United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, FIRST SESSION

SENATE—*Monday, July 26, 1971*

The Senate met at 12 o'clock noon and was called to order by Hon. ABRAHAM RIBICOFF, a Senator from the State of Connecticut.

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

Eternal Father, Ruler of men and nations, deliver us now from the clash and clamor of the world without, from the tumult and turbulence of our times, and from the confusion of many voices, that we may hear again Thy "still small voice." May this moment of reverence at this shrine of the patriot's devotion give us a sense of Thy presence throughout the day and an awareness of Thy guiding power. And should we lose sight of Thee, we beseech Thee not to lose care of us. Hold ever before our finite minds and our human endeavors the vision of the infinite and the eternal.

Make us unafraid of the world in which we live, prepared for sudden change and the rise of new problems and challenges.

O Thou Guardian of the traveler, be with the voyagers in space, keeping their minds keen and their spirits in tune with Thee.

We pray for all Thy children in this stricken world that peace and justice may come in our time, Thy kingdom come and Thy will be done on earth.

In the Redeemer's name 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 second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 26, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ABRAHAM RIBICOFF, a Senator from the State of Connecticut to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

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 Acting President pro tempore (Mr. RIBICOFF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Saturday, July 24, 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.

CROP INSURANCE COVERAGE FOR CERTAIN PERSONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 290, S. 1139.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 1139) to amend the Federal Crop Insurance Act, as amended, so as to permit certain persons under 21 years of age to obtain insurance coverage under such act, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 1, line 9, after the word "on", strike out "the grounds he is under twenty-one years of age if such person is (1) over eighteen years of age, and (2) otherwise qualifies for insurance under this Act" and insert "the ground that he is under twenty-one years of age if such person is (1) over eighteen years of age, and (2) has a bona fide insurable interest in a crop as an owner-operator, landlord, tenant or sharecropper: *Provided*, That any such person who enters into a Federal Crop Insurance contract shall be subject to the same legal liability and have the same legal rights with respect to such contract as any person over the age of twenty-one years." "; so as to make the bill read:

S. 1139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Crop Insurance Act, as amended (7 U.S.C. 1501–1519), is amended by adding at the end thereof a new section as follows:

"PERSONS UNDER TWENTY-ONE YEARS OF AGE

"SEC. 520. Notwithstanding any other provision of law, no person shall be denied insurance under this Act solely on the ground that he is under twenty-one years of age if such person is (1) over eighteen years of age, and (2) has a bona fide insurable interest in a crop as an owner-operator, landlord, tenant or sharecropper: *Provided*, That any such person who enters into a Federal Crop Insurance contract shall be subject to the same legal liability and have the same legal rights with respect to such contract as any person over the age of twenty-one years."

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–296), explaining the purposes of the measure.

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

SHORT EXPLANATION

This bill would require Federal crop insurance to be made available to persons between 18 and 21 years of age.

COMMITTEE AMENDMENT

The committee amendment, which was recommended by the Department of Agriculture, would remove the minor's disability and make him fully liable on such contracts.

COST ESTIMATE

The committee estimates that no appreciable additional costs would be incurred in carrying out the bill in any of the 6 fiscal years beginning with the current fiscal year. This estimate agrees with the estimate contained in the attached report of the Department of Agriculture.

DEPARTMENTAL VIEWS

The report of the Department of Agriculture recommending the enactment of the bill with the committee amendment is set out below.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar, under New Report.

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

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar, under New Report, will be stated.

DEPARTMENT OF DEFENSE

The second assistant legislative clerk read the nomination of Frank P. Sanders, of Maryland, to be an Assistant Secretary of the Navy.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of the legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

SUCCESSFUL BEGINNING OF APOLLO 15 FLIGHT TO THE MOON

Mr. SCOTT. Mr. President, at 9:34 this morning, three gallant astronauts left the surface of mankind's abode through all of the millennia of time and are soaring heavenward through the atmosphere toward destination moon. The hopes and prayers of the American people go with them. Our wishes for their success are great. Our hopes for their safe return are, of course, paramount.

For all who undertake these perilous missions, there is for the rest of us the period of the bated breath, the time of waiting, and the anticipation of its successful conclusion.

For those who dare the eagle's flight,
Be with them, Lord, through day and night.

ORDER OF BUSINESS

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

(The remarks of Mr. HARTKE when he submitted Senate Resolution 156 and the ensuing discussion are printed in the Morning Business section of the RECORD under Submission of a Resolution Relating to Foreign Relations of the United States.)

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arkansas (Mr. FULBRIGHT) is recognized for not to exceed 15 minutes.

(The remarks of Mr. FULBRIGHT are printed in the RECORD with Mr. HARTKE's remarks on the submission of Senate Resolution 156.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with a limitation to each Senator recognized of 3 minutes.

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

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

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. 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.

WOMEN'S POLITICAL CAUCUS AND HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, the major groups in this country advocating greater rights for women have just completed a major political strategy meeting known as the Women's Political Caucus. I believe it is important to take careful note of the actions taken in that meeting in light of our inaction on the question of ratifying the Convention on the Political Rights of Women.

Regardless of the fact that they constitute over half of the population, women have been treated as second-class citizens in employment, education, and many other areas of national life. Today, American women are uniting in an effort to change their status. In the opening statement of the caucus, Gloria Steinem put it this way:

> We are gathering together, therefore, in a Women's Political Caucus. We share these beliefs: That the self determination of women, more than half the country, is much too large a goal to be partisan issue . . .

The goals of the vast majority of those fighting for equal rights for women are the goals of all Americans. We in the Senate have the opportunity to advance those goals, and to show our solidarity with them. The most obvious step in that effort is to ratify the U.N. Convention on Women's Political Rights, which has been languishing in the Foreign Relations Committee now for a number of years. Many other countries of the world have already approved it.

It contains no provisions which in any way violate existing provisions of national law; it provides only that women be accorded equality in matters of voting, running for political office and holding positions of public responsibility. It will advance the cause of rights for American women, the women of the rest of the world and in fact, the rights of all mankind. I urge its speedy report to and ratification by the Senate.

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The following letters were laid before the Senate by the Acting President pro tempore (Mr. RIBICOFF), and referred as indicated:

U.S. METRIC STUDY, INTERIM REPORT

A letter from the Secretary of Commerce, transmitting, pursuant to law, an interim report stemming from the U.S. Metric Study, prepared by the National Bureau of Standards (with an accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION TO AUTHORIZE ADDITIONAL FUNDS FOR ACTION

A letter from the Director of Action submitting proposed legislation authorizing additional funds for Action (with accompanying papers); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Afiairs:

"ASSEMBLY JOINT RESOLUTION No. 36

"Relative to the East Side Division of the Central Valley Project

"Whereas, The proposed East Side Division of the Central Valley Project is needed to meet existing ground water overdrafts in areas along the east side of the San Joaquin Valley; and

"Whereas, The East Side Division offers the only feasible means of delivering supplemental water to these areas to meet increasing domestic, municipal and industrial demands which are worsening the present overdraft condition; and

"Whereas, The East Side Division can be used to improve water quality conditions in the San Joaquin River System and can furnish water to enhance fish and wildlife habitat; and

"Whereas, Eighty-five to 90 percent of the water made available by the initial phase of the East Side Division would serve lands which are now developed; and

"Whereas, This facility would prevent further subsidence of lands on the east side of the San Joaquin Valley, and in so doing would prevent the further loss of ground water storage capacity and the possible

worsening of water quality as lower depths are reached; and

"Whereas, The project is economically and engineeringly feasible, there is a market for the water, and the project would be a worthwhile addition to existing Central Valley Project facilities; now, therefore, be it

"Resolved by the Assembly and Senate 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 expedite the processing of, so as to authorize as early as possible, the proposed East Side Division of the Central Valley Project, along with other proposed additions to the Central Valley Project to the end that water can be made available to meet overall state demands; and be it further

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COOK, from the Committee on the Judiciary, without amendment:

S. 79. A bill for the relief of the Glover Packing Co. (Rept. No. 92–303).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

H.R. 3201. An act for the relief of Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Peggy A. Lewis Townsend; Kim C. Lewis; Cindy L. Lewis Kochendorfer; and Frederick L. Baston (Rept. No. 92–306).

By Mr. FONG, from the Committee on the Judiciary, without amendment:

S. 592. A bill to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950) (Rept. No. 92–304); and

S. 1418. A bill for the relief of William Phillips (Rept. No. 92–305).

EXECUTIVE REPORTS OF COMMITTEES

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

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

John W. Larson, of California, to be an Assistant Secretary of the Interior.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

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

S. 2342. A bill to create a Golden Gate National Recreation Area. Referred to the Committee on Interior and Insular Affairs.

By Mr. SPARKMAN:

S. 2343. A bill for the relief of Walter Anders. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH (for himself and Mr. CHURCH):

S. 2344. A bill to amend the Foreign Assistance Act of 1961 to provide for international drug control assistance and to prohibit foreign assistance from being provided to foreign countries which do not act to prevent the illegal production, processing, or distribution of narcotic drugs used or intended to be used in the United States or by U.S. Armed Forces outside the United States. Referred to the Committee on Foreign Relations.

By Mr. HATFIELD:

S. 2345. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for donations of blood. Referred to the Committee on Finance.

By Mr. STEVENS:

S. 2346. A bill relating to manpower requirements, resources, development, utilization, and evaluation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. CHILES:

S.J. Res. 140. A joint resolution to establish a temporary Cuban Refugee Study Commission. Referred to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S.J. Res. 141. A joint resolution to authorize appropriations for expenses of the Council on International Economic Policy, and for other purposes. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2342. A bill to create a Golden Gate National Recreation Area. Referred to the Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, on behalf of myself and Senator TUNNEY, I introduced for appropriate reference, a bill to create a Golden Gate National Recreation Area.

Many people across the United States know that stretching northward from a point 20 miles north of San Francisco, 65,000 acres are now being transformed into the Point Reyes National Sea Shore confirmed to public use by the 86th Congress. The proposed bill, introduced today, will connect that National Seashore to a National Recreational Area stretching 50 miles down the coast from Point Reyes to the southern end of the city of San Francisco.

The establishment of this recreation area will help serve the congressional purpose of bringing the national parks to the people. It would provide an opportunity both for residents of the Bay area and for visitors to San Francisco to travel a short distance to enjoy the educational and recreational benefits of a national park area.

Presently 5 million people live in the San Francisco Bay area near the proposed national recreation area. Current population projects indicate that in the year 2020, the population of the area will reach 15 million. Putting this land aside for recreational use would bar high density development from still unspoiled Western Marin County, and save the San Francisco Bay area from many of the problems of urban congestion.

Historical precedent decrees open access to the five forts on both sides of the Golden Gate Bridge. The five old forts which overlooked the Golden Gate are rich in history and are scenically situated. The key fort is the world famous Presidio which dates back to Spanish California days 195 years ago. Established in 1776, it was taken over by the Mexicans in 1822, and became a U.S. post after it was taken—captured—by the Marines of the U.S. Portsmouth in 1846.

The other forts lining the bay are similarly rich in heritage. Fort Point was established by the Spanish in 1793 and was taken without a shot by Fremont and a small launch-borne party from Sausalito in 1846. Fort Mason, established in 1796 as the "Baterina, San Jose," was the official residence for commanding generals for the department of the West from 1865 to 1943. Preserving these forts in a national recreational area will keep intact these historical reminders of our past for the edification of future generations.

A national recreation area also will preserve in their pristine state large amounts of acreage with unique animal and plant life. Included in the park would be the Audubon Canyon Ranch which includes a second grove of redwoods that is a major nesting place for the great blue herons and American egrets. The redwoods are so located that visitors can walk a winding trail to an overlook from which to peer down on the nesting habits of the two rare species.

The rookerys are situated right next to the Bolinas Lagoon—one of the few remaining tidal basins in the whole regions. One hundred fifty bird species feed at this spot and many of them breed there. Last year 30,000 people came to watch and listen. They learned much about the food-chain sequence, and they saw first hand some clear links in a lagoon ecosystem, a revealing microcosm of the marine life cycle.

The Duxbury Reew would be another part of the Golden Gate recreation area. This reef creates a tidal pool where unique forms of marine life breed. These pools are inhabited by diverse and strange forms, some resembling the oldest fossils. No environment can boast more astonishing examples of successful survival adaptations: the sea star which can regrow several limbs; the acorn barnacle which secretes its own protective shell; the flower-like anemone whose tentacle cells paralyze small marine animals on touch and the chiton mollusk which has a tiny rasp for scraping algae off rocks. Protected by the reef, they can withstand the continual surge of Pacific breakers, being alternately drenched by the ocean and warmed by the sun. They are threatened only by extensive, indiscriminate collection by man. Inclusion of the reef in the recreation area will halt this wanton destruction and preserve the reef as an educational facility for all Americans.

Besides these ecological preserves, the Golden Gate recreational area will include vast stretches of land covered with redwoods, pine, and other vegetation to be explored and enjoyed by man. Much of the land is mountainous and will provide challenging opportunities for climbing and nature walks.

Finally the park will include areas

within the city of San Francisco that are in easy distance by foot or bus. These portions of the park will allow people rich and poor, old and young, to see close to their homes wild animal and plant life in their natural settings. Nature so close at hand can work wonders in making otherwise unbearable urban living refreshing, enjoyable and salutary to body and soul alike.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point in my remarks.

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

S. 2342

A bill to establish a national recreation area in San Francisco and Marin Counties, California

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

ESTABLISHMENT

SECTION 1. In order to preserve for public use and enjoyment certain areas of Marin and San Francisco Counties in California, many of which are surplus public lands, possessing unique natural, historic, scenic, and recreational values, and in order to provide for the maintenance of needed recreational open space necessary to urban environment and planning, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall establish a national recreation area (hereinafter referred to as the "recreation area"). In the management of the recreation area, the Secretary shall utilize the resources in a manner which will provide for recreational and educational opportunities consistent with sound principles of land use planning based on a comprehensive, balanced, and coordinated plan of land use and management. In carrying out the provisions of this Act, the Secretary shall preserve the recreation area, as far as possible, in its natural setting, and protect it from development and uses which would destroy the scenic beauty and natural character of the area.

COMPOSITION

SEC. 2. (a) The recreation area shall comprise the following land areas together with adjacent submerged lands and adjacent water areas not to exceed one-quarter of a mile offshore as generally depicted on the map entitled "A Proposed Golden Gate National Recreation Area Boundary Map" Number— and dated—, which shall be on file and available for public inspection in the offices of the National Park Services of the Department of the Interior:

(1) those areas of Marin County commonly known as Marincello (2,138 acres), The Witter Ranch (923 acres), the Green Gulch Ranch (820 acres), the Slide Ranch (133 acres), the Gaddell property (150 acres), and the Banducci property;

(2) the following described property in Marin County, described generally as those parcels bounded on the north by Sir Francis Drake Boulevard; on the east by Sir Francis Drake Boulevard to its intersection with Samuel P. Taylor State Park on the northerly side thereof, thence along the westerly boundary of Samuel P. Taylor State Park to its intersection with the land of the Marin Municipal Water District known generally as the Kent, Lagunitas, Alpine, and Bon Tempi Lakes property, thence along the westerly boundary of said Marin Municipal Water District property to its intersection with Mount Tamalpais State Park, and thence along the westerly boundary of Mount Tamalpais State Park; on the south by the westerly and northerly boundary of Mount Tamalpais State Park; and on the west by State Highway Numbered 1 to its intersection with Sir Francis Drake Boulevard at Olema; and also including the land lying to the west of State Highway Numbered 1 which borders on the easterly side of Bolinas Lagoon; and excluding the property within the community of Stinson Beach;

(3) an area along the southern and easterly boundary of the Presidio including but not restricted to the Julius Kahn public playground. The site of the proposed El Polin Elementary School, and the area east of Arguello Boulevard including the Inspiration Point area, and the area southeast of the Babe Ruth Baseball Park extending to and past Presidio Boulevard to the Presidio boundary on the southeast; and

(4) that area commonly known as Sutro Baths (12.5 acres).

(b) There shall be transferred to the Secretary, without consideration, for inclusion in the recreation area, the following Federal lands:

(1) the former military posts known as Forts Barry, Baker, Funston, Cronkhite, and the former Navy Net Depot at Tiburon;

(2) Fort Funston, Fort Miley, and 3.4 acres of land adjacent to the United States Veterans Hospital administered by the United States Navy, Fort Mason, and the Fort Point National Historic Site;

(3) those portions of the Presidio of San Francisco, more specifically described as follows:

(A) the area bounded by San Francisco Bay on the north, Lyon Street on the east, Doyle Drive and United States Highway 101 to the point due north of the northwest corner of San Francisco National Cemetery, thence along Lincoln Boulevard to its intersection with El Camino Del Mar and the northern boundary of Baker Beach State Park on the south and the Pacific Ocean on the west;

(B) that area bounded on the north by Kobbe Avenue between Lincoln Boulevard and Washington Boulevard, on the east by Washington Boulevard to its western intersection with Compton Road, thence due south to the northern boundary of the United States Public Health Service hospital, thence along the boundary of said hospital to its intersection with 15th Avenue and the southern boundary of the Presidio of San Francisco; on the south by the southern boundary of the Presidio and on the west by Lincoln Boulevard. Any military housing and any military installation within the boundaries described in this subsection which is considered by the President to be vital to the needs of the United States is hereby excepted;

(C) those remaining portions of that area of the Presidio of San Francisco, known generally as Fort Scott, and described more particularly as that area bounded on the north by Lincoln Boulevard, on the east by Lincoln Boulevard to the intersection of Lincoln Boulevard with McDowell Avenue, and thence from said intersection to the easterly pillar of a gateway in the northwesterly side of San Francisco National Cemetery, thence from said easterly gate pillar southwesterly along the northwesterly side of the cemetery wall and its prolongation to an intersection with Park Boulevard, and thence along Park Boulevard to its intersection with Washington Boulevard, on the south by Washington Boulevard, and on the west by the Washington Boulevard, to its intersection with Kobbe Avenue, thence along Kobbe Avenue to its intersection with Lincoln Boulevard, and thence along Lincoln Boulevard; and

(D) the Presidio golf course.

SEC. 3. (a) The Secretary is authorized to enter into such agreements with the State of California and its political subdivisions as may be necessary to provide for the joint operation of any of the recreation area and any of the adjoining park lands owned by such State or political subdivision and for operation of joint tourist facilities, including ferries and other means of transportation.

(b) The Secretary is authorized to accept the donation by the State of California of any park or recreation lands immediately adjacent to the recreation area, if such donation is made without charge to the United States.

(c) The Secretary is authorized to accept the donation by the State of California of Angel Island, Bakers State Beach, James D. Phelan State Beach, Marin Headlands State Parks, and Seal Rocks State Beach.

(d) The Secretary is authorized to accept donation of the following properties from the city and county of San Francisco, its subdivisions, or the State of California and its lessees: The Marina Green, Marina Yacht Harbor, Aquatic Park, San Francisco Maritime State Historical Park, Ocean Beach, Lincoln Park (excepting the Palace of the Legion of Honor).

SEC. 4. The Secretary is authorized to set aside areas for such navigation aids as may be necessary on any part of the recreation area.

SEC. 5. Any acquisition of lands, waters, or interests therein shall not diminish any existing rights-of-way or easements which are necessary for the transportation of persons or materials to or from the Presidio of San Francisco or any military installations located completely within the recreation area.

SEC. 6. Any property of the United States bordering San Francisco Bay, or Suisun Bay, or the recreation area, which is declared surplus to the needs of the United States after the date of enactment of this Act shall, upon such declaration, become a part of the recreation area, unless the Secretary shall expressly declare that such property is not needed for the recreation area, in which case such property shall be disposed of in accordance with the otherwise applicable provisions of law.

SEC. 7. Real property required to be transferred to the Secretary by this Act, includes all right, title, and interest of the United States in and to any land beneath any navigable waters of the United States within or contiguous to such real property.

ACQUISITION

SEC. 8. (a) Within the boundaries of the recreation area, the Secretary may acquire land, water, and interests therein by donation, purchase with donated or appropriated funds, exchange, transfer, or by such other means as he deems in the public interest. Any Federal property within the recreation area shall be transferred by the agency having custody thereof, without consideration, to the administrative jurisdiction of the Secretary for the purposes of the recreation area.

(b) (1) As of the effective date of this Act, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property within the boundaries of the recreation area, except real property owned by the State of California or a political subdivision thereof and except as provided in paragraph (3) of this subsection. The Secretary shall allow for the orderly termination of all operations on real property acquired by the United States under this subsection, and for the removal of equipment, facilities, and personal property therefrom.

(2) The United States will pay just compensation to the owner of any real property taken by paragraph (1) of this subsection. Such compensation shall be paid either:

(A) by the Secretary of the Treasury from money appropriated from the Land and Water Conservation Fund, including money appropriated to the fund pursuant to section

4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–7), upon certification to him by the Secretary of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 6 per centum per annum from the date of taking the property to the date of payment therefor; or

(B) by the Secretary, if the owner of the land concurs, with any federally owned property available to him for purposes of exchange pursuant to the provisions of subsection (c) of this section; or

(C) by the Secretary using any combination of such money or federally owned property.

Any action against the United States for the recovery of just compensation for the land and interests therein taken by the United States by this subsection shall be brought in the Court of Claims as provided in section 1491 of title 28, United States Code.

(3) This subsection shall apply to ownerships of one acre or less only if such ownerships are held or occupied primarily for nonresidential or nonagricultural purposes, and if the Secretary gives notice to the owner within twelve months after the effective date of this Act, of the application of this paragraph. Notice by the Secretary shall be deemed to have been made as of the effective date of this Act. The district court of the United States for that district in which such ownerships are located shall have jurisdiction to hear and determine any action brought by any person having an interest therein for damages occurring by reason of the temporary application of this paragraph, between the effective date of this Act, and the date upon which the Secretary gives such notice. Nothing in this paragraph shall be construed as affecting the authority of the Secretary to acquire such areas for the purposes of this Act.

(c) If any individual tract or parcel of land acquired is partly inside and partly outside the boundaries of the recreation area the Secretary may, in order to minimize the payment of severance damages, acquire the whole of the tract or parcel and exchange that part of it which is outside the boundaries for land or interests in land inside the boundaries or for other land or interests in land acquired pursuant to this Act, and dispose of so much thereof as is not so utilized in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended. The cost of any land so acquired and disposed of shall not be charged against any limitation on authorized appropriations contained in this Act.

(d) The owner of improved property on the date of its acquisition by the Secretary under this Act may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition minus the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purpose of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(e) The term "improved property", as used in subsections (d) and (e), means a detached, noncommercial residential dwelling, the construction of which was begun before June 1, 1971, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(f) The Secretary shall have, with respect to any real property acquired by him in that parcel described in section 2(a)(2) of this Act, authority to sell or lease the same to the former owner under such conditions and restrictions as will assure that it is not utilized in a manner or for purposes inconsistent with this Act or the Master Land and Water Use Management Plan described in section 9(b)(1) of this Act. Exercise of said authority by the Secretary, however, will not prevent him from acquiring such property at any future date should he deem the same necessary and appropriate to carrying out the purposes and provisions of this Act.

(g) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the recreation area, outside of such boundaries within the limits prescribed in this Act. Notwithstanding any other provisions of law, the Secretary may acquire such property from the grantor by exchange for any federally owned property under the jurisdiction of the Bureau of Land Management in California, except property needed for public use and management, which he classifies as suitable for exchange or other disposal, or any federally owned property he may designate. Such federally owned property shall also be available for use by the Secretary in lieu of, or together with, cash in payment of just compensation for any real property taken pursuant to this Act. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, the value shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. Through the exercise of this exchange authority, the Secretary shall, to the extent possible, minimize economic dislocation and the disruption of the grantor's commercial operations.

(h) Notwithstanding any other provision of law, the Secretary shall have the same authority with respect to contracts for the acquisition of land and interests in land for the purposes of this Act as was given the Secretary of the Treasury for other land acquisitions by section 34 of the Act of May 30, 1908, relating to purchase of sites for public buildings (35 Stat. 545), and the Secretary and the owner of land to be acquired under this Act may agree that the purchase price will be paid in periodic installments over a period that does not exceed ten years, with interest on the unpaid balance thereof at a rate which is not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities on the installments. Judgments against the United States for amounts in excess of the deposit in court made in condemnation actions shall be subject to the provisions of the Act of July 27, 1956 (70 Stat. 624) and sections 2414 and 2517 of title 28, United States Code.

(i) All Federal lands and interest in lands in Marin or San Francisco Counties (with the exception of the Presidio of San Francisco) on the border of the San Francisco Bay or the Pacific Ocean and that heretofore or hereafter are declared excess to the needs of the United States shall be transferred to the administrative jurisdiction of the Secretary without a transfer of funds. If the Secretary expressly declares that such property is not needed for the recreation area, such property shall be disposed of in accordance with the otherwise applicable provisions of law.

(j) Notwithstanding other provisions of law, all rights, title, and interest in Federal lands in the Presidio of San Francisco that heretofore or hereafter are declared excess to the needs of the United States Army shall be transferred to the jurisdiction of the Secretary of Interior as a part of the Golden Gate National Recreation Area.

ADMINISTRATION

SEC. 9. (a) The Secretary shall administer the recreation area in accordance with the Act of August 25, 1916 (39 Stat. 535), and the Act of August 21, 1935 (49 Stat. 666), and the Act of September 13, 1962 (76 Stat. 538).

(b)(1) In the administration, protection, and use of the recreation area, the Secretary shall prepare and publish within twelve months after the date of enactment of this Act a master land and water use management plan (hereinafter referred to as the "master plan"), which shall include specific provisions for—

(A) use of the facilities on the San Francisco side of the recreation area to provide for the optimal benefits of public recreation, consistent with maximum retention and creation of open space; and

(B) protection of the Marin side of the recreation area in order to preserve the natural scenic beauty of the area.

(2) Within six months after the date of enactment of this Act the Secretary shall prepare and publish a tentative land and water use management plan (hereinafter referred to as the "tentative plan").

(3) In the preparation of the tentative and master plans the Secretary shall consult with the Planning Commissions and Boards of Supervisors of Marin and San Francisco Counties, and the San Francisco Bay Conservation and Development Commission.

(4) In the preparation of both the tentative and master plans the Secretary shall conduct public hearings regarding the terms, provisions, and effects of said plans. The public shall have the right to propose the provisions or contents of the master plan, and to present evidence and testimony with regard thereto at each hearing. The Secretary shall conduct such hearings in both San Francisco and Marin Counties.

(5) The Secretary shall commence implementation of the master plan immediately upon the publication of the same.

(6) The Secretary shall follow the same procedure outlined above as to any proposed amendments to said master plan subsequent to the preparation and publication of the same, noticing and holding public hearings thereon.

(c) The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this Act.

(d)(1) There shall be no new construction of any building or structure in the area of the Presidio of San Francisco not described in section 2(b)(3)(A)–(D) of this Act without—

(A) prior written approval and consent of the Secretary; and

(B) prior demolition of a building or structure of the same or greater floor area on the same or an equivalent site.

(2) There shall be no change in the use of any building or area in the Presidio of San Francisco not described in section 2(b)(3)(A)–(D) of this Act, without the prior written consent and approval of the Secretary.

No part of the Presidio of San Francisco shall be relinquished by the United States.

(3) There shall be no change in the use of any building or area privately owned or leased within the designated boundaries of the recreation area without the prior written consent and approval of the Secretary.

(4) The Secretary in evaluating requests for consent and approval of proposed new construction or proposed changes in use shall consider any potential adverse effects on the environment within the boundaries of the recreation area and any potential impairment of the usefulness and attractiveness of the lands and waters within the designated boundaries of the recreation area.

SEC. 10. The recreation area shall be known as the Juan Manuel de Ayala National Recreation Area.

Mr. TUNNEY. Mr. President, I am pleased to join my senior Senator (Mr. CRANSTON) in introducing today the Golden Gate National Recreation Area legislation. There are few spots in the entire country which compare both in beauty and charm with the areas in San Francisco and Marin Counties which will be covered by the provisions of this bill. This legislation will assure that this marvelous region is preserved against the pressure of urban development and commercialization.

Included in the recreation area are some of the most beautiful and unspoiled lands in all California. The recreation area would begin at the south end of the Point Reyes National Seashore and would sweep southward between the coast and ridgetops, skirting the communities of Bolinas and Stinson Beach, to the Golden Gate. In San Francisco proper, the recreation area would split into two prongs, one segment following along the bayshore nearly to Fisherman's Wharf, and the other following the coast southward almost to the San Mateo County line. It will include all Federal and private property on the Marin coast, as well as approximately one-third of the Presidio, Crissy Airfield, and the golf course, and Forts Mason and Miley.

I am especially pleased that this bill will provide for the eventual transfer of all the Presidio lands to park status as part of the recreation area, whenever they are released by the Army. I think that this will help insure that this historic area will be forever reserved for the use of the public. In this connection, I am aware that questions have been raised about the precise relationship between the Presidio and the park, and about the best way to insure the park remains an unspoiled, protected area for all who visit San Francisco. I will follow the progress of this bill with the closest attention to this problem and will act whenever necessary to accomplish this goal.

Provision is also made for the inclusion of other lands in the Gold Gate headlands, should the city and State governments choose to donate them to the Federal Government. Thus, the bill would bring nearly 9,100 acres of land into the public domain for recreational uses in the future. As population and land-use pressures in the San Francisco Bay area increase, as inexorably they must, the value of these headlands retained as open space for public use can only grow.

At least as important as the recreational import of this bill, however, is the guarantee of indigenous wildlife preservation which it also implies. Urban development now threatens to disrupt or destroy the natural breeding grounds of literally hundreds of unique species of fish and wildlife. This bill recognizes this growing danger and intervenes to guarantee that these crucial coastal and tidal areas will be protected in their natural state.

Seldom does the Senate have such an opportunity to preserve, for the enjoyment of future generations, such splendid lands as are included in this bill. And, unfortunately, seldom is the need for prompt congressional action more critical than in this case.

Developers, Government agencies, private residents, and the military all have set their eyes on various sections of land covered by this bill. If the Congress acts decisively by adopting this legislation now, it can guarantee that the entire Golden Gate headlands and associated areas will be preserved in their natural state. Without such Federal action, now, no guarantee can be made that the open space will be retained. It is, therefore, with the greatest enthusiasm and optimism that I join in introducing this bill and recommend it to the closest attention of my colleagues. On behalf of Californians and all Americans, I urge the adoption of this bill at the earliest possible date.

By Mr. RANDOLPH (for himself and Mr. CHURCH):

S. 2344. A bill to amend the Foreign Assistance Act of 1961 to provide for international drug control assistance and to prohibit foreign assistance from being provided to foreign countries which do not act to prevent the illegal production, processing, or distribution of narcotic drugs used or intended to be used in the United States or by U.S. Armed Forces outside the United States. Referred to the Committee on Foreign Relations.

INTERNATIONAL DRUG CONTROL BILL

Mr. RANDOLPH. Mr. President, for myself and Senator CHURCH, I introduce, for appropriate reference, a bill to provide for an international drug control program.

I have for some time been deeply disturbed by the fact that so many of our young people have involved themselves in the so-called drug culture, that world of unreality, of irresponsibility, of crime, of despair. I know other Members of Congress share my concern.

The use of psychotropic and narcotic drugs has increased alarmingly. Children and youths from all economic and social backgrounds have been poisoning their bodies and their minds to such an extent that a drug epidemic now rages in our land. And it is revealed that at least 10 percent of the soldiers we have sent to serve in Southeast Asia are returning home as heroin addicts. A far higher percentage of these young men are frequent smokers of marihuana, or "pot," and users of amphetamines, barbiturates, mescaline, and LSD.

HEROIN ADDICTION INCREASING

The ravaging effects of drug abuse and drug addiction are great, yet we have only limited knowledge of the extent of the problem. We do know that there are at least 250,000 heroin addicts in America, but some experts say that the true figure is more than likely as high as 1 million users and addicts.

The addiction statistics for soldiers returning to this country from Vietnam have been widely quoted. It is said that there are between 30,000 and 40,000 young soldiers who have returned to this country with a heroin habit. But Dr. Joel Fort, a San Francisco authority on drug addiction, says that some 3 million soldiers have passed through Southeast Asia during the 10 years of American involvement in Vietnam, and that—

If just 10 percent of them turned on to heroin, that's 300,000 and that's a very conservative estimate. I think it is likely more than that.

Dr. Fort has urged the Federal Government to withdraw all military and economic aid from any government involved in heroin production. David Wellisch, coordinator of psychiatric services for the Haight-Ashbury Free Clinic agrees, and says:

We've had at least 200 returned veterans on heroin come to us in the last year. That's about 10 percent of everybody we've seen here. But it's not just the veterans, it's their wives too. And it's getting worse.

New York City has better drug abuse statistics than perhaps any other American city. There are 150,000 addicts in New York. It is reported that Central Harlem alone accounts for 40,000 of these.

In New York City 1,000 babies are born each year as heroin addicts, for a mother's addiction is passed prenatally to her children.

In many of our major cities and their suburbs, drugs have been introduced to very young schoolchildren. Heroin is even invading the elementary schools. I recall a news report not too long ago of a New York boy, age 9, who died from a heroin overdose.

The heroin plague is growing in New York and across the land—lives are being snuffed out, many more lives are being ruined forever.

ECONOMIC IMPACT OF DRUG ADDICTION

Aside from the personal and human tragedy of drug abuse and addiction, there is a terrible economic impact, which grows with each passing day. It takes money to support a drug habit, and much of it. The economic cost to this Nation is believed to run as high as $10 billion per year. The true dollar amount may be much higher. There are studies of New York City which indicate that theft solely by addicts living or operating in Central Harlem amounted to $2.3 billion in 1970. Since addiction is growing, this dollar figure will also grow.

CRIME AND THE ADDICT

Together with the economic impact of drug addiction is the crime associated with it. Experts now estimate that fully 50 percent of the crimes committed in our major cities today is drug related.

And what of the insidious, unseen crime of the evil provider of heroin and other drugs? Since the poppy grower receives about $25 per kilogram of opium gum, and since the street price of the processed and diluted heroin derived from that same amount of opium gum is approximately $200,000, someone is making a great sum of money by trading in human misery. Officials have strong reason to believe that the major beneficiaries of the trafficking in heroin and other drugs are organized crime, and the so-called syndicates. A new "sales promotion" gimmick of organized crime involves the provision of a free supply of heroin for 3 months. After this time, children will be "hooked," and the supplier has a new, assured source of revenue.

Organized crime is the major distributor and wholesaler of heroin in this country, and certainly we must attack the problem at that level. However, what of the producer, the processor, the shipper?

THE OPIUM POPPY AND HEROIN OVERSEAS

As I have said, each grain of heroin used in the United States is illegally imported here. Based on the findings of their worldwide study, Representatives MORGAN F. MURPHY and ROBERT H. STEELE submitted a comprehensive report entitled, "The World Heroin Problem," to the U.S. House Committee on Foreign Affairs. That report states:

The bulk of the heroin entering the United States is grown in Turkey and processed in Marseilles.

Although experts estimate that some 80 percent of the heroin now being peddled in the United States comes from Turkey, most of the world's supply of illegal opium originates in the Far East. Thailand, Burma, and Laos account for more than half the world's crop of illegal opium, which is estimated to total from 1,250 to 1,400 tons.

Thus, the recent encouraging announcement by the Turkish Government that it was taking a number of significant steps to end the production of opium in that country, concluding with the total termination of opium poppy growing by the end of 1972, may have little impact on heroin production in the long run. Dealers in illegal opium will, undoubtedly, be quick to shift their operations to the Far East, which even now is becoming an increasingly important source of supply for those who smuggle heroin into the United States.

It is for this reason that the United States must immediately initiate an offensive on all fronts to totally eliminate the production of opium in the world. If we do not mount such an all out effort, I fear that subsequent piecemeal attempts to stem the importation of heroin into America will be as effective as holding back a tidal wave with a wall of sand.

The House Foreign Affairs Committee report states:

Once the poppy pod is cut and the opium gum extracted and sold on the illegal market, the battle to prevent the end product, heroin, from reaching the addict is lost. The problem must be attacked at the source—in the poppy fields of the Near and Far East, principally in Turkey, Thailand, Burma, and Laos.

Because one of the most critical steps in eliminating heroin addiction in the United States is to dry up the source, I am introducing an international drug control measure today. I am pleased that the able Senator from Idaho (Mr. CHURCH,) who chaired the hearings in the Committee on Foreign Relations on the international drug traffic problem, is cosponsoring my proposal.

EXPLANATION OF PROVISIONS

Mr. President, it is my opinion, after reviewing all the pending legislation on international drug control, that none is as strong as it should be, particularly with respect to the impact of drugs on American troops stationed abroad. It is critical to the health and safety of this Nation's citizens that every possible effort must be made to eliminate the drug epidemic.

The concept of my proposal is not unique or complex. It involves both an inducement and a penalty for countries in which poppies, opium, morphine, heroin or other narcotic drugs are produced, processed, or distributed for use in the United States or by our Armed Forces stationed outside the United States. With some important modifications, my measure combines the provisions of S. 1188, introduced by Senator CHURCH, and bills introduced by other Senators.

It is my belief that these twin approaches to the problem are required if we are to hope for a worldwide curb on drug traffic. It is not sufficient, in my opinion, to provide economic assistance to countries whose cooperation we are seeking.

The first section of the bill requires the termination of foreign assistance to any country which does not take effective measures in cooperation with the United States to prevent narcotic drugs produced or processed in such country from unlawfully entering the United States or from being shipped or distributed for use by U.S. Armed Forces stationed overseas.

The second section of the bill authorizes the President to furnish assistance to any friendly foreign country to control or eliminate the production, processing or distribution of narcotic and psychotropic drugs.

Mr. President, this measure is only one important step this country must take if we are to wipe out the terrible blight of drug addiction that is sweeping like a plague across our land. The President's recent message on the subject contains other necessary initiatives. The capable and knowledgeable Senator from Iowa (Mr. HUGHES) and his Subcommittee on Alcoholism and Narcotics of which I am a member have developed, and will develop, other programs.

Is a generation of heroin addicts to be the end product of the American dream? Are we to find that this America of ours, full of promise and the potential for greatness among the greatest civilizations of history, is to tolerate a system which will produce millions of freaked-out, turned-on addicts, with no wills and decayed minds?

We cannot countenance such an eventuality. We have an absolute, immediate, imperative duty to do all that is necessary to stop this cancerous, narcotic evil from casting its black shadow over every corner of our land.

It is my understanding that the Committee on Foreign Relations will soon consider the foreign assistance bill in executive session. I am hopeful that committee members will incorporate my international drug control proposal—or one equally as strong—into the foreign aid measure which they report to the Senate.

Mr. President, I ask unanimous consent that the provisions of the 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. 2344

A bill to amend the Foreign Assistance Act of 1961 to provide for international drug control assistance and to prohibit foreign assistance from being provided to foreign countries who do not act to prevent the illegal production, processing or distribution of narcotic drugs used or intended to be used in the United States or by United States armed forces outside the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 620 of Chapter 1 of Part III of the Foreign Assistance Act of 1961, as amended, is amended by adding at the end thereof the following new subsection:

"(v)(1) The Comptroller General of the United States shall review and determine every six months, beginning six months following the date of enactment of this subsection, (A) the effectiveness of measures being taken by each foreign country to prevent (i) narcotic drugs, partially or completely produced or processed in such country, from unlawfully entering the United States, and (ii) narcotic drugs, partially or completely produced or processed in such country, from being shipped or distributed for use by United States armed forces outside the United States, and (B) whether that country has undertaken appropriate measures to prevent any such narcotic drug from unlawfully entering the United States and from being shipped or distributed for use by United States armed forces outside the United States. The Comptroller General shall, within 30 days following the end of each six month period referred to in this paragraph, make a report to the Congress of his review and determinations. In making his review and determinations, the Comptroller General shall take into account any actions taken by the President under Section 481, Chapter 8, Part I of this Act, and the reactions and responses of foreign governments resulting from such actions.

"(2) Ninety days after the making of any such report to the Congress, any foreign country with respect to which the Comptroller General has reported a determination under paragraph (1)(B) of this subsection that such country has not undertaken appropriate measures to prevent any such narcotic drugs from unlawfully entering the United States or from being shipped or distributed for use by United States armed forces outside the United States, shall thereafter receive no further foreign assistance from the United States; *provided,* that if, upon subsequent review the Comptroller General determines that such country has taken such appropriate measures, foreign assistance may be resumed as provided by law.

"(3) The President is authorized to utilize such agencies and facilities of the Federal Government as he may deem appropriate to assist foreign countries in their efforts to prevent the unlawful entry of narcotic drugs into the United States and the shipment or

distribution of such drugs for use by United States armed forces outside the United States. The President shall keep the Congress fully and currently informed with respect to any action taken by him under this paragraph. In addition to providing such information as it develops, the President shall make a report to the Congress, on any action taken or not taken, on the same date as the report of the Comptroller General required by paragraph (1) of this subsection.

"(4) No provisions of this or any other law shall be construed to authorize the President to waive the provisions of this subsection.

"(5) For the purposes of this subsection—

"(A) 'narcotic drugs' has the same meaning given that term under section 4731 of the Internal Revenue Code of 1954; and

"(B) 'foreign assistance' means any tangible or intangible item provided by the United States government (by means of gift, loan, sale, credit sale, guaranty, or by any other means) under this or any other law to a foreign country, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States Government of any foreign country."

SEC. 2. Part I of the Foreign Assistance Act of 1961 is amended by inserting immediately after Chapter 7 the following new chapter:

CHAPTER 8—INTERNATIONAL DRUG CONTROL ASSISTANCE

"SEC. 481. AUTHORITY.—(a) The President is authorized to furnish assistance to any friendly foreign country, on such terms and conditions he determines necessary, in order to encourage and enable that country to control or eliminate the production, processing, or distribution of narcotic and psychotropic drugs within its boundaries.

"(b) The President is authorized to furnish assistance to any international organization, such as the United Nations Special Fund for Drug Abuse Control, involved in efforts to control or eliminate the production, processing, or distribution of narcotic and phychotropic drugs.

"(c) Such assitance shall be used as follows:

"(1) To aid opium-producing nations in developing alternative crops and markets for such crops.

"(2) To provide new employment opportunities for those who become unemployed as the result of the limitation or eradication of opium production.

"(3) To strengthen the law enforcement and regulatory machinery of countries seeking to control the production, processing, and distribution of dangerous drugs.

"(4) To develop treatment, rehabilitation, and preventive education programs suitable to diverse cultures."

SEC. 3. The provisions of this Act shall be effective on the date of its enactment.

By Mr. HATFIELD:

S. 2345. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for donations of blood. Referred to the Committee on Finance.

Mr. HATFIELD. Mr. President, although less dramatic than many of the medical crises facing our Nation today, I am deeply concerned over the incidence of serum hepatitis contracted through blood transfusions.

It is estimated by the National Academy of Sciences that 30,000 people contract hepatitis yearly as a result of blood transfusions. To put it another way, one out of every 200 who receives a single-donor transfusion will contract hepatitis. This figure multiplies if the patient needs more than one transfusion. Over 1,500 deaths occur yearly from hepatitis received as a result of a blood transfusion.

