popular in the correction business ("with the right staff you could run a good institution in an old red barn") he is acutely aware that much of the federal prison system is being run in woefully obsolete plants.

While showplaces such as Morgantown or a new maximum security prison at Marion, Ill., seem to hold great promise, the grim fact is that most of the men in federal custody are being housed in buildings so old and crowded that it is all but impossible to get on with the process of trying to change men's lives.

"McNeill Island (a federal adult penitentiary in Washington State) was built in 1870 as a territorial prison. It is still in use, and 1,200 men are kept there. Atlanta and Leavenworth were both built around 1900. You don't find schools and hospitals that old still in use—only prisons."

But the vast majority of men behind bars are clustered hopelessly at the bottom of the correctional ladder in city and county lockups, and Mr. Carlson feels that these local jails (many of them barbarous, almost all of them obsolete) are "the crux of the correctional problem."

"Everyone we get, and everyone who is sent to a state institution, has first been in a city or county jail—often rotting with nothing to do for months," he says. "If they were not criminals when they went in they certainly are when they get out."

CORRESPONDENCE COURSE

In cooperation with the Law Enforcement Assistance Administration (LEAA), the Bureau of Prisons is helping upgrade local lockups. A bureau correspondence course for town and county-level correctional officers was oversubscribed and has gone into a second printing.

Bureau officers are stationed at each LEAA regional office to give technical assistance to local jailers, and Mr. Carlson himself is a tireless lecturer to sheriffs' associations, halfway-house groups and other organizations concerned with the custody and rehabilitation of criminals.

LEAA will spend about $100 million in the next year to help improve local lockups, but as enormous as that sum is, it is only a tiny fraction of what is needed.

It has been estimated that it would cost in the neighborood of $12 billion at today's prices to modernize present (prison) physical facilities," Mr. Carlson told a Massachusetts group dedicated to promoting halfway houses last spring. "In economic terms alone we would appear to have no alternative but to turn to the community and its resources. . .

"We know that over 95 per cent of those committed to prison ultimately are returned to society," he continued. "The fact that some 70 per cent of all offenders released from custody will be arrested again is conclusive evidence that institutional confinement is not serving its intended purpose of correction."

HELP FROM SCIENCE

Mr. Carlson, who holds a Master's degree in Penology, thinks correction is "an art not a science." But like everyone else troubled by society's ancient inability to understand why some of its members become outlaws, Mr. Carlson keeps hoping for hard scientific evidence that will give the answer.

"Already funded and on the drawing boards is our new behavorial research center that will be built at Butner, N.C.," he says.

"We'll have prisoners there from across the board—kids, men from maximum security institutions, even women. The center's principal assignments will be to study, evaluate and diagnose people with the sort of emotional problems that lead to violence.

"In this country we still do not know anything about what causes violence."

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. McCLELLAN. Mr. President, in order to correct a printing error in the pending bill, I ask unanimous consent that on page 32, line 22, the figure $230,145,000 be stricken and that the figure $239,145,000 be inserted instead, which is the correct amount. This was caused by a typographical error in the printing of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCLELLAN. Mr. President, so far as I know, there are no other amendments.

Mr. BYRD of Virginia. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. I yield.

Mr. BYRD of Virginia. I note on page 8 of the report that the committee increased the appropriation by $22,000 for the rental fee to the Waldorf-Astoria for the quarters of the official U.S. Representative to the United Nations. My question is this: What is the annual rental now being paid to the Waldorf-Astoria?

Mr. McCLELLAN. At present it is $33,000.

Mr. BYRD of Virginia. The rental at the present time is $33,000, and it will now be $55,000?

Mr. McCLELLAN. It will be $55,000, yes. It has gone up that much. We either have to do that or try to build something. They have been occupying those quarters for the past several years.

Mr. BYRD of Virginia. I thank the Senator.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 9272.

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

Mr. McCLELLAN. Mr. President, I know of no other amendments——

Mr. FULBRIGHT. Mr. President, will my distinguished colleague yield to me for a comment or two?