In addition, there is a growing need to rely more heavily on commercial blood donors to meet the need for blood. Only 3 percent of the eligible American donors give blood to volunteer blood organizations. Blood is not available when it is needed by individuals, emergency organizations, or hospitals. This crisis could affect any of us at any time.

Paid donors unfortunately can include drug addicts, derelicts, and others who may be transmitters of hepatitis. It is, therefore, more and more crucial to increase the amount of blood contributed by volunteers. There is significant evidence, according to the American Red Cross that blood from volunteer donors carries only one-tenth the risk of hepatitis as that from commercial donors.

Presently there is no sure method for identifying hepatitis carriers. The best method for testing at the present time, is the "Australia" antigen test, which is only 20 to 30 percent effective. The only sure means of decreasing posttransfusion hepatitis is to increase the use of blood from sources known to have a lower risk.

I am sure than many of my colleagues have read about or know personally persons who have contracted hepatitis as a result of a blood transfusion, and are aware of the problem and its seriousness. Today, I am introducing legislation which would provide an incentive for individuals to donate their blood to a volunteer organization. This bill will amend the Internal Revenue Code of 1954 to allow an income tax deduction for donations of blood. A $20 deduction will be allowed for each pint of blood given, with a maximum of three pints per year, or $60 per year. This donation may come from the taxpayer, from his spouse, or from a dependent for whom he is entitled a deduction, each person being allowed three pints per year.

As my colleagues know, tax deductions are allowed for giving financial assistance to charitable organizations, such as the Red Cross and volunteer blood bank organizations. In my opinion, it would be consistent to allow donations for those who give their blood directly to the charitable organization.

I ask unanimous consent that the text of the 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. 2345

A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for donations of blood

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by renumbering section 218 as 219, and by inserting after section 217 the following new section:

"SEC. 218. DONATIONS OF BLOOD.

"Allowance of Deduction.—In the case of an individual, there shall be allowed as a deduction an amount equal to $20 for each pint of blood donated during the taxable year to or for the use of a governmental unit referred to in section 170(c)(1) or an organization described in section 170(c)(2) by the taxpayer, by his spouse (if he is entitled to a deduction under section 151(b) for his spouse), and by a dependent for whom he is entitled to a deduction under section 151(e).

"(b) Limitation.—The deduction under subsection (a) for any taxable year shall not exceed $60 with respect to donations by any individual."

(b) The table of sections for such part is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 218. Donations of blood.
"Sec. 219. Cross references."

SEC. 2. Section 62 of the Internal Revenue Code of 1954 (relating to definition of adjusted gross income) is amended by inserting after paragraph (9) the following new paragraph:

"(10) Donations of blood.—The deduction allowed by section 218."

SEC. 3. The amendments made by this Act shall apply to taxable years ending on or after the date of the enactment of this Act, but only with respect to donations of blood made on or after such date.

By Mr. STEVENS:

S. 2346. A bill relating to manpower requirements, resources, development, utilization, and evaluation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

MANPOWER TRAINING AND EMPLOYMENT ACT OF 1971

Mr. STEVENS. Mr. President, today I am introducing a bill to consolidate the many existing manpower programs and build upon solid accomplishments of the manpower program created by the Congress in the Manpower Development and Training Act of 1962, as amended.

In the past 9 years, we have seen the Congress establish a strong foundation for a national manpower program in the form of the Manpower Development and Training Act of 1962, or, MDTA, as amended. This program is widely commented by State and local officials, as well as by the thousands of individuals who have gained employment because of the training and services the act authorizes. The program has been termed the most successful manpower program yet enacted by the Congress, a view confirmed by a recent systems evaluation which has recently come to my attention. Under contract with the Department of Labor, North American Rockwell Information Systems Co.—NARISCO—concluded that MDTA institutional training is regarded by manpower professionals as being an "ongoing" program that "runs itself."

For a number of years, this program has effectively been used to meet the skill training needs of my constituents. It is no small achievement that the foresight of the original drafters of this legislation permitted a flexibility and breadth of program purpose, which has consistently responded to the needs of States as diverse in economy, natural resources and population as my own State of Alaska, on the one hand, and, say, the State of Florida or New York State on the other.

One of the most successful education and training ventures I have yet seen, the Alaska Skill Center, has been established in Seward. It is funded under MDTA and operated by the Alaska Department of Education in Juneau in

cooperation with the State department of labor and the economic development administration. This program is providing basic education, jobs skill training in four occupational clusters and hope to some 250 Alaskans who previously were unemployed or underemployed. Like my colleagues in this body, I need not emphasize the concern I have for the high rate of unemployment among my constituents. The Alaska Skill Center, which I personally have visited many times, is an important facet in our effort to bring greater employment opportunities to our citizens.

The Seward program is unique, as are the other 70 manpower training skills centers across the Nation, in that the education and training program is arranged in occupational clusters, an educational arrangement which has been broadly implemented under MDTA to an extent found in no other program. In my opinion, this program has provided greater flexibility in education program administration, and, more important, afforded greater occupational choice and skill exit levels for the trainees than any other yet devised.

I am convinced that the prime reason for success of the Alaska Skill Training Center stems from the legislation, the Manpower Development and Training Act, itself, in promoting the effective combination of agencies charged by the statute with responsibilities for manpower.

But I call to the attention of my colleagues the fact that the MDTA expires in less than 1 year. Although program disbursements may continue for an additional 6 months after that time, the effect of this termination date is already being felt. I should not wish to see the gains made during the past 9 years in my own State and throughout the Nation lost because we as a body failed to act, or failed to reach agreement on a program to meet the manpower needs of the 21st century—a time much closer than most realize. I am convinced that we must not destroy completely the existing manpower structures that have performed so successfully, and lose the manpower expertise built up in a multitude of State and local agencies. I do not say, however, that what the Congress has wrought should remain forever on the books. Obviously, the economic and manpower picture of the late 1970's is vastly changed since the MDTA was formulated in 1962. We have developed a much greater sophistication concerning manpower matters and we have a realization that "manpower" is a host of related functions, not one of which can be found in a single Cabinet-level Department.

For this reason, as well as others, I am today introducing S. 2346, the Manpower Training and Employment Act of 1971. It is intended to continue the basic intent and purposes of the Manpower Development and Training Act of 1962, as amended, by providing education and training opportunities to unemployed and underemployed individuals and by continuing to assist in the relief of skills shortages both in critical and in emerging occupations, and by making essential and timely improvements in the existing legislation.

Let me briefly outline the major provisions of S. 2346.

Title I establishes the National Manpower Advisory Council, and directs the Council to prepare an annual report pertaining to manpower requirements, resources, research, use, training and evaluation. It further sets forth provisions for evaluation, information, and research programs and for training and technical assistance.

Title II describes the various manpower training services and activities that may be conducted under the act, including the Job Corps now under the Economic Opportunity Act of 1964. It sets forth the requirements for State participation under the act, including the establishment of State manpower advisory councils; provides for a comprehensive manpower planning system at the State level; establishes State apportionment of benefits; describes participant eligibility and allowance payments, and describes the responsibilities of the Secretary of Health, Education, and Welfare and the Secretary of Labor.

Title III establishes a labor market information and job-matching program as well as career and employment development programs in both public and private agencies; career training through public service employment with public and private nonprofit agencies; and, an emergency employment assistance program to provide relief to designated job-distressed areas.

Title IV contains a number of miscellaneous provisions relating to the responsibilities of the Secretary of Health, Education, and Welfare and the Secretary of Labor in carrying out their duties under the act.

Basically, my bill reflects the principles of revenue sharing and decentralization as advocated by the administration. It further incorporates a permanent public service employment program to enable our fiscally hard-pressed State and local governments to keep up with expanding demands for public services. The Emergency Employment Act approved by our body on June 29, is a timely measure, but I point out to my colleagues that it is a 2-year legislation. What is to happen after that date? The Manpower Training and Employment Act of 1971 would assure that public service employment programs, utilizing to the maximum extent a career concept, would continue as one part of our national manpower program. Contrary to the emergency legislation now on the statute books, my bill would assure that individuals who go on public payrolls, are provided with the necessary education and training, not only to enhance their attachment to the labor force, but also to assure that quality public services would be provided. To reiterate, central to this provision of the Manpower Training and Employment Act of 1971, is the concept of career development, which is essential to a well-functioning public service employment program.

The existing administrative structures and manpower expertise developed through 9 years of program operations under the MDTA must not be lost in the rush to decentralize manpower program initiatives to State and local governments, as virtually necessary as this step is.

The Manpower Training and Employment Act of 1971 would provide for orderly institutional change without destroying the basic structure which forms the effective relationships among agencies with manpower resources. It would, however, provide for expansion of State and local agency manpower capability and responsibility.

As I previously noted, the success of the Alaska Manpower Training Skill Center is largely the result of effective interagency cooperation and relationships. I am particularly concerned lest the broad concerns and resources for human health, welfare and education vested in the Department of Health, Education, and Welfare be excluded by statute from the national manpower program. MDTA has been effectively administered by the Department of Labor and the Department of Health, Education, and Welfare, and their constituent State and local agencies—the State and local education and employment service agencies. Although jointly administered operational programs are rather unique in the annals of Federal legislation, program administrators in both Departments are constantly seeking ways to further remove administrative impediments to effective program operations. The benefits of their experience simply must not be lost. I share with many of my colleagues, who have already gone on record, a conviction that adequate structures for Federal interagency cooperation and coordination of manpower programs and resources do not now exist to the extent desirable. For this reason, my bill would provide for a National Manpower Advisory Council whose members would be appointed by the President and represent all Cabinet-level agencies having manpower responsibilities or expertise, as well as labor, management and the public. This Council would have "clout" and would assure adequate input of Federal resources to manpower problems in a total, coherent manner. The Council would not be, as is presently the case with the National Manpower Advisory Committee, the arm of any single agency or department. Its judgments would be independent of jurisdictional prejudices and prerogatives, and through it the Congress could more clearly identify program lines and fix or shift program responsibility. Even though the Manpower Training and Employment Act of 1971 continues joint agency responsibility, there are sufficient safeguards so that lines of accountability are clearly drawn.

Faced with the forthcoming expiration date of our key manpower legislation, the Manpower Development and Training Act of 1962, this body will, no doubt, in the very near future be required to consider how our national manpower program is to be restructured and consolidated. I know I am joined by most in this Chamber and by the other House in the conviction that such a reassessment

is timely and that rational consolidation of manpower programs is imperative.

The Manpower Training and Employment Act of 1971 which I propose, is a rational consolidation of manpower programs which would build upon and not destroy existing manpower structures and expertise. For these reasons I advocate the changes reflected in the Manpower Training and Employment Act of 1971, and commend this measure to my colleagues.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

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

S. 2346

A bill relating to manpower requirements, resources, development, utilization, and evaluation, 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 "Manpower Training and Employment Act of 1971".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds that there is critical need for more and better trained personnel in many vital occupational categories, including professional, scientific, technical, and apprenticeable categories; that even in periods of high unemployment, many employment opportunities remain unfilled because of the shortages of qualified personnel and, that it is in the national interest that current and prospective manpower shortages be identified and that persons who can be qualified for these positions through education and training be sought out and trained as quickly as possible. In addition, improved training and employment opportunities are vital to developing capacity for self-support by public assistance recipients, and the manpower system must assume special responsibility and accountability for training, placing, and upgrading these persons.

The Congress further finds that the skills of many persons have been rendered obsolete by dislocations in the economy arising from technological developments, foreign competition, relocation of industry, shifts in market demands, and other changes in the structure of the economy. With additional education and training, many of these persons could make a greater contribution to the national economy and share more fully in its benefits.

The Congress further finds that the problem of assuring sufficient employment opportunities will be compounded by the extraordinarily rapid growth of the labor force in the next decade, particularly by the entrance of young people into the labor force, that improved planning and expanded efforts will be required to assure that men, women, and young people will be trained and available to meet shifting employment needs; that in order to become qualified for reemployment or full employment many persons now unemployed or underemployed must be assisted in providing themselves with skills that are or will be in demand in the labor market; that the skills of many persons now employed are inadequate to enable them to make their maximum contribution to the Nation's economy; and, that it is in the national interest that the opportunity to acquire new skills be afforded to these people with the least delay in order to alleviate the hardships of unemployment, reduce the cost of unemployment compensation and public assistance, and to increase the Nation's productivity.

The Congress further finds that many professional employees who have become unemployed because of the specialized nature of their previous employment are in need of brief refresher or reorientation educational courses in order to become qualified for other employment in their professions.

The Congress further finds that there are great unfilled public needs in such fields as health, recreation, housing, neighborhood improvement and public safety, maintenance of streets, parks, and other governmental facilities, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement and that to meet these urgent public needs it is necessary to devote greater resources to public service and to expand public service employment at various levels.

The Congress further finds that it is essential to link together and coordinate the efforts of Federal, State, and local public and private agencies involved in performing manpower services; to develop new approaches for improved services and changes in traditional organization patterns used to assist economically disadvantaged and insufficiently trained individuals; and to coordinate the Nation's manpower needs and services as closely as possible with economic development, transportation planning, new residential housing, and other factors related to the development of new job opportunities.

The Congress further finds that technical, financial, and educational support provided to heretofore disadvantaged ethnic, racial, cultural, and linguistic groups, such as but not limited to that under the provisions of the Manpower Development and Training Act of 1962, as amended, to the Opportunity Industrialization Centers and SER, shall be continued under the intent and provisions of this Act.

It is therefore the purpose of this Act to require the Federal Government to appraise the manpower requirements and resources of the Nation; to develop and to apply the information and methods needed to deal with the problems of unemployment and underemployment; to develop new approaches for improved manpower services; and to establish a comprehensive and coordinated manpower program, designed to provide greater opportunities for education, training and related services necessary to assist individuals in developing their full economic and occupational potential, involving the efforts of all sectors of the economy and appropriate agencies at all levels of Government.

TITLE I—MANPOWER REQUIREMENTS, DEVELOPMENT, AND EVALUATION

NATIONAL MANPOWER ADVISORY COUNCIL

SEC. 101. (a) The President, after consultation with the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, shall appoint a National Manpower Advisory Council.

(b) The National Manpower Advisory Council shall consist of fifteen members and shall be appointed, without regard to the civil service laws, for terms of three years, except that (i) in the case of initial members, five shall be appointed for terms of one year each and five shall be appointed for terms of two years each, and (ii) appointments to fill vacancies shall be only for such terms as remain unexpired. The Council shall include persons representative of labor, management, agriculture, public and private education, vocational education and rehabilitation, and manpower programs. The Council shall meet at the call of the Chairman, who shall be selected by the President, but not less than three times a year.

(c) The Council shall:

(1) establish national manpower goals and develop appropriate standards for programs and services designed to meet such goals;

(2) advise the Secretary of Labor and the Secretary of Health, Education, and Welfare concerning the administration of, preparation of general regulations for and operation of manpower programs and services supported with assistance under this Act;

(3) review the administration and operation of manpower training, services, and other activities provided under this Act, including the effectiveness of such programs and services in meeting the purposes for which they are established and operated, make recommendations with respect thereto (including recommendations for changes in the provisions of this Act and related manpower Acts), and make an annual report of its findings and recommendations as provided in section 102 of this Act; and

(4) conduct independent evaluations of programs carried out under this and related manpower Acts and publish and distribute the results thereof.

(d) Members of the Council who are not regular full-time employees of the United States shall, while serving on the business of the Council, be entitled to receive compensation at rates fixed by the President, but not in excess of $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

(e) The Council is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions; to obtain the services of such full-time professional, technical, and clerical personnel as may be required in the performance of its duties; and, to contract for such assistance as may be necessary, and to this end not to exceed 1 per centum of the sums appropriated in any fiscal year to carry out title I, of this Act shall be available only for the activities authorized by this section.

(f) The President shall appoint a special assistant for manpower to serve on his staff; to coordinate the manpower activities of the various Federal departments, agencies, and commissions; to act as liaison with the National Manpower Advisory Council; to act as the President's principal advisor on manpower; and, to report and to make recommendations to the President and to the Congress on the manpower implications of the Federal budget and manpower programs generally.

MANPOWER REPORT

SEC. 102. The National Manpower Advisory Council shall transmit to the President and to the Congress within sixty days after the beginning of each regular session (commencing with the year 1972) a report pertaining to manpower requirements, resources, research, utilization, training, and evaluation. Such report shall include a complete and full report of the activities, findings, and recommendations of the Secretary of Labor and the Secretary of Health, Education, and Welfare in respect to their responsibilties under this Act; and, the findings and recommendations of the Council (including recommendations for changes in the provisions of this and related manpower Acts).

EVALUATION, INFORMATION, AND RESEARCH

SEC. 103. To assist the Nation in furthering technological progress while avoiding or minimizing individual hardship and widespread unemployment and to assist in expanding work opportunities and assuring access to those opportunities for all who desire them, (a) the Secretary of Labor shall:

(1) evaluate the impact of, and benefits and problems created by technical progress, and other changes in the structure of production and demand on the use of the Nation's human resources; establish techniques and methods for detecting in advance the potential impact of such developments; de-

velop solutions to these problems, and publish findings pertaining thereto;

(2) establish a program of factual studies of practices of employers and unions which tend to facilitate the mobility of workers or which impede mobility, including but not limited to early retirement and vesting provisions and practices under private compensation plans; the extension of health, welfare, and insurance benefits to laid-off workers; the operation of severance pay plans; and the use of both extended and short-term leave plans for education and training purposes. A report of these studies shall be included as part of the National Manpower Advisory Council's report required under section 102;

(3) appraise the adequacy of the Nation's manpower development efforts to meet foreseeable manpower needs and recommend needed adjustment to the National Manpower Advisory Council, including methods for promoting the most effective occupational use of and providing useful work experience and training opportunities for untrained and inexperienced youth; and

(4) promote, encourage, or directly engage in programs of information and communication concerning manpower requirements, development, and utilization, including prevention and amelioration of undesirable manpower effects from automation and other technological developments and improvement of the mobility of workers.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall establish:

(1) a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations or agencies or through contracts with other private organizations for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and education and training problems of worker groups such as the long-term unemployed, disadvantaged youth, displaced older workers, the handicapped, members of minority groups, veterans returning to civilian employment, and other similar groups. In carrying out this paragraph the Secretaries shall, where appropriate, consult with the Secretaries of Commerce and Housing and Urban Development and the Director of the Office of Economic Opportunity and other agencies. Where programs under this paragraph require institutional training, including but not limited to basic education, employability and communications skills, prevocational training, vocational and technical programs, and supplementary or related instruction for on-the-job training whether conducted at the jobsite or elsewhere, appropriate arrangements for such training shall be made by the Secretary of Health, Education, and Welfare in consultation with the Secretary of Labor. They shall also seek the advice of consultants with respect to the standards governing the adequacy and design of proposals, the ability of applicants, and the priority of projects in meeting the objectives of this Act;

(2) a special program of supportive services to families residing in rural areas provided that such services are necessary to (i) participate in education and training programs authorized under this Act or (ii) obtain employment. Such special supportive services may include but are not limited to:

a. a special program of mobile employment service units to provide recruitment, counseling, and referral to education and training programs or employment for persons residing in rural areas;

b. residential support for those persons referred to education and training programs when such programs are offered beyond a reasonable commuting distance from the person's home;

c. a special program of mobile health and education units to provide counseling, health and hygiene education, and referral of persons requiring health care to appropriate agencies for such service;

d. relocation payments and other special services as needed to assist unemployed individuals and their families to relocate to another area where a suitable job has been located; such assistance shall be limited to those persons who have participated in education or training programs offered under this Act before relocation or to those who have been accepted for on-the-job training with a reasonable expectation of continued employment upon completion of the on-the-job training by the employer;

e. a special program of follow-up services of up to one year, to heads of households who have participated in programs authorized under this Act and who have relocated in order to obtain full time employment; such services shall be established to assist families in adjusting to a new socio-economic environment and may include, but are not limited to problems of a health, education, housing, or family financial nature; and,

f. in addition to these special supportive services, participants shall be eligible for other education, training, and manpower services authorized under this Act.

(c) To further assess the effectiveness of various methods and approaches used in carrying out the purposes of the Act, the Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor, shall:

(1) arrange, through grants or contracts for the conduct of such research and investigations as give promise of furthering the education and training objectives of this Act; and

(2) provide, either directly or through grants or contracts for a system of continuing evaluation of all training programs conducted by public and private schools and training agencies and organizations, with assistance under this Act, including their impact on communities and participants, their implication for related programs, thet effectiveness of various methods and materials and the adequacy of their mechanism for the delivery of services and report the findings, including recommendations for corrective actions and their implications, of such evaluations to the National Manpower Advisory Council.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 104.(a) In carrying out the provisions of this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare shall provide, directly or through grants, contracts, or other arrangements, training for specialized or other personnel and technical assistance, which are needed in connection with the programs established under this Act or which otherwise pertain to the purposes of this Act, including the provision of training and technical assistance to designated State and Area Manpower Advisory Councils. The Secretaries shall:

(1) plan for, establish, and maintain a program of training, including but not limited to in-service training and staff development, and technical assistance to public and private agencies, institutions, and employers in order to assist such organizations in sponsoring or operating programs more effectively and providing services under this Act, in the most effective and efficient manner possible;

(2) provide for the development and distribution of technical manuals, guides and other resources in order to assure the early dissemination of information concerning advances or improved techniques, developed both as a result of this Act and through other sources, related to manpower training, services, and activities and their delivery;

(3) shall plan, establish, and operate, directly or through contract, an information service, to make available to agencies, organizations, and other groups and persons concerned with manpower programs and services, information on resources, techniques, and concepts useful in the conduct of training programs under this Act. Such information shall include that derived from research experimental and demonstration programs, and the evaluated experience of Federal, State, and local operations. The information shall be so designed as to be helpful in the establishment and improvements of training programs and related activities covered under titles I, II, and III of this Act; and,

(4) make, upon appropriate request, the special assignment of personnel to public or private agencies and employers to provide technical guidance with regard to programs funded under this Act, but no such assignments shall be for a period of more than two years.

(b) Twenty-five per centum of the sums appropriated in any fiscal year to carry out title I in addition to 2 per centum of the sums appropriated in any fiscal year to carry out titles II and III of this Act shall be available only for training and technical assistance authorized by this section. In carrying out the purposes of this section, 50 per centum of the sums available shall be for the use of the Secretary of Labor and the remaining 50 per centum shall be for the use of the Secretary of Health, Education, and Welfare: *Provided*, That the use of such sums is jointly planned to avoid unnecessary duplication and waste.

TITLE II—TRAINING AND SKILL DEVELOPMENT PROGRAMS

PART A—MANPOWER TRAINING PROGRAMS AND SERVICES

PROGRAMS, SERVICES, AND ACTIVITIES

SEC. 201. The programs, services, and activities for which funds under this title may be expended shall include, but are not limited to the following:

(1) basic education, literacy training, communications and computation skills, and high school equivalency programs, which will assist individuals to become more employable or facilitate their participation in occupational training;

(2) outreach, counseling, testing, recruitment, referral to work or to training, placement, and followup services necessary to assist individuals to achieve success in employment;

(3) prevocational orientation to introduce those of limited experience to alternative occupational choices;

(4) institutional training, including cooperative occupational training programs, and on-the-job training for unemployed individuals, and underemployed individuals, including training of employed workers for the purpose of upgrading their skills and improving the use of available manpower;

(5) supportive services, including health, minor medical and dental services, physical examinations, the furnishing of prosthetic devices, child care, referral for family counseling, legal services, uniforms and tools required for entry level employment in occupations designated by the Secretary of Labor, bonding, licensing, and credentialling fees when required for employment within the area of training, relocation subsistence payments to assist individuals and their families who must move to another area in order to receive training or become employed after training, and other special services, including residential support, deemed necessary to assist individuals to become more employable or facilitate their participation in programs assisted under this title;

(6) work experience for unemployed and disadvantaged individuals, including the performance of socially useful work in public and private agencies or organizations in the fields of health, public safety, education recreation, streets, parks, and municipal main-

tenance, housing and neighborhood improvement, conservation and rural development, beautification, and other fields of human betterment and community improvement, including the establishment, operation, or strengthening of any such program;

(7) part-time employment, on-the-job training, or useful work experience for students in ninth through twelfth grades (and youths of equivalent ages) to assist them in remaining in or returning to school; and, with such employment opportunities developed in consultation with education authorities to enhance, to the extent feasible, the educational growth of such students;

(8) appropriate education, training, and related manpower services for persons in correctional institutions to assist them in obtaining suitable employment upon release, including the provision of such programs and after release from correctional institutions as special programs designed to aid in the rehabilitation process;

(9) appropriate education, training, and related manpower services for persons who have recently been or will shortly be separated from military service;

(10) appropriate education, training, and related manpower services for unemployed and underemployed persons residing in areas designated as redevelopment areas by the Secretary of Commerce under the Area Redevelopment Act or any subsequent Act authorizing such designation;

(11) appropriate education, training, and supportive services, including career restructuring and development, for upgrading persons who are unemployed or underemployed in respect to skill level or hours of employment; and

(12) retraining and refresher programs of education, training, and supportive services for persons, including professionals, paraprofessionals, and others, who are unemployed or will be unemployed because of the specialized nature of their previous employment because of technological, economic, or other changes in the economy and who need such programs and services to prepare them for employment for an occupation compatible with their previous education and skills.

ELIGIBLE INDIVIDUALS

SEC. 202 (a) Priority for selection shall be given to those unemployed or underemployed persons who cannot reasonably be expected to secure appropriate full-time employment without education and training.

(b) Special emphasis shall be given to the employment and training needs of persons who are from poor families using as an index of poverty the minimum income per household of a given size, composition, and farm or nonfarm status, as set forth by the Social Security Administration.

(c) Priority in providing training and employment opportunities among eligible persons shall be given to individuals who are heads of households. For purposes of this Act, the term "head of household" shall include any person who contributes more than one-half the support of one or more other persons.

(d) Out of school individuals sixteen years of age or older shall be eligible for participation in programs authorized by the Act: *Except*, That individuals less than sixteen years of age shall be eligible for participation only in programs authorized in section 201(7).

SELECTION OF TRAINEES

SEC. 203. (a) The Secretary of Labor shall establish standards and criteria for individuals eligible for participation in programs, services, and activities authorized by the Act. The Secretary shall provide a program for testing, counseling, and selection for the determination of eligibility for participation: *Except*, That individuals meeting the established standards and criteria may be referred to training by appropriate public and private agencies and organizations. Upon certification from the responsible training agency the Secretary of Labor shall make provisions for training and subsistence allowances and transportation allowances as may be appropriate.

(b) The selection of persons for training and services under this Act and for placement shall not be contingent upon such person's membership or nonmembership in a labor organization.

(c) Persons shall not be referred for training in an occupation which requires less than two weeks training, unless there are immediate employment opportunities in such occupation.

TRAINING ALLOWANCES

SEC. 204. (a) The Secretary of Labor may, on behalf of the United States, enter into agreements with States under which the Secretary of Labor shall make payments to such States either in advance or by way of reimbursement for the purpose of enabling such States, as agents for the United States, to make payment of weekly allowances to persons selected for training pursuant to the provisions of section 203 and undergoing such training in a program operated pursuant to the provisions of the Act.

(b) For the purpose of this section, a basic allowance shall be equal to 40 times the minimum hourly wage provided in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended: *Provided*, That such basic allowance through June 30, 1972, in any State shall not be less than the amount of the average weekly gross unemployment compensation payment (including allowances for dependents) during the calendar year 1969 for a week of total unemployment in such State.

(c) For the purposes of this section, a dependent's allowance shall equal $5 per week for each dependent, to a limit of six dependents.

(d) Persons, except those specified in subsection (c), who are participating on a full-time basis in the following programs, (1) institutional training or, (2) other manpower development activities which are not compensated by an employer or subject to subsections (h) or (i); shall receive a basic allowance plus a dependent's allowance for his dependents as specified in subsection (c) for each week of full-time participation: *Except*, That no individual shall receive allowances under this subsection that are less than the unemployment compensation (including allowances for dependents) to which such persons would be entitled under any Federal or State unemployment compensation law if he were not participating in such activity.

(e) The following participants in full-time institutional training or other manpower development activities described in subsection (d) shall not be entitled to allowances provided in subsection (d):

(1) A public assistance recipient under programs assisted under titles I, IV, X, XIV, and XVI of the Social Security Act, who shall be paid, in addition to any public assistance payments to which he may be entitled, incentive payments of not more than $10 per week under regulations prescribed by the Secretary of Labor.

(2) A participant who is under eighteen years of age, or who is not the head of a household as defined in section 202(c) of this Act. Such participant shall receive a suitable weekly allowance, determined in accordance with rules prescribed by the Secretary of Labor, but not to exceed the basic allowance prescribed in subsection (b): *Provided*, That any allowance under this paragraph shall not be less than the unemployment compensation (including allowances for dependents) to which such person would be entitled under any Federal or State unemployment compensation law if he were not participating in such activity. An individual who is not subject to this paragraph at the commencement of the period shall not become subject thereto until the completion of such period.

(3) A participant receiving unemployment compensation under any Federal or State unemployment compensation law. Such participant shall receive for each week of training, allowances equal to the difference between (1) any allowance to which he would otherwise be entitled under subsections (d) or (e) of this section and (2) the unemployment compensation (including allowances for dependents) which he received for such week.

(4) A participant engaged in employer-compensated on-the-job training or work experience assisted under this title. The allowances of such participants shall be computed in accordance with subsection (d) or (e), as appropriate, and shall be reduced in accordance with rules and regulations prescribed by the Secretary of Labor, which shall take into account the hours of such work experience or on-the-job training and the amount of compensation therefor.

(5) A participant who is an inmate of a correctional institution. The allowances of such participants shall be computed in accordance with regulations prescribed by the Secretary of Labor.

(f) A participant engaged in the activities described in subsection (d) on less than a full-time basis shall receive a reduced basic allowance computed in accordance with regulations prescribed by the Secretary, and a dependent's allowance if participation is in excess of twenty hours each week. Public assistance recipients shall receive an incentive payment as provided in subsection (e). Such reduced basic allowance shall be computed taking into account (1) the hours of participation in such activity; (2) the allowance to which he would be entitled under subsection (d) or (e) if he were engaged in training on a full-time basis; (3) compensated work experience or on-the-job training assisted under this title in which the participant is engaged; and (4) unemployment compensation that the participant is receiving.

(g) No allowance under subsection (d), (e), or (f) of this section may be paid for any portion of a training period that extends beyond one hundred and four weeks.

(h) Workers in programs providing work experiences under this Act shall be compensated at a rate not less than the applicable minimum wage rate, but in no case less than the wage prescribed by section (b) of the Fair Labor Standards Act.

(i) Workers engaged in employer-compensated on-the-job training under this Act shall be compensated at a rate not less than the higher of (1) the applicable minimum wage rate, or (2) the prevailing wage paid to workers of like experience performing similar work in the locality.

(j) A participant undertaking training or work-experience or other manpower development activity described in subsection (d) on either a full-time or part-time basis, shall receive allowances for transportation and subsistence in addition to the applicable training allowance or wage. The amount of allowances provided under this subsection shall be determined in accordance with regulations prescribed by the Secretary of Labor.

(k) A participant who has successfully completed a program of full-time participation of not less than fifteen weeks' duration in institutional training or other manpower development activities described in subsection (d) shall receive, upon completion of his period of participation, a completion bonus which shall be equal to twice the allowance to which he is entitled under (d) or (e) for his last week of full-time participation during such period.

(l) Upon certification by the responsible

training agency that a person who has been referred for training does not have a satisfactory attendance record or is not making satisfactory progress in such training, the Secretary of Labor shall forthwith terminate his training and subsistence allowances, and his transportation allowances except such as may be necessary to enable him to return to his regular place of residence after termination of training, and withdraw his referral.

COMPREHENSIVE MANPOWER PLANS

SEC. 205. (a) The Secretaries of Labor and Health, Education, and Welfare shall jointly enter into an agreement with the Governor of each State under which a State Manpower Advisory Council will develop and administer a comprehensive manpower plan for the State. Such council shall be appointed by the Governor with the approval of the Secretaries and shall consist of representatives of the appropriate State agencies concerned with manpower programs and services, including the State education agency and the State employment service and, representatives of labor, management, rehabilitation, public and private agencies active in the manpower field and the public. Each such agreement shall:

(1) require each comprehensive manpower plan to set forth a long-range plan for programs and services to be carried on with assistance provided by this Act, for the State as a whole and by local planning area, extending over three years beginning with the fiscal year for which the comprehensive manpower plan is submitted, describing the present and projected needs for programs and services provided for in this Act, and setting forth the long-range program objectives;

(2) require each comprehensive manpower plan to set forth an annual program plan, for the State as a whole and by local planning area, which describes the content of, and allocation of Federal and State funds to programs, services, and activities to be carried out under the plan during the year for which Federal funds are sought, designates the agencies and organizations which shall carry out the plan and indicates how and to what extent such programs, services, and activities will carry out the program objectives set forth in the long-range program plan;

(3) require each State to officially designate its local planning areas, which shall include provisions for representation of all geographic areas within the State, and which shall be reviewed and approved by the Secretaries;

(4) require the establishment of Area Manpower Advisory Councils of the same membership and composition as the State Manpower Advisory Council: *Except*, That all mayors within the planning area shall be represented on the Council, such Councils shall be appointed under such procedures as are established by the State Manpower Advisory Council and which have been approved by the Governor and by the Secretaries;

(5) require the establishment of procedures to coordinate all local area plans into a State plan, to provide for circumstances where a local area fails to submit a plan, and to provide for appeal by Area Manpower Advisory Councils to the Secretaries: *Provided*, That such procedures shall be reviewed and approved by the Secretaries;

(6) require the use to the maximum extent feasible of public and private profit and nonprofit agencies and organizations, and of all the State and local agencies and organizations, which are capable of contributing to the program, with priority given to skills centers and other education and training programs operated or arranged through State and local education agencies;

(7) require the establishment and operation of a data system that will provide, in readily accessible form, statistical information sufficient to enable evaluation of the effectiveness of programs carried out under the plan and to determine means of improving their effectiveness;

(8) provide for the conduct of manpower programs, activities, and services in accordance with procedures, standards, and regulations established under the provisions of this Act;

(9) provide for the evaluation of programs, activities, and services assisted under this Act, and the publication and distribution of such reports including recommendations as to their effectiveness;

(10) provide for the distribution of funds to State Manpower Advisory Councils, Area Manpower Advisory Councils, and agencies and organizations providing programs, services, and activities under an approved plan; and

(11) provide for regularly scheduled meetings of the State manpower advisory council including the assurance that not less than one public meeting of the State manpower advisory council is held each year at which the public is given the opportunity to express views concerning manpower training, programs, and services.

(b) State manpower advisory councils are authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this section and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

(c) From the sums appropriated pursuant to section 206(a) for any fiscal year, the Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to pay to each State manpower advisory council an amount equal to the reasonable amounts expended by it in carrying out its functions under the Act in such fiscal year, except that the amount available for such purpose shall be equal to 1 per centum of the State's apportionment under section 206(a), but such amount shall not exceed $300,000 and shall not be less than $150,000: *Except*, That for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, such amount shall not exceed $50,000 each.

(d) Where a State fails to submit a comprehensive manpower plan to the Secretaries within a reasonable time, or the Secretaries disapprove such a plan under the authority of subsection (e) of this section, the Secretaries of Labor and of Health, Education, and Welfare taking into consideration such local area plans as may have been developed, shall jointly formulate and carry out a comprehensive manpower plan in such State. Such program shall meet the requirements of the Act applicable to plans submitted by States: *Except*, That where the Secretaries have discontinued payments with respect to a portion of a plan under subsection (e) of this section, the program that they carry out directly shall provide the same types of programs, services, and activities as provided in the portion of the plan with respect to which payments were discontinued. In carrying out this section where a State has failed to submit a plan or the Secretaries have disapproved it, the State's apportionment may be used by the Secretaries to carry out a program in that State. In carrying out this section where the Secretaries have discontinued payments, the sums withheld may be used by the Secretaries.

(e) When the Secretary of Labor and the Secretary of Health, Education, and Welfare after reasonable notice and opportunity for a hearing to the Governor of the State that submitted a plan, finds: (1) that the plan has been so changed that it no longer complies with the requirements of the Act, or to the standards and guidelines prescribed pursuant to the Act; or (2) that in the administration of the plan there is a failure to comply substantially with any such requirement; the Secretaries of Labor and of Health, Education, and Welfare shall notify the Governor that no further payments will be made with respect to such plan (or in their discretion, further payments with respect thereto will be limited to portions thereof not affected by such failure), until they are satisfied that there will no longer be any failure to comply. Until they are so satisfied, the Secretaries shall make no further payments with respect to such plan (or shall limit payments to portions thereof not affected by such failure).

(f) The Secretaries of Labor and of Health, Education, and Welfare shall, in consultation with and with the concurrence of the National Manpower Advisory Council, prescribe such standards, rules, and regulations as they may deem necessary and appropriate to carry out the provisions of this part.

APPORTIONMENTS OF BENEFITS

SEC. 206. (a) For the purpose of effecting an equitable apportionment of Federal expenditures among the States in carrying out the programs authorized under part A of title II of this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare shall apportion 80 per centum of the funds available for such purposes in accordance with uniform standards and in arriving at such standards shall consider only the following factors: (1) the proportion which the labor force of a State bears to the total labor force of the United States; (2) the proportion which the unemployed in a State during the preceding calendar year bears to the total number of unemployed in the United States in the preceding calendar year; (3) the proportion which poor individuals residing in the State bear to the total number of poor individuals of the United States; (4) the proportion which the insured unemployed within a State bears to the total number of insured employed within such State; but in no event shall any State be apportioned less than $1,000,000: *Except*, That for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, such amount shall be $100,000 each.

(b) Fifteen per centum of the funds appropriated to carry out the purposes of part A of title II may be expended by the Secretary of Labor as he finds necessary or appropriate to carry out the purposes of title II: *Provided*, That where such programs require institutional training, the Secretary of Health, Education, and Welfare shall agree to arrangements for such training.

(c) Five per centum of the funds appropriated to carry out the purposes of part A of title II may be expended by the Secretary of Health, Education, and Welfare as he finds necessary or appropriate to carry out the purposes of title II: *Provided*, That prior to the development of preemployment training the Secretary of Labor shall concur that there is reasonable expectation of employment for such persons entering training.

(d) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to make reapportionments from time to time where the total amounts apportioned under this section have not been fully obligated in a particular State, or where the State or appropriate agencies in the State have not entered into the necessary agreements, and the Secretaries find that any other State is in need of additional funds to carry out the programs authorized by this Act: *Provided*, That no funds apportioned with respect to a State in any fiscal year shall be reapportioned before the expiration of the ninth month of such fiscal year and only upon fifteen days prior notice to such State of the proposed reapportionment.

(e) Where the Secretaries of Labor and Health, Education, and Welfare have approved a comprehensive manpower plan developed and submitted in accordance with the provisions of section 205 of this part,

the State shall have authority to approve all applications for programs and services that conform to such State plan.

PART B—DUTIES OF THE SECRETARY OF LABOR

GENERAL RESPONSIBILITIES

SEC. 211. In carrying out the purposes of this Act, the Secretary of Labor shall determine the skill requirements of the economy develop policies for the adequate occupational development and maximum use of the skills of the Nation's workers, promote and encourage the development of broad and diversified training programs, including on-the-job training, designed to qualify for employment the many persons who cannot reasonably be expected to secure full-time employment without such training, and to equip the Nation's workers with the new and improved skills that are or will be required. Whenever appropriate, the Secretary of Labor shall coordinate and provide for combinations of programs, to be pursued concurrently or sequentially, under this Act with programs under other Federal Acts, where the purposes of this Act would be accomplished thereby.

STATE AGREEMENTS

SEC. 212. (a) The Secretary of Labor is authorized to enter into an agreement with each State, or with the appropriate agency of each State, pursuant to which the Secretary of Labor may, for the purpose of carrying out his functions and duties under this title, use the services of the appropriate State agency, and, notwithstanding any other provision of law, may make payments to such State or appropriate agency for expenses incurred for such purposes.

(b) Any agreement under this section may contain such provisions as will promote effective administration, protect the United States against loss and insure that the functions and duties to be carried out by the appropriate State agency are performed in a manner satisfactory to the Secretary.

RULES AND REGULATIONS

SEC. 213. The Secretary of Labor shall prescribe such rules and regulations as he may deem necessary and appropriate to carry out his responsibilities under this Act.

PART C—DUTIES OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

GENERAL RESPONSIBILITIES

SEC. 221. The Secretary of Health, Education, and Welfare shall, pursuant to the provisions of this title enter into agreements with States under which the appropriate State education agencies will undertake to provide training to equip persons referred to the Secretary of Health, Education, and Welfare pursuant to section 203. Such State agencies shall provide for such training through public educational agencies or institutions or through arrangements with private educational or training institutions where such private institutions can provide equipment or services not available in public institutions, particularly for training in technical and subprofessional occupations, for training the disadvantaged, or where such institutions can, at comparable cost, (1) provide substantially equivalent training, or (2) make possible an expanded use of the individual referral method, or (3) aid in reducing more quickly unemployment or current and prospective manpower shortages. Such agreements shall contain such other provisions as will promote effective administration (including provisions (1) for reports on the attendance and performance of trainees, (2) for immediate certification to the Secretary of Labor by the responsible training agency with respect to each person referred for training who does not have a satisfactory attendance record or is not making satisfactory progress in such training absent good cause, and (3) for continuous supervision of the training programs conducted under the agreement to insure the quality and adequacy of the training provided), protect the United States against loss, and assure that the functions and duties to be carried out by such State agency are performed in such fashion as will carry out the purposes of this title. The Secretary of Health, Education, and Welfare shall give preference to training and education provided through State vocational education agencies and other State education agencies. However, in any case in which he determines that it would permit persons to begin their training or education within a shorter period of time, or permit the needed training or education to be provided more economically, or more effectively, he may provide the needed training or education by agreement or contract made directly with public or private training or educational facilities or through such other arrangements as he deems necessary to give full effect to this Act.

RULES AND REGULATIONS

SEC. 222. The Secretary of Health, Education, and Welfare may prescribe such rules and regulations as he may deem necessary and appropriate to carry out his responsibilities under this Act.

PART D—AMENDMENTS AND REPEALS AFFECTING EXISTING LAWS

SEC. 231. (a) The Economic Opportunity Act of 1964, as amended, is further amended as follows:

(1) Subsection (e) of section 106 is repealed.

(2) Subsection (b) of section 115 is amended to read as follows:

"(b) The Director may enter into agreements with States to administer, assure, or assist in the administration of the programs provided in this part. The Director may, pursuant to regulations, pay part or all of the operative or administrative costs of such programs."

(b) Section 810(a) of the Economic Opportunity Act of 1964 is amended by striking the word "and" immediately preceding paragraph (3) thereof, by substituting a semicolon for the period at the end of the subsection, and by adding the following:

"and (4) with the approval of the Secretary of Labor, in Job Corps Centers operated under title II of the Manpower Training and Employment Act of 1971."