Mr. McCLELLAN. I am glad to yield to my distinguished colleague from Arkansas.

Mr. President, how much time do we have on the bill?

Mr. FULBRIGHT. Just a few minutes is all I shall need.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

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

Mr. FULBRIGHT. Mr. President, I have considered and discussed this matter with my distinguished colleague from Arkansas, and I have decided not to offer an amendment.

The budget estimate for the item on educational and cultural exchange activity was $45,466,000. The House allowed only $40 million. They also required that $5.8 million be used to purchase excess foreign currencies. Most of the foreign currencies are not really usable in this program. They consist of Indian, Pakistani, and Egyptian funds, which cannot be utilized successfully in this program. If they were, it would distort the program beyond all recognition and reason.

I only want to say that this matter is in the bill and was discussed in the hearing. I regret that they could not get the full amount recommended by the administration. Yet I am pleased that they did recommend an increase in the total figure from $40 million to $42 million, and also cut the requirement of $5.8 million in foreign currencies to $4 million. It will be a useful step forward, provided they can hold this in conference.

The history of the program has been that the Senate has always been much more understanding and forthcoming on the program than the House, for reasons I cannot go into now. The House has always been extremely critical and unsympathetic to the program. In 1966, the program was $53 million. They cut it back to $31 million. It is just now gradually being increased.

The chairman of the subcommittee handling the bill was very kind to allow the increases which I have mentioned. I only wish to urge him to hold this, if he possibly can, in the conference, because when we compare the result of the activities with activities such as Radio Free Europe, which costs about the same, or the USIA, which costs about 4 times as much, there is no question about the effects of it.

The record of John Richardson, the administrator of the program, shows him to be the best man whom I have ever seen in this activity. His testimony, which is very enlightening, will, I hope, be read by all Senators.

For example, he gave one startling fact, which I think is a typical example, that of the 16 present members of the West German Cabinet, 13 had been beneficiaries under the program. There are many other statistics here as to other governments, that this has had the effect of concentrating the activities both here and in the various countries which have participated.

Neither USIA or Radio Free Europe are comparable to the exchange program. In fact, I think that Radio Free Europe has, like Radio Liberty, has had an advance effect on the President's policies in Europe, particularly Eastern Europe. Those programs have long outlived their day. They were originated some 20 to 25 years ago and I think they are no longer useful to present administration policy as announced in that area.

I urge the conferees to stand firm in the conference on the amounts which the committee has allowed.

I thank my distinguished colleague for yielding to me.

The PRESIDING OFFICER. Who yields time? Do Senators yield back their time?

Mr. McCLELLAN. I am ready to yield back all time on this side if the other side is.

Mr. HRUSKA. Mr. President, I yield back all time on this side.

The PRESIDING OFFICER. All time on the bill has now been yielded back.

The question is on final passage of the bill, H.R. 9272.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART) the Senator from Washington (Mr. JACKSON), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD), and the Senator from New York (Mr. JAVITS) would each vote "yea".

The result was announced—yeas 88, nays 0, as follows:

[No. 154 Leg.]

YEAS—88

Aiken	Chiles	Goldwater
Allen	Church	Gurney
Allott	Cook	Hansen
Anderson	Cooper	Hartke
Baker	Cotton	Hollings
Beall	Cranston	Hruska
Bennett	Curtis	Hughes
Bentsen	Dole	Humphrey
Bible	Dominick	Inouye
Boggs	Eagleton	Jordan, N.C.
Brock	Eastland	Jordan, Idaho
Brooke	Ellender	Kennedy
Burdick	Ervin	Long
Byrd, Va.	Fannin	Magnuson
Byrd, W. Va.	Fong	Mansfield
Cannon	Fulbright	Mathias
Case	Gambrell	McClellan
McGee	Percy	Stevens
McGovern	Prouty	Stevenson
McIntyre	Proxmire	Symington
Miller	Randolph	Taft
Mondale	Ribicoff	Talmadge
Montoya	Roth	Thurmond
Moss	Saxbe	Tower
Muskie	Schweiker	Tunney
Nelson	Scott	Weicker
Packwood	Smith	Williams
Pastore	Sparkman	Young
Pearson	Spong	
Pell	Stennis	