(c) Section 833(b) of the Economic Opportunity Act of 1964 is amended to read as follows:

"(b) Individuals who receive either a living allowance or a stipend under this title shall, with respect to such services or training:

"(1) for the purposes of subchapter III of chapter 73 of title 5 of the United States Code, be deemed persons employed in the executive branch of the Federal Government;

"(2) for purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), be deemed employees of the United States, and any service performed by an individual as a volunteer shall be deemed to be performed in the employ of the United States;

"(3) for purposes of the Federal tort claims provisions in title 28, United States Code, be deemed employees of the Government; and

"(4) for purposes of the subchapter I of chapter 81 of title 5 of the United States Code (relating to compensation to Federal employees for work injuries), be deemed civil employees of the United States within the meaning of the term 'employee' as defined in section 8101 of title 5, United States Code, and the provisions of the subchapter shall apply except as follows:

"(A) In computing compensation benefits for disability or death, the monthly pay of a volunteer shall be deemed that received under the entrance salary for a grade GS–7 employee, and sections 8113 (a) and (b) of title 5, United States Code, shall apply to volunteers; and

"(B) Compensation for disability shall not begin to accrue until the day following the date on which the injured volunteer is terminated."

SEC. 232. (a) Title I, part A, of the Economic Opportunity Act of 1964, as amended (sections 101–118), is transferred to the Manpower Training and Employment Act of 1971 and inserted as sections 233 through 250, respectively, as amended by subsection (e) of this section.

(b) All references to part A of title I of the Economic Opportunity Act of 1964 or any provision thereof are hereby deleted from the Economic Opportunity Act of 1964. Any reference to part A of title I of the Economic Opportunity Act or any provision thereof in any other law of the United States shall be deemed to be a reference to title II of this Act or the corresponding provision thereof.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with the functions transferred by subsection (a) of this section as the Director of the Bureau of the Budget shall determine shall be transferred to the Department of Labor.

(d) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem necessary in order to effectuate the transfer provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(e) Sections 233–250 of this Act as transferred by subsection (a) are amended as follows:

(1) The word "title" shall be substituted for the word "part" wherever it appears.

(2) The word "Secretary" shall be substituted for the word "Director" wherever it appears.

(3) The words "Department of Labor" shall be substituted for "Office of Economic Opportunity" wherever they appear.

(4) Section 235(1) is amended by deleting all the words in paragraph (1) following "United States" and substituting the following: "or a native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 244(a) or 242(d)(5), respectively, or any person admitted as a conditional entrant under section 203(a)(7) of the Immigration and Nationality Act."

(5) Paragraphs (2) through (5) of section 235 are redesignated as (3) through (6), respectively, and the following new paragraph (2) is inserted:

"(2) has attained age fourteen but not attained age twenty-two at the time of enrollment;".

(6) The reference in section 235(5) to sections 104 and 105 are changed to "236" and "237", respectively.

(7) The reference in section 208(c) to section 609(3) is changed to "235(1)."

(8) The reference in section 239(b) to "part B of this title" is deleted and the following is substituted therefor: "title II of this Act and title I of the Economic Opportunity Act of 1964".

(9) Section 240 is amended by adding a new subsection (e) to read as follows: "(e) In conducting programs under this title, the Secretary shall consult with the Secretary of Health, Education, and Welfare with regard to institutional training provided for enrollees of the Job Corps".

(10) Section 241 is amended by adding a new subsection (c) as follows: "(c) Under such circumstances as the Secretary may determine, he may prescribe by regulation changes in the amount and method of pay-

ment of allowances and provision of expenses to correspond more closely to the methods and amounts prescribed in section 204 of this Act. Such changes may include provision of higher allowances to cover appropriate enrollee expenses and offsetting charges to enrollees for living expenses".

(11) Section 244(d), as amended, is further amended by deleting "the Department of Labor and".

(12) Section 244(e) is amended by inserting a comma after the word "feasible", by deleting the words "in accordance with section 637(b) of this Act", and by changing the reference to 109(c) to 241(c).

(13) Section 244(e) is further amended by striking out the comma and inserting a period in lieu thereof after "employment service offices" and deleting the words "and shall furnish copies of such records to the Secretary of Labor."

(14) Section 245(a) is amended by striking out the reference to section 608 and substituting in lieu thereof "section 605."

(15) Section 245(b) is amended by striking out both references to "part B of this title" and substituting in lieu thereof "Title I of this Act" and by striking out the reference to section 608 and substituting in lieu thereof "section 605."

(16) Section 246 is amended by striking out the last sentence.

(17) Section 247(c) is amended by striking out the word "Act" and substituting in lieu thereof "title".

(18) Section 249 is amended by striking out subsection (a) and the first sentence of subsection (b), and redesignating subsections (b) through (d) as subsections (a) through (c), respectively.

(19) A new section 251 is added to read as follows:

"ADDITIONAL AUTHORITIES

"SEC. 251. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this title, to—

"(1) utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and, with the consent of any State or a political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement;

"(2) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this title as he deems necessary to carry out the provisions hereof, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditure for construction, repairs, and capital improvements; and

"(3) expend funds made available for purposes of this title, without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him: but the Secretary shall not utilize the authority contained in this subsection—

"(A) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this title, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which it is needed, and

"(B) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority."

SEC. 261. (a) The Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2571 et seq.), is hereby repealed.

(b) Title I, part B of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2701 et seq.), is hereby repealed.

(c) Title V, part A of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2701 et seq.), is hereby repealed.

TITLE III—LABOR MARKET INFORMATION AND EMPLOYMENT DEVELOPMENT PROGRAMS

PART A—LABOR MARKET INFORMATION AND JOB MATCHING PROGRAM

SEC. 304. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a National, State, local, or other appropriate basis, including but not limited to information regarding:

(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(2) job opportunities and skill requirements;

(3) labor supply in various skills;

(4) occupational outlook and employment trends in various occupations; and,

(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends. Information collected under this subsection shall be developed and made available in a timely fashion in order to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under the Economic Opportunity Act of 1964 as amended, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963 as amended, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

JOB MATCHING PROGRAM

SEC. 302. The Secretary of Labor shall develop and publish on a regular, timely basis information on available job opportunities throughout the United States on a National, State, local, or other appropriate basis for use in public and private job placement and related activities and in connection with job matching programs conducted pursuant to this subsection. The Secretary is directed to develop and establish a program for matching the qualifications of unemployed, underemployed, and low-income persons with employer requirements and job opportunities on a National, State, local, or other appropriate basis. Such programs shall be designed to provide a quick and direct means of communication among local recruitment, job training and placement agencies and organizations, and between such agencies and organizations on a National, State, local, or other appropriate basis, with a view to the referral and placement of such persons in jobs. In the development of such a program, the Secretary shall make maximum possible use of electronic data processing and telecommunication systems for the storage, retrieval, and communication of job and worker information. The Secretary is authorized, for the purposes of carrying out programs authorized under this subsection to make grants to State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment.

PILOT PROJECTS

SEC. 303. (a) In carrying out the program described in section 302 during the period ending June 30, 1974, the Secretary of Labor shall develop and carry out, in a limited number of geographical areas, pilot projects designed to assess or demonstrate the effectiveness of reducing unemployment of individuals and to increase the mobility of unemployed workers by providing assistance to meet their relocation expenses. In carrying out such projects the Secretary may provide such assistance, in the form of grants or loans, or both, only to involuntarily unemployed individuals who cannot reasonably be expected to secure full-time employment in the community in which they reside, have bona fide offers of employment (other than temporary or seasonal employment), and are deemed qualified to perform the work for which they are being employed.

(b) Loans or grants provided under this subsection shall be subject to such terms and conditions as the Secretary shall prescribe, with loans subject to the following limitations:

(1) there is reasonable assurance of repayment of the loan;

(2) the credit is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs;

(3) the amount of the loan, together with other funds available, is adequate to assure achievement of the purposes for which the loan is made;

(4) the loan bears interest at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (ii) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purposes;

(5) the loan is repayable within not more than ten years; and,

(6) of the funds appropriated for a fiscal year to carry out this Act, not more than $10,000,000 may be used for the purposes of this subsection.

(c) A report on the activities and achievements under this section shall be included in the report required under section 102.

FUNDS AUTHORIZED

SEC. 304. Not less than 2 per centum of the sums appropriated in any fiscal year to carry out titles I, II, and III of this Act shall be available only for carrying out the provisions of section 302 of this section.

PART B—CAREER AND EMPLOYMENT DEVELOPMENT PROGRAMS

SEC. 311. The Secretary of Labor and the Secretary of Health, Education, and Welfare shall stimulate and assist and, where necessary, develop, in cooperation with interested agencies both public and private, job development programs that will serve to expand employment by the filling of those service and related needs which are not now being met because of lack of trained workers or other reasons affecting employment or opportunities for employment. Such programs shall include activities designed to promote job restructuring and redesign for the purpose of providing more effective use of manpower, including the adoption of employment practices that will remove unreasonable barriers to employment, without reducing productivity, and expand the opportunities for upward mobility.

CAREER TRAINING THROUGH PUBLIC SERVICE EMPLOYMENT

SEC. 312. The Secretary of Labor and the Secretary of Health, Education, and Welfare shall carry out a program of training and career development under which Federal, State, and local government, and public and private nonprofit agencies provide jobs, services, education, and training to unemployed and underemployed persons to meet State, county, and other municipal needs for public services: *Provided,* That priority shall be given to creating jobs and training programs in environmental control, health, housing, and transportation.

FINANCIAL ASSISTANCE

SEC. 313. The Secretary of Labor shall enter into arrangements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available for the purpose of providing employment for unemployed and underemployed persons in jobs providing needed public services, and training and manpower services related to such employment which are otherwise unavailable. Such assistance shall be available for a period of not more than one hundred and four weeks.

ELIGIBLE APPLICANTS

SEC. 314. Financial assistance under this part shall be provided by the Secretary of Labor only pursuant to applications submitted by eligible applicants who shall be—

(a) units of Federal, State, and general local government; and

(b) other public agencies and institutions (including public service agencies and institutions of the Federal Government); and

(c) nonprofit hospitals and nursing homes, and Indian tribes.

APPLICATIONS

SEC. 315. An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(5) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(6) a description of unmet public service needs and a statement of priorities among such needs;

(7) description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(8) the wages or salaries to be paid participants and a comparison with the prevailing wages in the area for similar work;

(9) the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(10) the planning for and training of supervisory personnel in working with participants;

(11) a description of career opportunities and job advancement potentialities for participants;

(12) procedures for an annual review by an appropriate agency of the status of each person employed in a public service job under this title; and procedures pursuant to which, in the event that any such participant and the reviewing agency find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

(13) assurances that agencies and institutions to whom financial assistance will be made available under this Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(14) assurances that the applicant shall, where appropriate, maintain or provide linkages with upgrading and other programs under other Federal or federally supported manpower programs for the purpose of:

(A) providing those persons employed in public service jobs under this Act who want to pursue work with the employer, or in the same or similar work as that so performed under the agreement with opportunities to do so and to find permanent, upwardly mobile careers in that field; and

(B) providing those persons so employed who do not wish to pursue permanent careers in such field with opportunities to seek, prepare themselves for, and obtain work in other fields;

(15) assurances that all persons employed thereunder, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed or underemployed persons;

(16) assurances that to the maximum extent possible, technical, supervisory, and administrative personnel shall be recruited from among fully qualified, unemployed or underemployed persons;

(17) ways in which the program shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged; and

(18) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary of Labor and the Secretary of Health, Education, and Welfare deem necessary, in accordance with such regulations as shall be prescribed.

APPROVAL OF APPLICATIONS

SEC. 316. An application, or modification or amendment thereof, for financial assistance under this Act may be approved only if the Secretary of Labor with the concurrence of the Secretary of Health, Education, and Welfare determines that—

(1) the application meets the requirements set forth in section 315;

(2) the approvable request for funds does not exceed 80 per centum of the cost of carrying out the program in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement;

(3) an opportunity has been provided to the Governor of the State and to the State manpower advisory council to submit comments with respect to the application to the applicant and to the Secretary; and

(4) an opportunity has been provided to officials of the appropriate units of local government and to the appropriate area manpower advisory council to submit comments with respect to the application to the applicant and to the Secretary.

SPECIAL CONDITIONS

SEC. 317. (a) The Secretary of Labor shall not provide financial assistance for any program under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program will result in an increase in employment opportunities over those which would otherwise be available with priority given to disadvantaged and low-income groups in filling such opportunities and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), and will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(2) persons employed in a public service job under this Act shall be paid wages which shall not be lower than (A) the Federal, State, or local minimum wage for the most nearly comparable covered employment, or (B) the prevailing rates of pay in the same labor market area for persons employed in similar public occupations;

(3) all persons employed in a public service job under this Act will be assured of benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(4) the provisions of section 2(a)(3) of Public Law 89-286 shall apply to such agreements;

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants; and

(6) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) For programs which provide work and training related to physical improvements, special consideration shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary of Labor.

(d) The Secretary of Labor shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

ARRANGEMENTS FOR TECHNICAL ASSISTANCE

SEC. 318. Where training capabilities of the applicant under this part do not meet the requirements established by the Secretary of Health, Education, and Welfare, he shall provide or arrange for technical assistance to applicants in carrying out the provisions of this part.

ANNUAL REVIEW

SEC. 319. The Secretary of Labor and the Secretary of Health, Education, and Welfare shall conduct an annual review and evaluation of training programs and proj-

ects funded under the provisions of this part and shall report their findings to the National Manpower Advisory Council.

PART C—EMERGENCY EMPLOYMENT ASSISTANCE

SEC. 321. Special consideration will be given by the Secretary of Labor in consultation with the Governor of a State to give relief and designate labor areas, as defined by the Secretary of Labor, within the State a job distressed areas when there is an unusually high proportion of low-income families or where there is substantial and persistent unemployment or underemployment or if the annual average rate of unemployment in the labor area has been either (i) 50 per centum above the national average for three of the four preceding calendar years; (ii) 75 per centum above the national average for two of the three preceding calendar years; or, (iii) 100 per centum above the national average for one of the two preceding calendar years.

FINANCIAL ASSISTANCE

SEC. 322. (a) The Secretary of Labor shall enter into arrangements with the Governor of the State in order to make financial assistance available for the purpose of providing employment for unemployed persons residing in designated labor areas in jobs providing needed public services.

(b) Requests for funds shall not exceed 80 per centum of the cost of providing employment, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement.

(c) Such assistance shall be available for a maximum period of fifty-two weeks; however, labor areas that meet the criteria of section 321 at the end of such time may request additional assistance for a period of not more than fifty-two weeks: *Provided*, That for the purposes of determining eligibility for continued assistance, individuals employed under the provisions of this part shall not be counted as employed for the purposes of determining the annual average rate of unemployment. Requests for funds for such additional assistance shall not exceed 70 per centum of the cost of the program.

(d) Of the funds appropriated in any fiscal year for the purposes of carrying out Title III, not more than 20 per centum shall be available for the purposes of carrying out programs authorized under this part.

APPLICATIONS

SEC. 323. Each application for financial assistance shall be submitted by the Governor of the State in such form and contain such assurances as the Secretary of Labor may prescribe.

RULES AND REGULATIONS

SEC 324. In carrying out his duties under this part, the Secretary of Labor shall prescribe rules and regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

TITLE IV—MISCELLANEOUS

MAINTENANCE OF STATE EFFORT

SEC. 401. No training program which is financed in whole or in part by the Federal Government under this Act shall be approved unless the Secretary of Health, Education, and Welfare satisfies himself that neither the State nor the locality in which the training is carried out has reduced or is reducing its own level of expenditures for vocational education and training, including program operation under provisions of the Smith-Hughes Vocational Education Act, titles I, II, and III of the Vocational Education Act of 1946, and the Vocational Education Act of 1963, as amended, except for reductions unrelated to the provisions or purposes of this Act.

OTHER AGENCIES AND DEPARTMENTS

SEC. 402. In the performance of their functions under this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare, in order to avoid unnecessary expense and duplication of functions among Government agencies, shall use the available services or facilities of other agencies and instrumentalities of the Federal Government, under conditions specified in section 305(a). Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary of Labor and the Secretary of Health, Education, and Welfare and, to the extent permitted by law, to provide such services and facilities as either may request for his assistance in the performance of his functions under this Act.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall carry out their responsibilities under this Act through the maximum use of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State, Federal, and local agencies, and other appropriate public and private organizations and facilities.

APPROPRIATIONS AUTHORIZED

SEC. 403. (a) There are hereby authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter such amounts as may be necessary to carry out the provisions of title I.

(b) There are hereby authorized to be appropriated $450,000,000 for fiscal year ending June 30, 1972, and for each fiscal year thereafter such amounts as may be necessary to carry out the purposes of part A of title II.

(c) There are hereby authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1972, and for each year thereafter such amounts as may be necessary to carry out the purposes of parts B and C of title II.

(d) There are hereby authorized to be appropriated $115,000,000 for the fiscal year ending June 30, 1972, and for each year thereafter such amounts as may be necessary to carry out the purposes of part D of title II.

(e) There are hereby authorized to be appropriated $300,000,000 for the fiscal year ending June 30, 1972, and for each year thereafter such amounts as may be necessary to carry out the purposes of title III.

(f) There are hereby authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1972, and for each year thereafter such amounts as may be necessary to carry out the purposes of title IV.

ADVANCE FUNDING

SEC. 404. (a) For the purpose of affording responsible Federal, State, and local officials concerned, adequate notice of available Federal financial assistance for programs, services, and activities provided for under this Act, appropriations for carrying out this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing the appropriation action, the provision of subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

LIMITATIONS ON USE OF APPROPRIATED FUNDS

SEC. 405 (a) Funds appropriated under the authorization of this Act may be transferred, with the approval of the Director of the Office of Management and Budget, between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to accept and use in carrying out the provisions of this Act funds appropriated to carry out other Federal statutes if such funds are used for the purposes for which they are specifically authorized and appropriated. To the extent that the provisions of this Act are inconsistent with the provisions of such other Federal statutes, the provisions of the latter shall govern except as provided under the Intergovernmental Cooperation Act of 1968.

(c) Any equipment and teaching aids purchased by a State or local education agency with funds appropriated to carry out the provisions of part A of title II shall become the property of the State upon certification of the Secretary of Health, Education, and Welfare that such equipment or teaching aids are no longer needed for the instructional programs authorized by this Act.

(d) No portion of the funds to be used under part A, title II of this Act shall be appropriated directly or indirectly to the purchase, erection, or repair of any building except for minor remodeling of a public building necessary to make it suitable for use in training under part A.

(e) Funds appropriated under this Act shall remain available for one fiscal year beyond that in which appropriated.

AUTHORITY TO CONTRACT

SEC. 406. (a) The Secretary of Labor and the Secretary of Health, Education, and Welfare may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as they may prescribe), and make such payments in installments and in advance or by way or reimbursement, or otherwise allocate or expend funds made available under this Act, as they may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayment or underpayments. The Secretaries may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or an approved State plan. Any funds so withheld shall be available for reapportionment by the Secretary of Labor and the Secretary of Health, Education, and Welfare in accordance with section 206: *Except*, That funds withheld during a fiscal year to cover amounts expended in a prior fiscal year shall be available for immediate reapportionment.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall not use any authority conferred by this Act to assist in relocating establishments from one area to another. Such limitation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

ACCEPTANCE OF VOLUNTARY SERVICES

SEC. 407. The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized in carrying out their functions and responsibilities under this Act, to accept voluntary and uncompensated services, notwithstanding the provisions of sec-

tion 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

DEFINITION

SEC. 408. For the purposes of this Act, the term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

EFFECTIVE DATE: TRANSITION PROVISIONS

SEC. 409. (a) This Act shall take effect July 1, 1971.

(b) Notwithstanding the repeals made by section 209, in order to permit an orderly transition from programs carried out under the provisions of law repealed, to programs carried on under this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare may continue to use the authority provided in such repealed provisions of law for such period of time as may be necessary, but not in excess of two years beyond the effective date of this Act.

TERMINATION OF AUTHORITY

SEC. 310. (a) All authority conferred under title II of this Act shall terminate at the close of June 30, 1975.

(b) Notwithstanding the foregoing, the termination of title II shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment, or other obligation entered into prior to the date of such termination: *Provided,* That no disbursement of funds shall be made pursuant to the authority conferred under title II of this Act after December 30, 1975.

By Mr. FULBRIGHT (by request):

S.J. Res. 141. Joint resolution to authorize appropriations for expenses of the Council on International Economic Policy, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a joint resolution to authorize appropriations for expenses of the Council on International Economic Policy, and for other purposes.

The joint resolution has been requested by the Office of Management and Budget and in keeping with our regular committee procedures, I am introducing it in order that there may be a specific proposal to which Members of the Senate and the public may direct their attention and comments.

At the same time, I feel I should express some preliminary thoughts about this request—thoughts which are largely skeptical in character. We on the committee have constantly been deploring the erosion of legislative initiative and control and the parallel increase in the powers of the executive branch. This proposal seems at first glance to reproduce the process which has taken place with the expansion in numbers and strength of the NCS staff. That process has been attended by certain unfortunate byproducts: power has been further concentrated in the President's office; the regular executive departments and agencies have been bypassed or downgraded; the influence and oversight functions of Congress have been weakened; and the claim of "executive privilege" is being made with ever-greater frequency. There is no provision for any limit on the funds that can be authorized for this activity, there is no requirement that the important personage to be Executive Director is to be confirmed by the Senate. I hope these thoughts are without foundation, but I am dubious.

I ask unanimous consent that the joint resolution together with the letter to the Vice President dated July 15, 1971, be printed in the RECORD at this point.

I reserve my right to support or oppose this legislation and propose amendments to it.

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

S.J. RES. 141

Joint resolution to authorize appropriations for expenses of the Council on International Economic Policy, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby authorized to be appropriated such sums as may be necessary for expenses of the Council on International Economic Policy (referred to hereafter as the "Council"), established by memorandum of the President dated January 19, 1971.

SEC. 2. The Executive Director of the Council is authorized—

(a) to appoint and fix the compensation of such personnel as he deems necessary without regard to (1) the provisions of title 5, United States Code, governing appointments in the competitive service, and (2) the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and to general schedule pay rates: *Provided,* That, except as provided in subsections (b), (c), and (d) of this section, no person shall receive compensation in excess of the rate now or hereafter provided for GS–15;

(b) to fix the compensation of one officer at a rate of basic compensation not to exceed the rate now or hereafter provided for Level IV of the Federal Executive Salary Schedule;

(c) to fix the compensation of two officers at rates of basic compensation not to exceed the rate now or herafter provided for Level V of the Federal Executive Salary Schedule;

(d) to fix the compensation of eight employees at rates of basic compensation not to exceed the rate now or hereafter provided for GS–18; and,

(e) to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate now or hereafter provided for GS–18.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 15, 1971.

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

DEAR MR. PRESIDENT: Enclosed for your consideration and appropriate reference is a draft of a proposed joint resolution, "To authorize appropriations for expenses of the Council on International Economic Policy, and for other purposes."

The Council on International Economic Policy was established by memorandum of the President dated January 19, 1971. The purposes of the Council are to provide a clear, top-level focus on international economic issues, to achieve consistency between international and domestic economic policy, and to maintain close coordination of international economic policy basic foreign policy objectives.

The President's memorandum names the Secretaries of State, the Treasury, Agriculture, Commerce, and Labor, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the President's Assistant for National Security Affairs, the Executive Director of the Domestic Council, and the Special Representative for Trade Negotiations as members of the Council, which the President chairs. The President subsequently designated Ambassador at Large David M. Kennedy as a member of the Council.

The memorandum also provides for an Executive Director of the Council to be responsible for organizing the general secretariat of the Council and supervising the staff work. Under direction of the President he develops the Council's agenda and assures timely consideration of international economic policies. The Executive Director also serves as Assistant to the President for International Economic Affairs and is compensated from the White House Office appropriation account.

In addition to authorizing appropriations for necessary expenses of the Council, the proposed resolution would authorize the Executive Director to appoint and fix compensation for other personnel of the Council, including one position at a rate of basic compensation not in excess of that for Level IV of the Executive Schedule; two positions at rates not in excess of Level V; and eight positions at rates not in excess of GS–18. The resolution would also authorize the use of services of experts and consultants.

The President's announcement of the creation of the Council noted that "More than 60 . . . units and coordinating bodies throughout the executive branch have responsibility for certain limited portions of foreign economic affairs. Presently, no single high-level body holds the responsibility for the development of international economic policy and its relations to domestic economic policy. The Council will have this responsibility."

I urge early and favorable consideration of the enclosed draft resolution.

Sincerely,

(S) GEORGE P. SHULTZ,
Director.

Enclosure.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1899

At the request of Mr. FONG, the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. TUNNEY), the Senator from Florida (Mr. GURNEY), and the Senator from Michigan (Mr. HART) were added as cosponsors of S. 1899, a bill to permit visitors from designated countries to enter the United States for a period of up to 90 days without obtaining a visitor's visa.

S. 2108

At the request of Mr. CRANSTON, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 2108, the Veterans Drug and Alcoholic Treatment Rehabilitation Act of 1971.

S. 2148

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Senator from Michigan (Mr. GRIFFIN), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Kansas (Mr. PEARSON) be added as cosponsors of S. 2148, the Juvenile Delinquency Prevention and Rehabilitation Act of 1971, bringing to 29 the number of cosponsors of this legislation.

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

Mr. MATHIAS. The addition of my

three distinguished colleagues, I believe, reflects a recognized sense of urgency in the Senate for the resolution of the problem of juvenile delinquency and highlights the importance for early and favorable consideration of this significant legislation.

S. 2161

At the request of Mr. HARTKE, the Senator from Wyoming (Mr. MCGEE) and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of S. 2161, a bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the vocational rehabilitation subsistences allowances, the educational assistance allowances, and the special training allowances paid to eligible veterans and persons under such chapters.

S. 2258

At the request of Mr. GRIFFIN, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 2258, the Motor Vehicle Air Pollution Control Acceleration Act.

S. 2310

At the request of Mr. BAKER, the Senator from Tennessee (Mr. BROCK) and the Senator from New York (Mr. BUCKLEY) were added as cosponsors of S. 2310, Revenue Code of 1954, to extend tax benefits and exclude from income tax the military pay of those members of the Armed Forces who are prisoners of war or in a missing status.

SENATE JOINT RESOLUTION 108

At the request of Mr. CRANSTON, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of Senate Joint Resolution 108 to declare a U.S. policy of achieving population stabilization by voluntary means.

SENATE RESOLUTION 156—SUBMISSION OF A RESOLUTION RELATING TO FOREIGN RELATIONS OF THE UNITED STATES

(Referred to the Committee on Foreign Relations.)

THE SENATE AND THE TREATY POWER

INTRODUCTION

Mr. HARTKE. Mr. President, negotiation of a treaty is constitutionally to be shared by the Senate and the President. The Constitution of the United States assumes that the President and the Senate will be associated throughout the entire process of making a treaty.

The Senate resolution which I offer today is designed to restore the Senate to its rightful constitutional place in the treatymaking process of the United States and, thereby, facilitate a speedy end to our involvement in the Indochina war.

The Senate should require the President to submit to the Senate for advice and consent the nomination of the man he wishes to send as chief negotiator to the Paris peace talks; and it should further instruct that negotiator to proceed in his negotiations along the lines already approved by this body in the form of the Mansfield Amendment to the Military Manpower Procurement Act of 1971, adopted June 24.

My resolution accomplishes this purpose.

The full text of the resolution reads as follows:

RESOLUTION AFFIRMING THE CONSTITUTIONAL PREROGATIVES OF THE SENATE WITH RESPECT TO THE FOREIGN RELATIONS OF THE UNITED STATES

Whereas no treaty may be constitutionally negotiated by the President without the prior advice of the Senate, and no person may perform ambassadorial duties of a particular position unless such person is nominated to such position and the Senate advises and consents to his nomination: Now, therefore, be it

Resolved, That—

(1) the Senate advises, with respect to the negotiations being conducted at the meetings being held in Paris on Vietnam, that the United States should agree to withdraw within nine months of the passage of this resolution all of its military forces from Indochina if reliable arrangements are made for the timely return of American prisoners of war held by the Government of North Vietnam and forces allied with such Government; and

(2) the President is required by section 2 of article II of the Constitution to submit to the Senate for its advice and consent the nomination for appointment of any person he selects to conduct such negotiations on behalf of the United States.

HISTORICAL PERSPECTIVE

Mr. President, the Senate has been very attentive to the point of limiting the war power of the President.

However, in its preoccupation with the constitutional warmaking powers, the Senate has, by and large, neglected its constitutional power to make peace, which is the treatymaking power.

Writing in 1969, in a book entitled "You and Your Senator," I pointed out that:

The Senate (may) be posed against the President in dramatic confrontation because of the treaty making power of the Constitution . . ."

Jealous of its responsibility as a partner in treaty making the Senate has insisted on its right to deliberate a treaty with due regard for all the considerations attached to it, relying on the executive's advice and information, but feeling free to accept or refute provisions as its independent authority deems wise. From the start, the Senate has made it clear that it prefers to deliberate freely—and without pressure presence of the President or his representatives.

During the course of the debate on the Indochina war, the Senate questioned the extent of the President's power to make war. It has examined scholarly writings on the constitutional limitations of the war power and it has examined the history of the exercise of that power. The result of this study and this debate, caused the Senate to pass the National Commitments Resolutions, which attempts to restore the warmaking powers to the proper constitutional boundaries.

Now we have before us further proposals that would reaffirm by law the limits of Presidential action that could involve American forces in hostilities. These efforts on the part of the Senate have shown that the Congress could end the existing war by cutting off the funds for waging it, if the Congress should choose to do so. Also these efforts will help the Nation avoid future wars.

The power to make treaties is an important one. Yet in recent years there has been a neglect on the part of the Senate to exercise its responsibilities under the Constitution in relation to the treatymaking power. In all likelihood, this neglect springs from the acceptance by the Senate of an erroneous view of its constitutional role.

Everyone concedes that the President and the Senate must agree before a treaty can be made. The only question really at issue is whether the two parties shall have the right to be equally informed. Forrest R. Black said in 1931 in his article, "The United States Senate and the Treaty Making Power" that:

There are two widely divergent schools of thought as to the respective (constitutional) roles of the President and of the Senate in making treaties:

The Washingtonian (interpretation) views the role of the Senate as an integral part of the treaty making function, which may be exercised at any stage of negotiation; the other (interpretation) the Wilsonian, considers the function of the Senate merely to give sanction to a treaty that is already drafted . . . (and) would make the word "advice" mere surplusage.

The Wilsonian view also contends that the President may appoint and send envoys to a peace conference without the advice and consent of the Senate.

In all likelihood, as I have said, the Senate's neglect of the treatymaking power springs from the acceptance by this body of an erroneous view of its proper constitutional role. This is the view that governs our present participation in the Vietnam peace talks and the SALT talks. It effectively excludes the Senate from participation in the formulating of negotiating policies for the United States in areas of the most crucial importance to the Nation. The Senate's role in treatymaking, in other words, has been relegated to the very last stage, when—and if—the executive submits a signed treaty for ratification.

I have characterized this view as erroneous. The evidence of our national history overwhelmingly refutes the "Wilsonian" view both as to its constitutionality and its pragmatic value as a method of formulating national policy. In support of this judgment I shall introduce into the RECORD essays by two men who have inquired deeply into the foundations of our constitutional system. These scholars have concluded that President Woodrow Wilson's exclusion of the Senate from the post-World War I treatymaking process was a unique and tragic aberration from the practice that had prevailed through the first three-quarters of this Nation's history. The evidence they offer from actual practice and from the plain meaning of the words of the Constitution itself is incontestable. The Senate was fully intended to have—and until 1919 at least did have—a part of major role to play in the formulation as well as the ratification of international agreements to which the United States was a party.

TREATIES—A CONSTITUTIONAL RESPONSIBILITY

The drafters of the Constitution, as we all know, left a number of points deliberately ambiguous so that future generations could respond with some degree of flexibility to conditions unforeseeable in 1787. This is not the case with the treatymaking clause. Article II, section 2 says:

He (the President) shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, . . . whose Appointments are not herein otherwise provided for.

That language could hardly be more precise. Senator Rufus King of Massachusetts, who was one of the authors of that very section of the Constitution, emphasized the intent of the treatymaking clause in a speech to the Senate in 1818. He said:

To *make* a treaty, includes all the proceedings by which it is made, and the advice and consent of the Senate being necessary in the making of treaties, must necessarily be so, touching the measures employed in making the same. The Constitution does not say that treaties shall be *concluded*, but that they shall be *made* by and with the advice and consent of the Senate: none therefore can be made without such advice and consent; and the objections against the agency of the Senate in making treaties, or in advising President to make the same, cannot be sustained, but by giving to the Constitution an interpretation different from its obvious and most salutary meaning.

That is the understanding of the treatymaking clause which largely governed the conduct of our foreign relations until President Wilson's unprecedented decision to engage in personal and secret treaty negotiations at Versailles in 1919. Since that time, Presidents have generally observed at least the form of consultation with the Senate—as in President Truman's wise decision to include Senate leaders in the treatymaking process after World War II. Yet I think we must all agree that Presidential ascendancy in the realm of international decisionmaking has reached a point where, for all practical purposes, our present system is indistinguishable from that of the Fifth Republic under Charles de Gaulle or the German Federal Republic under Konrad Adenauer. No doubt there are those even in the United States who believe that the methods of representative democracy are unsuited to the conduct of foreign relations. But if that is what the American people want their system to become, the way to bring those changes about is through constitutional amendment—not Presidential usurpation.

The resolution I submit today will test the Senate's will on precisely that point.

ANTICIPATED OBJECTIONS TO THE RESOLUTION

Three possible questions may be raised concerning this resolution:

First. The question of the correctness of the constitutional argument.

Second. The question which concedes the general constitutional point but asks whether it applies to the Indochina conflict and the Paris peace talks.

Third. the question as to whether we can afford the luxury of abiding by what is regarded as an outmoded provision of the Constitution, with special reference to the inadvisability of "tying the President's hands" at a possibly crucial stage in the negotiations.

THE CONSTITUTIONAL ARGUMENT

Some may argue that the Senate should reject this resolution on purely constitutional grounds. The advocates of the Wilsonian interpretation of the constitutional powers of the Executive in the making of treaties would argue that it is the function of the President to negotiate and the Senate to consent. But the term "negotiate" does not appear in the Constitution. Both the history and the phraseology of the Constitution give the lie to this interpretation. Most of the "Wilsonian" interpretation is a result of the writings of the late E. S. Corwin. Professor Corwin was for almost two generations the leading academic apologist for the expansion of Presidential power at the expense of Congress and all other contenders for political influence in our system. Professor Corwin—as dedicated a Wilsonian as ever lived—built his entire career out of the stone of Presidential aggrandizement. But a careful reading of the historical record will show beyond any doubt that Corwin's arguments on the treaty power were based on highly selective quotations from our early history and simply will not stand up to analysis. Thus there is no alternative to accepting the clear meaning of the clear words of the Constitution itself.

ITS APPLICATION TO INDOCHINA

The second possible argument against this resolution will, as I say, concede the general constitutional argument but deny that it applies to the Indochina war and the Paris peace talks. These opponents will say the United States is not officially at war with anyone. Therefore the Paris negotiations cannot possibly lead to a treaty in the sense contemplated by article II, section 2. The response to that argument is one that I believe will be widely shared in this Chamber. This is the longest war in our history. It has cost more than 50,000 American lives and something in the neighborhood of $200 billion. The fact that Congress was misled into granting a President what he claimed to be the authority to wage it without a declaration of war, only makes it unconstitutional, not legitimate. The cure for unconstitutionality is surely not more unconstitutionality. The cure for unconstitutionality is a return to those principles of law that have sustained us for nearly 200 years. I cannot believe that any Senator—all of us having sworn to uphold and defend the Constitution—would reason otherwise. The Indochina war is, in fact, a war. The Paris peace talks are being held for no other reason than to produce a negotiated settlement of the war. They are therefore an exercise in treatymaking of precisely the sort contemplated in article II, section 2.

It will be further argued in this connection that that part of my resolution calling on the President to submit to the Senate for advice and consent the nomination of a chief U.S. negotiator to the Paris peace talks is unnecessary since both Ambassador Bruce and his reported successor have had their ambassadorial rank confirmed by the Senate on a past occasion for other posts. This is a point that Mr. Michaels Collins of the State Department made last October in an exchange of correspondence recently brought to my attention. Mr. Collins' exact words are these:

I should like to add that our negotiator at the Paris peace talks is, of course, appointed with the advice and consent of the Senate.

This assertion, Mr. President, is all too illustrative of the arrogance with which successive administrations have treated the Senate in the realm of foreign policymaking. We are being asked, in effect, to accept the proposition that having approved a man for one diplomatic post, the Senate has given blanket approval for him to serve in any other post—no matter how different from that for which we confirmed him—at the pleasure of the President. The unspoken premise here seems to be that ambassadorship, once conferred is inseparable from a man, like the color of his eyes or the cast of his mind. I need hardly tell any Member of this body that that is an assertion utterly repugnant to the plain meaning of the Constitution, whose authors clearly required that the Senate advise and consent to the appointment of "ambassadors and other public ministers" for specific assignments—not for some undefined diplomatic status almost metaphysical in its indeterminacy.

That will simply not do. Once the nature of the Paris peace talks is understood for what it is—a negotiation with a foreign power for the purpose of reaching an international agreement—then it follows that whoever conducts that negotiation on America's behalf must have his appointment to that post advised and consented to by the U.S. Senate.

THE PRAGMATIC OBJECTION

The third possible argument to this resolution is frankly and unashamedly pragmatic. It, too, concedes the constitutional argument I have made but asserts that the intentions of the Founding Fathers are irrelevant to our national needs in this age of conflict. This position maintains that senatorial involvement, in delicate and necessarily confidential international negotiations, can only be dangerously counterproductive. It asserts that had the authors of the Constitution been able to foresee the perilous world political conditions in which we are obliged to operate, they would surely have posed no obstacles to the exclusive conduct or foreign affairs by the Executive.

This position received its most authoritative statement in the words and actions of President Woodrow Wilson—contrary to the views he expressed in an important book he published shortly before becoming President. And the late Justice Sutherland gave formidable expression to this doctrine in his book "Constitutional Power and World Affairs," published in 1919, and in the dictum of his landmark opinion in United States against Curtiss-Wright—1936.

In fairness, I should say that nowhere

did Justice Sutherland concede that his views ran counter to the Constitution. The closest he came to such a concession was his statement—written before he went to the Supreme Court—that:

We shall probably be obliged to extend the scope and application of the familiar meanings of the Constitution, and it may be to *find*—though not to *make*—new meanings.

It was that search for "new meanings" that led Sutherland to discover that the Senate's only function in treatymaking occurred at the ratifying stage—contrary to the practice of the preceding 130 years.

Later, in the Curtiss-Wright case, Sutherland went so far as to announce that the President's authority in the conduct of foreign affairs existed independently of the Constitution, deriving from the very nature of executive power and in no way conferred upon him by anything the authors of the Constitution did or did not say. This pronouncement of Sutherland's was pure dictum, but it survived to form the theoretical basis of the extraordinary claims for Presidential power we hear today—including, I may say, the assertion by former Attorney General Katzenbach that the clause relating to Congress' war powers is "an obsolete form of words."

This whole line of argument, Mr. President, can be dealt with, and disposed of, on its own terms—that is, pragmatically. Its central claim is that this Nation's foreign affairs, especially with respect to international agreements, can be handled more effectively by an Executive unemcumbered by the advice of the Senate. The record simply does not support this view. The two outstanding instances in the 20th century of Presidents negotiating agreements in total isolation from the Senate are the Versailles Treaty of 1919 and the Yalta Agreements of 1945.

Regarding the Versailles Treaty, I think it is safe to say that everyone would now agree that it turned out to be an unmitigated disaster for America and indeed for Western civilization. World War II, the Nazi death camps, Soviet hegemony over Eastern Europe—all are direct consequences of that bitterly misguided treaty and of America's refusal to adhere to it. And surely no one today doubts that a far happier outcome would have resulted from a peace conference in which President Wilson had enjoyed the counsel and support of the Senate.

No such consensus has yet arisen concerning the Yalta agreements and I do not want to presume to suggest one. But it is incontestable that the very secrecy with which they were concluded poisoned our political dialog for more than a decade and helped foster that almost pathological fear of communism that has deformed our international judgment from that day to this. How much better it would have been if President Roosevelt had been more mindful of his constitutional obligation to involve the Senate in the making of those fateful decision. In all likelihood, we would have ended up with substantially the same agreements but with a far more temperate and informed public and congressional opinion.

REAFFIRMING SENATE RESPONSIBILITIES

And today we have a situation in which another President—a self-confessed Wilsonian of the most ardent kind—has undertaken to conclude an international agreement of the greatest consequence for America without a trace of Senate participation. And we have permitted this—and have permitted ourselves to be silenced as a body by every presidential hint that negotiations too delicate and secret for us to know about are underway. That, at least, was the situation until last month when we passed the Mansfield amendment to the Military Manpower Procurement Act, expressing at long last our collective judgment on the way to proceed at the Paris peace talks.

The resolution I submit today would, in effect, put the Mansfield amendment in proper constitutional perspective. It could not be dismissed as a mere "sense of the Senate" resolution having no legal effect. Passage of my resolution would make it an integral part of the treatymaking process which the President is duty bound not to ignore. And, let me add very emphatically, we must not ignore it either. Once we understand a constitutional provision, we too are bound by our oath of office to abide by it. And that means in this instance that we cannot delegate our own treatymaking authority to the President even if we wished to do so.

The Senate has attempted to reassert its rightful power to make war. Now the Senate should assert its rightful power to make peace. Here is a national interest of the first magnitude. If we attach importance to the future of our constitutional system, the decision is not difficult

Our obligation is clear. This resolution will enable us to fulfill it. By enacting it speedily we can hasten the day when the killing will stop in Indochina and, more fundamentally, restore the principle of representative government to the treatymaking process of the United States.

Mr. President, I ask unanimous consent that the two articles to which I have referred be printed in the RECORD at the conclusion of my remarks. They are, first, "The United States Senate and the Treaty Power," by Prof. Forrest R. Black, which appeared in the Rocky Mountain Law Review in 1931, and Mr. Richard E. Webb's "Treaty Making and the President's Obligation to Seek the Advice and Consent of the Senate with Special Reference to the Vietnam Peace Negotiations," which appeared in the Summer, 1970 number of the Ohio State Law Journal.

Mr. President, I earnestly hope that the Senate of the United States will consider this resolution. I would hope that they would do so before the President takes it upon himself to appoint still another ambassador without advice and consent to the Paris peace talks concerning Indochina.