NAYS—0

NOT VOTING—12

Bayh	Griffin	Jackson
Bellmon	Harris	Javits
Buckley	Hart	Metcalf
Gravel	Hatfield	Mundt

So the bill (H.R. 9272), as amended, was passed.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. INOUYE) appointed Mr. McCLELLAN, Mr. ELLENDER, Mr. PASTORE, Mr. HOLLINGS, Mr. FULBRIGHT, Mrs. SMITH, Mr. HRUSKA, Mr. FONG, and Mr. YOUNG conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Arkansas (Mr. McCLELLAN), deserves the highest commendation of the Senate for the manner in which he won final approval for the State-Justice-Commerce appropriation bill. The Senator's dedication as shown by his many years of untiring work, was shown many times today. The judicious and helpful observations concerning various parts of the bill helped this body more clearly understand the importance of this legislation.

The charming and able help offered by the Senator from Maine (Mrs. SMITH), certainly expedited this important legislation. Her patient and forthright comments certainly helped form the working consensus we have witnessed here today.

Other Senators added immensely to the discussion of this measure also. Notable were the contributions of the distinguished senior Senator from Michigan (Mr. HART) and the distinguished senior Senator from Wisconsin (Mr. PROXMIRE). They urged their own strong and sincere views on certain features of this measure with great skill and ability. The same is certainly true for the efforts of the able senior Senator of Maryland (Mr. MATHIAS).

The senior Senator from Pennsylvania (Mr. SCOTT) deserves special recognition for offering his important amendment to the bill and guiding it to acceptance by a majority of the Senate. The distinguished minority leader is certainly always helpful in legislative matters.

Just as Senator SCOTT may be proud of his achievement today so may the distinguished and able Senator from Nevada (Mr. BIBLE) be justly proud of the adoption of his amendment by voice vote. His offering of this amendment certainly helped gain support for it in the Senate.

The distinguished and able Senator from North Carolina (Mr. ERVIN) also deserves a note of thanks for his contributions to the discussion today. The fairness with which he approached the passage of his amendment should be noted by all Members of this body.

The disposition of these many issues has made this a very productive day. The able and distinguished leadership of the Senator from Arkansas (Mr. McCLELLAN) and the strong, able assistance from the Senator from Maine (Mrs. SMITH) are appreciated by this body.

THE "MISSING" $1.7 BILLION: WHERE DID IT GO?

Mr. PERCY. Mr. President, last week the Subcommittee on Foreign Operations and Government Information of the House Committee on Government Operations heard testimony from Mr. Oye Stovall, Director of the General Accounting Office's International Division, on Vietnam pacification programs and their costs. These programs, eight in all, are organized under the central management of an organization known as CORDS—Civil Operations and Rural Development Support. CORDS is administered by a Deputy to the Commander of the U.S. Assistance Command in Vietnam, who has the rank of Ambassador. CORDS was set up in 1967. In 3 fiscal years 1968, 1969, and 1970, slightly less than $4 billion was spent on CORDS programs—$2.1 billion of which was contributed in the form of materiel, services, and money by U.S. Government agencies, and the remainder contributed by the Government of Vietnam. It is estimated that as much as 70 to 90 percent of the Vietnam Government's contribution is made by the United States.

Mr. Stovall's testimony and subsequent questioning by members of the subcommittee, was very valuable because it revealed definitively that the Defense Department which supplies the bulk—about 85 percent—of the direct U.S. contribution to CORDS programs, does not have accounts or audits to show how much money actually has been and is being spent on the pacification programs, and what it is being spent for.

These accounts are not maintained either by the CORDS command, the Military Assistance Command in Vietnam—MACV—or the U.S. Embassy.