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

THE U.S. SENATE AND TREATY POWER

(By Forrest R. Black) *

"He [the President] may himself be less stiff and offish, may himself act in the true spirit of the Constitution and establish intimate relations of confidence with the Senate on his own initiative, not carrying his plans to completion and then laying them in final form before the Senate to be accepted or rejected, but keeping himself in confidential communication with the leaders of the Senate while his plans are in course, when their advice will be of service to him and his information of the greatest service to them; in order that there may be veritable counsel and a real accommodation of views instead of a final challenge and contest."—WOODROW WILSON.**

From a constitutional standpoint, what is the respective role of the President and of the Senate in the making of treaties? At the present time, there are two schools of thought expounding widely different doctrines upon this subject. The American people vividly remember the respective claims of the President and the Senate in the consideration of the Treaty of Versailles. The question at issue is, does the Senate have a constitutional right to know the facts and to actually participate in the treaty-making functions, as an advisory body to the President, while the treaty is being formulated, or does the Senate only have the constitutional right to say "yes" or "no" when the treaty in its final form is first presented to it? Or to put it in another way, is the action of the Senate upon a treaty an integral part of the treaty making function which may be exercised at any stage of a negotiation, or is it merely to give sanction to a treaty that is already drafted?

In the discussion of this problem we shall examine and attempt to answer four questions. (1) What was the intention of the framers of the Constitution in this matter as evidenced by the debates in the Constitutional Convention? (2) What is the correct construction of the phraseology of the constitutional provision on the treaty power? (3) Has our treaty practice been in harmony with this construction? And finally, (4) from the standpoint of policy, is this construction preferable?

The debates on the treaty power in the Constitutional Convention throw some light on our problem. The first point of importance to be emphasized is the fact that in the whole history of the Convention, at no time did any member suggest that the President alone should have this power. Even Hamilton, who was an ardent advocate of a highly centralized government, was unwilling to place this important power exclusively in the hands of the President. He believed that the Senate should participate because of "the vast importance of the trust, and the operation of the treaties as law." His sketch of Government presented to the Convention, June 18, 1787, gave to the executive authority, with the "advice and approbation of the Senate, the power of making all treaties."

Furthermore, the debates show that the majority of the members were not even favorable to the idea of giving the President

---

*Professor of Law, College of Law, University of Kentucky. Professor Black was formerly Associate Professor of Political Science in Washington University and the University of Iowa. He holds the following degrees: A.B., U. of Wis.; M.A., Columbia U., Ph.D., Robert Brookings Graduate School of Government; LL.B., Ohio State U. The article constitutes one chapter of a book to be published soon under the general caption, WAR AND THE CONSTITUTION.

**WILSON, CONSTITUTIONAL GOVERNMENT OF THE UNITED STATES (Columbia University Press; New York, 1908) 139–40.

any share in the treaty power until late in the Convention. The Pinckney Draft (Art. VII) provided that "The Senate shall have the sole and exclusive power . . . to make treaties." [1] After weeks of discussion, on August 6, 1787, the Committee on Detail, still adhering to the Pinckney plan, reported out Art. IX, sec. 1, which read as follows: "The Senate of the United States shall have the power to make treaties." Prof. Matthews has admirably summarized the influences that led the members of the Convention to favor the Senate rather than the President in treaty making. "(1) Fear of the autocratic power which might result from placing this important function in the hands of one man, (2) a desire to depart from English precedent, (3) the force of practice under the preceding regime, when for lack of a President, the Continental and Confederation Congresses had directed the foreign relations of the country and (4) the feeling that since the states were prohibited from making treaties, some compensation should be granted them by giving this power to their representatives in the upper house, thereby protecting them against injury at the hands of the Federal government in its control over foreign relations." [2]

The President was finally given a share in the treaty power only after Madison made the suggestion "that the Senate represented the states alone, and that for this as well as other obvious reasons, it was proper that the President should be an agent in treaties." But with reference to treaties of peace. Madison made an exception and suggested the consent of two-thirds of the Senate *without* the concurrence of the President, since the President would derive so much power and influence from a state of war that he might be tempted to impede the conclusion of a treaty of peace.[3] This exception was defeated presumably because the Convention accepted the view of Nathaniel Gorham of Massachusetts that the precaution was unnecessary since the means of carrying on war were in the control of the legislation.[4]

From a review of the debates in the Constitutional convention it is impossible to generalize and to say that the Convention gave a definite answer to our specific problem. They did not describe in detail the exact function or the method of procedure of the President and the Senate in making of treaties. But we submit that it is fair to conclude that the delegates were inclined at least to view the Senate as possessing equal dignity, equal power and equal responsibility with the President in the making of treaties. And this general attitude becomes significant in discussing the true meaning of the phraseology of the treaty clause as finally drafted.

But before attempting this interpretation, it is well to dispose of one consideration. In many of the treaties on the treaty power it is deemed proper by way of introduction to indulge in a philosophical speculation as to the inherent nature of this power, whether it be executive or legislative. We consider this to be irrelevant in determining the respective roles of the two departments in our government in the treaty making function. Our Supreme Court has said, "Our own Constitution and form of government must be our only guide." [5]

The Constitutional provision bearing on this point reads as follows: "He [the President] shall have power, by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur." [6] The advocates of the Wilsonian [7] interpretation of the powers of the executive in the making of treaties would argue that it is the function of the President to negotiate and that of the Senate to consent. But the term "negotiate" does not appear in the Constitution. Both the history of the convention and the phraseology of the Constitution give the lie to this interpretation. Senator Bacon in a debate in the United States Senate in 1906 presented an irrefutable argument on this point.

He said, "The Constitution does not divide the power conferred upon the President and the Senate respectively into two parts, so that the term to make should be construed to mean, in the first division 'to negotiate' and in another division 'to consent', thus conferring the one upon the President and the other upon the Senate. It is one *indivisible* power 'to make' and in the entire power 'to make' the Senate is given full participation on advising and consenting. The contention that the power of the President includes everything up to the time of the submission of the proposed treaty to the Senate might be sustained if the language of the Constitution were that 'the President of the United States shall have power to negotiate, and by and with the advice and consent of the Senate to make treaties.' " [8]

There can be no question but that the precise wording of the treaty clause was deliberate and for a purpose. The framers did not desire to break up the treaty-making power into two parts. They did not contemplate that the Senate should function only to give sanction to a treaty already drafted. Their purpose was to make the President and the Senate coordinate with each other in the treaty making function, sharing equal power and equal responsibility. If there is still doubt on this point, the following consideration should be conclusive. Separated only by a semicolon from the treaty provision, and in the same article, section and clause of the Constitution is the provision for the nomination and appointment of officials. But note the difference in phraseology. "And he [the President] shall *nominate* and by and with the advice and consent of the Senate, shall *appoint* ambassadors, other public ministers and consuls, judges of the Supreme Court and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law . . ." As far as this function is concerned, the framers clearly distinguished between two powers, that of nominating and that of appointing. The first is exclusively in the hands of the President; the second is jointly given to the President and the Senate. But extremists who care little for the provisions of the fundamental law, have ignored this difference in phraseology and have claimed that because the Senate cannot amend a nomination by striking out the name sent in by the President and insert in another, it therefore, by analogy, cannot amend a treaty.[9]

There is one further argument from the standpoint of phraseology. What is the meaning of the word "advice" in the treaty clause. Senator Bacon has said, "It is proper for the Senate to advise at all stages. We do not advise men after they had made up their minds and after they have acted; we advise men while they are considering, while they are deliberating and before they have determined and before they have acted." [10] The Wilsonian interpretation would make the word "advice" mere surplusage. John Marshall, our greatest Chief Justice, had something to say concerning an interpretation which would have this effect. "As men, whose intentions require no concealment, generally employ the words which most directly and aptly express the ideas they intended to convey, the enlightened patriots who framed our Constitution and the people who adopted it, must be understood to have employed words in their natural sense and to have intended what they have said." [11]

What, then, is the correct interpretation of the constitutional provision relating to the treaty power? We hold that the President and the Senate are coordinate departments and should have equal power and equal responsibility. This does not mean that the President is obligated to seek advice in person. He may do so by message. It does not mean that the President must, in all cases, seek advice before he enters into the preliminary stage of a negotiation. The President, as the chief executive, may take the initiative in the field of foreign relations, but when a treaty is under negotiation, the Senate has a constitutional right to know the facts and to give advice. It is implicit in the very idea of making the Senate an advisory body to the President, that the Senate shall have the privilege of being an informed advisor. If the Senate sees fit to delegate its advisory function to its own Committee of Foreign Relations, the President may constitutionally deal with that committee and may seek advice from it. This committee, being the creature of the Senate can be required to report to its creator at any time. It is also not inconsistent with the treaty clause, for the Senate to take the initiative and suggest, by resolution, that a certain treaty of a certain type be negotiated. Of course the President is not bound to accept the advice; neither is the Senate bound to give its consent. As David Jayne Hill has so well said, "If an impasse is created intentionally, the fault lies with him who has intentionally created it, for it is not legally in the power of either participant in the process to destroy the freedom of judgment of the other. Its safety lies in the fact that it is a joint procedure. Either can completely block the interests of the other, but neither can force the other; and herein lies the wisdom of the arrangement." [12]

Has our treaty practice been in harmony with this construction? It is important to get the point of view of the first President of the United States who was also the president of the Constitutional convention and as such presided over the debates of that body. The actual practice of treaty making under Washington's administration evolved through three distinct stages as far as details are concerned. His earliest view is illustrated by the treaty with the Creek Indians in 1789. On August 22nd of that year, he appeared in person before the Senate to get its advice by an affirmative or negative vote on seven specific questions relating to the proposed treaty.[13] The Senate voted affirmatively on only part of the propositions submitted.[14] He not only expressed himself in favor of oral communications with the Senate, but even anticipated the establishment of a *special chamber* where the joint business of the President and the Senate could be conducted. In a letter to Madison on August 9, 1789, he said, "In all matters respecting treaties, *oral* communications seems indispensably necessary; because in these a variety of matters are contained, all of which not only require consideration, but some of them may undergo much discussion to do which by written communications would be tedious without being satisfactory.[15] As to the *place* of carrying on this joint function, Washington said, "In the appointment to offices, the agency of the Senate is purely executive and they may be summoned to the President. In treaties, the agency is perhaps as much of a legislative nature, and the business may properly be referred to their deliberations in their legislative chamber. The occasion for this distinction will be lessened if not destroyed, when a chamber shall be *appropriated* for the *joint* business of the President and the Senate." [16]

This first stage is not only marked by the practice of oral communications, but also by the fact that the advice was sought in advance of, and during the negotiation. On April 1, 1792, Jefferson, as Secretary of State advised the President to consult the Senate *before* opening negotiations, since its subsequent approbation was necessary to validate a treaty.[17]

Footnotes at end of article.

After the Creek treaty Washington abandoned the practice of appearing in person *and asking* advice, but he did continue to seek advice by message, either prior to or during negotiations. In connection with the treaty with Algiers in 1795 for the ransom of American seamen, Washington, acting on the advice of Jefferson, kept both houses informed of every step in the negotiations during a period of three years, on the theory that inasmuch as subsequent legislation would be required to make it effective, it would be good policy for the executive to keep in close touch with both branches of the legislature.[18]

The Jay treaty is illustrative of the third step. Here instead of consulting the Senate as a body for purposes of advice during the negotiation, he conferred with prominent members of the Senate. This practice has led to the growth and increasing power of the Senate Committee on Foreign Relations.

No attempt shall be made to give a detailed history of treaty making in each administration since that of Washington. A few salient facts and certain broad tendencies, however, should be pointed out. From the beginning of the government until August 1, 1914, 595 treaties have been made.[19] Many of these are relatively unimportant. No President, since Washington, has appeared in person before the Senate seeking advice. Crandall cites eighteen instances in which the advice of the Senate has been sought by the President, by message, prior to negotiations.[20] Many of the Presidents have kept the Senate as a body advised by message during the period of negotiations. A few of the outstanding illustrations are recorded. President Madison, in his message of July 6, 1813, went so far as to hold that the Senate by delegating its power to its own Committee on Foreign Relations was violating the spirit of the treaty clause. He said, "The Executive and the Senate, in the cases of appointments to office and of treaties, are to be considered as independent of and coordinate with each other. The appointment of a committee of the Senate to confer immediately with the Executive himself loses sight of the coordinate relation between the Executive and the Senate which the Constitution has established, and which ought therefore to be maintained." [21] President Jackson in a message of May 6, 1839, sought the advice of the Senate as to the conclusion of a treaty with the Choctaw Indians.[22]

Mr. Buchanan, as Secretary of State in President Polk's cabinet instructed Mr. Lane, Minister to Great Britain, on February 26, 1848, as follows:

"The Federal Constitution has made the Senate to a certain extent a coordinate branch of the treaty making power. Without their advice and consent, no treaty can be concluded. This power could not be entrusted to wiser or better hands. Besides in their legislative character, they constitute a portion of the war making, as in their executive capacity they compose a part of the treaty making power. A rejection of the British ultimatum might probably lead to war, and as a branch of the legislative power, it would be incumbent upon them to authorize the necessary preparations to render this war successful. Under these considerations, the President, in deference to the Senate, and to the true theory of constitutional responsibilities of the different branches of the government, will forego his own opinions so far as to submit to that body any proposition which may be made by the British government." [23]

When the British proposal in regard to the Oregon Boundary dispute arrived, President Polk submitted it to the Senate and added that he would "conform" to their "advice." In his message to the Senate he said, "The Senate are a branch of the treaty making power, and by consulting them in advance of his own action upon important measures of foreign policy, which may ultimately come before them for their consideration, the President secures *harmony* of action between that body and himself. The Senate, moreover, are a branch of the war making power; and it may be eminently proper for the executive to take the opinion and advice of that body in advance upon any great question which may involve in its decision, the issue of peace or war." [24] On August 4, 1846, Polk advised the Senate of his intention to propose terms of peace with Mexico.[25]

On March 16, 1861, Lincoln sought further advice from the Senate on the Oregon question.[26] On the 27th of Demember, 1861, Lincoln again sought advice from the Senate concerning the guarantee of payment of claims urged by certain European powers against Mexico.[27] In 1862, Lincoln referred to the Senate for its advice upon a proposed treaty with Mexico. The Senate advised against it. President Johnson on two occasions [28] and President Grant on three occasions sought the advice of the Senate.[29] President Arthur in 1884 asked for the advice of the Senate in regard to a reciprocity treaty with Hawaii. He said, "It is fitting to consult the Senate on the matter before directing negotiations to proceed." [30]

In addition to the cases where the President, by message, sought the advice of the Senate *as a body* during the period of negotiation, there are many illustrations of the practice where the President took into his confidence leading members of the Senate and sought their advice. A typical illustration of this method is found in the negotiation of the Ashburton treaty. Daniel Webster, as Secretary of State, kept the principal Senators informed as to the various steps in the negotiation and was thus enabled to secure the Senate's advice and consent to ratification, even although the majority of that body was opposed to the President politically.[31] There are other cases where this advice was sought by formal notes sent to the Senate Committee on Foreign Relations. There have also been numerous cases where the President has refused to seek advice during the negotiations and has not submitted the treaty to the Senate until it was drafted in its final form.

Crandall cites thirteen cases where the President refuses to ratify treaties in the form approved by the Senate.[32] He cites ten cases where the President withdrew treaties while still under Senate consideration.[33] He cites nine cases where the President withheld treaties from the Senate altogether,[34] and eleven in which the President submitted them to the Senate with recommendations for amendment.[35]

The Senate has the power to reject a treaty by refusing to "consent" to its ratification. Crandall cites seventeen cases of rejection of treaties by the Senate.[36] Senator Lodge lists sixty-eight treaties down to 1900 that have been amended by the Senate and afterwards ratified.[37] Further, the Senate can make its consent to ratification conditional upon the acceptance by the signatory power of amendments, reservations or interpretations. Quincy Wright points out that of over 650 treaties signed by the United States, in about one-tenth the Senate has qualified its consent to ratification.[38] The United States Supreme Court has held that to make an amendment, reservation or interpretation effective, that both the President and the Senate must consent. In the case of *Fourteen Diamond Rings v. United States,*[39] it was said, "The meaning of the treaty cannot be controlled by subsequent explanations of *some* of those who may have voted to ratify it." Interpretations or reservations made by the President without the consent of the Senate have met the same fate.[40]

Of all the treaties that have been negotiated by the Executive without the "advice" of the Senate, the treaty of Versailles is the most notorious example. This treaty was negotiated in secret, and the Senate was kept in the dark during the whole period of the negotiation. Not only did the President, by his interpretation of the treaty clause make the word "advice" mere surplusage, but also attempted to interfere with the Senate in the exercise of its constitutional function of giving "consent." Although posing as the exponent of "open covenants, openly arrived at," when he finally decided to present the treaty in its completed form to the Senate he actually refused to submit, with the treaty, the discussions and minutes of the Peace Conference. He said, "The reasons we constituted that very small conference was so that we could speak with the utmost absence of restraint, and I think it would be a mistake to make use of those discussions outside." [41] He must have known that it was impossible for the Senate to act intelligently and to give a real consent from the bare text of the treaty. In the nominal interests of peace, we behold the spectacle of the executive, attempting to bring unfair political pressure upon an uninformed Senate. After depriving a coordinate department of its constitutional right to the facts, he proceeded to appeal to the country, claiming to have a monopoly on the plans for the peace of the world. And in order that the emasculation of the coordinate power of the Senate might be complete, he so drafted the treaty and the covenant, that they could not be separated and could not be voted on separately on their merits. On March 4, 1919, in New York, the President, certain of victory, made this boast: "When that treaty comes back, gentlemen on this side will find the covenant not only in it, but so many threads of the treaty tied to the covenant, that you cannot dissect the covenant from the treaty without destroying the whole vital structure."

Usurpation is a dangerous thing, even although the act be committed in good faith and with the honest belief in its constitutional sanction. But here to aggravate the offence, the usurpation was deliberate. Woodrow Wilson was no novice in the field of constitutional law. He knew the "true spirit of the Constitution" and his own words written in 1908 constitute a more perfect indictment of his whole attitude with reference to the Treaty of Versailles, than anything that has ever been or ever will be uttered by his most malicious opponent.

Woodrow Wilson said, "But there is another course which the President may follow and which one or two President of unusual sagacity have followed with satisfactory results that were to have been *expected*. He may himself be less stiff and offish, may himself act in the *true spirit* of the Constitution and establish intimate relations of confidence with the Senate on his own initiative, not carrying his plans to completion and then *playing them in final form* before the Senate to be accepted or rejected, but keeping himself in confidential communication with the leaders of the Senate while his *plans are in course*, when their *advice will be of service to him* and his information of the greatest service to them; in order that there may be veritable counsel and a real accommodation of views instead of a *final challenge and contest*. The policy which has made rivals of the President and Senate has shown itself *in the President as often as in the Senate*, and if the Constitution did indeed intend that the Senate should in such matters be an executive council, it is not only the privilege of the President to treat it as such, it is also his *best policy* and his *plain duty*. As it is now the President and the Senate are apt to deal with each other with the formality and punctilio of powers united by no common tie except the vague common tie of public interest; but it is within their

Footnotes at end of article.

choice to *change the whole temper of affairs* in such matters and to exhibit the *true spirit* of the Constitution by coming into intimate relations of mutual confidence by a change of attitude which can perhaps be effected more easily upon the *initiative of the President* than upon the initiative of the Senate." [42]

It is an interesting commentary on the Treaty of Versailles to note that President Wison abandoned the practice, which he conceived in 1908 to be in conformity with the "true spirit of the Constitution" and relied on a very different theory, which he had enunciated in 1885 in his book, "Congressional Government," as follows: "His (the President's) only way of compelling compliance on the part of the Senate lies in his initiative in negotiation, which affords him a chance to get the country into such scrapes, so pledged in the view of the world to certain courses of action, that the Senate hesitates to bring about the appearance of dishonor which would follow its refusal to ratify the rash promises or to support the indiscreet threats of the Department of State".[43]

Impressed by the tremendous import of the issues at stake, Wilson deliberately decided to take the gambler's chance and to act on the theory enunciated in 1885, and in so doing he abandoned his better judgment. In accord with that theory he made the supreme effort "to bring about the appearance of dishonor" on the part of the Senate by his appeal to the effect that to defeat the League would be to "break the heart of the world." Because of a miscalculation of the temper of the United States Senate, the master strategy of Woodrow Wilson went down in defeat and it is our contention that that defeat should be sufficient to discredit this policy for all time. If that defeat has any significance, it can only mean that the Wilson policy in its very nature makes for blind opposition and prevents intelligent control.

From this brief historical presentation, it appears that broadly speaking, there have been two interpretations of the treaty clause. The one, which we will term, the Washingtonian, views the role of the Senate as an integral part of the treaty making function, which may be exercised at any stage of a negotiation; the other, which we will term, the Wilsonian, considers the function of the Senate merely to give sanction to a treaty that is already drafted. As a matter of *policy*, which interpretation is preferable? The advocates of the Wilsonian interpretation rely mainly on one general argument and although there is some variation in the phrasing of it, the gist of their case seems to be that the nature of transactions with foreign nations requires caution and unity of design, and their success frequently depends on secrecy and dispatch. The writers who take this view apparently believe that the very statement of the proposition is so conclusive on its face, that no defense of it is required. As a matter of fact, in the literature of the subject, we have found no adequate analysis of this seemingly axiomatic proposition. With all deference to the authorities who have come under the spell of this idea, we believe it can be shown that this argument falls far short of justifying their position, either in its theoretical or its practical aspects.

These men, whether they realize it or not, are in reality stating the argument in behalf of the idea that the treaty power in its entirety should reside exclusively in the executive, and logically their position is antagonistic to the very idea of any form of *joint* control over treaties by the President and the Senate. But actually they are not advocating such a radical departure. In their attempt to bolster up the Wilsonian interpretation, they are relying on an argument which does not fit the case. It is not only irrelevant from the theoretical aspect, but we believe that a careful analysis of the actual operation of the Wilsonian interpretation will show that in fact their position is untenable. We shall attack this proposition from two points of view, attempting to show *first*, that it is theoretically indefensible and *second* that from a practical point of view the outstanding product of this interpretation, namely the Treaty of Versailles, fails miserably to make a case for expediency or dispatch.

As to the first point, no one has claimed that the Senate has the constitutional right to open negotiations with the diplomatic representatives of a foreign power. The President, as the chief executive, is the constitutional representative of the United States with regard to foreign nations. He is the proper official to direct, through the Department of State, the correspondence with our ministers abroad and with foreign ministers. The Senate does not possess the means of acquiring such information directly. In our analysis of this problem we should recognize that thus far, both schools of thought are in substantial agreement, but we should note that the acceptance of the above statement does not preclude the constitutional *right* of the Senate to suggest to the President that he undertake a certain negotiation nor does it preclude the *right* of the Senate to suggest the content of that negotiation.

With this as a starting point in our analysis, we next introduce two considerations which are fundamental and which the advocates of the Wilsonian interpretation seem to ignore in the development of their case for dispatch. The first, is the cardinal principle in our constitutional system that the Executive and the legislative departments are coordinate and the second principle is that in so far as the treaty power is concerned, the Constitution has conferred upon one branch of the government, namely, the Senate, a point participation with the President in the making of treaties. No conceivable interpretation of the treaty clause could deny that treaty making is a joint function. We are confronted then by the hard fact that both the President and the Senate must agree before a treaty can come into existence.

These basic considerations should be obvious, and yet strange to relate, the literature of the subject is honeycombed with confusion and, especially with reference to the Treaty of Versailles, men of learning have attempted to settle this constitutional question by an appeal to personalities. We submit that no intelligent discussion of the respective merits of the Washingtonian and the Wilsonian interpretation of the treaty clause is possible, unless it takes into account the basic principles.

Let us compare these two interpretations as regards secrecy, dispatch and safety. First as to secrecy, Woodrow Wilson gave lip service to the ideal of "open covenants, openly arrived at," but he justified his attitude toward the Senate during the negotiation of the Treaty of Versailles on the ground that secrecy was all important. The deliberations of the Council of Five were secret beyond all precedents. No secretaries were admitted and no official minutes were kept. The Council of Five has been described by Dr. Dillon as "a gang of benevolent conspirators, ignoring history and expertship, shutting themselves up in a room and talking disconnectedly." It is not proper at this place to enter into a discussion of the relative merits of open *versus* secret diplomacy. Let us assume for the sake of argument that secrecy is preferable. We then meet the claim insisted upon by advocates of the Wilsonian interpretation that real secrecy is impossible if the Senate is kept advised of the facts during the negotiation of the treaty.

In this connection, they stress the size of the Senate arguing that even although at the outset of the government, the Senate might function as an executive council, when it consisted of but twenty-six members, that, now, it is impossible because we have almost one hundred members. We have shown that the Senate may, consistent with the treaty clause, delegate its right to receive the facts during the negotiation, to its own committee on Foreign Relations which may consist of much less than twenty-six member and this committee could function while the Senate as a body is not in session. But even if the Senate as a body should receive its information, it would be in executive session behind closed doors, and the argument that secrecy would be jeopardized is but a polite way of questioning the patriotism and the motives of the members of the United States Senate. We refuse to subscribe to that doctrine. If the members of the highest legislative body in the land are so blasé that they cannot safely be entrusted with information, then why should they be given any right to participate in the treaty making function in any particular? If the advocates of the Wilsonian theory were logically consistent they would realize that they are stating the case for an exclusive presidential treaty power and they would frankly and openly attempt to create a public sentiment which would lead to a constitutional amendment.

One thing is certain, they can never reach that goal by any attempt at informal amendment by executive interpretation and any effort to undermine a coordinate department of the government will not only deprive the country of the services of an *informed* advisor but also must ultimately lead to hostility and misunderstanding.

What can be said for the Wilsonian interpretation as regards dispatch? It has been argued that a division of opinion between the Senate and the President could not fail to give the nation with whom we might be disposed to treat, the most decided advantages and would delay if not altogether prevent the realization of our desires. But this argument is based on a false assumption. We have no right to claim that the President and the Senate will always be hostile, especially if the President follows the Washingtonian interpretation, and when they are hostile, the relations can be kept *secret*. If on the other hand, they are in harmony, the publicity of that fact will have much weight with the other nation. But more important than this is the fact that under our Constitution, the treaty clause requires agreement between the President and the Senate before a treaty can be ratified. Considering human nature as we find it generally, and especially as it is exemplified in the Senate of the United States, it is futile to hope that time will be gained by keeping the Senate in ignorance of the facts during the whole period of negotiation. Men, who are politically ambitious and who have been elected to represent their respective states in the highest legislative body in the land, knowing that they are members of a coordinate department in the treaty making function are not going to submit to any form of dictation or political pressure exerted by the Executive. It is inconceivable that the President will ever become so powerful and the Senate so weak, that such a policy can be relied upon in order to speed up the treaty making process.

It is important to note that the argument presented by Lord Balfour against the establishment of a Parliamentary Committee of Control of Foreign Relations in the English government is not applicable to our situation. He said in a speech of March 19, 1918, "Do not suppose that we can do the work better by having to explain to a lot of people *who are not responsible*. That is not the way to get business properly done." [44] This argument is not applicable to our Senate. Here we have a *joint responsibility*. Everyone admits that the President and the Senate must agree before a treaty can be made. The only question at issue is whether the two parties shall have the right to be equally informed.

Footnotes at end of article.

Can the Wilsonian interpretation be defended from the standpoint of safety? The Senate, as a continuing body and as the highest legislative assembly contains a considerable number of members of great capacity and large experience. We believe that the history of the Senate will reveal, that even at its lowest ebb, there were in that body a few great characters from whom any President might well have sought advice. We know that the Senate has often performed a patriotic and highly valuable service by its merciless examination of a treaty. An excellent example is the Hay-Pauncefoote treaty, which but for the Senate, would have failed to reserve the right of the United States to fortify the Panama canal.[45] Why not adopt the cooperative policy and take advantage of the experience of the Senate while the treaty is being negotiated? We cannot believe that the mere election of a man to the Presidency *ipso facto* endows him with knowledge or experience. Why not reveal to this coordinate body, the facts, so that it may be an informed advisor? The American people have had enough of personal government. They are beginning to realize that leadership to be democratic must make use of democratic methods of procedure.

There is no hope for the political theorists who have failed to grasp the significance of the lesson taught by the Treaty of Versailles, and who continue to be dominated by the spell of an outworn idea. Wilson, up to the time of his tragic disillusionment, enjoyed greater power than any other President in the history of the republic. But he pursued a policy which was in violent conflict with his better judgment, expressed ten years before while President of Princeton University. At that time he voiced the true policy that makes possible a real advice and consent. That is the policy based on cooperation that leads to understanding and makes for dispatch. The Harding-Hughes disarmament treaties were ratified without difficulty and without change. The explanation lies largely in the fact that President Harding appointed as members of the American delegation the leaders of the two great parties in the United States Senate, Mr. Lodge and Mr. Underwood.

Do we need a greater popular control over treaties? The most undemocratic feature of the great democracies of the world today is the method of carrying on foreign affairs. The machinery of diplomacy is a survival from the age of absolutism. The "barren game of intrigue" has been played and found wanting. Secret diplomacy has led to suspicion. Prof. Reinsch has said, "No nation is so bad as imagination, confused and poisoned by secrecy and by the suggestion of dire plottings, would point out."[46] Suspicion has in turn incited nations to enter a competitive race for armament, and the existence of great military machines has constituted a standing menace and an incentive to war. Such has been the diplomacy of Europe. Woodrow Wilson said, "European diplomacy works always in the dense thicket of ancient feuds, rooted, entangled and entwined. I did not realize it all until the Peace Conference; I did not realize how deep the roots were." The world has witnessed, the common peoples of Europe make the supreme sacrifice. It is a tragic commentary that at the outbreak of the World War, there was in no European country a popular control over the conduct of foreign affairs.

Conditions in America have been much better. The men who framed the Constitution of the United States placed in that document two provisions with respect to the treaty making power, which are the very antithesis of secret diplomacy. They provided that no international agreement, to which the United States is a party, shall be binding unless agreed to by a representative body, the United States Senate, and they further provided that treaties, when duly ratified, shall be the law of the land. It is implicit in these provisions that the treaties of this government shall be published to all the world. Further, we have Prof. John Bassett Moore, as authority for the statement that our State Department before the World War had no secrets whatever, with the exception of personnel reports.[47]

Prof. Quincy Wright has said, "Critics of American government have often urged reform, usually in the direction of the British cabinet system, but their attention has been centered upon domestic affairs. It is an extraordinary fact that with respect to the control of foreign affairs, the reverse is true. British writers have looked hopefully to the United States as a model for reform. Features of the American system have been endorsed by the British Union for Democratic Control of Foreign Relations founded in 1914."[48]

The late Lord Bryce voiced this sentiment when he said, "The day may come when in England the question of limiting the present all but unlimited discretion of the Executive in foreign affairs will have to be dealt with, and the example of the American Senate will then deserve and receive careful study."[49]

Should we be satisfied merely because we have a better system than Europe? We have shown not only that the Wilsonian interpretation of the treaty clause, which may become the prevailing interpretation, violates the spirit of the Constitution by making the word "advice" mere surplusage, but also we have pointed out that in the case of the Treaty of Versailles, the executive was attempting to prevent a coordinate department in the treaty making function from exercising a real "consent."

The history of our treaty practice has established the fact, beyond controversy, that there are two widely divergent schools of thought as to the respective roles of the President and of the Senate. Those who favor the Wilsonian interpretation do not relish the charge of usurpation. But even they do not have the audacity to make the counter charge that the Washingtonian interpretation constitutes usurpation. In order therefore to defend their position at all, representing as it does a later interpretation, they will be forced to employ the only alternative and contend that there is an ambiguity in the Constitution with reference to a *method of procedure*.

From their own analysis of the situation, we insist that clarification, one way or the other, is imperative. We say "imperative" advisedly, for if a written constitution cannot be accurately drawn so as to define and describe a mere method of governmental procedure, what hope is there that it can effectively guarantee the protection of a substantive right? We do not believe that any one can be found who will be bold enough to assert that in this case, clarification could not be accomplished by amendment, and further we do not believe that any one, after conceding that clarification is possible, would argue that it should not be consummated. To admit the ambiguity and at the same time to deny the possibility of clarification would be to assert the futility of all written instruments, whether they be contracts, by-laws, deeds, wills or constitutions.

Granting then that clarification is needed, the question remains, which policy is preferable? We have analyzed the arguments presented by the adherents of the Wilsonian school and have shown that they have utterly failed to make their case for dispatch, for secrecy or for safety. We have placed our faith in the doctrine that "democratic leadership requires democratic methods of procedure." Whether the future, for us, shall be war or peace, is to be determined largely by those who control our foreign relations. We do not hold that our international policies should be determined in the market place. Detailed treaties cannot be intelligently made by plebiscite. But we do maintain that the ends of democracy will best be served by assuring the representatives of the people in the United States Senate a real participation in the treaty making power. The President alone under our system has direct access to the sources of information; and this is as it should be. But if we are to have a more direct popular control over the making of treaties, cooperation and counsel and advice are necessary. To make these effective, the Senate *during the period of the negotiation*, must possess the facts, so that it can be an informed advisor.

John Hay, one of our greatest Secretaries of State, has said that "the irreparable mistake of our Constitution puts it into the power of one-third plus one of the Senate to meet with a categorical veto any treaty negotiated by the President even tho it may have the approval of nine-tenths of the nation."[50]

In the constitutional convention the proposal that a majority of the total number of Senators should suffice was defeated by one vote.[51] James Wilson objected to the two-thirds requirement on the ground that "if two-thirds are necessary to make the peace, the minority may perpetuate the war, against the sense of the majority."[52]

Alexander Hamilton said, "all provisions which require more than a majority of any body to its resolutions have a *direct* tendency to embarrass the operations of the government and an *indirect* one to subject the sense of the majority to that of the minority."[53]

If it can be assured that the Senate in the future will be consulted and considered as a real advisor, we do not believe that a higher percentage than a bare majority of the Senators present should be required, for consent. Whether we like it or not, the fact remains that many treaties have been and will be considered as party issues. To make it obligatory for an administration to command a two-thirds vote upon a treaty is to impose a condition that cannot often be met. If we assume (1) that all the Senators participate in the vote, and (2) that the treaty is looked upon as a party measure, the two-thirds requirement means a party majority of thirty-two members to insure acceptance. In the last forty years, no administration has enjoyed such a majority in the United States Senate.

We propose that the Constitution be formally clarified by adopting the Owen amendment, "The President shall have the power, by and with the advice of the Senate, to frame treaties, and with the consent of the Senate, a majority of the Senators present concurring therein, to conclude the same."[54]

The adoption of this amendment would constitute a reaffirmation of what we conceive to be the original intention of the framers of the Constitution. More than that, it would clarify the present treaty provision, which to the advocates of the Wilsonian school, is now vague and properly subject to two antithetical interpretations. Although not judicially enforceable, it would have a sobering effect upon the Executive and would tend to assure the people in the future, a more direct control over the conduct of their government's foreign affairs. It would restore to the Senate, a broadly representative body, composed of men from every state and every class the true role of a coordinate department in the important field of treaty making.

In proposing this amendment to democratize the treaty making function of our government, we have no desire to make the President a figurehead. If this amendment were adopted he would still retain four of his present privileges. (1) The initiative in negotiation, (2) the *right* to submit the treaty to

Footnotes at end of article.

the Senate with recommendation for amendment,[55] (3) the *right* to withdraw a treaty from the Senate either with a view to effect changes therein or to terminate proceedings,[56] (4) the *right* to refuse to ratify and proclaim the treaty after it has been approved by the Senate.[57]

FOOTNOTES

[1] See article by Senator Bacon, *The Treaty Making Power*, 182 NORTH AM. REV. 510–1.
[2] MATHEWS, THE CONDUCT OF AMERICAN FOREIGN RELATIONS (1922) 131.
[3] DOCUMENTARY HISTORY OF THE UNITED STATES, v. 3, p. 700.
[4] *Ibid.*
[5] Fleming v. Page, 9 How. (U.S.) 603, 13 L. ed. 276 (1849).
[6] U.S. CONST., Art. 2, Sec. 2, Clause 2.
[7] We use the term "Wilsonian interpretation" because Wilson is the most thoroughgoing exponent of this view.
[8] Bacon, *supra* note 1 at 505.
[9] See article by Senator Lodge, *The Treaty Making Power of the Senate* 31 SCRIBNER'S MAG. 33.
[10] Quoted in CORWIN, THE CONTROL OF FOREIGN RELATIONS, p. 181.
[11] Gibbons v. Ogden, 9 Wheat. (U.S.) 188, 6 L. ed. 23, 1824).
[12] HILL, PRESENT PROBLEMS IN FOREIGN POLICY (Appleton, 1919) 161–3.
[13] EX. JOURN., v. 1, pp. 19, 20, 23.
[14] MACLAY, SKETCHES OF DEBATE IN THE FIRST SENATE OF THE UNITED STATES (Harris ed.) 122–6.
[15] WASHINGTON'S WRITINGS (Ford ed.), v. 11, p. 415.
[16] *Ibid.* 417–9.
[17] WASHINGTON'S PAPERS, v. 21, p. 21; JEFFERSON'S PAPERS (series 4), v. 2, no. 18.
[18] AMERICAN STATE PAPERS OF FOREIGN RELATIONS, v. 1, pp. 288–300; 413–42.
[19] CHECKLIST OF UNITED STATES PUBLIC DOCUMENTS (1911) 978; Wright, 13 AM. JOURN. OF INTERNATL. LAW 242–3, note.
[20] CRANDALL, TREATIES, THEIR MAKING AND ENFORCEMENT (2d ed.) 68.
[21] Lodge, *supra* note 9 at 30.
[22] EX. JOURN., v. 4, p. 97.
[23] WORKS OF BUCHANAN (Moore, ed. 6th) 379.
[24] RICHARDSON, MESSAGES AND PAPERS OF THE PRESIDENTS, v. 4, p. 449.
[25] EX. JOURN., v. 7, p. 132.
[26] *Ibid.* 1. 11, p. 308.
[27] *Ibid.* 1. 12, p. 24.
[28] *Ibid.* v. 16, pp. 163–411; v. 17, p. 174.
[29] *Ibid.* v. 18, pp. 59–264; v. 19, pp. 355–512.
[30] *Ibid.* v. 24, p. 280.
[31] See J. W. Foster, *The Twenty Making Power Under the Constitution* (1901) 11 YALE L. J. 71.
[32] CRANDALL, *supra* note 20 at 97.
[33] *Ibid.* 93.
[34] *Ibid.* 99.
[35] *Ibid.* 97.
[36] *Ibid.* 82.
[37] *Supra* note 9.
[38] Wright, *Amendments and Reservations to the Treaty* (1919) 4 MINN. L. REV. 15.
[39] 153 U.S. 176, 22 Sup. Ct. 59, 46 L. ed. 138 (1901).
[40] 5 MOORE'S DIGEST 203–6. CRANDALL, *supra* note 20 at 85, 381.
[41] Hearings before the Senate Committee on Foreign Relations on the Treaty of Peace with Germany, p. 521.
[42] WILSON, CONSTITUTIONAL GOVERNMENT OF THE UNITED STATES (Columbia University Press, New York 1908) 139–40.
[43] WILSON, CONGRESSIONAL GOVERNMENT, ch. 4, pp. 232–4.
[44] Quoted in REINICH, SECRET DIPLOMACY (Harcourt Brace Co.) 168–9.
[45] 30 CONG. REC. 2269 (Jan. 28, 1920).
[46] REINSCH, supra note 44 at 141.
[47] *Ibid.* 198.
[48] Wright, *supra* note 19 at 362.
[49] BRYCE, AMERICAN COMMONWEALTH (2d ed.) 104.
[50] THAYER, LIFE OF JOHN HAY, v. 3, p. 705.
[51] DOCUMENTARY HISTORY OF THE CONSTITUTION, v. 3, p. 705.
[52] *Ibid,* 700–4.
[53] THE FEDERALIST.
[54] SEN. JOINT RES. N. 176, 66th Cong. 2d Sess. Mar. 22, 1920, v. 1959, p. 5009.
[55] EX. JOURN., v. 1, pp. 135, 259.
[56] RICHARDSON, *supra* note 24 at v. 8, pp. 276–7.
[57] EX. JOURN., v. 7, pp. 433, 462.

TREATY-MAKING AND THE PRESIDENT'S OBLIGATION TO SEEK THE ADVICE AND CONSENT OF THE SENATE WITH SPECIAL REFERENCE TO THE VIETNAM PEACE NEGOTIATIONS

(By Richard E. Webb)

ABSTRACT

The relationship between the President and the Senate of the United States with respect to the treaty-making power is examined in the light of the formulation and ratification of the Constitution and subsequent historical events and expert opinion. It is concluded that the President must seek the advice of the Senate both before entering into substantive treaty negotiations and also during their course, and the consent of the Senate when specific agreements are to be pursued. If the Senate should agree that the major treaty provisions to be offered for negotiation cannot be determined before negotiations are to begin, then the President should appoint, by and with the advice and consent of the Senate, a special envoy whose specific task is to form a treaty for later submission. The implications of this conclusion for improving the chances of success of the present Vietnam peace treaty negotiations are discussed.

"He [the President] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and consuls, . . . whose Appointments are not herein otherwise provided for, . . .[1]

"The Powers not delegated to the United States by the Constitution not prohibited by it to the States, are reserved to the State respectively, or to the people.[2]

"The Constitution . . . shall be the Supreme Law of the Land . . ."[3]

INTRODUCTION

Does the President have the constitutional power to negotiate a peace treaty with North and South Vietnam without the formal advice and consent of the Senate as a body? The Author's contention is that the President does not. Were the President to seek this advice and consent, it would help him greatly in quickly negotiating a workable treaty, which is so desperately needed. Without this advice and consent, the President is representing only himself and his administration, and hence is operating in a political vacuum. In 1788 in the *Federalist Papers*, which were written to promote the adoption of our Constitution, John Jay stated that the "president and senators so chosen will always be of the number of those who best understand our national interests, whether considered in relation to the several states or to foreign nations. With such men the power of making treaties may be safely lodged."[4] With the advice and consent of the Senate, the President would represent more accurately the position and interests of the United States at the Paris negotiations. North Vietnam and the NLF would then be aware that the President's negotiating policies represent more than just the interests and attitudes of a particular administration and therefore would be less inclined to expect that a contrary public opinion in the United States could produce a change in policy in time. In forming the "advice" each Senator would be required to review this matter in its entirety and to act on a considered personal opinion. Such an undertaking would help crystallize exactly what is the national interest. Indeed, the Senate could take the initiative and begin to form the advice, starting from known presidential opinions.

The considerations that militate against this view are twofold: (1) a tradition of allowing the President to form treaties on his own authority without the formal advice and consent of the Senate; and (2) the explanation of the treaty-making power given in Senate Document No. 39, *Constitution of the United States—Analysis and Interpretation,* dated 1964, which attempts to justify the current practice. The latter tends to perpetuate the current practice since it purports to define the Constitution's treaty power provision. Since the Senators and the President swore to support the Constitution, none would challenge current practice if it were thought to be constitutional. The editors of Senate Doc. No. 39 are E. S. Corwin and others; they prepared the document for the Library of Congress Legislative Reference Service. Corwin also wrote the influential book, *The President—Office and Powers.* Although Mr. Corwin has made an important contribution to some aspects of constitutional law, his opinion in this connection cannot be taken as the final word.

After reviewing Corwin's opinion and his justification (given in Sen. Doc. No. 39 and in his book), along with other documents and writings and Supreme Court cases, the Author has concluded that the President must not only have the formal advice and consent of the Senate before negotiating matters of substance (the President may, however, initiate talks on his own authority), but that it would be in the best interest of the nation for the President to obain that advice and consent. The remainder of this article, then, contains a review of the principal circumstances surrounding the "advice and consent" phrase in the treaty power. The statements and references given by Corwin which are pertinent to the subject are used as a guide and each of these is treated herein.

We begin with an analysis of Senate Doc. No. 39. Here Corwin as justification for the current practice uses only four facts: (1) part of an essay by John Jay in the Federalist Papers; (2) part of a Senate speech by Rufus King in 1818; (3) the experience of President Washington in seeking Senate advice in making treaties; and (4) the opinion of Justice Sutherland in *U.S. v. Curtiss-Wright Corp.*[5] This article will attempt to show that Corwin did not use the first three of these items in context, and that the inferences which can properly be drawn from these sources do not support the position adopted either in Senate Doc. No. 39 or in Corwin's book.

The President-Senate relationships during the formation of the Jay Treaty and the Versailles Treaty are discussed. A separate and detailed analysis of Justice Sutherland's opinion on the treaty-making power in the *Curtiss-Wright* decision is also included. More evidence is also provided regarding (1) the question of whether Senate advice requires Senate action as a body, (2) the origin of the treaty clause phraseology, and (3) the President's role as Commander in Chief in making peace treaties. Finally, the Vietnam peace treaty negotiations are discussed.

E. S. Corwin and Senate Document No. 39

1. John Jay and the Federalist Papers

In order to better understand the analysis of Senate Doc. No. 39, the reader is invited to read the entire paragraph entitled "President and Senate" in that document.[6] It would seem that this paragraph lends support to the Author's contention by stating

---

Footnotes at end of article.

that "The constitutional clause evidently assumes that the President and the Senate will be associated with the entire process of making a treaty." [7] The paragraph, however, then states that "John Jay, writing in the Federalist, foresaw that the initiative must often be seized by the President without benefit of Senatorial counsel." This brief report of Jay's essay could be readily misconstrued. One might suppose that Jay did not adopt in his essay the above view about "the entire process of making a treaty," and one might understand the "initiative" remark as attributing more power to the President than Jay in context actually did. The full Jay essay [8] said of treaties that "The President must, in forming them, act by the advice and consent of the Senate" [9] and that the initiative relates to "those preparatory and auxiliary measures which are not otherwise important in a national view . . . and which usually require the most secrecy and the most dispatch." [10] The Jay essay does not add confusion to the treaty clause in the Constitution, as Corwin implies; but rather this essay explains the clause. It must be remembered that the *Federalist Papers* were written by Alexander Hamilton, James Madison, and John Jay in order to explain the Constitution to the people and secure its adoption by the separate States.

2. Rufus King's 1818 Speech

Senate Dec. No. 39 points out that the Senate *may* advise the President, without his asking, basing this conclusion on a Senate speech given by Rufus King in 1818. No one would deny this power to the Senate. However, the significance of this speech lies not in whether the Senate may volunteer advice; it lies in the last two paragraphs of that speech (not discussed in Senate Doc. No. 39) where the phrase "make a treaty" is defined and explained. Rufus King stated: "The Constitution does not say that treaties shall be concluded but that they shall be made by and with the advice and consent of the Senate." He asserted that "to make a treaty includes all the proceedings by which it is made." [11] King said that any other interpretation would require that the Constitution be changed to read: "The President shall make treaties, and by and with the advice and consent of the Senate ratify the same." [12] King's speech is consistent with the above mentioned Jay essay: Jay did not say that the President must, in concluding treaties, act by the advice and consent of the Senate, but that he "must, in *forming* them, act by and with . . ." (emphasis added).

Rufus King was a delegate from Massachusetts to the Federal Convention, which drafted the Constitution, and played a prominent role there.[13] He was on the Committee of Style along with Hamilton and Madison and was on the Committee of Eleven which drafted the treaty clause. He actively promoted the new Constitution and was elected as a delegate to the Massachusetts Convention which ratified it. Later as a U.S. Senator, he was a member of the Committees on Finance and Foreign Relations, and served as chairman of the latter.[14] The speech cited is the only explicit definition of the treaty power offered in *The Records of the Federal Convention of 1787* which were collected and edited by M. Farrand (Farrand included the King speech in the appendix as "supplementary material that could be found" to throw "light upon the work of the constitutional convention.").

The background of Rufus King's speech is most helpful in perceiving its full meaning.[15] The Society of Friends of Baltimore in late 1817 brought a petition to the Senate on the subject of abolishing slave trade. Senator Burrill, in support of this petition, proposed a Senate resolution to direct the Committee on Foreign Relations to inquire into the "expediency of taking measures in concert with other nations for the entire abolition of the said trade." In the ensuing Senate debate on the resolution Senator King, in support of the resolution, noted that our "long depending negotiations [on the subject of slave trade] with Spain still exists." He urged that our foreign ministers be reminded that the United States is greatly interested in abolishing slave trade universally and should therefore press for an agreement with the foreign powers.[16] After King's remarks an objection was raised to advising the President in the forming of a treaty with Spain. This objection was based on the supposition that the business of making this treaty belonged exclusively to the Executive. King replies with his explanation of the treaty power. The Burrill resolution was passed without modification, which indicates that the Senate concurred in King's explanation of the treaty power.

The only clue as to why Senate Doc. No. 39 does not discuss the last part of King's speech, which defines the phrase "make a treaty," is provided in a footnote in Corwin's book, *President—Office and Powers*.[17] In this footnote Corwin implies that the King speech is nullified by a Senate Foreign Relations Committee Report issued two years earlier (February 15, 1816).[18] The committee report had to do with a Senate resolution proposed by Rufus King which would advise the President concerning his negotiations with Great Britain on certain matters of commerce. The committee rejected the proposal on the ground that such advice was unnecessary, because the committee felt that the President had already pursued the ideas contained in King's resolution, and further that it was not in the national interest for the Senate to interfere since a division of opinion between the Senate and the Executive would give the other side a decided advantage. However, the report of the committee contains no treatment of the question of constitutional power, except the observation that the Constitution permits only the President to *conduct* foreign negotiations, which is of course true. The report stands for no proposition except that the committee felt it would be unwise to interfere in *those particular negotiations*. To treat this report as a constitutional ruling on the making of treaties is unwarranted. The fact that two years later King won in his contention that the Senate could offer unsolicited advice to the President (*i.e.*, the Burrill resolution), after he argued on constitutional grounds, makes it clear that the earlier committee report could not in any case be taken to represent Senate opinion on the treaty power.

3. George Washington's First Attempt at Treaty-Making

Perhaps the main reasons for the current practice are the prevailing views, in the executive branch at least, that (1) seeking advice from the Senate prior to substantive negotiations is impractical and (2) the Constitution is not clear as to how advice and consent are to be rendered. In search of the true meaning of the treaty clause one would certainly want to learn how President Washington carried out this power since he was the first President under the Constitution. In his book on the presidency Corwin tells the reader that Washington tried to use the Senate as a council in forming treaties but that this simply did not work: "The somber truth is that the conception of the Senate as a presidential council in the diplomatic field broke down the first time it was put to the test." [19] In a footnote in Sen. Doc. No. 39 Corwin states that Washington's efforts to obtain advice and consent "proved futile, principally because the Senate balked." [20] In another book *The President's Control of Foreign Relations* (1917), Corwin says: "at the outset, Washington sought to associate the Senate with himself in the negotiation of treaties but this method of proceeding went badly and was presently abandoned." [21]

These statements are simply not true. The incident to which Corwin refers is the formation of the first treaty under the Constitution.[22] President Washington (who was also president of the Federal Convention and among those who best understood the Constitution) appeared before the Senate and asked for its "advice and consent to some propositions respecting the treaty *to be held* with the Southern Indians." (emphasis added) The Senate, in deliberating the matter, was concerned about Washington's insistence on being present while the Senate debated. They felt that Washington's personal authority prevented freedom of discussion and refused to give advice and consent on that day and wanted to postpone a decision until the next week. Washington became angry over the delay but then agreed to comply. Three days later the Senate gave its advice and consent to Washington's proposals without difficulty. The fact is that Washington consulted the Senate in advance of the making of every treaty in his administration [23] and obtained the advice and consent of the Senate. After the first experience, which Corwin has misrepresented, he did so through messages and not in person. The only "method of proceeding" that was "abandoned" was *personal* consultation as distinguished from written communication.

The remaining piece of evidence which Corwin used in *The President's Control of Foreign Relations* was taken from John Q. Adams' "Memoirs":

"Mr. Crawford told twice over the story of President Washington's having at an early period of his administration gone to the Senate with a project of a treaty to be negotiated, and been present at their deliberations upon it. They debated it and proposed alterations so that when Washington left the Senate Chamber he said he would be d____d if he ever went there again. And ever since that time treaties have been negotiated by the Executive before submitting them to the consideration of the Senate." [24]

Corwin has made this story quite popular and it is generally accepted without question.[25] Because of this and because by itself it seems to run counter to the above findings, this passage must be reviewed in detail. From this minuscule item of evidence Corwin draws the conclusion that after his first attempt Washington did not seek Senate advice before treaty negotiations. (On the contrary, he did as is later shown.) After citing this quotation, Corwin says that Adams was stating a rule of procedure which did not require the President to seek advice of the Senate before "negotiating a particular treaty." But Corwin's conclusion was simply a case of reading something into Adams which is not stated there. The background of the Adams' writing is as follows.[26]

The Ghent Treaty of 1815 between the United States and Great Britain stipulated "that both parties should use their best endeavors to accomplish the abolition of the African slave trade." [27] Recall that in 1818 the Senate passed a resolution advising the President to press harder for an international agreement to abolish the African slave trade. Two years later, while our negotiations with Great Britain were going on, the United States enacted a law on May 15, 1820, making it unlawful for a U. S. citizen to engage in the African slave trade. On February 28, 1823, the House of Representatives passed a resolution "that the President of the United States be requested to enter upon and prosecute, from time to time, such negotiations with the several maritime powers of Europe and America, as he may deem expedient, for the effected abolition of the African slave trade, and its ultimate denunciation as piracy under the law of nations,

Footnotes at end of article.

by the consent of the civilized world." [28] It can therefore be said that the President pursued the negotiations *by and with the advice of the Senate*, and indeed of both houses of the Congress. The episode in no way supports the "rule" that Corwin inferred from the account by Adams. We should inquire into the context of the Crawford comment to determine the problem toward which it was directed.

On April 30, 1824 as a result of these negotiations President Monroe submitted to the Senate a Slave Trade Convention with Britain that recognized slave trading as an act of piracy. However, some of the Senators from the Southern States were becoming uneasy over the growing sentiment in Great Britain in favor of abolishing slavery altogether and thought that to ratify the Convention would produce the same effect in the United States. For this and other reasons there was new opposition to the treaty in the Senate. When President Monroe learned from Adams of this opposition, which brought about some delay in the ratification of the treaty, he was "astonished." Then, upon learning that the treaty might be defeated, Monroe quickly sent a message (drafted by Adams) to the Senate pleading for ratification. The message was detailed and presented persuasive arguments.[29] On the next day the Senate ratified the convention with amendments. Rufus King, who was instrumental in bringing the Senate to advise the President to make a slave trade treaty in 1818, reported the Senate action personally to Secretary of State Adams. King apologized for the amendments but Adams replied that the amendments, although significant, were not serious: "The essential basis of the Convention was untouched," *i.e.*, the principals "slave trade shall be piracy" and "the mutual right of search and capture" were preserved. But Britain did not ratify the amended treaty. Five months later an envoy from Britain proposed to conclude a new convention to provide for right of search on the coast of America, a provision which had been rejected previously by the Senate. The new convention was to be otherwise the same as the draft previously ratified by the Senate. President Monroe held a cabinet meeting on November 10, 1824 to discuss the British proposal. In the meeting it was agreed not to conclude a new convention since the mood in the Senate against it was even stronger than before. It was in this meeting that Crawford made the comment that was used by Corwin.

President Monroe may have wanted to consult *personally* with the Senate to try to persuade them to accept the new convention. After all, Monroe had before rescued the treaty from defeat by consulting the Senate by means of a detailed message. This would explain why Crawford, in the cabinet meeting, told the story of George Washington's experience with personal consultation with the Senate. But Corwin's inference from Crawford's statement that the President need not consult the Senate prior to entering into substantive negotiations is unfounded. Furthermore, Adams had this to say about any further negotiations on the subject of the slave trade:

"I had observed to Mercer that after what had taken place in the Senate upon this Convention, and the subsequent effort, obviously intended to follow it up, to make it unpopular, the power of the President to negotiate further under the resolution of the House would be much checked until there should be some further manifestation of opinion by Congress in its favor." [30]

Finally, on January 20, 1825 Monroe in a message to the Senate indicated that negotiations would be resumed only by "common consent." [31]

Footnotes at end of article.

Corwin and the Jay Treaty

In his book *President—Office and Powers* Corwin implies that the Jay Treaty (the first foreign treaty under the Constitution) was negotiated without the advice and consent of the Senate. Corwin states:

"From that time forth [meaning: from the time Washington personally appeared in the Senate chamber] in fact, the relations of President and Senate in the realm of diplomacy came rapidly to assume a close approach to their present form. The history of the famous Jay Treaty five years later is a prime illustration. The treaty was negotiated in London under instructions in the framing of which the Senate had no hand." [32]

The implication given is that Washington did not seek the advice and consent to negotiate. On the contrary, he *did*.

The events surrounding the Jay Treaty are as follows.[33] During the first years under the Constitution there still remained some differences between Great Britain and the United States. On February 9, 1790, Washington asked the Senate's advice as to the best method of settling a number of these old disputes:

"You will perceive, from the papers herewith delivered, and which are enumerated in the annexed list, that a difference subsists between Great Britain and the United States, relative to the boundary line between our Eastern and their territories. A plan for deciding this difference was laid before the late Congress; and whether that, or some other plan of a like kind, would not now be eligible, is submitted to your consideration.

"In my opinion, it is desirable that all questions between this and other nations be speedily and amicably settled; and in this instance I think it advisable to postpone any negotiations on the subject, until I shall be informed of the result of your deliberations, and receive your advice as to the propositions most proper to be offered on the part of the United States.

"As I am taking measures for learning the intentions of Great Britain respecting the further detention of our posts, &c. I am the more solicitous that the business, now submitted to you, may be prepared for negotiation, as soon as the other important affairs which engage your attention will permit.[34] "

On March 24, 1790, the Senate advised the President and suggested a plan. Washington then sent a representative to England who informally sampled opinions of some British leaders and concluded that the plan was not acceptable. Thereupon, Washington reported back to the Senate on February 14, 1791. As time went by, the disputes grew more serious as England seized some American ships and incited Indians against our settlers. Resolutions were before the House of Representatives "for cutting off commercial intercourse and sequestering British Debts." Knowing that the resolutions before the House were moving the country back into war, a group of Senators, which included Rufus King, held a conference and quickly developed the Jay envoyship plan and gave it to Washington.[35] That plan was to have the United States send to England a person who would have the highest confidence of the British leaders to find out their concerns and the reasons for their hostile acts and to negotiate a settlement. Our ambassador in Great Britain at the time would not do. Our negotiator had to be of high standing and enjoy the highest confidence of the American people. He would make the voyage across the Atlantic to impress the British of our sincere desire to make a friendly settlement of differences. The person chosen by Washington, with the help of the small group of Senators, was John Jay, the Chief Justice of the Supreme Court. Then, in accordance with the requirement of the Constitution, Washington sought the Senate's advice and consent to appoint Jay as "Envoy Extraordinary of the United States, to his Britannic Majesty" for the purpose of negotiating a treaty whose propositions, because of the nature of things, could not be known beforehand. The message from George Washington to the Senate was as follows:

"Gentlemen of the Senate: The communications which I have made to you during your present session, from the dispatches of our Minister in London, contain a serious aspect of our affairs with Great Britain. But as peace ought to be pursued with unremitted zeal, before the last resource, which has so often been the scourge of nations, and cannot fail to check the advanced prosperity of the United States, is contemplated; I have thought proper to nominate, and do hereby nominate, John Jay, as Envoy Extraordinary of the United States, to his Britannic Majesty.

"My confidence in our Minister Plenipotentiary at London, continues undiminished. But a mission like this, while it corresponds with the solemnity of the occasion, will announce to the world the solicitude for a friendly adjustment of our complaints, and a reluctance to hostility. Going immediately from the United States, such an Envoy will carry with him a full knowledge of the existing temper and sensibilities of our country, and will thus be taught to vindicate our rights with firmness, and to cultivate peace with sincerity." [36]

The Senate approved the nomination three days later, after some debate, with the full knowledge and understanding that for these particular negotiations, the treaty propositions could not be known *a priori*. Thus the Senate in consenting to the mission shared the confidence Washington had in John Jay that whatever Jay would agree to would be in the interest of the United States.[37] (In contrast, the Senate had not been asked its advice and consent in appointing the envoys to Paris to negotiate a treaty with North Vietnam.) It is the Author's contention that President Washington had fully met the requirements of the Constitution in this instance since the Senate's advice and consent was sought and obtained before negotiations. The Senate simply chose not to require that Jay be given instructions and was willing to wait until Jay brought back a treaty which would serve as a basis for consultation with the Senate. Eleven months later Jay returned with a settlement. It was laid before the Senate for its advice and consent. The Senate in turn approved it, subject to an amendment. The amendment was easily negotiated with Britain and the treaty went into effect. A war had thus been avoided. And so it was that the Senate did perform a large role in making the treaty, not only by advising and consenting to the Jay appointment *but by participating in the earlier events of 1790–91 mentioned above*. The earlier attempts at settling the disputes, which were based on Senate advice, made both the President and the Senate that much wiser when the disputes erupted. For they then knew that a much stronger diplomatic move was necessary to avert the fast-approaching war.

The conclusion drawn from the history of the Jay Treaty by Corwin, and probably by others as well, is that since the Senate consented to let the executive branch alone frame a treaty during foreign negotiation, *any* President in the future could enter into negotiations and continue on through to a finished treaty without the Senate's consent to do so for each occasion.[38] Corwin states, "In a word, the Senate's character as an executive council was from the beginning put, and largely by its own election, on the way to absorption into its more usual character as a legislative chamber." This conclusion again shows up in Sen. Doc. No. 39 under the paragraph entitled "Negotiations, A Presidential Monopoly." [39] But this conclusion is without foundation. No evidence exists that in con-

senting to the Jay nomination the Senate intended to authorize all future Presidents to enter into substantive negotiations without the advice and consent of the Senate. Moreover, the Senate does not have the authority to transfer this power to the President and the President does not have the authority to assume it. Therefore, if anyone were to claim that a precedent was established by the Jay Treaty events, that precedent, which is in accordance with the Constitution, would be as follows: If the terms on which a settlement is possible cannot be estimated beforehand, then the President should nominate a person for the specific task of meeting with the other side and framing a basis for a settlement. But before the envoy can be appointed, the Senate's advice and consent is needed. The treaty provisions arranged by the envoy would then be used by the President as a basis on which to approach the Senate for its advice and consent on concluding the treaty.

Fleming sums it up as follows. After his first treaty, Washington confined his communication with the Senate on the subject of treaties to written messages, though he still adhered to the practice of asking the advice of the Senate before negotiations were opened and during their course. Negotiations with England over the northeastern boundary were suspended until the President could consult the Senate, and the Senate agreed in advance to approve the proposed terms of a treaty with Algiers. Even this method of consulting the Senate during negotations lapsed with Washington, however, and seems not to have been resumed until 1838, when President Van Buren asked the Senate to disapprove a proposed commercial treaty with Ecuador before negotiations rather than after. Polk, in 1846, asked the Senate's approval of suggested terms of peace with Mexico, and similar requests were forwarded by Buchanan and Lincoln in 1861, Johnson in 1868, Grant in 1872, and 1874, and Arthur in 1884. An indirect method of securing advance approval of the Senate was to nominate an envoy to negotiate a treaty and attach an outline of proposed terms. Confirmation of the appointment then automatically approved the treaty project. This device was used by Washington and Adams repeatedly and by Jefferson at least once. [40]

The Versailles Treaty

It simply makes common sense that if the Senate has to consent to treaties, then the President ought to consult with them in forming treaties to avoid embarrassments or a breakdown in foreign relations or in the relationship between the executive and the legislature. The latter could seriously weaken the nation. The Versailles Treaty of 1919 is a case in point.[41] President Wilson went to Europe at the end of World War I to negotiate the peace treaty with Germany and the Allies. He had entered into substantive negotiations and personally carried them through to the end without ever seeking the advice and consent of the Senate to do so. He was severely criticized for not abiding by the Constitution's treaty power provision. For example, Senator Lodge, the chairman of the Foreign Relations Committee, requested the President to submit a draft of the current treaty outline while the negotiations were still in progress and said:

"I am only asking something that has been done by almost all our Presidents who have consulted the Senate about entering into negotiations, about the character of negotiations, about awards, about pending negotiations . . . The Senate was consulted prior to negotiations by George Washington; it was consulted prior to negotiations by Abraham Lincoln. And in the path George Washington and Abraham Lincoln walked there is no man too great to tread." [42]

Senator Spencer said, "The President alone pursued his course, without any conference with the country he represented and with special disregard of the Senate, which, by the Constitution of the United States is made his legal adviser, particularly in connection with treaties." [43] But Wilson had his strong belief in the League of Nations plan which he had built into the treaty and felt that the Senate had little choice but to approve it. In his book *Constitutional Government in the United States* he had written:

"The initiative in foreign affairs, which the President possesses without any restriction whatever is virtually the power to control them absolutely. . . . He need disclose no step of negotiation until it is complete, and when in any critical matter it is completed the government is virtually committed. Whatever its disinclination, the Senate may feel itself committed also." [44]

Indeed, when Wilson returned he toured the country to whip up support against the growing Senate opposition. But in the end his disregard for the Senate's advice and consent role during negotiations led to the Senate's rejection of the treaty.[45] It is highly probable that this event, which drove a wedge between the Senate and the Executive, was a prime factor in the more serious erosions of the treaty power that followed that period of time, such as the broader use of executive agreements, which the Senate is now attempting to correct.[46]

Sutherland and the U.S. v. Curtiss-Wright Case

This section discusses the circumstances and considerations involved in the Supreme Court decision in *U.S. v. Curtiss-Wright* [47] in which the Court adopted Wilson's view of the treaty power. It can be shown herein that Justice Sutherland's statement regarding the treaty power was dictum and, furthermore, was without foundation.

Curtiss-Wright dealt with the legality of an embargo which was imposed by President Franklin D. Roosevelt pursuant to a joint resolution of Congress in 1934, on arms shipments to the belligerents in the Chaco War between Bolivia and Paraguay. The President was authorized to proclaim the embargo if he determined that it would contribute to restoring peace. In delivering the majority opinion, Justice Sutherland chose to discuss the treaty-making power even though this clause of the Constitution was not at issue. He contended that:

"Not only, as we have shown, is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He *makes* treaties with the advice and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it." [48]

In support of this contention, Justice Sutherland quotes John Marshall: "The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations." [49] It is true that only the President can represent our nation in conducting foreign negotiations. Hamilton in the *Federalist Papers* (No. 75), made it clear that it is most efficient to have the President conduct foreign negotiations and that the "Senate could not be expected to enjoy the same confidence and respect of foreign powers in the same degree . . . with that of the President." In No. 72 Hamilton stated that the "actual conduct of foreign negotiations" is "most understood by the administration." [50] Sutherland infers from John Marshall that the President can enter into the substantive negotiations and even complete them through the agreement stage without the Senate's advice and consent. However, this is unfounded. Marshall made the statement in connection with an extradition treaty with England, *already in force*. An Englishman who committed a crime against English law on the high seas sought sanctuary in the U.S. Upon Britain's request President Adams was seeking to return the criminal to England. A resolution which alleged that the President was usurping judicial powers in returning the criminal was proposed in the House. Representative Marshall argued that the President was only executing the law of the land, that is, the extradition treaty. Marshall was not discussing the relation of the President to the Senate but his relation to the courts.[51]

The only other evidence offered by Sutherland was an 1816 Senate Foreign Relations Committee report [hereinafter called the 1816 Committee Report]. As we have seen, Corwin attempted to use this report to nullify Rufus King's explanation of the treaty power. It was shown above that the opinion expressed in the committee report, which did not purport to rest on constitutional grounds, was in effect repudiated by the Senate two years later when it adopted Rufus King's argument on the Constitution's treaty clause. However, since the 1816 Committee Report is the only reference cited by Sutherland which discusses the role of the Senate in relation to treaty negotiations, it is important to review in more detail the facts surrounding this report. The Senate Executive Journals for 1805 through 1828 (Vol. 2 and 3) are the sources for the facts used in the following discussion.

On May 31, 1813, President Madison asked for advice and consent to appoint John Q. Adams, and others, as ministers to negotiate a treaty of peace to end the war of 1812 and a treaty of commerce with Great Britain. The Senate approved most of the nominations but held up that of Albert Gallatin until Madison removed him as Secretary of the Treasury. (On January 14, 1814 Madison nominated Henry Clay and others to join the negotiating team and the Senate approved them also.) Thus, the Senate had the opportunity to offer advice but simply chose not to do so, presumably because they had confidence in the appointed negotiators and were not sure what advice to give. The Senate may also have felt that debating the matter would have delayed the end of the war. For example, on June 2, 1813 Rufus King moved to request from the President papers relating to the arrangement of the peace conference, and the Senate rejected the motion. On February 15, 1815 Madison submitted the treaty of peace for advice and consent. The treaty, known as the Treaty of Ghent, was quickly approved. The treaty of commerce, which was to come later, was still being negotiated.

On December 6, 1815 Madison submitted to the Senate "for their consideration, and advice as to ratification," the treaty of commerce with Britain. The treaty was ratified by the Senate, Rufus King voting yea. But immediately after the vote King proposed that the Senate "recommend to, and advise, the President to pursue further and friendly negotiations" with Britain for the purpose of securing additional trade agreements. The King proposals were referred to the Committee on Foreign Relations which submitted its report on February 16, 1816. This report, which was the one cited by Justice Sutherland, took the view that the proposals of King had been pursued in the negotiations and that the need for any further negotiation ought to be left up to the President. The matter was debated off and on for several weeks and then was dropped on a motion by King, on April 26, 1816, to postpone consideration indefinitely. The section of the 1816 Committee Report which was quoted by Sutherland follows:

Footnotes at end of article.

"The President is the constitutional representative of the United States with regard to foreign nations. He manages our concerns with foreign nations and must necessarily be most competent to determine when, how, and upon what subjects negotiation may be urged with the greatest prospect of success. For his conduct he is responsible to the Constitution. The committee consider this responsibility the surest pledge for the faithful discharge of his duty. They think the interference of the Senate in the direction of foreign negotiations calculated to diminish that responsibility and thereby to impair the best security for the national safety. The nature of transactions with foreign nations, moreover, requires caution and unity of design, and their success frequently depends on secrecy and dispatch." [52]

The remainder of the 1816 Committee Report, not quoted by Sutherland, reads as follows:

"A division of opinion between the members of the Senate in debate on propositions to advise the Executive, or between the Senate and Executive, could not fail to give the nation with whom we might be disposed to treat the most decided advantage. It may also be added that if any benefits be derived from the division of the legislature into two bodies, the more separate and distinct in practice the negotiating and treaty ratifying power are kept, the more safe the national interest." [53]

Thus, Sutherland's claim rests on this 1816 Committee Report. But, a review of the facts will prove that this report will not bear the weight he puts on it.

It is apparent from the above that the Senate, with the exception of Rufus King, was content in rendering advice after the negotiations were completed, although the Senators advised and consented to the envoyships. After all, the above mentioned peace treaty and commerce treaty were successfully made in this manner and the successful Jay Treaty was also made in this manner. This method is constitutional provided that both the Senate and the President agree to employ it for each separate occasion. But the 1816 Committee Report attempts to establish this procedure as a matter of routine, which in effect is delegating to the President the Senate's share of that portion of the treaty-making power involving negotiation, although still retaining for the Senate the power to approve the appointment of those who negotiate. But the Senate does not have the constitutional power to delegate its powers, nor can the President assume delegated powers. It should also be noted that the Senate did not formally endorse the 1816 Committee Report. But more important, two years later during the debate on the Burrill resolution in 1818, Rufus King convinced the Senate that it cannot under the Constitution delegate any portion of the treaty-making power. (Recall that King was a prominent member of the Constitution Convention. Senator Bibb, who submitted the 1816 Committee Report, was not a delegate to that convention.) [54] The 1818 King speech, which was discussed earlier in connection with Senate Doc. No. 39, is presented here in its complete text:

Without adverting to the several branches of the executive power, for the purpose of distinguishing the cases in which it is exclusively vested in the President, from those in which it is vested in him jointly with the Senate, it will suffice on this occasion to observe that, in respect to foreign affairs, the President has no exclusive binding power, except that of receiving Ambassadors and other foreign Ministers, which, as it involves the decision of the competence of the power which sends them, may be an act of this character; to the validity of all other definitive proceedings in the management of foreign affairs, the Constitutional advice and consent of the Senate are indispensable.

In these concerns the Senate are the Constitutional and the only responsible counsellors of the President. And in this capacity the Senate may, and ought to, look into and watch over every branch of the foreign affairs of the nation; they may, therefore, at any time call for full and exact information respecting the foreign affairs, and express their opinion and advice to the President respecting the same, when and under whatever other circumstances, they may think such advice expedient.

There is a peculiar jealousy manifested in the Constitution concerning the power which shall manage the foreign affairs, and make treaties with foreign nations. Hence, the provision which requires the consent of two-thirds of the Senators to confirm any compact with a foreign nation that shall bind the United States; thus putting it in the power of a minority of the Senators, or States to control the President and a majority of the Senate: a check on the Executive power to be found in no other case.

To make a treaty includes all the proceedings by which it is made and the advice and consent of the Senate being necessary in the making of treaties must necessarily be so, touching the measures employed in making the same. The Constitution does not say that treaties shall be concluded, but that they shall be made, by and with the advice and consent of the Senate: none therefore can be made without such advice and consent; and the objections against the agency of the Senate in making treaties, or in advising the President to make the same, cannot be sustained, but by giving to the Constitution an interpretation different from its obvious and most salutary meaning.

To support the objection, this gloss must be given to the Constitution, "that the President shall make treaties, and by and with the advice and consent of the Senate ratify the same." That this is, or could have been intended to be the interpretation of the Constitution, one observation will disprove. If the President alone has power to make a treaty, and the same be made pursuant to the powers and instruction given to his Minister, its ratification follows as a matter of course, and to refuse the same would be a violation of good faith; to call in the Senate to deliberate, to advise, and to consent to an act which it would be binding on them to approve and ratify, will it is presumed, be deemed too trivial to satisfy the extraordinary provision of the Constitution, that has been cited.[55]

After hearing King's speech the Senate voted to interfere in the direction of foreign negotiations—that is, it passed the Burrill resolution—and thereby rejected the opinion of the 1816 Committee Report relative to the treaty-making power. As for the commerce treaty with Britain that precipitated the 1816 Committee Report, the Senate voted to involve itself in the course of further negotiations on commerce with Britain on January 26, 1819 and again on January 3, 1820. These facts, and a correct understanding of John Marshall's "sole organ" speech, leave the opinion of Sutherland regarding treaty negotiations completely without foundation. Furthermore, Sutherland simply ignores the records of the Constitution Convention, the *Federalist Papers*, the record of the first years in the Senate Executive Journal, which records the executive proceedings apart from the legislative proceedings, and particularly the Rufus King speech and its associated Senate endorsement.

In the face of all this evidence the question is raised: What caused Sutherland to offer his dictum on the treaty-making power? An article by Forrest R. Black in 1931, *The United States Senate and the Treaty Power*,[56] is most revealing in this respect. Black reported that at that time there were "two widely divergent schools of thought as to the respective [constitutional] roles of the President and of the Senate" in making treaties:

"The Washington [interpretation] views the role of the Senate as an integral part of the treaty making function, which may be exercised at any stage of a negotiation; the other [interpretation], the Wilsonian, considers the function of the Senate merely to give sanction to a treaty that is already drafted . . . [and] would make the word 'advice' mere surplusage." [57]

The Wilsonian view found its literary expression in Corwin's book, *The President's Control of Foreign Relations*, 1917, which was written to answer "the numerous interesting questions which have arisen since Mr. Wilson went to Washington as to the powers of the President in the diplomatic field." [58] Black presented a very informative and thorough analysis of this issue and concluded that the "Washingtonian" interpretation was correct but he indicated that the "Wilsonian" view was more likely to prevail. In summing up the case for the Wilsonian advocates, Black states: "The gist of their case seems to be that *the nature of transactions with foreign nations requires caution and unity of design, and their frequency depends on secrecy and dispatch . . . that a division of opinion between the Senate and the President could not fail to give the nation with whom we might be disposed to treat, the most decided advantage.*" [59] Now observe that the case for the Wilsonian advocates as reported by Black (italicized) was taken verbatim from the previously mentioned 1816 Foreign Relations Committee report and reappeared in the *Curtiss-Wright* opinion five years after Black's article when Sutherland adopted the Wilsonian interpretation.[60]

It is thus apparent that there was in the period of 1917–1936 an aggrandizement of the Executive in foreign affairs and that Sutherland in *Curtiss-Wright* played a part.

However, if Sutherland wanted to contend that the President has the power to negotiate without Senate advice, a power not explicitly delegated by the Constitution, then the burden was on him to come up with facts to justify that position. But the two minute fragments of historical data relied on by Sutherland do not support him. The meager basis for his treaty power opinion, however, can be explained. For there was a larger issue that concerned Sutherland and this was his theory of implied foreign affairs powers which was central to the trend toward more executive powers in foreign affairs. This theory occupies most of Sutherland's attention in his *Curtiss-Wright* opinion with the treaty power mentioned only briefly. (Moreover, if the negotiation of treaties was Sutherland's main concern, he surely would not have omitted the last paragraph of the 1816 Committee Report which said: ". . . the more separate and distinct in practice the negotiating and treaty ratifying power are kept, the more safe the national interest.") His theory is based on the assumption that the federal government's "powers of external sovereignty did not depend upon affirmative grants of the Constitution." [61] This theory is presented in more detail in his book, *Constitutional Power and World Affairs*.[62] A review of this book in connection with the treaty-making power is therefore essential because *therein* is Sutherland's *real* basis for his *Curtiss-Wright* opinion on the treaty power.

It would seem easy to disprove the view that "powers of external sovereignty did not depend upon affirmative grants of the Constitution," since the tenth amendment of the Constitution evidently precludes them. After all, the Court, in 1957, in *Reid vs. Covert* stated:

"The United States is entirely a creature of the Constitution. Its power and authority have no other source. It can only act in ac-

Footnotes at end of article.

cordance with all the limitations imposed by the Constitution . . . the United States Government . . . has no power except that granted by the Constitution. . . ." [63]

However, Sutherland, in his book, argued that if an external sovereignty power was not expressly granted in the Constitution, *but neither denied,* then this power (whatever it might be) was still granted to the national government by the Constitution since neither the people nor the states could have it in practicality. That is, he argues, the tenth amendment does not apply to external sovereignty powers because the framers (supposedly) intended that these powers were complete under the Constitution, whether or not they all are expressly stated in the Constitution's phraseology:

"We must cease to measure the authority of the general government only by what the Constitution affirmatively grants, and consider it also in the light of what the Constitution permits from failure to deny." [64]

Since Sutherland deprives us the use of the tenth amendment in order to reject his theory, we must review his basis.

Sutherland's book was written at the end of World War I. Because of the new magnitude of horror which the war had wrought, he expressed his strong conviction that the United States must build a military preparedness, including compulsory service, and actively participate in international politics and adopt:

"Every possible safeguard which can be devised to prevent a repetition of the conditions under which Germany came perilously near realizing her dream of European dictatorship . . . the master of Europe [will be] . . . the master of the world." [65]

Although Sutherland opposed the League of Nations plan, he urged "extension of the principles and plans" of the Permanent (International) Court of Arbitration established by the Hague Conference of 1899. He stated:

"It must be apparent to everyone that the field of national responsibility will be immensely broadened as a result of the war, and there will be presented questions not only relating to this phase of the matter but questions no less important related to the power of the national government under the Constitution to deal with them.[66]

"The powers of the national government over external affairs, all at once, therefore have assumed new and increased importance, in the light of which, a re-examination of their nature and extent is not only pertinent but may, sooner or later, become highly necessary; for it is certain that hereafter, whether desired or desirable, we shall be obligated to occupy a larger place in the affairs of the world, to participate to a far greater degree in world policies and lend substantial and increased assistance toward the solution of world problems.[67]

"For this condition of affairs, there must result, as will be shown hereafter at length [in his book], a rule of constitutional construction radically more liberal than that which obtains in the case of domestic powers . . . any rule of construction which would result in curtailing or preventing action on the part of the national government in the enlarged field of world responsibility which we are entering, might prove highly injurious or embarrassing.[68]

[Therefore], in this new and extended relationship, we shall probably be obliged to extend the scope and application of the familiar meanings of the Constitution, and it may be to *find*—though not to *make*—new meanings." [69]

In his search for "new meanings" he states, after quoting the "premise language of the Constitution" regarding the treaty-making power:

"It will be observed that the advice and consent of the Senate qualifies the power of the President to make, not to negotiate, treaties. When a treaty is contemplated, therefore, the President may, and more often does, enter upon negotiations with foreign governments, through diplomatic channels, and carries them to the point of reaching an understanding as to the terms and phraseology of the treaty, before the advice and consent of the Senate is sought at all—subject of course, finally, to Senatorial action." [70]

This "new meaning" is of course incorrect as the wealth of evidence presented in this article demonstrates. Furthermore, Sutherland attempts no proof in his book of this assertion, except to say that the Constitution does not explicitly deny it. (Presumably, he relied on Corwin to attempt a proof since he undoubtedly had a high regard for him—*e.g.,* he called Professor Corwin's book, *National Supremacy,* "brilliantly convincing.") He "found" this separate "negotiation power" so that the President could move freely in international affairs by avoiding any possible Senate interference. For he states:

"The time is fast approaching, if it be not already here, when we must be able to assert and maintain for that [national] government the unimpaired powers of complete external sovereignty. We must not—we cannot—enter upon this field of amplified [international] activity with half-developed limbs. The complete powers of the governments of other nations must be matched by the complete power of our own government. Upon this enlarged stage of international negotiation and co-operation we cannot afford to play the part of a political cripple. Our government must come to its new tasks not only with full, but with unquestioned powers. To be obliged to confess, when called upon to deal with some novel but vital matter, that the government lacked sufficient authority, because of the absence of affirmative language in the Constitution, would be most humiliating and regrettable . . . any theory of constitutional construction which leads to such a result will not bear analysis and must be rejected." [71]

Sutherland argued that the President has this implied power to negotiate without Senate advice because the Constitution does not deny it. He argues that nowhere in the record of the Federal Constitutional Convention is it stated that our external sovereignty powers are incomplete. Hence, he states, because they are complete and because there is the power "to negotiate," separate (supposedly) from the power "to make" treaties, it resides with the Branch most suited—the Executive. Therefore, he argues that the separate power "to negotiate" is granted implicitly in the Constitution and, consequently, the tenth amendment, "the powers not delegated to the United States by the Constitution . . . are reserved . . . to the people," does not apply in this case. He states that we are "dealing with a class of powers, sufficiently numerous to be difficult of exhaustive enumeration, but which, whether enumerated or not, might at any time, require exercise, and perhaps very prompt exercise." [72]

However, the above theory and arguments by Sutherland, which were used to circumvent the tenth amendment, come crashing down to utter uselessness when confronted with the authority of the *Federalist Papers:*

"No. 14 (Madison), In the first place it is to be remembered that the general government is *not* to be charged with the whole power of making and administering laws. Its jurisdiction is limited to certain enumerated objects [*i.e.,* listed one by one in the Constitution].

"No. 45 (Madison), The Powers delegated by the proposed Constitution are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce."

And so we are *not* dealing with a class of external sovereignty powers that are too numerous to completely enumerate but rather these powers are "few and defined" and include only those "certain enumerated objects." Thus, the whole of Sutherland's opinion regarding the treaty-making power is not based on fact. It is dictum, without a factual basis, and, hence, is without authority.

Evidently, Sutherland was willing to chance his theory rather than attempt to confirm it, for he stated:

"I do not remember to have seen it stated, but obviously it must be this: that the exigencies of government administration, because of their great variety and constant augmentation cannot be foreseen and consequently cannot be enumerated; and it is better to risk an occasional abuse of power than it is to incur the inconvenience and dangers arising from lack of effective power." [73]

As to risking occasional abuse of power, George Washington had this to say:

"If, in the opinion of the people, distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield." [74]

Although Sutherland's call for military preparedness and an international Court of Arbitration may have been good, his flaw was that he was willing to violate our Constitution so that the President could move more freely in international politics, thereby jeopardizing representative government here at home. We have already accumulated much experience under his theory of a separate, implied negotiating power and the results indicate little success in achieving "solutions to world problems." For example, Wilson sought to negotiate without Senate advice and he failed to make a practical League of Nations treaty as a consequence. We have had two large wars since then (World War II and Korea) and no satisfactory resolution of either of them was achieved through negotiations conducted without Senate consultation. We are presently involved in a longer, third war and, again, negotiation without Senate consultation has gotten nowhere. We have had and are having a frightening nuclear arms race and negotiation without Senate consultation has achieved only small success in nuclear arms limitation. As an indication of the extent which the Wilsonian view pervades the Executive Branch today, the President is reported to have said that the recently passed Senate Resolution 211 on the Strategic Arms Limitations negotiations was "irrelevant." [75]

Senate advice as a body

The "advice of the Senate" required for treaty-making must take the form of a Senate resolution. The opinions of selected members invited to the White House cannot constitute Senate advice and neither can a collection of public statements made by individual Senators. The Constitution requires that "each Senator shall have one vote" [76] which was the equality of states compromise reached in the Federal Convention.[77] Madison, in the Federalist (No. 62) said that the states "ought to have an equal share in the common councils." Also, Jay in the *Federalist* (No. 64) said that "should any circumstance occur which requires the advice and consent of the Senate, he may, at any time, convene *them.*" (emphasis added) Jay does not say and neither does the Constitution, that the President may seek out certain members and solicit only their advice, or that a committee of the Senate may provide the advice and consent.

Footnotes at end of article.