The Defense Department, in a statement issued July 13, assured the public that it and the individual armed services do in fact have "obligational data" to account for all DOD contributions of material and money to pacification and development programs. This statement is misleading and evasive, and does not respond to the finding of the GAO or the concerns that I have expressed about the needs for control and accounting of these vast sums.

The GAO witnesses last week said that while DOD may have accounts for material sent to Vietnam, it cannot show how this material and money is used. End use accounting does not exist. The accounting ends in most cases when the material arrives in Vietnam, and its use is not traced further. The witnesses said they doubt whether they will ever be able to trace the train of supply from U.S. sources through to end uses. Were it possible to do so, GAO would eventually be able to supply Congress with an accounting of the uses to which billions of dollars have been put in Vietnam—an accounting that should have been kept by the Department of Defense since CORDS inception in 1967.

The present practice is shocking in its disregard for the proper stewardship of American taxpayers' funds. Yes, we know the material was shipped but we have no way of knowing whether it was used as intended. We know the money has been spent but we cannot tell whether it was spent properly. The GAO witnesses last week under questioning said it was possible that some of the U.S. aid could have fallen into enemy hands, or ended up in the black market.

The General Accounting Office has, under the Budgeting and Accounting Act, sections 112 and 113, the responsibility to set accounting standards and practices by the executive departments. The GAO must pursue its investigations immediately and urgently, and we in Congress must give it complete backing. Additional hearings into the operation of the CORDS program are necessary and should be undertaken. At the minimum, the Defense Department must immediately give its full cooperation to establishing a centralized accounting and auditing procedure for CORDS programs in the CORDS command.

Mr. President, when I consider the number of hours I have spent with the distinguished assistant majority leader, with the distinguished chairman of the Washington, D.C., Subcommittee on Appropriations, trying to account for hundreds and thousands and tens of thousands of dollars, and cut down and pare and reduce expenses; when I find that we have a program here where $1.7 billion somehow is lost and cannot be fully accounted for; when we feel that we have discharged our full obligation by shipping billions of dollars of materiel and equipment to Vietnam, and then just issuing it upon call to the South Vietnamese without really being able to determine whether the various supplies and equipment that we are sending there might not be sold or siphoned off to the enemy and used against our forces, or might not be shoved into the black market, requiring greater American support for the economy of South Vietnam; when we consider that we have been sending bombers for years and spending billions of dollars bombing supply routes, and yet because of the lack of paper work or accounting and auditing procedures we really cannot determine where millions of dollars, hundreds of millions of dollars, of materiel have actually gone, and whether it has gone for the purpose and objective intended for it—then I think something should be done about it; and I feel it is time that the Congress of the United States exercises its oversight responsibility to make certain that we do all know what happens to taxpayers' funds of the American Government.

THE ECONOMY

Mr. PERCY. Mr. President, the prestigious conference board has just issued a report of considerable concern to me, as it has profound implications for our economic recovery. According to a recent conference board survey, consumer buying intentions have begun to wane after rising in the first months of 1971. Effects of this fall-off in consumer sentiment will be felt increasingly in several industries, notably the automobile and major appliance industries, unless prompt action is taken. Coming on the heels of statistics which indicate that inflation continues to be a major problem, this news of consumer attitudes must be taken seriously.

During the last 6 months the evidence has continued to mount that consumer attitudes will play the major role in the current economic recovery. Econometric studies have shown that a significant rise in consumer confidence could alone create more jobs and set in motion more production than tax reductions or public works projects combined. Figures prepared by the Joint Economic Committee, on which I serve, indicate that such a rise could make a difference of 1 million extra jobs by the end of this year.

These figures only confirm what my business constituents tell me in too many areas: American business is waiting for the consumer to signal the call for more production. This call has evidently not yet come, at least to a sufficient degree.