To prove the last point one need only cite, again, the record of the Senate Executive Journal, Vols. I and II, and specifically the message to the Senate from President Madison in which he declined to confer with a Senate appointed committee on constitutional grounds:

"The appointment of a committee of the Senate to confer immediately with the Executive himself, appears to lose sight of the co-ordinate relation between the Executive and the Senate, which the Constitution has established, and which ought, therefore, to be maintained." [78]

Indeed, on another occasion the Senate attempted to confer with Madison through a committee and the President again declined. According to the report:

"He regretted that the measure had been taken under circumstances which deprived him of the aid or advice of the Senate." [79]

Having shown that advice of the Senate requires resolution of the Senate as a body, it should be said that only a simple majority vote is required rather than the two-thirds vote required for final ratification of a treaty. The clause, "provided two-thirds of the Senators present concur," evidently applies only to consenting to the treaty. It makes no sense to identify "concur" with the advice; the framers would not have thought it necessary to state in the Constitution that the Senate must concur in its own advice. Rather, if the Senate concurs, it is with the plan of another branch of the government. Inspection of the Senate Executive Journal, Vol. I, will bear this out.

Origin of the Treaty Making Clause

Early drafts of the Constitution during the Federal Convention of 1787 gave the Senate sole treaty-making power. However, the framers were unable to agree that the Senate should have the sole power. Near the end of the convention, on August 31, a committee of eleven was appointed to which was referred this and other unfinished parts of the Constitution.[80] On September 4, the committee proposed to the convention the clause: "the President by and with the advice and consent of the Senate shall have power to make treaties." It is again noted that Rufus King was a member of this Committee of Eleven. This gives more weight to his 1818 Senate speech previously cited where he explicitly defined the treaty power. Madison was a member of this committee, also. Perhaps he drew upon his state's constitution for the phraseology of the treaty-making clause. The Virginia State Constitution, in effect at the time, stated, "he, [the Governor] shall, with the advice of a Council of State, exercise the executive powers of government." (The term "Privy Council" and "Council of State" were used interchangeable in the Virginia Constitution.) On September 7, Mr. Mason moved to install a "privy council" or "council of state" to advise the President in forming treaties, and leave to the Senate only the function of concurring in treaties and appointments, since otherwise the Senate would be required to be in constant session. Rufus King then argued that the inconveniences of having the Senate act as a "Council of Advice" did not warrant creation of a "New corps which must increase the expense as well as influence of the [federal] Government." [81] Mr. Gouverneur Morris argued that with a privy council the "President by persuading his council to concur in wrong measures, would acquire their protection for them." [82]

As for the concern over the Executive having to share secrets with the Senate, associating the term "privy council" with the Senate in the drafting of the Constitution explains why the Senate adopted a secrecy rule whenever receiving messages and documents related to treaty-making.[83] Further illustration of the point that the Senate was expected to share secrets is given by the fact that on September 7 the House of Representatives were excluded from treaty-making after Mr. Sherman argued that the power of making treaties "could be safely trusted to the Senate. He [Sherman] thought it could; and that the necessity of secrecy in the case of treaties forbade a reference of them to the whole Legislature." [84] According to F. R. Black the Wilsonian advocates advanced the argument that "real secrecy is impossible if the Senate is kept advised of the facts during the negotiation of the treaty." To this Black said:

"But even if the Senate as a body should receive its [secret] information, it would be in executive session behind closed doors, and the argument that secrecy would be jeopardized is but a polite way of questioning the patriotism and the motives of the members of the United States Senate." [85]

President as Commander in Chief

Corwin has argued that due in part to the Commander in Chief role (the President can arrange an armistice on his own authority), the President is "the sole organ of diplomatic relations to negotiate the final peace." [86] Here it seems that Corwin singles out the negotiation of peace treaties as the exclusive province of the Executive. To refute this view one need only consult the records of the Federal Convention.[87] After the treaty clause in its present form was adopted, Madison moved to insert "except treaties of peace" after the clause. After that motion passed, Madison "moved to authorize a concurrence of two-thirds of the Senate to make treaties of peace, without the concurrence of the President. The President he said would necessarily derive so much power and importance from a state of war that he might be tempted, if authorized, to impede a treaty of peace. Mr. Butler seconded the motion. Mr. Gorham thought the precaution unnecessary as the means of carrying on the war would not be in the hands of the President, but of the Legislature. Mr. Govr. Morris thought the power of the President in this case harmless; and that no peace ought to be made without the concurrence of the President, who was the general Guardian of the National interests. Mr. Butler was strenuous for the motion, as a necessary security against ambitious and corrupt Presidents. He mentioned the late perfidious policy of the Statholder in Holland; and the artifices of the Duke of Marlbro' to prolong the war of which he had the management. . . . Mr. Williamson thought that Treaties of peace should be guarded at least by requiring the same concurrence as in other Treaties." The motion failed. The "except treaties of peace" clause was then stricken.[88] And so to negotiate the peace is *not* the sole power of the President as Commander in Chief. Rather, the situation is the same for peace treaties as for other kinds of treaties.

The Vietnam Peace Treaty Negotiations

If the Vietnam peace treaty negotiations are of the nature as to require the "indirect method," then the President should nominate an envoy to the Paris Conference and obtain the Senate's advice and consent to appoint the nominee for the purpose of framing a treaty with North Vietnam. The Senate may want to require that the envoy carry with him an outline of proposed terms. On the other hand, it may be preferable that a draft of a treaty be worked out between the Senate and the President which could serve as the basis for talks with North Vietnam and the NLF. This would also require the consent of the Senate. The President would then be free to negotiate a final draft with the other side unless the emerging treaty took a form substantially outside that which was consented to by the Senate. In the latter event, the President would be obligated to consult again with the Senate. Either way, a sound constitutional procedure is available to the President since the Senate would have in each case the opportunity to give advice and, upon agreement, its consent to whatever plan of action might be worked out. It can hardly be justifiably argued that this procedure would be impracticably slow in view of the singular lack of substantive progress after more than 26 months of negotiations in Paris with no official Senate participation. On the contrary, bringing the active participation of the Senate into these negotiations, as suggested in the above procedure, may result in greater and more rapid progress because there would be a closer correspondence between our negotiating policies and our national interests and welfare. To further support this contention, there is the rather obvious view expressed throughout the *Federalist Papers* (No. 62, 63, and 64 in particular) that the Senate is to be composed of the "most distinguished men of abilities, . . . who [along with the President] best understand our national interests . . . considered in relation to foreign nations," and who, because of their six-year terms, will provide "accurate and comprehensive knowledge of foreign politics, a steady and systematic adherence to the same views, and a nice uniform sensibility to national character." Jay stated that the six-year Senate term provided "sufficient time to become perfectly acquainted with our national concerns, and to form and introduce a system for the management of them." All of these statements point to the notion that the advice of the Senate is, if not indispensable, at least of great value in keeping our foreign policy consistent with our true interests and in keeping it from unduly fluctuating in order to avoid causing ill relations, or, in the words of the *Federalist Papers*, "forfeiting the respect and confidence of other nations."

Because the President and the Senators have all sworn to support the Constitution it seems only right to expect that both the President and the Senate undertake a thorough review of the treaty clause in order to ensure that each is indeed supporting the Constitution. It must be recalled that twelve of the sixty-six senators during Washington's administration were delegates to the Constitutional Convention (of approximately fifty delegates) and ten were delegates to the States' ratifying assemblies. (Recall that Washington was President of the Constitutional Convention, Hamilton was Washington's Secretary of Treasury, and Jay, the first Chief Justice, wrote the essays in the *Federalist Papers* relating to foreign affairs). These men worked together closely to make the government function as it was intended by the Federal Convention and the state assemblies which approved the Constitution. In view of this, the way in which the government operated during the first years under the Constitution should weigh very heavily in interpreting the Constitution. And during these first years the treaty power was exercised in a spirit of co-operation and consultation between the Executive and the Senate. This co-operation was an important factor in getting the Nation off on a successful and solid start.[89]

It has been said that the Paris Peace Negotiations are preliminary, a kind of sparring to see whether serious negotiations are possible, and thus do not require the President to seek Senate counsel.[90] However, there is only *one* phase of any negotiation which the President can conduct without Senate counsel and that phase was defined by Jay: "Those matters which in negotiation usually require the most secrecy and the most dispatch are those preparatory and auxiliary measures *which are not otherwise important in a national view* . . . For these the President will find no difficulty to provide . . ." [91] (emphasis added). Now as soon as the opposing parties in Paris agreed to the shape of the table and the place and times to meet, the "prepara-

Footnotes at end of article.

tory measures" were accomplished. From that time on, the discussions have surely been of "importance in the national view." Senator Bacon in his article, *The Treaty-Making Power*, said:

"It is proper for the Senate to advise at all stages. We do not advise men after they have made up their minds and after they have acted; we advise men while they are considering, while they are deliberating and before they have determined and before they have acted." [92]

In closing, it should be said that the advice and consent of the Senate are intended to help the President in a common enterprise; they are not hostile limitations. Since in the final event, the President makes the peace treaty, he must try to realize that the Senate is his constitutional and only responsible counsellor, that the Senate is jointly responsible for the treaty and its early conclusion, and that the Senate exists to provide wise counsel. The treaty power makes demands upon the good faith of the President, since he must decide when it is appropriate to consult with the Senate, but consult he must. Our Constitution is both the *means* and the *end* of our foreign policy. Not to follow the Constitution would defeat its purpose.

FOOTNOTES

*The author is currently engaged in graduate research at The Ohio State University relating to nuclear safety studies of advanced reactor concepts for electric power production. He holds a B.S. degree in Engineering Physics from The University of Toledo.

[1] U.S. CONST. article II, § 7.

[2] U.S. CONST. amend. X.

[3] U.S. CONST. article VI.

[4] THE FEDERALIST, No. 64 (J. Jay).

[5] 299 U.S. 304 (1936).

[6] S. Doc. No. 39, 88th CONG., 2d SESS. (1964), p. 462:

"The plan which the Committee of Detail reported to the Federal Convention on August 6, 1787 provided that "the Senate of the United States shall have power to make treaties, and to appoint Ambassadors, and Judges of the Supreme Court." Not until September 7, ten days before the Convention's final adjournment, was the President made a participant in these powers. The constitution's clause evidently assumes that the President and the Senate will be associated throughout the entire process of making a treaty, although Jay, writing in the Federalist foresaw that the initiative must often be seized by the President without benefit of Senatorial counsel. Yet so late as 1818 Rufus King, Senator from New York, who had been a member of the Convention, declared on the floor of the Senate: "In these concerns the Senate are the Constitutional and only responsible counsellors of the President. And in this capacity the Senate may, and ought to, look into and watch over every branch of the foreign affairs of the nation; they may, therefore, at any time call for full and exact information respecting the foreign affairs, and express their opinion and advice to the President respecting the same, when, and under whatever other circumstances, they may think such advice expedient."

[7] *Id.*

[8] THE FEDERALIST No. 64 (J. Jay).

[9] *Id.*

[10] *Id.*

[11] ANNALS OF CONG. 15 CONG. 1st SESS., I, at 106–07. *See also* 3 M. FARRAND, THE RECORDS OF THE FEDERAL CONVENTION OF 1787 at 424 (Yale Univ. Press).

[12] *Id.*

[13] M. FARRAND, THE FRAMING OF THE CONSTITUTION (Yale University Press).

[14] R. ERNST, RUFUS KING—AMERICAN FEDERALIST (University of North Carolina Press).

[15] C. R. KING, THE LIFE AND CORRESPONDENCE OF RUFUS KING 90–95.

[16] *Id.*

[17] E. S. CORWIN, THE PRESIDENT—OFFICE AND POWERS 478 (N.Y.U. Press, 1948).

[18] 8 S. Doc. No. 231, 56th CONG., 2d SESS. *Compilation of Reports of Committee on Foreign Relations, 1789–1901*, p. 22–24.

[19] E. S. CORWIN, *supra* note 17, at 254–58.

[20] S. Doc. No. 39, 88th Cong., 2d Sess. (1964), P-463.

[21] E. S. CORWIN, THE PRESIDENT'S CONTROL OF FOREIGN RELATIONS (1917), p. 85.

[22] Annals of Congress, August 22–26, 1789.

[23] R. HAYDEN, THE SENATE AND TREATIES—1789–1817 (MacMillan).

[24] E. S. CORWIN, *supra* note 22, at 87–88.

[25] H. F. GRAFF, "Thinking Aloud: Participatory Foreign Policy," The New Leader Magazine, March 2, 1970. *See also* CONG. REC. vol. 116, pt. 6, p. 8368, and E. F. GOLDMAN, "The President, The People, and the Power to Make War," American Heritage Magazine, April, 1970.

[26] J. Q. ADAMS, MEMOIRS, Vol. 6, 310–430 [hereinafter cited as MEMOIRS].

[27] SEN. EXEC. JOURNAL Vol. 3, at 381.

[28] *Id.*

[29] *Id.* at 380–85.

[30] MEMOIRS at 361.

[31] SEN. EXEC. JOURNAL Vol. 3, at 410.

[32] E. S. CORWIN, *supra* note 17 at 254–58.

[33] R. HAYDEN, *supra* note 23. *See also* SEN. EXEC. JOURNAL Vol. 1.

[34] SEN. EXEC. JOURNAL Vol. 1, at 37.

[35] 1 C. R. KING, THE LIFE AND CORRESPONDENCE OF RUFUS KING 517.

[36] SEN. EXEC. JOURNAL Vol. 1, at 150; incidentally, the phrasing of Washington's message had its origin in the minutes of the above mentioned conference of Senators. *See id.*

[37] R. HAYDEN, *supra* note 23.

[38] E. S. CORWIN, *supra* note 17 at 254–58.

[39] S. Doc. No. 39, 88th CONG., 2d SESS. (1964) p. 463:

"Actually, the negotiation of treaties had long since been taken over by the President; the Senate's role in relation to treaties is today essentially legislative in character. 'He alone negotiates. Into the field of negotiation, the Senate cannot intrude; and Congress itself is powerless to invade it,' declared Justice Sutherland for the Court in 1936."

[40] D. F. FLEMING, THE TREATY OF THE AMERICAN SENATE 21–22 (Putnam).

[41] W. S. HOLT, TREATIES DEFEATED BY THE SENATE 249–307 (Johns Hopkins Press).

[42] *Id.*

[43] *Id.*

[44] W. S. HOLT, *supra* note 41.

[45] Anyone who thinks that the Senate acted irresponsibly should study the Senate Foreign Relations Committee majority Report against the treaty. CONG. RECORD, Sept. 10, 1919.

[46] *See* National Commitments Resolution, CONG. RECORD, vol. 115, pt. 13, p. 17214. *See also* S. REP. No. 91–129, *supra* note 18.

[47] 299 U.S. 304 (1936).

[48] *Id.* at 319.

[49] U.S. v. Curtiss-Wright, 299 U.S. 304 at 319 (1936).

[50] THE FEDERALIST No. 72 (A. Hamilton).

[51] ANNALS OF CONG., 6th CONG. 613.

[52] S. Doc. No. 231, *supra* note 18.

[53] *Id.*

[54] M. FARRAND, *supra* note 13.

[55] ANNALS OF CONG. 15TH CONG., 1ST SESS. 106–07.

[56] F. R. BLACK, THE UNITED STATES SENATE AND TREATY POWER, 4 ROCKY MT. L. REV. 1–19 (1931). Black's article discusses many other considerations and important historical events affecting the treaty power and refers to other articles on the subject. His article should be studied by all those pursuing this matter.

[57] *Id.*

[58] E. S. CORWIN, THE PRESIDENT'S CONTROL OF FOREIGN RELATIONS, preface.

[59] F. R. BLACK, *supra* note 56 at 12 and 14.

[60] The Curtiss-Wright case had to do with the President executing a law of Congress and not the negotiating of any treaty. So why did the Court settle one of the questions Corwin tried to answer? The Constitution does not grant the Judiciary the power to settle questions, only cases. It is ironic that in the very speech by John Marshall cited by Sutherland in the Curtiss-Wright decision, Marshall said this about the Court settling questions:

"By the Constitution, the Judicial Power of the United States is extended to all cases in law and equity, arising under the Constitution, laws, and treaties of the United States but the resolutions [under debate] declare that Judicial power to extend to all questions arising under the Constitution, treaties and laws of the United States. The difference between the Constitution and resolutions was material and apparent. A case in law or equity was a term well understood, and of limited signification. It was a controversy between parties which had taken a shape for judicial decision. If the Judicial power extended to every question under the Constitution, it would involve almost every subject proper for Legislative discussion and decision; if to every question under the laws and treaties of the United States, it would involve almost every subject on which the Executive could act. The division of power which the gentleman had stated, could exist no longer, and the other departments would be swallowed by the Judiciary." Annals of Cong., 6th Cong., at 606.

[61] U.S. v. Curtiss-Wright, 299 U.S. 304 at 319 (1936).

[62] Columbia University Press, 1919.

[63] 354 U.S. 1 at 12 (1956).

[64] G. SUTHERLAND, CONSTITUTIONAL POWER AND WORLD AFFAIRS 172 (Columbia University Press, 1919).

[65] *Id.* at 21.

[66] *Id.* at 18.

[67] *Id.* at 26.

[68] *Id.* at 21.

[69] *Id.* at 27.

[70] *Id.* at 122.

[71] *Id* at 171.

[72] *Id.* at 36. During the struggle for ratification of the Constitution, there was great concern that the federal powers may not have been limited to those enumerated. James Wilson, who was a delegate to the Constitutional Convention from Pennsylvania, said to a "Meeting of the Citizens of Philadelphia" that "in delegating federal powers, . . . the congressional authority is to be collected, not from tacit implication, but from the positive grant, expressed in the instrument of union. . . . Hence, . . . everything which is not given, is reserved." (*Pamphlets on the Constitution*, Paul L. Ford, p. 156). The people insisted, however, that Wilson's assurance be written into the Constitution. Madison led the effort to amend the Constitution accordingly and the 10th amendment was included in with the Bill of Rights. (*The Birth of the Bill of Rights*, Robert A. Rutland, pp. 126–218). However, there persists the view that the 10th amendment is not meaningful with respect to implied particular powers. *See The Federalist Era* by John C. Miller, p. 24. This view can be rejected with the authority of the *Federalist Papers*, No. 44. Here Madison makes it very clear that the term *enumerated powers* applies to those *general* powers *expressly* written into the Constitution and not to the innumerable *particular* powers that would be needed to exercise the former. The latter were to be provided for only by passing laws under the *necessary and proper* clause. This explains why the phrase "expressly delegated" does not appear in the 10th amendment whereas it appeared in the Articles of Confederation, Article II.

[73] *Id. at* 47.

[74] 35 J. FITZPATRICK, WRITINGS OF GEORGE WASHINGTON 229.

[75] CONG. RECORD, vol. 116, pt. 10, p. 12720.
[76] U.S. CONST. article I, § 3.
[77] M. FARRAND, *supra* note 13.
[78] SENATE EXEC. JOURNAL Vol. 2 at 382.
[79] *Id.* at 389.
[80] 2 M. FARRAND, THE RECORDS OF THE FEDERAL CONVENTION OF 1787 .
[81] *Id.* at 539.
[82] *Id.* at 542.
[83] *See generally,* SENATE EXEC. JOURNAL Vols. 1, 2, and 3. *See also,* Senate Rules Manual.
[84] M. FARRAND *supra* note 81 at 538.
[85] F. R. BLACK, *supra* note 59 at 13–14.
[86] E. S. CORWIN, *supra* note 17 at 315.
[87] M. FARRAND, *supra* note 80 at 540.
[88] *Id.* at 540–41.
[89] R. HAYDEN, *supra* note 23 at 3.
[90] *See* Senate Report 91–834; 91st CONG., 2nd SESS., May 1, 1970, "Termination of Middle East and Southeast Asia Resolution," p. 21, 29. On these pages the Department of State in commenting on various proposed Senate resolutions stated that the current Vietnam peace negotiations (as of December 4, 1969) were not "serious," "real," nor "meaningful."
[91] THE FEDERALIST No. 64 (J. Jay).
[92] F. R. BLACK, *supra* note 57 at 2.

Mr. FULBRIGHT. Mr. President, I would like to congratulate the Senator from Indiana for a very ingenious and new thought on this general subject of trying to reestablish the proper role of Congress in the making of foreign policy.

By chance, this morning we had an early hearing with Professor Bickel, of Yale, on war power legislation pending before the Foreign Relations Committee. The proposed legislation to which I refer was introduced by the Senator from New York (Mr. JAVITS), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. TAFT), and some other Senators.

The Senator from Indiana said that Congress has paid more attention to its powers with reference to the making of war than with reference to making peace.

The Senator's suggestion is ingenious. The more I have watched the effects of the Congress abandoning some of its constitutional authority, the more I respect the Constitution.

As the Senator from Indiana pointed out, President Wilson, in attempting personal and private presidential peace making, led to the complete disaster in which a peace treaty and the League of Nations were rejected; it was a great disaster to the country. Now, we have had presidential war making in Vietnam, and I refer to the Vietnam war that started before this administration was in power, but it is still going on and daily becoming a greater disaster for our country.

So I think the Senator should be applauded for his resolution which attempts to bring Congress into full and timely participation in these matters, and, more specifically, the Senate in the case of treaties.

The question of the President appointing ambassadors as his "personal representatives," not subject to confirmation by the Senate, has been considered earlier by the Committee on Foreign Relations and we have argued with this administration and the previous administration, trying to persuade the President to cease this practice. Usually such individuals with the "personal rank of ambassador," by authority of the President acting alone, have been appointed to less important roles than negotiating peace as in Paris; very often they are named for meetings on ceremonial matters. Nevertheless we try to discourage the practice, and we have had some degree of cooperation, although the administration has not agreed completely to stop the practice.

As the Senator knows, I agree that it does not seem to be an agreeable—or even constitutional—practice.

The Senator from Indiana and I discussed previously whether his resolution should be brought before the Senate without prior reference to a committee. This is an important subject; it should go to committee and should be the subject of hearings. The resolution is on all fours with the type of bill the committee now has before it on presidential war-making power.

I predict that if the resolution were brought up in the Senate without hearings or committee consideration, the Senator would not succeed because it is a novel idea. The idea that the Senate should be advised before the treaty is agreed upon by the President is a sound one. It would go far to insure success that the treaty, whatever it might be, will be acceptable to the country.

So I strongly recommend, not only in the case of the Paris negotiations, but also with respect to others in the future that this administration would consult with Congress with regard to whatever they have in mind especially in connection with the upcoming meeting with China. Not only do I think it is constitutional to do so, but as a practical matter it is much more likely to succeed to bring the Congress along with the President on whatever his policy is.

So I strongly endorse the idea the Senator is advancing, that Congress should be allowed to play its proper constitutional role, either in war making or in peace making, even though in this instance the Senator is referring to negotiations in Paris. His resolution incorporates, as I understand it, virtually the same provision the Senate approved in the case of the Mansfield amendment. Is that correct?

Mr. HARTKE. That is exactly correct. What I have done really is to take what has been expressed as the voice of the Senate in regard to negotiations and incorporated them in this resolution, and provided that in dealing with the confirmation of ambassadors, there must be the advice and consent of the Senate.

Let me clear up one point. I talked about immediate consideration. Probably the best procedure would be to allow the resolution to go to the Committee on Foreign Relations with the hope that it could be considered at the same time as the committee is considering war-making powers, especially in view of the fact that there is widespread notice there will be a new man to replace Ambassador Bruce, and that appointment is contemplated for the middle of August.

Mr. FULBRIGHT. Tomorrow is the last hearing the Foreign Relations Committee has scheduled on warmaking powers. I hope next week, and maybe the latter part of this week, if we can get Members free from other duties, to have a markup on those bills and I would recommend we consider this resolution, too. It is certainly in accord with the thrust of the activities of a number of Senators, over the last several years, to reestablish the proper role of the Senate.

The Senate, I am bound to say, and the Congress, as a whole, have been negligent of their responsibility in the last 25 years. This has come about because of pending crises and two wars; and this sense of crisis overshadows everything we do, and we have tended to support to a greater extent than necessary, the presidential power.

During that period we had a very powerful President, a powerful personality, a man who was intimately acquainted with the Senate and Congress and who knew their ways and weaknesses. Due to his dominating personality, I would say, that contributed also to the transfer during that period of a great deal of the responsibility of the Senate to the office of President. I do not think it has been a healthy thing, and I think this resolution is a move in the right direction. With all deference, I do not mean to say that I think the Senate has any greater wisdom than the Presidents, but it has one quality which is not shared, say, by members of the National Security Council, and that is that Senators are elected by the people and represent people in the various States. For this reason, if for no other reason, they should be consulted in these major matters affecting the welfare of this country, especially in this field. Under the Constitution I think that is what is contemplated.

I believe the Senator's resolution is entirely in accord with the Washingtonian view of the Constitution. As the Senator stated in the early days it was intended that the Senate was consulted about matters before they were reduced to an agreement. That practice was followed. All the administration now ask of us is consent and then we are put in the position where the only thing we can do is to vote up or down. It is difficult to make these changes, and it enters into the question of the prestige of the President. We are expected to save his face, and his party Members do not like to raise questions about his decisions. Altogether our reluctance to question such residential practices distorts the whole procedure by which the Constitution contemplated we should make agreements, and certainly to settle a war.

I commend the Senator. I am glad he has introduced the resolution. I can assure him that as far as I am concerned it will receive early consideration by the committee.

In view of the situation on the floor of the Senate, as the Senator is well aware, with the cloture votes, and very important and extended discussion pending, I may say that I am not sure the Senator could get immediate action. But it is good that the resolution has

been introduced, and I hope the President takes note of it, even if the Senate does not act immediately.

Mr. HARTKE. I hope the President takes a suggestion from the resolution that what we are really doing is saying that the Constitution is the supreme law of the land and there is a way to change it if the people want to.

Historically, the concept that the President had treaty-making powers was not considered until 10 days before the final draft of the Constitution; the original draft gave all power to the Senate.

One other factor is extremely important in view of the announcement of the President's visit to Mainland China. Here we are with the President going to a country which has not been formally recognized by this country. Elements of secrecy have shrouded our preliminary negotiations, even though we are not at war with China and there is no evidence that our national security would have been damaged if Dr. Kissinger had gone over with full knowledge of the pending visit. There is no information what was decided in the 20 hours of discussion that I know of.

Perhaps Senators have other information as to the extent of those discussions, but there has been no information as to what ultimately is going to be discussed of a substantive nature affecting the future of the United States and its foreign relations. I think all the circumstances, in view of the Pentagon papers, indicate that there is good reason for the Senate to be in the position of advising and consenting, and that good reason relates not only to the warmaking power, which power has now taken 55,000 lives in Indochina, but goes also to the treatymaking power.

Here the argument goes that the President might not want to conclude the war that has been in existence, even though it might be the desire of the Senate to conclude it and even though it might be the desire of the people to conclude it as expressed to the Senate.

So the advice of the Senate section of the Constitution does not relate merely to the advice that the President might request, but advice could come from the Senate on its own desire. In other words, it should be the coequal branch of government which makes our system different from an authoritarian system and keeps it from being a one-man show.

Mr. FULBRIGHT. The Senator is right. Our experience proves the soundness of the constitutional system. There are other instances of intervention without consultation of the Congress that we could mention in the last 50 or 75 years. It is only since the era of recurring wars, it seems to me, that there has been a real departure from the traditional role between the Congress and the Executive in these matters. There should have been a great deal more reliance and more trust in the Congress on the part of the Executive, but under the impact of several wars—certainly beginning with World War I—and the disastrous Wilsonian experience, and subsequently the present disaster, there a distortion of our constitutional system has developed.

I think this resolution is a step in the right direction, and is especially timely in view of the Senate's recent passage of the Mansfield amendment, which, in the context of the pending draft bill, has still been enacted. I really do not understand why the administration is so determined not to accept the Mansfield amendment. It is a valid statement of policy, and it seems to me that the Senate is entitled to make that statement. It was actually given advice there, only through a different vehicle, and I think it was well within the Senate's responsibility to do it, and I think history will prove the advice was correct advice. I hope that provision will be accepted.

I certainly commend the Senator from Indiana for introducing this measure. I am glad to see that there are Members of this body who do not believe that, because something has been the practice, because the Constitution has been ignored, we have to accept it. There is a sound constitutional principle involved also—the mere fact that the Constitution has been ignored in some respects does not mean those derelictions became the law of the land.

The ACTING PRESIDENT pro tempore. The Senator's 15 minutes have expired.

Mr. HARTKE. Mr. President, I simply want to thank the chairman of the Foreign Relations Committee for his excellent analysis and his assurances that early hearings would be held, and also for the kind words he had to say concerning the resolution.

SENATE CONCURRENT RESOLUTION 37—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE 150TH ANNIVERSARY OF THE TRANSFER OF FLORIDA FROM SPAIN TO THE UNITED STATES

(Referred to the Committee on the Judiciary.)

Mr. CHILES submitted the following concurrent resolution:

S. CON. RES. 37

Whereas, the month of July, 1971 marks the 150th anniversary of the transfer of the sovereignty of Florida from Spain to the United States, and

Whereas it was on July 17, 1821 the 23 star emblem of America was raised from a flagstaff at Pensacola, Florida, and

Whereas the event marked the establishment of Pensacola, Florida, as the territorial capital of this frontier land, and

Whereas Major General Andrew Jackson, commanding U.S. troops, then became the first Territorial Governor of Florida, and

Whereas the people of Pensacola, Florida this year observed the sesquicentennial of the occasion by celebrating with community events, parades, festivities, the presence of many dignitaries including representatives of foreign governments, and

Whereas this occasion was marked with a symbolic changing of the flags and the reenactment of the original transfer in 1821, and

Whereas the people of Pensacola, Florida acted in concert to bring attention to this historic occasion through various committees including the Andrew Jackson Committee chaired by the Honorable Pat Dodson, and

Whereas the Pensacola area, since the original transfer, has become known worldwide for its bountiful beaches, pleasant streets, warm hospitality, and for the beauties of nature as well as for the role the area has played in the national defense and history of the United States, be it therefore

Resolved, That the Congress of the United States extends its greetings to the people of Pensacola and to all the people of Florida on the occasion of the 150th anniversary of the transfer of sovereignty of Florida from Spain to the United States and that a copy of this resolution be transmitted to the Mayor of the City of Pensacola and to the Governor of the State of Florida.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 33

At the request of Mr. BROCK, the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Indiana (Mr. HARTKE), the Senator from Oregon (Mr. HATFIELD), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Concurrent Resolution 33 regarding the persecution of Jews and other minorities in Russia.

EMERGENCY LOAN GUARANTEE ACT—AMENDMENTS

AMENDMENTS NOS. 329 THROUGH 333

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

Mr. PROXMIRE submitted five amendments intended to be proposed by him to the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

AMENDMENTS NO. 334

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

Mr. BAYH submitted an amendment intended to be proposed by him to the bill (S. 2308), supra.

AMENDMENT NO. 336

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

Mr. TAFT submitted an amendment intended to be proposed by him to the bill (S. 2308), supra.

FEDERAL ELECTION CAMPAIGN ACT—AMENDMENT

AMENDMENT NO. 335

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

INCOME TAX CREDIT FOR POLITICAL CONTRIBUTIONS

Mr. KENNEDY. Mr. President, I submit an amendment to S. 382, the Federal Election Campaign Act of 1971, and I ask that it lie on the table and be printed.

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

Mr. KENNEDY. Mr. President, the amendment would establish a tax credit for political contributions. Under this title, a total of up to $50 for a single individual, or $100 for a married couple, would be allowed as a credit against Federal income taxes for contributions to political parties or candidates. The credit would be available for contributions to all elections—primaries or general elections—and to candidates at all levels—Federal, State, or local. Equally important, the credit would be for 100

percent of the amount of the contribution up to the stated limit.

The concept of tax credits for political contributions has had a distinguished history of support over the past decade. In 1962, President Kennedy's Commission on Campaign Costs issued its report, entitled "Financing Presidential Campaigns." One of the major recommendations in the Commission's report was the enactment of a tax credit for political contributions. As the report stated:

> The recommended credit is intended to encourage large numbers of small gifts. The bulk of * * * campaign funds available to both parties is now supplied by a relatively small group of contributors, giving sums ranging from a few hundred to several thousands of dollars * * * We hope that this * * * incentive to small gifts will stimulate the massive giving needed by the parties. If it does not, other forms of governmental subsidy may be inevitable.

Virtually every major study of the political process in recent years has endorsed the concept of the tax credit, and the idea has also been pursued extensively in Congress.

In his message to Congress on "The Political Process in America," in May 1967, President Johnson recommended that Congress undertake an extensive review of the methods of financing election campaigns, by methods such as direct appropriations, tax credits or deductions, treasury vouchers, and various matching grant plans.

Then, in November 1967, after comprehensive hearings and executive sessions by the Senate Finance Committee on numerous proposals, the committee favorably reported H.R. 4890, the "Honest Elections Act of 1967." As recommended by the committee, the bill contained a number of major provisions, including an income tax credit of up to $25 for one-half of the political contributions made by a taxpayer. All but one of the 17 members of the committee supported this provision.

Subsequently, in the 91st Congress, together with Senator JAMES PEARSON of Kansas, I offered a tax credit amendment on the Senate floor during the debate on the Tax Reform Act of 1969. The amendment was narrowly defeated by margin of 50–45, but the vote was complicated by the fact that the amendment had itself been amended on the Senate floor to add provisions for the reporting and disclosure of campaign contributions, so that no full debate on the merits of the tax credit was possible.

In light of this prior history, I am confident that a majority of the full Senate favors a tax credit for political contributions, and I hope that such a provision may become part of our Internal Revenue Code in time for the 1972 election campaign.

The tax credit approach to financing political campaigns has several major advantages over all other methods that have been proposed for financing such campaigns.

First, the tax credit approach will provide a significant incentive for participation in the political process by a large proportion of the electorate. One of the most important goals in recent proposals to reform the political process has been to stimulate greater public participation in election campaigns. I believe that the modest tax credit I have proposed will significantly encourage political parties to solicit contributions from small donors. In recent election years, for example, there have been millions of individual campaign contributors, the overwhelming majority of whom were $1 or $2 contributors. By offering a tax credit for the full amount of contributions by small donors, we will encourage many more individuals to contribute, and will encourage existing small contributors to raise their contributions to a more substantial level.

Second, by encouraging contributions from small donors, the tax credit will help to break down the excessive reliance by candidates on large contributors. As a result, the credit will help to restore public faith in the integrity of the election process. It will help to eliminate the ambiguous relationships created for the successful candidate, in which he is obligated—or at least appears to be obligated—to his large contributors.

Third, the tax credit leaves the decision on the allocation of public funds, through the tax subsidy mechanism, to the choice of the individual taxpayer himself. This point is the central distinction between the tax credit approach and the various proposals made in recent years for the direct financing of political campaigns. Under the tax credit approach, unlike these other proposals, the Federal Government plays no part in determining which candidates or committees are to receive public funds or the amount of such funds that are to be made available to particular candidates. It is the citizen, and the citizen alone, who makes this determination.

Fourth, the tax credit offers financial assistance to candidates not only at the general election stage, but at the primary stage as well, where such assistance can often be of crucial importance.

Fifth, the tax credit offers assistance to candidates not only at the presidential level, but at the congressional, State, and local level as well. This point is especially important. As Senator Robert Kennedy stated in 1967:

> Presidential candidates do not spring, like Minerva, from the brow of Jove. Men earn consideration for the Presidency by their performance in other public office—most often governor or senator. The expense of nomination to a governorship or a Senate seat—especially in the large states from which most Presidential candidates are drawn—is by itself a substantial barrier to all but men of wealth or their favored candidates. Thus, fair consideration for the Presidency itself requires public support for campaigns for lesser offices at all levels. This support can only come from tax incentives to individual contributions.

Before proposing this amendment, I gave serious consideration to including a tax deduction as an alternative to the tax credit. A tax deduction approach would have many of the advantages of a tax credit, especially with respect to the encouragement of individual choice and participation in the political process. However, a tax deduction would cause substantial inequities and disparities in the benefits afforded contributors. Those in the highest tax brackets, at whom the incentive should be least directed, would receive the greatest benefits, whereas taxpayers in the lowest brackets would receive the smallest benefits. Therefore, the proposed amendment contains no provision for a tax deduction.

I ask unanimous consent that the amendment may be printed at this point in the RECORD.

Because of the constitutional difficulty involved in the initiation of revenue measures in the Senate it may not be possible to include tax incentives for political contributors in S. 382 itself. If that proves to be the case, it is my hope that the Senate will consider the addition of such incentives to an appropriate House-passed bill at the earliest reasonable opportunity after the passage of S. 382.

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

AMENDMENT NO. 335

Delete title IV and insert in lieu thereof the following:

TITLE IV—INCOME TAX CREDIT FOR POLITICAL CONTRIBUTIONS

ALLOWANCE OF CREDIT

SEC. 401. Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. POLITICAL CONTRIBUTIONS.

"(a) GENERAL RULE.—In the case of an individual there shall be allowed, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to so much of the political contributions as does not exceed $50, payment of which is made by the taxpayer within the taxable year.

"(b) LIMITATIONS.—

"(1) MARRIED INDIVIDUALS.—In the case of a joint return of a husband and wife under section 6013, the credit allowed by subsection (a) shall not exceed $100. In the case of a separate return of a married individual, the credit allowed by subsection (a) shall not exceed $50.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(3) VERIFICATION.—The credit allowed by subsection (a) shall be allowed, with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) DEFINITIONS.—For purposes of this section—

"(1) POLITICAL CONTRIBUTION.—The term 'political contribution' means a contribution or gift of money to—

"(A) an individual who is a candidate for nomination or election to any Federal, State, or local elective public office in any primary, general, or special election, or in any National, State, or local convention or caucus of a political party, for use by such individual to further his candidacy for nomination or election to such office;

"(B) any committee, association, or organization (whether or not incorporated) organized and operated exclusively for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals who are candidates for nomination or election to any Federal, State,

or local elective public office, for use by such committee, association, or organization to further the candidacy of such individual or individuals for nomination or election to such office;

"(C) the national committee of a national political party;

"(D) the State committee of a national political party as designated by the national committee of such party; or

"(E) a local committee of a national political party as designated by the State committee of such party designated under subparagraph (D).

"(2) CANDIDATE.—The term 'candidate' means, with respect to any Federal, State, or local elective public office, an individual who—

"(A) has publicly announced that he is a candidate for nomination or election to such office; and

"(B) meets the qualifications prescribed by law to hold such office.

"(3) NATIONAL POLITICAL PARTY.—The term 'national political party' means—

"(A) in the case of contributions made during a taxable year of the taxpayer in which the electors of President and Vice President are chosen, a political party presenting candidates or electors for such offices on the official election ballot of ten or more States, or,

"(B) in the case of contributions made during any other taxable year of the taxpayer, a political party which met the qualifications described in subparagraph (A) in the last preceding election of a President and Vice President.

"(4) STATE AND LOCAL.—The term 'State' means the various States and the District of Columbia; and the term 'local' means a political subdivision or part thereof, or two or more political subdivisions or parts thereof, of a State.

"(d) CROSS REFERENCES.—

"For disallowance of credits to estates and trusts, see section 642(a)(3)."

CLERICAL AND TECHNICAL AMENDMENTS

SEC. 402. (a) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof

"Sec. 40. Political contributions.

"Sec. 41. Overpayments of tax.".

(b) Section 642(a) (relating to credits against tax for estates and trusts) is amended by adding at the end thereof the following new paragraph:

"(c) POLITICAL CONTRIBUTIONS.—An estate or trust shall not be allowed the credit against tax for political contributions provided by section 40."

EFFECTIVE DATE

SEC. 403. The amendments made by sections 401 and 402 shall apply to taxable years ending after December 31, 1971, but only with respect to political contributions payment of which is made after such date.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 238

At the request of Mr. PEARSON, the Senator from Alaska (Mr. GRAVEL) and the Senator from Pennsylvania (Mr. SCOTT) were added as cosponsors of amendment No. 238 intended to be proposed to S. 382, a bill to establish a Federal Elections Commission.

AMENDMENT NO. 252

At the request of Mr. CRANSTON, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of amendment No. 252, intended to be proposed to S. 2108, the Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1971.

NOTICE OF HEARINGS ON NOMINATIONS

Mr. PASTORE. Mr. President, the Senate section of the Joint Committee on Atomic Energy will hold a public hearing on Tuesday, August 3, 1971, at 4 p.m., in room S407, U.S. Capitol on the nominations of James R. Schlesinger and William O. Doub to be members of the Atomic Energy Commission.

Mr. Schlesinger has been nominated to fill the remainder of the term of Glenn T. Seaborg which expires on June 30, 1975.

Mr. Doub has been nominated to be a member of the AEC for a 5-year term expiring on June 30, 1976. He is scheduled to fill the vacancy previously held by Theos Thompson, deceased.

I ask unanimous consent to have printed in the RECORD the biographies of Mr. Schlesinger and Mr. Doub which were provided to the Joint Committee with the submission of their nominations to the Atomic Energy Commission.

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

JAMES R. SCHLESINGER

James R. Schlesinger was named an Assistant Director of the Budget Bureau shortly after President Nixon's inauguration. His initial responsibilities were in the areas of national security and international programs and science policy.

In the Fall of 1969 he was named Acting Deputy Director of the Budget Bureau and later served as Acting Budget Director during the transition to Office of Management and Budget. As Acting Deputy Director, Mr. Schlesinger was responsible for natural resources programs and environmental policy. He served as the Budget Bureau's representative on the Environmental Quality Council. During that year, the budget and programs of the Interior Department were under his purview, and he was intimately involved in the planning for the Council on Environmental Quality, as well as the establishment of the new Environmental Protection Agency. In the Summer of 1970, he was named Assistant Director of the newly formed Office of Management and Budget with responsibility for national security and international programs.

Prior to joining the Nixon Administration, Mr. Schlesinger had been Director of Strategic Studies at the Rand Corporation, Santa Monica, California, where he had written extensively on the role of systems analyses in relation to political decision-making. He was also engaged in applying those techniques to strategy and to force structure determination. During that period he was a Consultant to the Bureau of the Budget on atomic energy matters. While at Rand he had served as Project Leader of a study on the control of nuclear proliferation which Rand had undertaken for the Federal Government.

Before his association with Rand, Mr. Schlesinger had been an Associate Professor of Economics at the University of Virginia. At that time he was recognized for work on monetary and fiscal policy and on the mechanics of inflation, and served as a Consultant to the Board of Governors of the Federal Reserve System. During 1957 he served as Consultant to the Naval War College. His book, *"The Political Economy of National Security"*, was published in 1960.

Mr. Schlesinger received his A.B. degree in Economics (summa cum laude) from Harvard University in 1950. That same year he was the winner of the Frederick Sheldon Prize Fellowship, which enabled him to spend a year visiting some twenty-two countries. In 1951 he returned to Harvard, earning the A.M. degree in 1952, and his Ph.D. in 1956, both in Economics. His dissertation was on "Wage-cost-price Relationships and Economic Progress". At the same time, he served as Teaching Fellow in Economics, Teaching Fellow in Social Sciences, and Tutor in Eliot House.