I support every effort of the President and the administration to make the restoration of confidence its major goal of economic policy. But there is more the administration can do, I believe, to convince the American people that positive programs now in effect are turning our massive economy around and heading it in the right direction. And there is also more the administration can do to mobilize the powers of the Federal Government in an effective fight against inflation and unemployment.

All of the flashy palliatives which critics of the administration propose pale into insignificance beside the power of a confident consumer public. By the same token, however, I cannot agree with the interpretation of negativism and "wait and see," attributed to administration statements recently.

The President has already set in motion a $20 billion plus program for economic recovery, budget figures indicate. He has won from the Federal Reserve a monetary policy to complement this massive fiscal expansion. He has proposed far-reaching legislation to bring relief to hard-pressed States and cities. He has just signed into law a program creating 150,000 jobs for essential State and local government services. He has prevented an international monetary crisis from affecting the course of our economic expansion. He has taken decisive action to cool the runaway inflation in the construction industry. He has successfully intervened in rolling back a steel price hike. The administration has implemented new regulations for accelerated depreciation for business, which will enable American business to write off equipment at a more realistic rate and make it more competitive in world markets.

These are not the actions of a "wait-and-see" President.

On the other hand, I share the growing impatience of the American people that methods for controlling inflation and generating jobs are not being found fast enough. I urge the President to demonstrate to the American people in every possible way that the Government will not stand idly by while inflation erodes the dollar and, in effect, undermines our society and the American family. We cannot afford to be doctrinaire about the use of emergency powers, or about revising economic legislation, such as our antitrust laws, if the failure to take action will merely perpetuate this unacceptable inflationary spiral.

A further step that would increase productivity would be the restoration of the 7 percent investment tax credit which would provide new incentives for investment in plant and equipment.

I also urge the President to declare that the Federal Government will not hesitate to expand the scope and size of the public sector jobs concept if future conditions warrant. The American people deserve to know that their Government can and will provide the stimulus which is necessary to help bring unemployment down to acceptable levels within the shortest possible time.

For my part, I am studying legislation that will strengthen agencies of the Federal Government most concerned with wage and price behavior. The President's National Productivity Commission, for example, should be leading the way toward cost control, but to date it has produced almost nothing tangible. So far as results are concerned, the same can be said for the Regulations and Purchasing Review Board, which was supposed to pinpoint areas where changes in Government procurement could reduce inflation. The system of inflation alerts, launched with considerable fanfare last year, has clearly lacked both sufficient staff and sufficient guts to put the spotlight on unduly inflationary wage and price behavior. I believe there is considerable room for strengthening these important but neglected operations.

I agree with Arthur Burns, the chairman of the Federal Reserve Board, that the President ought to establish a wage-price commission which, although it would not have the authority to impose controls, would throw the light of publicity on excessive price or wage increases.

Mr. President, confidence grows slowly. It is fragile, too. But its effect on the course of our economy can outweigh the predictions of an army of economists. In the highly politically charged atmos-

phere which greets each new economic statistic, confidence is likely to suffer from extremes of ups and downs. But what is needed at the present is a substantial, consistent injection of confidence into our economic outlook. I hope to help show how this can be done. I commit myself to working cooperatively to see that it is done.

Finally, I am encouraged that the conference board report shows home buying expectations remaining strong and consumers more optimistic than 2 months ago. Twenty-seven percent of consumers interviewed expect their incomes to go up over the next 6 months, up from 24 percent just 2 months ago. Let us hope that this optimism will be reflected in stronger retail sales and a proportionate reduction in the present high record breaking 7 percent savings rate. Estimates that the economy grew by $20 billion between April and June is solid evidence that the economy is recovering, though not yet at a fully satisfactory rate.

Mr. President, I have just been advised by a constituent in the container business, which to me has always been a good barometer of economic outlook—that business includes containers, boxes, and bottles—that business was good in the month of June, continued strong in July, and appears to be strong for the third quarter. Economists for the container industry predict it will be very strong for the third quarter.

Manufacturers do not buy containers ahead of time unless they anticipate they are going to have something to put in them. So I trust the registration of confidence in this industry will reflect itself in consumer confidence and that we will have no fear of the future.

Certainly, one of the dramatic points made manifest in recent days is that there can be a basis for renewed confidence in the future based on the lessening of the world tensions. This can have a significant impact on our trade possibilities. Certainly when the President goes to Peking in the spring, one of the early items on the agenda will be the possibilities of trade with mainland China. Certainly, they are interested in such trade. Every Communist country is interested in finding a way of having a market for its products.

I feel that is an area where we need have no concern. If there is any area where we are pre-eminent, it is in our ability to trade. During the years ever since World War II we have had immense trade surpluses, indicating that we have the resources and ability to trade in world markets, and that it was of advantage to the American public and the American economy.

We can just take one illustration. In China, we have 750,000,000 people. One of the early actions after diplomatic recognition by Canada was an agreement for grain products to be sold to mainland China. China's 750,000,000 people can use a great deal of food, and it is obvious that they are not producing enough to feed themselves, much less have any to export.

We are the largest exporter in the world of agricultural products, and I cannot think of any good reason why we should not sell agricultural products abroad to mainland China, and take back in return items that are in short supply here. There might be critical raw materials that we need to feed the machines and factories of American industry.

So here again, I think our objective could be to increase our trade in nonstrategic goods with eastern European countries, with mainland China, and with other areas of the world with which we have been deprived from trading in the past. We could have an expectation that a possible half million jobs could be created by opening up these new fast-growing markets to American industry.

So I think there is basis for cautious optimism for the future, and the near future as well as the long-range future. I hope that optimism will be shared by the American public, that they will not be retaining holdings and savings in fear, but that they will feel they can expand their expenditures, keep our industry moving, take people off of welfare rolls and put them on payrolls, and once again get the economy moving and help us reduce this horrendous Federal debt we now have as a result of lower corporate incomes as well as lower personal incomes.

Mr. President, I yield the floor.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES APPROPRIATION BILL, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 257, H.R. 9382; that the bill be laid before the Senate and made the pending business; and that time thereon not begin to run until tomorrow.

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

The bill will be read by title.

The assistant legislative clerk read the bill (H.R. 9382) by title, as follows:

A bill making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and for the information of the cloak rooms, I trust that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m., following a recess.

Immediately after the recognition of the two leaders under the standing order, the Senate will proceed to the consideration of the pending business, H.R. 9382, the HUD appropriation bill.

Under the agreement, there is a time limitation of 1 hour on the bill, with one-half hour on any amendment thereto. The yeas and nays have already been ordered on passage of the bill.

Upon disposition of the HUD appropriation bill, the Senate will proceed tomorrow to the consideration of the AEC authorization, upon which there is a time limitation agreement. Under the agreement there is a time limitation of 1 hour on the bill, with one-half hour on any amendment thereto with the exception of any one of the four amendments which may be offered by the Senator from Alaska (Mr. GRAVEL), in which case there is a limitation of 1 hour on each amendment.

One rollcall has already been ordered for tomorrow. Undoubtedly there will be other rollcalls during the day; so it will be a busy day.

The distinguished majority leader has indicated, and has asked me to reiterate, that there may be Saturday sessions in the event they are needed, in view of the August 6 recess, which is only 3 weeks away.

RECESS UNTIL 10 A.M. TOMORROW

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 recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 45 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, July 20, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate, July 19, 1971:

U.S. CIRCUIT COURTS

James Hunter III, of New Jersey, to be a U.S. circuit judge, third circuit, vice William F. Smith, deceased.

James Rosen, of New Jersey, to be a U.S. circuit judge, third circuit, vice William H. Hastie, retired.

U.S. DISTRICT COURTS

Herbert F. Murray, of Maryland, to be a U.S. district judge for the district of Maryland, vice Roszel C. Thomsen, retired.

Joseph H. Young, of Maryland, to be a U.S. district judge for the district of Maryland, vice R. Dorsey Watkins, retiring.