Mr. Schlesinger was born in New York City on February 15, 1929. He is married to the former Rachel Mellinger of Springfield, Ohio. They reside with their eight children, who range in age from 3 months to 16 years, in Arlington, Virginia.

WILLIAM OFFUTT DOUB

PERSONAL DATA

Born, Cumberland, Maryland, September 3, 1931.

Married, 1959. Two sons, ages 7 and 11.

Life-long resident of Maryland.

Episcopalian.

EDUCATION

Public schools, Allegheny County, Maryland.

Staunton Military Academy (one year); Washington and Jefferson College, A.B. 1953.

University of Maryland, School of Law, LL. B. 1956.

PROFESSIONAL DATA

Law Clerk, The Baltimore & Ohio Railroad Company, June 1956 to October 1957.

Bartlett, Poe & Claggett, law firm, Baltimore, Maryland, 1957 through 1961 (firm dissolved).

Niles, Barton & Wilmer, law firm, Partner, Baltimore, Maryland, 1961– ; (301) 539–3240.

Lecturer, Mount Vernon Law School, Suretyship and Federal Jurisdiction, 1965–1966 (night school).

CHARACTER OF PRACTICE AND REPRESENTATIVE CLIENTS

General Business, Corporate and Trial Practice; Representative Corporate Clients: Maryland National Bank, Kavanaugh's of Maryland, Inc., Lincoln National Life Insurance Company, Tongue, Brooks & Company, The Coca-Cola Company, Connecticut General Life Insurance Company, Occidental Life Insurance Company; also rather large practice in fields of Trusts and Estates and municipal Bond matters.

SUMMARY OF PUBLIC SERVICES AND CIVIC ACTIVITIES

Republican Candidate for Attorney General of Maryland, 1966.

Chairman, Lawyers Division, United Fund, 1964.

Chairman, Minimum Wage Commission, Baltimore City, 1964–1966.

People's Counsel to the Maryland Public Service Commission and the Metropolitan Transit Authority, 1967–1968.

Chairman, Maryland Public Service Commission, 1968; reappointed 1971.

Vice-Chairman, Washington Metropolitan Area Transit Commission, 1968– .

President's Air Quality Advisory Board, 1970—3-year term.

First Vice President and Member of Executive Committee, Great Lakes Conference of Public Utility Commissioner, 1969 through 1970; (President, July 1971).

Executive Committee, National Association of Regulatory Utility Commissioners, 1969– .

Member, Executive Advisory Committee, Federal Power Commission, 1969– .

Chairman, Committee on Electrical and Nuclear Energy, National Association of Regulatory Utility Commissioners, 1969– .

Maryland Governor's representative, Northeast Regional Transportation Committee, 1968– .

Deputy for Emergency Transportation, Maryland Civil Defense Agency, 1968–1971.

Committee on Mental Retardation, Department of Health and Mental Hygiene, State of Maryland; 1968–1969.

Citizens Commission on Maryland Government (Wills Commission).

Baltimore Association for Retarded Children, Inc., Director.

National Foundation—March of Dimes, Director.

Maryland State Bar Association: Chairman, Young Lawyers Committee (approximately 1958); Committee on Legal Biography (approximately 1965); Committee on Laws (1970–71).

Baltimore Bar Association: Chairman, Law Day Committee, 1966; Unauthorized Practice of Law Committee, 1967.

American Bar Association: Vice Chairman Sub-Committee on Financing, Procurement, Management and Miscellaneous; Problems of the Committee on Small Businesses.

ADDITIONAL STATEMENTS

THE AUTO EXCISE TAX

Mr. GRIFFIN. Mr. President, I ask unanimous consent that an editorial entitled "Time to Cut Tax on Cars," published in the Pontiac Press, be printed in the RECORD.

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

[From the Pontiac Press, July 21, 1971]

TIME TO CUT TAX ON CARS

Perhaps Michigan's two Senators, Robert Griffin and Philip Hart, can be accused of regionalism in cosponsoring a bill to end the 7 percent excise tax on automobiles. But if this be so, let us have more of it.

On a $3,000 car, this strange tax adds $210 to the price.

The special tax was placed on automobiles during World War II. Its intent was not only revenue-raising but to discourage car buying in a wartime economy.

Almost every year since the war, someone has suggested removing the tax, but for various reasons it was left on.

Now seems to be a good time to finally get rid of it. The stimulation to Michigan's economy is obvious. But then more cars mean more steel, more fabrics, more rubber, and more money left in the hands of consumers all over the U.S.

Although the federal budget may suffer temporarily from this lack of income, in the long run, most economists would insist more actual income would result.

We wish Griffin and Hart success in their efforts.

ORGANIZATIONS SUPPORTING WELFARE REFORM

Mr. RIBICOFF. Mr. President, tomorrow the Senate Finance Committee will begin hearings on H.R. 1, which contains a major revision of this Nation's system for providing relief to its needy citizens. Welfare reform should not be viewed narrowly as just another program, but rather as the most direct way to win the war on poverty. The package of amendments which I introduced last week to H.R. 1 will, I am convinced, make this legislation the best hope for bringing 25 million Americans back into the mainstream of American society.

In the next few months many diverse groups, legislators, citizens, and the administration will be proposing additions, deletions, and modifications to H.R. 1. It is important, therefore, that we recognize the large areas of agreement which already exist among those seeeking to reform our welfare system.

Widespread agreement exists on major proposals such as the increase of payment levels to at least the poverty level, the Federal assumption of costs, and administration under a uniform system, the provision of public and private sector jobs paying no less than the minimum wage with basic suitability protection, the provision of day-care services for those in manpower training programs or jobs, optional registration in such programs for mothers with preschool children, and fiscal relief for States and localities from the cost burdens of public assistance.

These proposals are included in the amendments to H.R. 1 I introduced last week. In addition, recent policy statements of several groups and organizations have also publicly supported these improvements in H.R. 1.

The history of welfare reform legislation in the last 2 years dramatically illustrates that no one claims his own proposals are chiseled in granite and represent the definitive answer to the chaos of the present welfare nonsystem. My proposals as well as those of the President, the Ways and Means Committee, and other major participants have been modified from time to time—not only to attain a politically achievable consensus, but also in recognition of the fact that none of us knows all the answers about how well or badly one or another proposal will work. We must be willing to observe a new system in operation and be ready to make changes where needed. Fewer changes will be necessitated, however, if we begin Senate consideration on the basis of common ground already achieved.

I ask unanimous consent that the accompanying policy statements be printed at this point in the RECORD.

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

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON WELFARE REFORM, BAL HARBOUR, FLA., FEBRUARY 15, 1971

The Administration's welfare reform program needs substantial improvement before the AFL–CIO could support its enactment.

Inflation, unemployment, inadequate and costly health care, inferior education, to name just a few—have forced more and more people on to the public assistance rolls. Indeed, the more the causes of poverty are ignored the greater the welfare "problem" will become.

The battle against poverty must be waged on two fronts—eliminating the causes of poverty so that fewer people will have to depend on welfare and improving the welfare program for those who must rely on it.

Jobs at decent wages and adequate social insurance payments would make it possible for millions to climb out of poverty.

By making unemployment a national policy to fight inflation, the Administration has virtually brought the decline of poverty to a halt.

In 1969 the decrease in poverty (defined for that year as $3700 for a four-person family) came almost to a standstill. With worsening economic conditions and expanding joblessness in 1970, it is probable that the long-term trend away from poverty has even been reversed.

Who are the poor?

More than 5½ million people, or about one-quarter of all the poor, are poor although the breadwinner works full-time all year. Their road out of poverty lies in decent jobs covered by a minimum wage raised to at least $2 an hour.

In proportion to their numbers, the elderly are twice as poor as the rest of the population. Approximately one-fifth of all people in poverty can live out their years in dignity and comfort only if Social Security benefits are substantially improved.

But there are some people—especially mothers with children in their care and large families headed by low-earnings workers—who will depend on welfare for their daily needs. Seven million of the poor, or 29 percent of all poor people, are in families headed by a woman. The Administration's welfare bill falls far short of what is needed to provide the answer to their poverty.

When, in the Summer of 1969, the President first announced his welfare reform proposal, he called for a payment level of $1,600 a year—less than $8.00 a week per person. But if a bill should be enacted in the coming months, it cannot be implemented until mid-1973 after many more months of inflation.

The AFL–CIO calls for reaching as rapidly as possible a national minimum welfare payment of no less than the government-defined poverty level. Until this level is reached, food stamps should be maintained at an adequate level or cashed out at their full value. Welfare payments should at least keep pace with the cost of living.

The AFL–CIO strongly opposes the provision in the Welfare Reform bill which could require recipients to take jobs under conditions denying them basic minimum protections. As reported by the House Ways and Means Committee in the last Congress, job assignments would have had to take account of such elements of suitability as the degree of risk to the individual's health and safety, his physical fitness for the work, prior training length of unemployment and distance from work. Although workers have long had these protections under unemployment compensation, the House of Representatives removed them from the bill it passed. The Congress must reverse this shameful disregard of the well-being and dignity of welfare recipients, by including these basic job protections in this year's legislation.

The potential for exploitation of welfare recipients was all the greater in the bill the House passed last year because it would have forced welfare recipients into jobs paying substandard wages. This is an unconscionable requirement which we will adamantly resist.

The basic purpose stated in the Fair Labor Standards Act is to eliminate as rapidly as possible "labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency and general well-being of workers." To require large numbers of people to take jobs at subminimum wages or lose their welfare payments on which they and their families depend for the bare necessities of life would constitute an outrageous attack on the most defenseless and disadvantaged sector of our population.

The impact of such action would be far broader than the forced assignment of welfare recipients to substandard jobs. There is not the slightest doubt that requiring welfare recipients to take jobs below the FLSA rate will make it all the more difficult for employed family heads now working at jobs paying substandard wages to improve their incomes.

The Welfare Reform legislation must provide that jobs to which welfare recipients are assigned must pay wages at a rate equal to the prevailing wage in the locality or the federal or state minimum wage, whichever is

the higher. Furthermore, hours and working conditions on such jobs must measure up to those prevailing for comparable work in the locality.

The AFL–CIO will not support any welfare reform legislation unless it contains protections as to both suitability and wage standards of the jobs to which recipients may be assigned.

The AFL–CIO favors a single welfare program with a single standard of minimum payments and uniform nationwide administration. We are convinced that only Federal administration and Federal financing can achieve this goal. Federalization of the welfare program should be achieved as quickly as possible. It will also relieve States and localities of a crushing financial burden they can no longer shoulder.

Whatever degree of federalization takes place will have an impact on thousands of State and local government employees now employed in the administration of welfare programs. They must be adequately protected from adverse consequences resulting from changes in welfare administration. The legislation must therefore fully protect the job rights, wages, hours, bargaining rights where applicable and other conditions of employment of all such workers.

One other change in the House-passed bill is also essential. The exemption from work and training requirements of mothers of preschool children should be extended to mothers of school age children except for the hours when their children are in school. These children need parental supervision and care when they are out of school. Their mothers should not be forced to be away from home during such hours.

These are the major changes the AFL–CIO seeks in the Welfare Reform legislation. We want welfare reform and we see no reason why it should not be enacted with minimum delay. But we will not support so-called "welfare reform" which makes the present program worse by adding new punitive features and creates opportunities for harsh exploitation of those who must depend on welfare.

The AFL–CIO calls for real welfare reform, fair to recipients and taxpayers alike. It must be legislation which is realistic and workable and can give new hope and dignity to millions of disadvantaged Americans.

LEAGUE OF WOMEN VOTERS PROGRAM FOR WELFARE REFORM, MAY 1971

Assistance to meet basic needs for food, shelter and clothing;

Assistance grants beginning near the official national poverty level, with provision for automatic increases;

Guarantees that no recipient would receive less under a new program than grant levels of December 1970;

Uniform income and eligibility standards nationwide;

Federal financing of basic income assistance grants, with provision for supplementation to meet area cost of living differentials;

Coverage for all people—individuals, couples, families—who are unable to work, whose earnings are inadequate and for whom jobs are not available;

Assistance based on need, not category;

Protection of constitutional rights and the right to privacy;

Equality of treatment, with legal and procedural protection against discrimination;

Systematic participation by grantees in program development and implementation;

Realistic opportunities—including creation of new jobs and practical training for actual jobs—for all who are able to work to earn a living;

Realistic financial incentives for work, i.e., wage supplementation such that the client's income is always higher when working;

Guarantees against discrimination as to wages, health and safety standards, etc., in jobs to which public assistance participants would be referred;

Supportive services such as counseling, child care, family planning, health programs, legal aid—available but not coerced.

Application by declaration-of-need, with spot checks to assure compliance with law;

Administrative offices easily accessible to people participating in the program.

THE 1971 U.S. CONFERENCE OF MAYORS RESOLUTION

FORTY-SIX WELFARE REFORM

Whereas public assistance rolls have increased dramatically over the last decade; and

Whereas, the poverty population for the first time in ten years increased in 1970 by 1.2 million American people over 1969; and

Whereas, the present tax burden of financing welfare is now inequitably distributed throughout the nation and is in part financed by regressive taxes, such as sales and real property, which unfairly burden low and middle income families; and

Whereas, the U.S. Conference of Mayors has repeatedly called for a total reform of the welfare system and the establishment of basic income supplement payments for all people unable to work and whose income falls below the official recognized level of poverty; and

Whereas, the House Ways and Means Committee has reported out a welfare reform bill with an income maintenance payment of $2400 a year for a family of four; and

Whereas, the underlying principle of eligibility for public assistance should be the need of the recipient rather than his category of disability, employment status, family status, age, sex, or place of residence; and

Whereas, mayors and local governments have demonstrated a commitment to assume greater leadership and responsibility for manpower and social services at the local level but cannot raise the funds needed to meet long-delayed health, welfare, education and social services and to train and employ participants in the Opportunities for Families Program; and

Whereas, Title XX of last year's welfare reform proposal provided the large cities the opportunity to be the prime sponsor of the delivery of social services; and

Whereas, the city itself is in the best position to determine the needs of its citizens, evaluate its economic and social resources, organize and operate manpower programs, and deliver social services effectively; and

Whereas, state and local governments need immediate relief from spiraling welfare costs this year; and

Whereas, the proposed funding formula would provide inadequate, uneven, and disproportionate relief for state and local governments that provide welfare costs this year.

Now, therefore, be it resolved that the United States Conference of Mayors again affirm its support for welfare reform with these features, among others:

1. An adequate basic supplement for the working poor and payments to other American citizens who are unable to work and whose income falls below the official recognized poverty level;

2. Eligibility based on need, rather than category;

3. A federally funded, comprehensive social services delivery system that governments of localities—regardless of their population—may have an opportunity to coordinate and administer, if they choose to do so;

4. Immediate federalization of the funding of public assistance programs this year;

5. Federal matching of supplementary state benefits to assist jurisdictions that provide benefits at a higher level than will be supported by full federal funding;

6. One hundred percent funding of the public service jobs to be created under the Opportunities for Families Program and provision for integrating activities into planning, coordinating, and operating of ongoing manpower programs at the city level;

7. Provision of vendor payments on recurring items, as well as nonrecurring items, at the option of the recipient, and exploration of this concept through demonstration projects and studies.

RESOLUTION OF THE POLICY COUNCIL OF THE DEMOCRATIC NATIONAL COMMITTEE, MAY 1971

Whereas the present welfare system is totally inadequate and a tragic failure:

(a) it requires recipient families to exist on benefits substantially below the poverty level,

(b) it excludes nearly half of the needy,

(c) it discourages recipients from working by discriminating against the "working poor,"

(d) it encourages the dissolution of the family unit,

(e) it demeans the individual and perpetuates his dependency on welfare,

(f) it permits exceedingly wide variations in benefit payments,

(g) it results in a tremendous financial burden on some states and cities, creating intolerable increases in the property tax and other regressive taxes.

Whereas the President's proposed Family Assistance Plan perpetuates the problems of the present welfare system and fails to meet basic human needs.

Whereas the Administration has consistently distorted the characteristics of the problem by stressing the popular myths of welfare while ignoring the need to provide adequate assistance for the children, aged and infirm who comprise 86 percent of present welfare recipients.

Whereas economic conditions in the country have resulted in 5.2 million unemployed and have been primarily responsible for the increased intensity of the welfare problem.

Whereas the President has vetoed the efforts of Congress to strengthen the economy by providing public service employment so that able-bodied citizens—on or off the welfare roles—have a real opportunity to work and earn their own way.

Therefore, be it resolved by the Policy Council of the Democratic National Committee:

(1) That the present welfare system should be replaced by an income maintenance plan,

(2) That the ultimate goal of such a plan should be to eliminate hunger and poverty in the United States,

(3) That in order to meet the basic human needs of those who are unable to provide for themselves, the income maintenance plan should provide an immediate minimum benefit floor at the prevailing poverty level, increasing over time to the adequate standard of living level,

(4) That the federal government should assume total responsibility for the costs and administration of the income maintenance plan,

(5) That the income maintenance plan should be structured so as to insure that able-bodied men are engaged in productive work, to guarantee that those who do work receive higher benefit payments than those who do not, to provide proper work incentives including compensation at no less than the prevailing or minimum wage, and to offer opportunities for improving work skills.

(6) That under such a plan the mothers of young children should retain an option regarding employment,

(7) That under such a plan it is essential that comprehensive child care facilities be provided for all children, and

(8) That in order to relieve such an income maintenance system of the burdens of growing numbers of unemployed who have exhausted their unemployment compensation benefits, the economy should be stimulated and additional employment created:

(a) by the release of $12 billion in federal funds, vitally needed for urban and social programs, but impounded by the Administration,

(b) by the immediate acceleration of important public works construction,

(c) by the passage of emergency public service employment legislation, vetoed by the President in 1970, providing immediate employment opportunities for at least 500,000 workers, and

(d) by providing an additional 13 weeks of federally financed unemployment compensation for workers who have exhausted their benefits.

THE 1970 RESOLUTION OF THE AMERICANS FOR DEMOCRATIC ACTION

WELFARE REFORM—FAMILY ASSISTANCE PROGRAM

Welfare reform is long overdue. The Administration's effort to improve benefits and remove inequities deserves approval, but more money should be put into the hands of those who need it.

We urge the Administration and the Senate Finance Committee to work promptly, cooperatively and energetically to report to the Senate a bill which will:

(1) provide every poor person with an income at least equal to the poverty level;

(2) permit mothers of school-age children to elect to stay home with their children;

(3) provide federal administration to remove discrimination between states;

(4) provide a non-coercive public service employment program so that the promise to the poor of meaningful jobs with opportunities for up-grading at adequate wages can be realized.

THE 1971 LEADERSHIP CONFERENCE ON CIVIL RIGHTS

POSITION ON WELFARE REFORM

The Leadership Conference believes the goal of welfare reform should be: (1) Elimination of categories and establishment of a unified federally administered and federally financed system based solely on need (the job rights of state employees should be fully protected during the transition from state to federal administration); (2) Benefit levels: (a) Minimum benefits for individuals and families beginning at the government-defined poverty level, with appropriate adjustments to meet variations in the cost of living; (b) Federal supplements to assure that benefits are maintained at least up to present assistance levels. (3) Protections as to both suitability and wage standards on all job or training programs. Wage rates should equal the federal or state minimum or the prevailing rate, whichever is higher. (4) Exemption of mothers of pre-school and school-aged children from all job or training requirements; establishment of day care centers with adequate standards and other supplementary services to enable mothers who choose to accept employment to do so.

WEST COAST DOCKWORKERS STRIKE

Mr. BELLMON. Mr. President, the lengthy strike of dockworkers on the west coast has already had wide-ranging adverse effects on the Nation's economy, and unless a settlement can be reached soon not only our domestic commerce but our position in international trade will be jeopardized.

Therefore, I have today sent a letter to President Nixon urging that if leaders of labor and management involved in the dockworkers strike are not willing to take prompt action for settlement, then Federal intervention should be undertaken to bring an early end to the strike.

Mr. President, I ask unanimous consent that the text of the letter be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., July 26, 1971.

Hon. RICHARD NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Nearly a month has elapsed since members of the International Longshoremen's Union and the Warehousemen's Union went on strike against the Pacific Maritime Association. Since July 1, there has been little or no progress in negotiations between the West Coast dockworkers and the Association. It is my further understanding that negotiating efforts are presently at a standstill and will continue to be until an indefinite date in August.

Further delay in settlement of the dockworkers strike will have a disastrous effect upon the nation's economy as a whole.

The Interstate Commerce Commission has ordered an embargo on all export cargo to the West Coast in order to prevent a pile-up of loaded freight cars at port destinations. The embargo is costing the railroad industry hundreds of thousands of dollars a day in lost revenue.

One of our own states, Hawaii, is running out of wheat because of the halt in West Coast shipments, which may mean importing wheat from Canada if problems arising from U.S. import quotas can be solved.

But what is most distressing about the negotiation delays is that foreign buyers of American farm products will inevitably lose confidence in the United States as a marketplace unless we maintain our ability to fill orders and deliver the goods on schedule.

Already two major sales of white wheat to foreign markets have been lost. Korea and the Philippines are both turning to Australia for a total shipment of 65,000 metric tons of white wheat which they normally would buy from the United States. Those losses are costing the U.S. balance of payments and American agriculture $5.5 million.

Foreign buyers of hard red winter and hard red spring wheat are encountering month-long delays in receiving their orders because the West Coast strike has necessitated the shipments be made from the Gulf Coast, a much longer route to the Far East.

At a time when an expanded export market is directly needed to overcome the U.S. trade deficit and at a time when world competition for new markets is stronger than ever before, we cannot afford to lose face with our trading partners.

I urge that the labor-management leaders involved in the dockworkers' strike negotiate an early agreement for the sake of the country. If those leaders are not willing to take prompt action, I would urge the federal government to take all legal steps of intervention to hasten an end to the strike.

Sincerely,

HENRY BELLMON.

ADLAI E. STEVENSON

Mr. CRANSTON. Mr. President, 2 weeks ago, I paid tribute in the Senate to the memory of a great American, Adlai E. Stevenson. My comments generated a letter from Mr. Reuben Efron of Washington, D.C., who shared my admiration for Governor Stevenson. He sent me his own expression of remembrance in the form of an article for the Jewish Herald-Voice.

Mr. President, I ask unanimous consent that Mr. Efron's article, entitled "Micah's Ideas—Stevenson's Guide," be printed in the RECORD.

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

MICAH'S IDEAS—STEVENSON'S GUIDE

(By R. Efron)

On July 14, 1965, a saddened world mourned the passing of Adlai Ewing Stevenson, probably the most revered American of our generation. In the words of the renowned poet, Archibald MacLeish, Adlai Stevenson was "a complete man, a man so beloved, so harmonious as a human being that his greatness passed almost unnoticed while he lived."

Many editorial writers and commentators in eulogizing Stevenson, quoted the concluding paragraph of his acceptance speech at the Democratic Convention in 1952: "And what the Lord doth require of thee; only to do justly, and to love mercy, and to walk humbly with thy God." This passage from the Prophet Micah (chapter VI:8) was said to epitomize Stevenson's philosophy of life.

It was a meaningful and symbolic coincident that the same chapter VI of the Book of Micah, containing this passage, constituted the "Haftorah" (addition), which together with the weekly portion from the Pentateuch were read in synagogues all over the world on Saturday, July 17, two days before Adlai Stevenson was laid to rest in his boyhood town of Bloomington, Illinois.

Why was Stevenson so greatly impressed with the teaching of Micah?

The Prophet Micah, a farmer's son, who lived in Judea in the first half of the 8th century B.C., had in a simple and yet most forceful manner, exposed an "eternal truth," the essence of human behavior, which Stevenson evidently regarded as an ideal for him to emulate.

The Prophet proclaimed as the cardinal virtues of human life, Justice, Mercy and Humility. In these imperatives Micah incorporated the basic teaching of all the Prophets. He placed on equal footing the moral norm with justice; the obligation of man towards his fellow man with that towards his God and considered both obligations essential to the faith of man. In these postulates, Micah followed his teacher, the Prophet Isaiah, who similarly demanded: "Learn to do well; seek Justice; relieve the oppressed . . ." (chapter I:17).

And what does God require of man according to Micah? First, "To do justly," which implies reverence for every human being as the possessor of inalienable rights to life, honor and happiness. It is the duty of the state and society to protect these inalienable human rights against injustice.

Secondly, "To love mercy" which means kindness and charitable acts to the needy and miserable. This includes not only the deed of mercy but requires that love and veritable passion for pity should accompany every such deed.

Thirdly, "To walk humbly with thy God" denotes inward devotion to and silent communication with God in humility and purity. The Biblical scholar and philosopher, Hermann Cohen, stated in this connection: "Everything heroic in man is insignificant and perishable, and all his wisdom and virtue unable to stand the crucial test, unless they are the fruits of humility." The well known writer, called this passage from Micah, "the essence of religion."

It is then no wonder that the great humanitarian, Adlai Stevenson, accepted Micah's ideals and standards for human behavior and religious practice as a guiding

light for his own conduct, as a presidential candidate and dedicated public servant.

VIETNAM AND THE GI DRUG PROBLEM

Mr. JAVITS. Mr. President, Dr. Norman E. Zinberg, professor of psychology and social psychology at the Tufts University, testified last Friday before the Executive Reorganization Subcommittee and the Intergovernmental Relations Committee.

Joint hearings before both subcommittees are currently being held on S. 2097 and S. 1945, bills which seek to bring about a strengthened and better coordinated Federal attack on the drug abuse epidemic now plaguing our citizens.

Professor Zinberg testified most impressively on the broad range of environmental and personality factors relating to drug abuse generally. He also presented a sensitive portrait of the American soldier in Vietnam, enduring the age old hardships of war, the incalculable stresses of imminent death, disease, and destruction—and the tragic realization that his own society no longer views our participation in this devastating discredited war as a heroic enterprise.

According to Professor Zinberg, who only recently began working with returning Vietnam veterans, he has too small a sample to draw definite conclusions. Nevertheless, he believes that the soldier's unique sense of hopelessness in Vietnam is the most important variable in his discretion to shoot heroin. In this regard, some useful comparisons with setting and attitudes of the combat GI of World War II are made.

Mr. President, to the long list of frustrations emanating from our Indochina disaster we must add the problem of drug abuse among our military personnel in Vietnam. The Defense Department is only now beginning to recognize its responsibility for the treatment and rehabilitation of such persons, and the need to crackdown on those in South Vietnam and Laos allegedly even in government officials who are reaping the profits of the heroin trade.

It is a most shocking, tragic, and disheartening development which underscores once again, the need for withdrawal from Vietnam.

As an appendix to his more lengthy testimony, Professor Zinberg supplied our subcommittees with a summary analysis of his interviews with Vietnam veterans. He quotes extensively from the men themselves. I believe this analysis will be of interest to the Senate and ask unanimous consent to have it printed in the RECORD.

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

APPENDIX

Because of college deferments and political opposition among middle-class youth, those young men sent to Vietnam disproportionally represent lower-middle and lower-income groups in the United States. However, despite this class bias, there seems to be little question but that what the army has gathered together represents vastly different personality types. Among our interviewees there were many who were able to express feelings directly, preferred to move into an active relationship with the world quickly, could accept their position in the world and their relationship to the goods of it with ease. Equally clearly there were those who seemed more careful, emotionally constricted, preferred to let themselves be acted upon by others, gave carefully and accepted with equal caution, just as they covered the gamut of attitudes; from a belief in obedience to a conviction about destruction. If one could construct a personality continuum of usual, normative positions to far-out positions in every direction, it would be easy to fill up the entire continuum from the returned veterans.

Consistent with this range of personality were the different attitudes they described about going into the service.

"I wanted to go, what the hell. My old man had been in the big war—he talked about it a lot. He had medals and was proud of what he had done. I hated all those long-haired creeps. I thought they were fairies and—."

"When I got my notice, I didn't know quite what to do. It sounds silly now, but I had some idea that it was a good thing to serve your country. I didn't exactly want to go into the army, but I hated my job and it seemed like I didn't know what else to do."

"Yeah, I went. I hated it. But I was scared either way. The whole idea of getting a gun, shooting somebody or being shot, scared me. But what the hell, I wasn't going to go to jail, or get picked up by the cops or anything like that. I had never been in any kind of trouble and I just figured maybe I would get lucky and they would send me someplace nice."

"I didn't exactly go for this patriotism—but nobody's going to say to me 'you've got no guts.' "

"Oh yes, I thought the army would be a deal. The stinking job I had here didn't mean a thing to me. I was glad to go."

There were the usual tales of basic training and the various hopes and expectations of the army which continued through this period. There were the usual mixed responses to the knowledge they would have to go to Vietnam. These differed little from the quotes above about their attitudes about going in the army in the first place. However, once in Vietnam the attitudes of our interviewees homogenized quickly. Without exception they hated the place:

"As soon as I got there I knew that nobody wanted us, we sure didn't want them. Do you know how bad the place stinks? As soon as I got there I knew the only thing I had to think about was how to stay alive for as long as I had to be there.

"It took me a little while, I started off to do a job—always been a good worker. Pretty soon I felt like everyone else. I dogged it every chance I got—I counted days.

"Do you know what it feels like when you dream every night about being the last one to die? They look around and say, 'wasn't it a shame, if he could have just made it a little bit longer.'

"Everywhere you look, they hate you. Anybody can shoot you at any time. From the moment you get there they tell you, and they're right, that there are booby traps all over—that there are mines, you can get dysentery, you can catch malaria, you can get the kind of clap that eats you up inside and it is dirty—dirty like I never dreamed anything could be dirty, and they all hate you.

"The worst of it is that they, the gooks, they don't mind it. If they were even a little bit human they would mind it. You begin to know right away that you're different from them.

"One of the strangest things about the whole business is that everybody you like thinks the way you do. They hate it there, they dream of going home, and they want to get some way out; and they're always the ones who get killed so that when you begin to hate gooks, you hate them because they killed the good guys, and they never kill the bad guys. The only people who make it in Nam are the real ———, and they're the ones who like it, like what they have to do, who don't mind killing, and they're the ones who never seem to get killed."

At this point in my interview a picture emerged. The soldiers feel that there is hostility everywhere and that they are the ones that are hated. They begin to find and resent the changes in their own personality toward cynicism, fear and deceit. They learn to mistrust themselves. All of the surrounding elements in the setting seem bent on their destruction; the mines, the diseases, the stench, the strange people seem endless and omnipresent. Not only do they find that they cannot trust themselves or anyone or anything outside of their own outfits, but they also find that they can build up no faith in the permanence of any situation there. The friends they develop and like can and do die, while they cannot look up to to those who appear successful in this strange world. In fact, those who are successful are usually so in contrast to previous ideals and ideal figures that the very fact of their success increases their cynicism and mistrust and the vicious circle described.

Once this view of the situation has become fixed, we begin to see the next step:

"The worst of all was when we began to know that there was no way out. We all began to get the picture at once. Pete got a letter from a guy that had been there when he first came. The letter told him that he had been attacked on the street while he was in uniform. Then we got the whole picture, nobody gave a ——— for us and they all thought we were ——— for being there. Think about it—go from one place where everybody hates you and would like to kill you fast, to another place where everybody hates you and lets you die slow.

"One day when I was feeling so low that I didn't think I could walk back to the base, this mommasan came up to me and she said, 'it will give you good dreams.' Well, if there was one thing I needed, it was good dreams.

"I was watching this guy shooting up—it didn't seem to mean much to me but he seemed pretty comfortable so I asked him why he was shooting up. He said, 'when they get me I won't care.' That made a lot of sense to me.

"I knew there was a bullet somewhere with my name on it. Maybe it was a mine but I figured if I went somewhere else in my head maybe the bullet couldn't find me. The further away I got from Nam, the harder it would be for the bullet to find me.

"I had a buddy who had this book about signs and stars. He told me that I had a bad sign that day. I believed him. It may sound funny to you but I still believe him. So I shot up. It was the first time but then I didn't care about what sign I was under.

"I felt so empty inside, as if there was nothing left of me. I didn't want to look and see another human being. Not one of those creeps I was bunking with, nor those stinking ——— out there. I just wanted to be somewhere by myself."

Interviews show that a logical and consistent personality change occurred which was related to their perception of the environment. First the pervasive sense of hopelessness and despair, as they gave up the idea that their tour of duty was limited. The early belief that if they could dog it and somehow or other survive, they would return to an accepted and accepting society had been a sustaining hope. When these servicemen became aware they might return to a society which was only slightly less hostile to them than the one they were leaving, the sense of futility became overwhelming. Without this hope, they became increasingly preoccupied with magic, predestination, a sense

of inner deterioration and emptiness surrounded by a world bleak and forbidding. At this point heroin offered a source free from sorrow, a blessed oblivion that would magically remove them from an intolerable situation.

Perhaps the thing that is most surprising about the whole outbreak of heroin use in Vietnam is that people in authority are surprised it occurred. Probably most of the people in the political or military chain of command accepted analogies between World War I and World War II where soldiers withstood incalculable hardships without this sort of personality deterioration. From the vantage point of the interviewer who served in World War II and had the opportunity to speak to innumerable soldiers returned from combat, the disintegration of the hope of returning to a warm, welcoming, supportive society that will reward you for your efforts is crucial. All the returning Vietnam veterans agreed that the outbreak of heroin use developed exactly concomitantly with the awareness that the society they would return to did not see this war as a righteous enterprise and could not reward them for their participation.

THE FAILURE OF AMERICAN MEDICINE

Mr. KENNEDY. Mr. President, America's health record is in a dangerous position. Of all the major industrial countries in the world, America is far behind the field in health care delivered to its citizens. The United States ranks 19th in the world in its infant mortality rate, and 16th in the world in its mean life expectancy at birth.

In the autumn 1970 issue of the American Scholar, Mr. Michael Michaelson analyzes the condition of American health care services. It is in the area of financing that our health care services prove to be very deficient. America is the only remaining industrial country in the West in which citizens must purchase their health care on the open market like a car or a refrigerator. And health care in America is very expensive.

It has been known for a long time that poverty and illness go together. But middle class families are now experiencing the high costs of medical care. Medical costs are presently rising at more than double the rate of the cost of living. An average day in the hospital costs the patient approximately $140.

In his article, Mr. Michaelson argues that a new financial scheme to provide good health care at affordable prices is not enough. A drastic restructuring of American medicine is needed. Trained paramedical personnel are needed to take over some of the physician's duties. Medical education is in financial difficulty and must meet a projected shortage of 80,000 doctors by 1980. Private insurance companies have been unable to curtail rising hospital costs. Community involvement in hospital planning has been hit and miss.

Mr. Michaelson's article, "The Failure of American Medicine," provides many insights and suggestions on improving American health care. I ask unanimous consent that this article be printed in the RECORD.

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

[From the American Scholar, Autumn 1970]

THE FAILURE OF AMERICAN MEDICINE

(By Michael G. Michaelson)

It is the fashion now, remarkably even the Republican fashion, to speak darkly of the present and the future of what was, in happier days, called American medicine. In this era of integrative complexity it is rather our "health care system" or, more properly and still more fashionably, our "nonsystem" that is under scrutiny. More than three years has passed since political scientists Anne and Herman Somers concluded in *Medicare and the Hospitals* that the system of health services delivery in this country is largely a figure of speech, and in those years that central face and its sequelae have been further documented with uncomfortable regularity and stark precision. This is, by the majority of available standards, an unhealthy nation; the United States ranks behind every major industrial nation in the world in the two health statistics considered the most accurate indices of medical progress, infant mortality (nineteenth in the world) and mean life expectancy at birth (sixteenth in the world—66.6 years for males in this country as opposed to 71.3 years in Sweden); our doctors and our patients are isolated from and mistrust one another; diseases that ought to have been eradicated years and even decades ago remain formidable threats; millions of Americans live in needless pain or die preventable deaths; health care is fragmented, inefficient, inequitable, inhumane and, too often, of questionable quality.[1]

It is in the sphere of financing, however, that our medical "malpractice" descends from the merely unintelligent to—certainly in the moral context and perhaps even in the Constitutional one—the criminal. This is the single remaining industrialized country in the West in which citizens must buy their health, purchase it on the open market as they must any other commodity or luxury. And it is very, very expensive. Medical costs are presently rising at more than double the rate of the cost of living; physicians' fees, which were increasing at a rate of about three percent a year up until 1965, have since the introduction of Medicare and Medicaid been rising six percent a year; the average expense of one day's stay in a hospital, not including the cost of physicians' care and special diagnostic and treatment procedures, rose from $44 in 1965 to $70 in 1968 and will, according to most estimates, exceed $100 before 1973 (indeed the $100 figure is modest even today for some of the better voluntary and university-affiliated institutions, and the cost of a day in a modern intensive care unit—where increasing numbers of Americans are dying in technological bliss and superb electrolyte balance—ranges between $200 and $300, again exclusive of physicians' fees).

Medicare has done very little to alleviate, and Medicaid and voluntary insurance schemes a great deal to aggravate, the fiscal crisis in medicine. To the social worker's and bureaucrat's familiar category of "indigence" has been added the newer and potentially more threatening concept of "medical indigence," the inability to meet the cost of life-sustaining medical care. And as the cost of that care spirals, the ranks of the medically indigent, already large, promise to explode exponentially. In the decade of the 1970s a majority, perhaps three quarters, of the American population will find good health care a heavy, and in some cases a disastrous, financial burden. This is the hard fact that appears presently to disturb Richard Nixon, and reasonably. It is *his* America, the America of the middle class and the middle road, that has begun and shall continue to suffer. It is his "majority" that must bear this burden, perhaps for a while in characteristic "silence"; but inevitably it will respond—must respond—with its voices and its votes.

It is otherwise for the poor, for the black. For them the failure of American medicine is not news, is no discovery, no sudden (in Mr. Nixon's words) "massive crisis." There is, and always has been in this country, another America of sickness as vicious as Michael Harrington's of poverty. In the liberal sixties (after the ubiquitous fashion), the relationship between poverty and illness was doggedly documented, relentlessly correlated, and factor-analyzed almost beyond recognition. The findings forced no reexamination of any intelligent hypothesis: Yes, the poor get sick more often and more seriously than the nonpoor; they die younger, have fewer preventive services, far less access to medical knowledge and personnel; there is racism in our hospitals and doctors' offices; decisions literally of life and death are made daily on the basis of a single socioeconomic distinction—can he afford it?

Yes, we know that now. *Poverty and Health: A Sociological Analysis* (Harvard University Press, $12.50) summarizes our knowledge, and admirably. But it fails on the whole to move beyond summary, and so it fails. There is little theoretical effort here, little to suggest that sociology is more than collecting numbers, categorizing them, and wishing that there were more numbers, more precisely gathered. Most of the "analysis" is restricted to consideration of some aspect of what Talcott Parsons twenty years ago called the "Sick Role," and of how it may differ for the poor, the less educated, the black. The authors do not manage to advance Parsons very far; nor, if they had, would it have mattered very much. The important issues in medical sociology in 1970 are not the issues of 1950.

Professors John Kosa, Aaron Antonovsky and Irving Kenneth Zola have edited the volume capably, but traditionally, and to be traditional in the field of health care today is, sadly perhaps but in fact, to be irresponsible. Their stance of dispassionate objectivity has overwhelmed them, in a sense blinded them to what is best both in sociology and in medicine, to what is most human. "We are angry and we do care," the authors insist in the Preface. "But our professionalism is not supposed to add to the chorus of rage, much as we hope it will add to an effective pressure on the society.

The problems are complex; if we have simply elucidated this complexity and enhanced our understanding, this will have been more a service than ranting." What precisely constitutes "ranting" is, of course, subject to question, as is the authors' contention that the "elucidation" of complexity enhances anything or helps anybody. And "professionalism"? In sociology, as in medicine, it surpasses money as the root of all evil; it is technological excellence, methodological circumspection, a comfort to the practitioners of the "discipline," a cruel deception in the eyes of those whom the discipline, the profession, is supposed to serve. Kierkegaard had only contempt for these elucidators of complexity. "Everyone knows a great deal," he wrote in 1846, "we all know which way we ought to go and all the different ways we can go, but nobody is willing to move."

Still this joint venture of thirteen scholars exhaustively documents the consequences of inaction, the endless goose eggs on the scorecard of (in Kierkegaard's phrase) our society's "chimerical efforts" first to ignore and then to eliminate the problems of disease and poverty and their invariable interrelation. Except for a few simplistic statements ("Poverty . . . cannot be accounted for by one cause; rather it must be regarded as the product of a great many factors of diverse origin and impact") and a few that are incredibly naïve for a Harvard social scientist

Footnotes at end of article.

(". . . the war on poverty . . . is at work at a major restructuring of American society . . . and the establishment of an ideal structure . . ."), John Kosa's first chapter provides some useful historical perspectives on "The Nature of Poverty" in this country. He extends the Weberian approach in a valuable criticism of the Protestant ethic and organized philanthropy as characteristic American responses to "our poor"—irrational, incidental and parochial, but "ingenious ways of making poverty less disturbing to the middle-class conscience." Kosa next collaborates with Leon Robertson on a survey of "Social Aspects of Health and Illness" in which they attempt to find "the place of morbid episodes in the social interaction pattern." They have some traditional sociological fun placing the patient and his "primary" and "secondary" groups into "inhibitory," "nurturance' and "manipulative" systems, but they make little progress toward their dual goal of conceptual clarification and a useful theoretical framework for the remainder of the book.

The major documentary chapters follow. All the statistics are here, on mortality and morbidity and disability and race and class, all the "correlates" and "differentials" and "models" that are supposed to unravel "systematically" the "matrix" of "relevant variables" in all their "multidimensionality." These sociologists are in excellent bibliographic form (here are, overall, fifty-two pages of notes, some six hundred references, along with a lengthy examination of "The Reliability of the Data"); and in each chapter an author concludes at least once that although the evidence linking poverty and ill-health is (to borrow Marc Fried's phrase) "unambiguous and powerful," still (if David Mechanic will forgive me) "from the research point of view . . . many uncertainties remain. The data which would allow a clear resolution of important theoretical and practical issues are often either unavailable or are in a form unsuitable to answer the questions." It is difficult not to explode when confronted with sterile, classificatory writing like Mechanic's, not to suggest precisely and anatomically what he can do with his Unitary Theory of Illness Behavior and his ten varying patterns of responses to symptoms. But it is not necessary to add to the "chorus of rage" that most of these authors have so professionally avoided; it is not necessary to "rant" in order to criticize this volume responsibly. For it fails even to be what its subtitle promises: it is sociological only in the most limited, data-summarizing sense; and its analysis is largely pretense.

Only two chapters are valuable contributions to the literature. Julius A. Roth's "The Treatment of the Sick" is the best, a rapid succession of insights, compassionately orchestrated. Sometimes he is too polite (for example, he describes various manifestations of physicians' attitudes toward ward patients without calling racism and socioeconomic prejudice by their real names); and more than once he leaves an important truth before grappling with its significance. But he is the one scholar represented who seems to have lived in the system he has studied, to have felt it, to have brought back and nurtured the desperate hope that somehow it can—and must—be made to work.