Albert V. Bryan, Jr., of Virginia, to be a U.S. district judge for the eastern district of Virginia, vice a new position created by Public Law 91–272, approved June 2, 1970.

OFFICE OF SCIENCE AND TECHNOLOGY

John Dickson Baldeschwieler, of California, to be Deputy Director of the Office of Science and Technology, vice Hubert Heffner, resigned.

U.S. AIR FORCE

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force, to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8392, title 10, of the United States Code:

To be Brigadier Generals

Col. William A. Browne, [redacted] FG, Mississippi Air National Guard.

Col. William S. Elmore, [redacted] FG, Alaska Air National Guard.

Col. Wendell G. Garrett, [redacted] FG, Indiana Air National Guard.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

To be captains

Clinton D. Upham
Floyd J. Tucker, Jr.
James P. Randall

To be lieutenant commanders

Albert J. Semtner, Jr.
Bernard N. Mandelkern
Thomas E. Gerish
Melvin S. Asato
Caroll D. North, Jr.
William W. Spychalla
Donald E. Nortrup

To be lieutenants

William F. Murphy
Kenneth A. Pier
C. Patrick Hodgson
Charles G. Adelseck, Jr.
Allan F. Divis
Jerry A. Miller
Douglas A. Briggs
Paul M. Duernberger
Richard M. Mathis
John P. Campton
Lowell R. Goodman
Andrew N. Bodnar, Jr.
Martin R. Mulhern
Charles H. Langdon III
Kenneth W. Potter
Stephen H. Scolnik
Gerald C. Retzlaff
Donald C. Suva
Newell W. Wright
Donnie M. Spillman
Joseph J. Morley
John E. Thomasson
Larry A. New
Michael L. Adams
Garry W. Elliott
Albert E. Theberge, Jr.
Arthur N. Flior
John R. Hudson, Jr.
James L. Stokoe
Michael E. Wagner
Robert E. Hunt, Jr.
Richard K. Muller
Donald L. Suloff
Stephen J. Mangis
Roger P. Hewitt
David H. Johnson
Alan D. Hirschman
Lawrence L. Lake
Norman L. Lovelace
Andrew L. Sikes
Thomas Ballentine
Robert B. Lawson
Harvey L. Parry, Jr.
Ronald L. Gester
Thomas W. Richards
Robert W. Rushing
Howard W. Herz
Ronald J. Smolowitz
Donald W. Nostrant
Stephen C. Schwartz
Archibald C. Davis III
Raymond W. Reilly
Robert C. Roush
Stephen E. Anderly
William A. Viertel
Robert L. Johnson
George C. Fuller
John R. Annett
Thomas M. Goforth
William M. Hornick, Jr.
Wayne A. Hoyle
Raymond Louis Stewart McGee, Jr.

To be lieutenants (junior grade)

Warren K. Taguchi
Abram Y. Bryson, Jr.

To be ensigns

Michael J. Eisenstat
Steven J. Hollinshead
Robert E. Karlin
Lawrence E. Keister
Thomas W. Raszala
Bobby J. Taylor
James A. Watkins
Thomas R. Crane
Joseph M. Kunches
Kenneth H. Underwood
Richard D. Black
Jeffrey P. Calebaugh
Richard H. Daly, Jr.
Brent G. Harris
James R. Hastings
George W. Jamerson
James H. Hartzell
Stephen H. Manzo
Michael R. McCaslin
Michael C. Meyer
Craig S. Nelson
Alan J. Potok
Robert J. Schmidl
James D. Servais
David J. Stockwell
Richard Tabor
James L. Warner
Burl L. Wescott
Sydney R. Withers

EXTENSIONS OF REMARKS

ENERGY AND THE ENVIRONMENT DISCUSSED BY SENATOR RANDOLPH IN ADDRESSING AMERICAN BAR ASSOCIATION—NEW YORK TIMES FUELS AND ENERGY SERIES PRAISED

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, July 19, 1971

Mr. RANDOLPH. Mr. President, in addressing a July 6, 1971, luncheon session of the American Bar Association convention in New York City, this Senator declared that the public again is being placed on notice that the Nation is on the verge of being confronted by a deepening energy crisis. It was noted in this connection that newspapers in Washington and elsewhere recently carried articles announcing a Government program which relies on volunteer action to conserve electricity. I pointed out that in the Government report, "Survey of Electric Power Problems," by the Office of Emergency Preparedness, Executive Office of the President, the immediate energy outlook seems to be discouraging.

On the same day, July 6, the New York Times published the first of three articles by John Noble Wilford on the energy crisis. The first was captioned: "Nation's Energy Crisis: It Won't Go Away Soon, as Demand for Power Grows." Mr. Wilford opened with this paragraph:

> For the third straight summer, Americans by the millions are living under the daily threat of power brownouts, blackouts and possible electric rationing. But it is more than a seasonal shortage of power. It is part of a national crisis that won't go away—the energy crisis.

Mr. Wilford wrote further:

> Nationwide, authorities in the Administration and out expect the crisis to continue for some time . . . In Fact, they say, it is likely to persist for years . . .

The second of Mr. Wilford's articles appeared in the July 7 issue of the New York Times and was captioned, "A Nuclear Future Looms the Nation's Energy Crisis." It was devoted mainly to nuclear approaches to solving the energy crisis. But there is a warning based on events of the past, such as this portion of Mr. Wilford's first article:

> Another miscalculation was made back in 1966 when the nation's first truly commercial nuclear power plant was completed at Oyster Creek, N.J. Utilities began 'thinking nuclear'. They rushed to place orders. Consequently, the coal industry slowed down the development of new mines and, looking for new markets, signed some big export contracts, especially with Japan.

So we must ask, Will nuclear power be a continuing will-o-the-wisp as the search continues for technologically feasible breeder reactors? Can the country really rely during the next 10, 15, or 20 years on nuclear power as the single most productive answer to the energy crisis, or are we over-optimistic as we were in 1966 at the time the Oyster Creek plant came on the line? The chances are that, for the short range, we are experiencing considerable nuclear power and breeder reactor over-optimism. Fo the long range, it is to be hoped we can be more optimistic concerning the breeder reactor and nuclear power.

It is interesting and a tribute to realism to read in Mr. Wilford's article No. 2:

> Not all current energy research involves nuclear technology. A number of researchers are working on processes to remove polluting chemicals from fuels before combustion and on devices, such as improved electrostatic precipitators, to clean stack gases. Utilities are supporting research to improve transmission lines.

My regret is that insufficient technological progress is being made in these endeavors to improve use of fossil fuels while the search for better nuclear power processes continues. And the costs of these processes—so far as they have advanced—are reported to be incredibly high.

It is important to note in Mr. Wilford's second article the recognition he accords to one of the brighter prospects for development of a new clean fuel to expand energy supply and to improve the environment; namely, gasification of coal.

He wrote:

> One of the more promising lines of research is directed toward converting high-sulfur coal into sulfur-free, pipeline quality gas—a synthetic form of natural gas.
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> The Department of Interior's Office of Coal Research is doubling its efforts in coal gasification, aiming toward the operation of a large demonstration plant by 1976. A smaller pilot plant is running in Chicago.
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> The gasification process involves heating crushed coal under very high pressures. Reactions between steam and the coal's carbon gives off carbon monoxide and hydrogen. In a series of further reactions, sulfur is removed and the gases are converted to methane, which is what natural gas is.

Mr. President, I urge that we work energetically on the short-range solutions to the energy crisis and persistently on the long-range answers. The Times series is thought-provoking and informative. The third and final part was printed July 8 under the caption: "Nation's Energy Crisis: Is Unbridled Growth Indispensable to the Good Life?" The series made a more-than-adequate case for the fact that the energy crisis is real and its articles are thoroughly responsive to the energy-economy-environment interrelationship. Represen-