Dr. John D. Stoeckle's essay on "The Future of Health Care" is a fine history both of the American approach to providing medicine for the poor, and the lately revitalized concept of the Neighborhood Health Center (organized in Pittsburgh in 1916). His drawing together of the historical threads is not entirely satisfying, but in the course of his argument he raises a question that is critical for an understanding of this collection and its fatal flaw: "Should the organization of health services for the poor be something apart from the organization of health services for everyone?" *Poverty and Health* sums all the diminutive noes gathered by diligent social scientists in the past decade, and answers No yet again.

Neither, however, should there be (indeed, *can* there be) a book merely about how poor Americans get sick and what happens to them when they do. The nonsystem of American health care must be studied in its entirety, for the poor provide us only with a special and more visible case of its contradictions. Certainly the poor are less healthy than we are; but we are *all* much less healthy than we might be. Certainly the poor cannot afford to pay for their health; but why should any of us have to *pay* for what even the American Medical Association admits is a basic human right? Certainly the poor are treated like animals or machines by health professionals in this country; but, to a significant if lesser degree, we are all dehumanized and reduced to a state of childlike dependence and ignorance when we enter a hospital or a doctor's office. Certainly health professionals in this country are not accountable to anyone. In the United States every patient, and not merely every poor patient, is a nigger.

Such is the "pathology," in Julius B. Richmond's unoriginal but apt metaphor, of American medicine. His sparse monograph, *Currents in American Medicine: A Developmental View of Medical Care and Education* (Harvard University Press ($5.50), is an attempt to reconstruct in its unfolding the etiology, the pathogenesis, of failure. Dr. Richmond, Chairman of the Department of Pediatrics and Dean of the College of Medicine at Upstate Medical Center in Syracuse, New York, clearly understands the clinical value of a "good history," its therapeutic potential. Beginning with an intelligent reappraisal of the Flexner Report on medical education of 1910, Richmond traces the unprecedented consolidation of power in the hands of medicine's trade guild, the A.M.A.;[2] he gives proper emphasis to the tremendous impact of research, government and the university on medical care since World War II, especially as it has been reflected in the rise of the urban medical complex as the central unit in health care for millions of Americans; and he outlines the beginnings of a "consumer revolution" in health care, even if he does not satisfactorily understand it. Throughout, *Currents in American Medicine* is lucid and literate, and, despite its brevity, the best published account of the problems that must be resolved if this country's now empty rhetoric of good health as a human right is to be realized.

Dr. Richmond's crucial weakness, however, is in this area of resolution, of realization, of—as the medical jargon has it—"management protocol." He condemns the inexcusably narrow self-interest of the American Medical Association, and even reprints a pathetically well-intentioned letter of his, written in 1965, in which he urges that the American Association of Medical Colleges assume a position of leadership in matters of public health policy. But he fails to state clearly what he (and, in my opinion, every physician of intelligence and social sensitivity) clearly must believe: that the A.M.A. as a political force in this country must be discredited and, if possible, destroyed; that a new "counterorganization" of health professionals and workers and "consumers" (rather than merely physicians) must be formed to help structure a new system of health care that will be responsible and responsive to all of the people.

Perhaps because Dr. Richmond has been so close to the "unique problems" of the poor—as Director of Project Head Start, and Director of the Office of Health Affairs of the Office of Economic Opportunity, from 1965 to 1967—he is aware that in no sense are they unique problems. He knows that the fragmentation and dehumanization and the exorbitant costs of health care "also apply to the more affluent," and, conversely, that the Neighborhood Health Center program (O.E.O.) "was designed for the poor, but its implications for health services for the general population are apparent." His vision, on this score, is broader and more acute than that of Kosa and his collaborators. But it remains limited, because Richmond refuses to take the necessary risks, refuses to skate over the thin ice from the edge of which Kierkegaard knew so many of us turn back with a regretful sigh. His therapeutic regimen is too weak, too guarded: From some sort of Presidential Council of Health Advisors, Dr. Richmond suggests; or perhaps a new Board of Medicine of the National Academy of Sciences will exert some leadership. (Kierkegaard again: "Committee after committee is formed, so long, that is to say, as there are still people who passionately want to be what they ought to be: but in the end the whole age becomes a committee.")

With these kinds of "solutions," Richmond circumnavigates the painful central questions that he himself has at least partially perceived. The most basic one is definitional: What precisely *is* a physician in this country today, and what must he become? Although Richmond speaks briefly and vaguely of "the matter of redistributing personnel and redefining their functions," he refuses to see that the very *concept* of a physician in our society—what and who he is, and how he functions—is obsolete. In the wake of radical technological and societal change, our idea of "doctor" remains rooted in the nineteenth-century model. Today's physician is perhaps the last remaining archetypal American—a self-sufficient, independent rugged individual after the frontier model, with illusions of omniscience and (not only as he controls his patient but also as he controls the allocation of health resources on a national level) a life-style of omnipotence. It is impossible to understand the pathology of American medical education and care without first understanding the essential obsolescence of the American physician. And it is only on the basis of this understanding that the fundamental restructuring of American medicine, the "bold and inventive planning" that Dr. Richmond advocates, can amount to anything more than the "patchwork approach" that he documents so well and so correctly condemns.

The obsolescence of the American physician today is manifold, a product of his archaic education, his inappropriate orientation to disease and to people, the economic (fee-for-service) and societal (one-to-one) framework of the "physician-patient relationship," the traditional notion of a patient-centered rather than a community-centered responsibility. But the most dangerous aspect of that obsolescence is its established pattern of *physician primacy* in medical care. For centuries the doctor has been considered, and has considered himself, the absolutely central figure in patient care, all-knowing and all-powerful. Despite the fact that advances in medical technology have significantly complicated the physician-patient relationship, doctors have retained their monopoly of control over patient care to the exclusion of nurses, technicians, administrators and "paramedical" personnel, without which the practitioner of modern medicine cannot function. Despite brilliant advances in techniques of communication, physicians have jealously preserved their monopoly over health education and information, primarily, it is clear, to maintain economic and status advantages. And, most important, despite the easy professional rhetoric of services, our medical care mechanism is run by and for the physician rather than by and for the patient, and the practitioner is in no way *accountable* to the people that he "serves."[3]

Footnotes at end of article.

The accountability of the health care system will be the overriding issue in American medicine in this decade. *Some* kind of National Health Insurance is inevitable—whether it is modeled after the suggestions of Nelson Rockefeller or Walter Reuther or Edward Kennedy or even the A.M.A.'s "Medicredit" scheme. The pressure from middle America, as Mr. Nixon already senses, will mount and will demand satisfaction. But unless a financing scheme is coupled with a drastic restructuring of American medicine—including a radical redefinition of what a physician is and how he functions and relates to the community and the health of its people—the pathology of the health care system as it exists will be exacerbated. Fragmentation, depersonalization, social and racial inequity, an emphasis on the treatment rather than prevention of disease, escalating expenses—all manifestations of the fact that the providers of medical care have never been accountable to the consumers of that care—will combine to insure that we remain an unhealthy nation.

What might the mechanism of such accountability be? Dr. Richmond devotes a quarter of his book to The Consumer Revolution in medical care, but he misses an essential point. The bumper crop of health legislation passed by the Eighty-ninth and subsequent Congresses was less than manifestation of revolutionary sentiment (the author's contention) than a clumsy attempt by the federal government and "organized medicine" at prophylactic pacification. Any variety of National Health Insurance that freezes individual or corporate capitalism as the fiscal basis of medical care, and retains a rigid professional hierarchy as its social basis, will be nothing more.[4]

Yet the conumers of health care are revolting in this country, not in the legislatures but, perhaps more meaningfully, in the hospitals and in the streets. Community groups in major American cities are demanding the right to control the health institutions in their neighborhoods precisely as they have demanded the right to control their schools. Health workers, technicians and "paraprofessionals" have been mobilized through unionization drives (such as that of Local 1199 of the A.F.L.-C.I.O.), professionalization drives (such as that of Psychiatric Aides Association) and the rather sudden realization that they are not only consumers of health care and citizens of the community that supports the hospital and that the hospital is supposed to serve, but also integral members of the country's health care team—a team that certainly *includes* physicians, but that need no longer, and must no longer, be exclusively controlled by physicians.

And increasing numbers of professionals—especially recent graduates and health science students—are at least beginning to reassess critically the role they play in the provision of health care. The Medical Committee For Human Rights and the Student Health Organization, for example, have helped the Black Panther Party and other (white as well as black) community groups finance and staff neighborhood Peoples' Free Clinics in a number of American cities. These and other groups (notably and most articulately the Health Policy Advisory Center in New York) have supported such actions as a sit-in (by the Young Lords, a militant Puerto Rican group) at Metropolitan Hospital in Manhattan, a demand by community forces that the new administrator of Lincoln Hospital in the Bronx be a Puerto Rican, and the disruption of services at the Gouverneur Health Center by the Health Revolutionary Unitary Movement, which is demanding a larger community share in the clinic's operations.

Such is potentially the stuff of a real revolution in health care; and yet to this important "current" in American medicine neither Dr. Richmond nor Professors Kosa, Antonovsky and Zola devote a word. It is this current—the issue of accountability, of self-determination in health care, of redefining the role of a physician so that he becomes an advocate of the community and of its right to good health—that will occupy the "medical sociologist" of the seventies. And it is likely that the pattern observed in this area will closely parallel that which the sociologist of the last decade observed in medical economics: abuses will be uncovered first where they are most naked—among the poor and nonwhite—and at last where they are more subtle, but as sinister, among all of us. Perhaps then we will be able to fight together, as we need to, and to restructure, and to redefine. Perhaps then, as we've done too seldom in the past (in medicine as elsewhere), we will recognize the poor as the mirror of our pathology, our inadequacy, our desperation and our hope.

FOOTNOTES

[1] The multiple failures of American medicine have yet to be comprehensively documented in a single volume. Valuable but incomplete perspectives may be found in Roul Tunley, *The American Health Scandal*, Harper & Row, 1966; Raymond S. Duff and August B. Hollingshead, *Sickness and Society*, Harper & Row, 1968; Barney G. Glaser and Anselm L. Strauss, *Time for Dying*, Aldine, 1968; Selig Greenberg, *The Troubled Calling*, Macmillan, 1965; John H. Knowles (ed.), *Views of Medical Education and Medical Care*, Harvard University Press, 1968.

[2] It might be noted here that this author, as others have done before him, records that prior to 1920 the A.M.A. was a progressive force in medical education and care. Readers unfamiliar with the history of the Association will find Richmond's summary of its early reforming efforts interesting and may be referred to James G. Burrow's *AMA: Voice of American Medicine* (Johns Hopkins Press, 1963), an uncritical account, or Richard Harris' *A Sacred Trust* (New American Library, 1966), a critical one, for additional information.

[3] The traditional muckraking "antidoctor" books (for example, Martin L. Gross, *The Doctors*, Random House, 1966) have focused upon this problem, but obliquely. The medical profession's penchant for concealing improperly handled and iatrogenic (physician-caused) illness is real and not unimportant; but the authors who have attacked the profession on these grounds have missed the forest for a few (relatively) inconsequential trees. The accountability of the physician must extend beyond the *micro*scopic concern for the particular patient to the *macro*scopic concern for the entire community of patients and (even more important) potential patients.

[4] As the absurdity of the solo, entrepreneurial, fee-for-service mechanism becomes increasingly apparent, the prospect arises that medicine may shift to the model of corporate capitalism. *Fortune* (January, 1970) devoted five articles to the tantalizing subject. Such a corporate approach would certainly be more efficient; but there is little reason to expect that such efficiency would (in unprecedented fashion) significantly benefit the consumer rather than the stockholder.

MR. EARL KOCH

Mr. TAFT. Mr. President, I was recently honored to be present at a breakfast meeting at which my constituent, Mr. G. Earl Koch of Cincinnati was honored by SBA Administrator Thomas S. Kleppe.

Mr. Koch was presented a certificate of appreciation in recognition of his outstanding public service, community spirit, and contributions to the success of the Service Corps of Retired Executives.

Administrator Kleppe said that SCORE now has nearly 4,000 members and has given counsel to more than 155,000 small businessmen since the program started in 1964.

Mr. Kleppe praised Mr. Koch as an effective emissary for SCOPE and SBA, in his many talks before business and civic groups, and through his many media appearances.

Mr. Koch was formerly president and general manager of the Auto and Aero Supply Co. and Brake Manufacturers, Inc.

WASHINGTON MEMORIAL TO PRESIDENT HERBERT CLARK HOOVER

Mr. CRANSTON. Mr. President, I am pleased to join with the distinguished senior Senator from Oregon (Mr. HATFIELD) in the joint resolution for the purpose of establishing a Washington memorial to President Herbert Clark Hoover. It is fitting that a memorial be dedicated on August 10, 1974, the 100th anniversary of his birthday.

In his lifetime he pursued four careers: engineer, humanitarian, President of the United States, and government reformer. He was Secretary of Commerce, and served as a trustee at both Stanford University and Carnegie Institute of Washington. In both the Truman and Eisenhower administrations, he headed the Commission on Organization of the Executive Branch of the Government.

Hoover was deeply involved with the development of Stanford University—my own school—from the time he arrived on the campus in 1891 as a member of the first freshman class. His most important contribution was the founding of the Hoover Institute on War, Revolution, and Peace at Stanford in 1919. It has since become one of the world's great archives of factual information on human strife.

A pioneer in the modern problem of food relief, he proposed to the Carnegie Corporation in 1921 that a food research institute be founded at Stanford University so that a scientific approach to mass food problems might be developed. People in many lands owed their lives to the work of relief organizations headed by Herbert Hoover.

One of my first memories of politics goes back to 1928, after Hoover was nominated by the GOP for President. He returned to Palo Alto for a great welcome home, and I—then a high school freshman—was down at the railroad station in the huge throng that greeted him. Somehow, I got right up next to him as he stepped off the train, and I was unceremoniously picked up by the scruff of the neck by a huge Secret Serviceman, and deposited at some distance from the future President.

A man of great compassion for human suffering, he was unfortunately called to lead our Nation during the crisis of a depression which his economic theories could not resolve. Yet, he weathered the harsh criticisms of the thirties to achieve the respect and love of

our Nation during his final years. It is eminently appropriate that he join the roster of those great Americans who are memorialized in our Nation's Capitol.

RETIREMENT OF DEAN WARNER

Mr. BAKER. Mr. President, I have recently learned of the retirement of Dean Harold C. Warner of the University of Tennessee Law School and would take this opportunity to express my deep appreciation for the service he has rendered to the law college and to the legal community in Tennessee. It is impossible to express in a few sentences the fitting tribute which such a man has earned in the dedication of his life to the betterment of mankind. So that we all might be aware of and benefit from the example of Dean Warner, I ask unanimous consent that a brief article recently published in the UT Lawyer, summer 1971 edition, be printed in the RECORD.

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

DEAN HAROLD C. WARNER

Faculty, students, and alumni soon say farewell to the symbol of the first great period in the history of The University of Tennessee College of Law. Dean Harold C. Warner, known by many as "Colonel", will be retiring at the end of the summer quarter 1971. He has played a significant role in the change of a modest professional school into one of the finest institutions of legal education in the South.

Dean Warner earned the Ph.B. and J.D. degrees from The University of Chicago in 1925, was admitted to the Illinois Bar and practiced there until 1928, at which time he joined the faculty of The University of Tennessee. At that time the school had but three full-time faculty members and a student body of about 40. It was housed in a small building on Church Street. In contrast, the present student body numbers over 500 in a new structure on Cumberland Avenue.

Military leave called Harold Warner away from the College of Law from June 1941 to June 1946. He served as Colonel in the Judge Advocate General's Corps, and as Staff Judge Advocate of the 88th Division and the X Corps. During the war, he participated in the New Guinea Campaign, the invasion of Leyte, the Mindoro and Mindanao Campaigns, served in the Philippine Islands and with the occupying forces in Japan.

Dean Warner was awarded the Legion of Merit and Bronze Star for his distinguished service. Colonel Warner has been an advisor to the Commanding General of the Third Army and chairman of the Military Justice Committee of the American Bar Association.

Harold Warner returned to The University of Tennessee after completing military service and at one time or another has taught just about every subject in the law curriculum. However, his main interest is Real Property and he is today considered an authority in the field of Future Interests. In 1963, he was named Dean of the College of Law.

Dean Warner has served the legal profession in many other ways. For example, he was a past chairman of the Real Property, Probate and Trust Section of the Tennessee Bar Association; he was a member of the McCord Commission to study Tennessee election laws; he has served as a member of the Tennessee Bar Association's Committee on Continuing Legal Education; and he has served as a member of many other committees of the Knoxville and Tennessee Bar Associations. Presently, Colonel Warner is a member of the American Law Institute.

Not only is Dean Warner a leader in the field of legal education, but an active member in the community. Serving as past director of the Knoxville-Knox County Civil Defense and presently as a member of the Optimist Club, a Mason, and a member of the Magnolia Avenue Methodist Church, he is well known in the Knoxville community.

In the future, Dean Warner will maintain an office in the College of Law and although retiring as Dean and Professor of Law, ties to the school will not be completely severed. His knowledge and experience will continually be used in the movement of the College to even greater strides It seems a thank-you for all the years of service and devotion to his duty is less than enough, for only those who have known Dean Harold C. Warner can fully appreciate his devotion as a leader and individual.

Mr. BAKER. Mr. President, I extend to Dean Warner my deepest and sincerest appreciation for the years of excellent service he has given to the University of Tennessee Law School, both as professor and dean. His leadership has contributed to and exemplified the outstanding tradition of the institution.

RICH AND POOR

Mr. HART. Mr. President, for those who question the priorities and logic of our system, last week was most instructive.

The administration was urging Congress to approve a bill which would permit the Federal Government to guarantee a $250 million loan to bail out the Lockheed Corp. from financial difficulties.

On Thursday, an administration spokesman told the Senate Nutrition Committee that the Department of Agriculture would not spend at this time an additional $20 million which Congress had provided for feeding programs for hungry adults and children.

It is fair to state, I believe, that one of the principal reasons given to justify that decision was that there are inefficiencies in the systems used to distribute food to the hungry.

In other words, at the same time the administration asks Congress to bail out Lockheed from a predicament at least in important part of its own making, the administration is telling a Senate committee that it will not spend money for food to help people in predicaments not of their own making.

The administration is willing to take a $250 million gamble on saving a big business from its own inefficiencies, but the administration is not willing to spend $20 million to feed hungry adults and children because of reported inefficiencies in the distribution system.

Certainly the Federal Government should always press for more efficient administration of its programs, but is it right to ask a hungry person to wait a little longer for food while bureaucrats tinker with the distribution system?

In short, while Lockheed is to be "rewarded" for its failings, the poor are asked to wait because of someone else's inefficiencies. I suspect that if those interests pressing for approval of the Lockheed bill and if those persons administering our food programs were hungry, we would find some way of getting the food distributed. In all probability, rather than refusing to spend the funds, the administration probably would be asking Congress to provide even more money.

Approval of the emergency loan guarantee bill then would not only be another step toward establishing a national policy of socialism for the big and powerful and free enterprise for the small and less powerful, but approval would also be further proof that our system appears to demand less of its wealthy than it does of its poor.

Regardless of how Senators may vote on the guarantee bill, I would hope all would join in urging the administration to release the additional $20 million Congress provided for food programs.

To do otherwise would be, at a minimum, to ignore the fact that the Senate has taken the unusual step of approving two amendments supporting expenditure of the same $20 million.

In Public Law 92–32, Congress authorized the transfer of $20 million from section 32 funds of the act of August 24, 1935, to supplemental food programs. The wording of that amendment made it quite clear that these funds were to be in addition to any money made available elsewhere for such feeding programs.

In approving the agriculture appropriations bill, which provided $16.4 million for these programs, the Senate passed a second amendment emphasizing that the $20 million was to be in addition to money provided in that appropriations bill.

Let us at least keep faith with commitment. The Detroit Free Press of July 23 reports the moving plea of three Detroit citizens, who have lived with and constructively organized the distribution of food to the hungry, and I ask unanimous consent it be printed in the RECORD.

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

UNITED STATES "MAD" NOT TO GIVE FOOD TO POOR, DETROIT PRIEST SAYS

(By David Hess)

WASHINGTON.—A Detroit priest accused the U.S. Department of Agriculture on Thursday of having a "mad hatter" mentality in withholding food from most of the city's 53,000 hungry poor.

The Rev. Father William T. Cunningham, director of Focus: Hope, appeared before the Senate Select Committee on Nutrition and Human Needs.

He detailed his quarrel with the Agriculture Department's refusal to spend congressionally approved anti-hunger money for mothers and infants.

Father Cunningham related the case of one Detroit mother of eight who took her 3-year-old son to the hospital with a cut.

The child had rickets, a bone disease resulting from malnutrition, Father Cunningham said.

"But the mother would not allow him to be admitted," the priest said. "The mother told hospital authorities: 'Everyone else in the family has funny legs and I don't want this one to be different.'"

Father Cunningham appeared before Sen. George McGovern's committee with Mrs. Dorinda Jones of the Detroit Mayor's Committee for Human Resources Development

and Mrs. Eleanor Josaitis, director of volunteer workers for Focus: Hope.

Committee member Philip Hart, D-Mich., who co-sponsored with McGovern a $20 million authorization to provide more food for the nation's malnourished poor, said he also has been feuding with the Agriculture Department over the issue.

The department contends that the national food stamp program provides the means for poor people to satisfy their nutritional needs.

But Father Cunningham and Mrs. Josaitis insisted that the program is failing in Detroit and helps only a fraction of the people who need an adequate diet.

Mrs. Jones said the U.S. Office of Economic Opportunity (OEO) in Detroit has committed $101,000 to Focus: Hope's food distribution program, which is now reaching about 3,500 people.

The OEO commitment, she said, would permit focus to serve 10,000 to 18,000 poor people. But the Agriculture Department "decided not to supply the food," leaving OEO's commitment in limbo, she said.

"There are 53,000 mothers and babies in Detroit clinically classified as malnourished (by the state health department)," Father Cunningham said, adding:

"If children go hungry at certain critical ages, they may suffer irreversible brain damage. . . . We have already created a culture of hunger. Mothers who themselves suffered from hunger as children pass on their tragedy to their offspring, because they are incapable of improvement or change."

In a statement to the committee, the three Focus: Hope spokesmen urged the Agriculture Department to:

Send food immediately to feed the 18,000 persons for which storage, handling and distribution money is available this year, with a later commitment for enough food to feed all 53,000 hungry.

Ensure that funds are available, either from the Agriculture Department, OEO, or the Department of Health, Education and Welfare, to store and distribute food on a mass basis in the future.

Include a "variety of richly nutritional food" in the department's supplemental food program.

Include preschool children, ages 1 through 5, in the supplemental program.

MAN'S CONTROL OF HIS NATURAL ENVIRONMENT

Mr. BROCK. Mr. President, the recent issue of Field and Stream magazine contains a feature article entitled, "To Dam or Not to Dam." The feature contained two separate articles representing divergent points of view on the advantages and disadvantages of man's efforts to manipulate and control his natural environment. This unresolvable dilemma is often faced by the State of Tennessee as the expansion and aggressiveness of what many have termed "the State's great benefactor," the Tennessee Valley Authority, proceeds to build on and develop much of our natural terrain and resources.

As a legislator, I can appreciate both authors' argument and would in the case of Tennessee side neither with the TVA nor the strict conservationist on principle alone. I think the most important single idea to be gleaned from the concurrent presentations by Mr. Michael Frome and Mr. Ottis Peterson is that we weigh the merits of each individual project to determine whether in the long run it will be of greater benefit to people, living and yet unborn.

Whether man, as a part of nature, has the right to direct his inventiveness and ingenuity on the handi-work of natural forces remains a dilemma. However, I believe that the Field and Stream feature sheds some light on the considerations which must be understood before we attempt to harness and control environmental forces.

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

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

TO DAM OR NOT TO DAM

NOTE.—The two articles presented here, representing divergent points of view, are written by authors who are deeply concerned about our natural resources. Writer and traveler Ottis Peterson, who is also Assistant to the Commissioner at the U.S. Dept. of the Interior's Bureau of Reclamation, sees dams as tools ". . . to turn our rivers from unruly destroyers to servants of man, performing useful functions for the advancement of civilization." Mr. Peterson feels that the judicious use of dams can ". . . preserve and enhance the natural environment." Author Michael Frome, a leader in the conservation movement, recognizes that: "Harnessing natural features and 'improving' rivers represents man's splendid ingenuity . . ." but Mr. Frome stresse that: "The greater ingenuity is to show that man can survive while leaving some few features of the earth to their own devices."

(VISTA/U.S.A. invites you to send us your opinions. We hope to include a variety of comments and authors' replies in a future issue.)

(By Ottis Peterson)

You see it from your jet, five miles up; a shimmering, broad, irregular ribbon of blue among the tan and red sandstone cliffs. It stretches into the horizon on one side and ends abruptly on the other; dropping off into a canyon beyond the crest of a curving sculptured concrete barrier—a dam.

You're looking at Glen Canyon Dam and the reservoir it created on the Colorado River, Lake Powell! For 186 incredible miles, it transforms a turgid stream of red mud into a waterway of sparkling blue against a backdrops of nature's most spectacular scenery.

But the airborne glimpse is simply a teaser. From Los Angeles you will return by automobile, trailing a boat on which you will spend three days—you wish it could be three weeks—exploring, camping, fishing, swimming. For Lake Powell has 1,800 miles of shoreline, the airline distance from Canada to Mexico, to explore.

There are countless side canyons, cut in the soft Navajo sandstone over the ages by wind and water, where there is further exploration on foot at water's end, much of it into beautiful hidden areas where man has rarely set foot. There is Rainbow Bridge, a geologic oddity and masterpiece of nature's sculpture, now easily accessible by boat instead of a two-day trek on horseback.

There is spectular trout and bass fishing from the collective stocking efforts of federal, Utah and Arizona fish and game departments. The total recreation planning effort and administration by the Glen Canyon National Recreation Area is in the hands of the National Park Service.

Less than a decade old, Lake Powell is already one of the most popular areas on the park service roster. In 1970, it attracted nearly a million people, a remarkable figure considering that the nearest population centers, Salt Lake City and Phoenix, are several hundred miles away. Without question, Lake Powell and Glen Canyon Dam bid fair to become one of the outstanding recreation areas and tourist attractions of the nation. But that is not the primary reason for their being.

This is only one of many dam projects to turn our rivers from unruly destroyers to servants of man, performing useful functions for the advancement of civilization. Waterborne outdoor recreation is only one facet of the benefits—but an increasingly important one—from dam construction.

From the beginning of time, man has had to use his ingenuity to turn water, as other natural resources, to his benefit. His success has been one measure of the progress of civilization. His first big step was in the dim past when he invented the boat. Water was transformed from a barrier into a means of transportation. Primitive Indians of North America diverted small streams of water through crude irrigation ditches to scratch out a living on desert lands. The Mormon pioneers refined the process to reclaim the arid and treeless plains of the Salt Lake Valley and made them "blossom as the rose."

But simple diversions of flowing water were not enough, for the rivers flooded in the springtime when the snow melted and dwindled in the dry summer until there was no water to divert.

Like Joseph's barns, to store wheat in time of plenty for use in time of want, dams and reservoirs for water storage were the answer. The Bureau of Reclamation, an agency within the Department of the Interior, was the first to undertake major dam construction in the West, where the need for irrigation water was greatest.

The Army Corps of Engineers was later charged with construction of great dams on the Missouri and other major rivers for flood control purposes. This work began in the 1930's when it became obvious that man must move to prevent the limitless destruction by flood-swollen streams sweeping everything before them in the rush to the sea.

From these primary beginnings of dams for irrigation and flood control have come the great multipurpose structures which now control most of the principal rivers of the U.S. In addition to providing irrigation water and preventing floods, they supply municipal and industrial water: an inexhaustible source of pollution-free hydroelectricity; enhance fish and game resources by judicious planning and management; lessen pollution by maintaining a regulated river flow and, of course, have helped immeasurably to relieve our overcrowded recreational areas.

There is no question that construction of dams and regulation of rivers have changed nature's environment and, in many instances, have altered the ecological balance. Lake Powell, for example, inundated a very beautiful but little-known canyon which the Colorado River had carved through a plateau of sandstone unlifted from the ocean floor millions of years ago. Glen Canyon is dwarfed by the mighty Grand Canyon some 67 miles downstream. Those among the 30,000 or so people who saw Glen Canyon by drifting down the Colorado before Glen Canyon Dam was built say it was an unexcelled jewel in its natural beauty.

But so is Lake Powell unexcelled in its beauty. The handful who were able to visit the area in its natural state have grown to hundreds of thousands in the sparkling blue waterway that is Lake Powell. There are those who say this is bad, but isn't it equally unfair to deny many Americans the opportunity to visit one of the great scenic areas of the world?

As for changing the environment and shifting the ecological balance by the hand of man, it is well to keep in mind that nature is also constantly rearranging the scenery—but at a slower pace. The world today is a far different place than it was 10,000 or 100,000 years ago. Living things have always had to adjust to a changing environment—or perish. As a matter of fact, in those distant days

there was a natural dam in the Grand Canyon created by a flow of lava from the high plateau. The dam was eventually washed out and became the Lava Falls, much revered by preservationists today as the mightiest rapids on the Colorado.

Only a few years ago, nature changed the environment on the Madison River—an excellent fishing stream in Montana, near Yellowstone National Park—when it shook loose a mountainside and deposited many millions of tons of earth and rock across the river to create Earthquake Lake. Some 26 lives were taken by the slide. Today, that dam and lake are extolled as extraordinary creations of nature by the same people who condemn man's control works on our rivers. Yet Earthquake Lake is dead and barren. It serves no useful purpose, as do Glen Canyon Dam and the multitude of others which man has constructed in the last century.

The question today is not whether to construct additional dams, but to determine which are necessary and will serve a useful purpose. If they are, they must be built and operated in a manner which will preserve and enhance the natural environment, consistent with the primary purpose for which they are designed. Such a goal is not impossible.

Few people who visit Grand Teton National Park realize that Jackson Lake, in the shadow of some of nature's grandest peaks, is a man-made reservoir. Water impounded here is spread on the fertile plains of southern Idaho, anywhere from 150 to 400 miles downstream. But by judicious management the level of the reservoir is kept fairly constant during the tourist season, high enough to avoid an unsightly appearance but low enough to prevent wave erosion of the fragile beach line. In the late summer, irrigation water is drawn off. The storage space thus created is utilized for flood control the following spring.

Many man-made lakes are operated to provide optimum circumstances during the spawning season. Some even have high and low outlet levels to provide the best temperature for fish downstream.

The big problem in artificial lake and stream management, as it is in most things, is people. Not necessarily too many people, although overcrowding is a difficulty, but thoughtless use, littering, polluting or willful ignoring of management rules. Until man, the casual user but principal beneficiary of our rich endowment of natural resources, recognizes the fundamental requirements of their use—we are in trouble.

TO DAM OR NOT TO DAM

(By Michael Frome)

In 1913, John Muir, the naturalist and humanitarian, was leading the fight to protect one of the most beautiful regions in the Sierra Nevadas. "These Temple destroyers, devotees of ravaging commercialism, seem to have a perfect contempt for Nature," he said, "and, instead of lifting their eyes to the God of the Mountains, lift them to the Almighty Dollar."

He was fighting but one dam, Hetch Hetchy, in Yosemite National Park. Since then, however, the nation has been subjected to a strange and lurid era of reckless dam building and an almost psychotic fixation on dams as the magic key to profits, politics and what is mistakenly taken for "progress."

The U.S. is now the most thoroughly dammed nation on earth, and we are the poorer for it. Most of our rivers have been sacrificed, though woven into the romance, literature and soul of the surrounding land as a priceless part of our natural heritage. Only a small number of streams remain untamed; unspoiled, in the natural condition in which man found them. Fortunately, concerted efforts are now being made to assure the survival of a few remaining rivers through national and state systems of wild rivers. They will preserve a quality of the true America future generations deserve to know and enjoy.

But the pressure to build more dams continues. The tragedy is that self-perpetuating federal agencies—the Army Corps of Engineers, Bureau of Reclamation, Tennessee Valley Authority and Soil Conservation Service—are scouting every river and creek bottom from Alaska to the Gulf of Mexico, with scant concern for the natural values they subsequently place in jeopardy. Even when they concede poor prospects, the lobbies of contractors, real estate speculators and industrial developers beat the political drums in order to receive something for nothing from federal taxpayers.

The sound of the tom-toms is heard with open ears by most members of Congress. They may talk loudly about the lack of funds for poverty programs, parks, clean water and saving the cities, but the truth is there is something at the pork barrel for everybody who plays the game. Economy is for the other guy's district.

Boomers and builders of artificial impoundments, whether private or public, will promise to prevent floods, store water, stimulate industrial employment, furnish fishing, boating, water skiing, swimming, camping and anything else to help sell a project. But nothing is said about "benefits lost" from wildlife species extinguished, valleys and forests flooded, historic streams submerged, entire ecological systems disrupted.

One of the best examples of the wastefulness of a dam that should never have been built is the Tellico project on the Little Tennessee River in East Tennessee. It is represented by TVA as a "multipurpose river development," although it is clearly not justified by navigation or flood-control needs. The "Little T" is already regulated by seven major dams. The sole significant argument for the dam is that it would open new industrial sites—though many already go begging on nearby lakes. On the other hand, this ruinous adventure will wipe out a beautiful canoeing and trout stream as well as the surrounding farmlands, hunting areas and a major tree nursery. It will also destroy the site of Chota, the ancestral capital of the Cherokee nation, and make a mockery of Fort Loudoun, the first English fort west of the Appalachians. This unique stream could be an economic resource in its own right, the core of a real regional recreation plan, encompassing the adjacent Great Smoky Mountains National Park, national forests, TVA lakes—and with implicit respect for nature.

Billions of dollars have been invested in flood-control projects, but losses have continued to show an upward trend. With few exceptions, every stream must get out of its bank from time to time and use its flood plain to carry flows it cannot accommodate in its normal channel. A much better and less costly approach is flood-plain zoning, which provides open space and recreation in the lowlands, with sound flood control at low cost. Moreover, protecting healthy watersheds with an adequate cover of vegetation is the best way to regulate the flow of rainfall and improve water quality at the same time. This is what is known as getting to the heart of the problem of sound land use for future needs and well-being.

Then there is the alleged need of power, which is designed to keep the Gross National Product spiraling. I could cite potential power sources other than hydroelectric, but this is not the point. To insure environmental survival in the face of declining resources, the American life-style must shift from unrestrained over-consumption to an emphasis on the qualitative experience. Power shortages can readily be solved by reducing consumption of things we do not need. Free-flowing rivers will be vital to the mental and physical growth of Americans as long as there is such a land; the plethora of neon signs, coast-to-coast, is not quite as essential.

The Corps of Engineers likes to cite statistics showing that its 300 artificial reservoirs are subject to a heavier volume of visitors than all baseball, football, basketball, soccer, hockey and assorted other spectator sports combined. This may be impressive but principally in terms of numbers. More areas must be left alone, free of engineers and builders, so people may come as individuals and develop sensitivity to the inspirational and scientific values in undisturbed nature. Churches, libraries and universities—and the slender fragments of remaining wilderness—are intended not to accommodate the so-called "greatest number" but to furnish the climate wherein the seeds of individual growth can germinate for the benefit of all mankind.

I recall visiting Grand Canyon National Park in 1966, when the Bureau of Reclamation and the boomers of Arizona were pressing to dam the Colorado River in the heart of the canyon. At 5:30 one morning I walked to the rim to watch the sun rise. From one second to the next the scene changed as earth and sky brightened. This was Arizona, arid, wide, wild and wonderful, which even the dam builders had extolled for its natural beauty.

Almost everybody in this arid region wants dams, or thinks he wants dams, like a panacea or religion that is said to guarantee a better life, inducing prosperity, boom, bank deposits, building, freeways, congestion and sprawl.

The truth is that little is actually known about storage, evaporation, or the influence of artificial impoundments on earth stresses; yet major decisions are often made on the basis of economic pressures and political hysterics.

Such were among my thoughts at daybreak at the Grand Canyon. The proposal to build dams there was defeated, as a result of public expression throughout America. The decision was wise. Harnessing natural features and "improving" rivers represents man's splendid ingenuity, beyond a doubt. The greater ingenuity is to show that man can survive while leaving some few features of the earth to their own devices. This is the true test of our mechanical, intellectual and moral skills.

PARAMEDICAL CAREERS

Mr. KENNEDY. Mr. President, one of the reasons for the present health care crisis is the shortage of trained medical personnel. The Department of Health, Education, and Welfare estimates that 50,000 more doctors are needed and 150,000 more nurses. Part of the present medical workload could be assumed by paramedical personnel. Using paramedical assistants, doctors, and nurses would be free to use their specialized skills for treating many more patients than they are presently able to treat because of the many unspecialized jobs they must perform.

In a recent issue of the American Legion magazine, Mr. Arthur S. Freese describes 17 careers in medicine for specialists which do not require an M.D. degree. Many of these careers involve work which would lighten the duties of doctors and nurses, but still require performing medical services for the patient.

Every year, 30,000 service men who have had paramedical training leave the Armed Forces. Redirecting these trained medical personnel into civilian jobs would ease the crisis in medical person-

nel. If more individuals could be attracted to paramedical careers, the present supply of doctors would have more time to practice medicine on their patients.

I believe that Mr. Freese's article, "Careers That Need Filling in American Medicine," expands the opportunity of medical related careers for individuals interested in the medical profession. I ask unanimous consent that this article be printed in the RECORD.

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

A SURVEY OF CAREERS THAT NEED FILLING IN AMERICAN MEDICINE

(By Arthur S. Freese)

These words are aimed very much at (1) young people who may read them or have them called to their attention, (2) their parents and teachers, and (3) former medical corpsmen and pharmacists mates of the armed forces.

But reading them will give anyone a rather clear picture of acute present needs for people who are not MD's to fill various career spots in medicine.

The practice of medicine and its administration are changing.

One of the marked changes is a trend to try to free doctors from a lot of work that someone else can do, to let them do more of what only they can do.

Another is that new equipment and new techniques call for people with new skills.

Brand new careers in health care and a bigger demand for people to fill older careers are the result. There are acute shortages in many of these positions. The most advanced thinkers in medical administration are saying that many of our nation's health problems can only be solved if we get more people to become what they call "paramedical specialists." That's a fancy phrase for those who work in health care who do not have MD degrees.

The variety of "paramedical" openings is enormous. They include medical secretaries and medical librarians quite as much as people who deal with therapy, instruments, tissues, laboratory testing, bed care, etc.

Very little special training is required in some of the medical jobs that are now looking for people. Others, such as medical physicists, need advanced degrees, even if they are not MD degrees.

One of the new careers is "physician's assistant," a title that was unheard of only a few years ago. A physician"s assistant is a person who can assist a doctor in almost anything he does, without being a nurse.

With the shortage of registered nurses, there are more openings for licensed practical nurses—who don't need as much training as an RN.

In general, the field of medicine is creating new jobs and dividing its work up more, and is crying for people to fill the gaps. And there is now a national effort to get former non-MD medical people who served in the armed forces to continue, as veterans, in the health care field. They are getting credit for their military experience in qualifying themselves for civilian health care jobs.

Below we describe 17 non-MD health specialities now in demand—some new, some old—and there are *many* more. We tell you enough—about the kind of work, the needed training, the cost of training, the demand, the pay, the places of employment and the natural avenues of advancement for the ambitious—to provide an introduction. In each case we give the name and address of a source of more detailed information. And nearly all of these sources are genuinely interested in anyone who is interested in their fields. At the end, we tell about the program for veterans with medical care experience in the armed forces.

Here is the summary:

PHYSICIAN'S ASSISTANT

This new professional does much of what a doctor does, giving physical examinations and treating illnesses under supervision of a physician. He often specializes, in children or surgery, for example.

Education and Training. High school diploma or its equivalent. Further training varies considerably but most involves four years of training, part of which may be experience (as medical corpsman or nurse) and part academic, often roughly half and half.

Cost of Training. Too variable to estimate, but numerous scholarships and grants should be available before long from federal funds.

Demand. Unlimited as far into the future as any experts can see.

Places of Employment. Whatever a physician practices—in his private office or on home calls, in a hospital or clinic. Experienced medical administrators see a growing need for physicians' assistants for overworked city doctors and for rural doctors with large areas to cover.

Earnings. Begin at about $10,000 a year and go up to $18,000, but these are expected to rise.

Chances for Advancement. Do general practice or specialize, but only the future can answer this question adequately since the field is so new.

Source of More Information. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

LICENSED PRACTICAL NURSE (LPN)

This professional does essentially everything the registered nurse (RN) does, but—with less training—must work under an RN's supervision. The LPN is assuming increased responsibility, giving injections and intravenous fluids, working in coronary care units.

Education and Training. Two years of high school or a high school diploma (or the equivalent). Some high schools offer an LPN program in conjunction with their regular course—otherwise a one-year special course or a two-year associate-degree college program after high school.

Cost of Training. May vary from nothing up to $500, except for associate-degree programs which run what any other such degree programs in a similar institution cost.

Demand. There is no likelihood of any decrease in the current urgent need for LPN's, at least for the next ten years.

Places of Employment. Hospitals, nursing homes, the armed forces, industry, public health, schools, doctors' offices, private duty.

Earnings. Begin at $4,000 to $7,200 a year and go as high as $10,000.

Chances for Advancement. Can become an RN with increased salary and wider opportunities. Even as an LPN there are supervisory positions in some institutions.

Source of More Information. National Federation of Licensed Practical Nurses, 250 West 57 Street, New York, N.Y. 10019.

X-RAY TECHNICIANS

These professionals (also called "radiologic technologists")—and not the doctors—are the ones who actually take the medical x-rays for diagnosis, use x-rays to treat diseases and even prepare the "atomic cocktails" (radioisotopes).

Education and Training. High school diploma or its equivalent, and either a two-year hospital-sponsored program or a two- or four-year college program with either an associate's or bachelor's degree.

Cost of Training. Many hospital-based programs are free, but tuition may go up to $1,000. College costs are the same as any other degree program in a similar institution (an Ivy League school would be more than a state university). Scholarships and grants depend on the availability of federal funds.

Demand. Jobs waiting for graduates as far into the future as experts can see.

Places of Employment. Hospitals and clinics, doctors' offices, government agencies at all levels, and industry.

Earnings. Begin at close to $10,000 a year and go up to double that figure, and these salaries are rising.

Chances for Advancement. Specialize or move up to administrative, supervisory or teaching positions.

Source of More Information. The American Society of Radiologic Technologists, 645 North Michigan Avenue, Chicago, Ill. 60611.

OPERATING ROOM TECHNICIAN

This professional prepares the hospital operating and delivery rooms, their instruments and supplies; passes things to the surgeon or obstetrician, assists in administering blood or injections; does operating room work formerly done by registered nurses.

Education and Training. High school diploma or its equivalent and a technology training program of eight months (a school year).

Cost of Training. May vary from nothing to perhaps $175.

Demand. Far exceeds the supply and is likely to do so far into the foreseeable future.

Places of Employment. Hospital operating or delivery rooms.

Earnings. Begin at about $7,000 a year. In administrative position can go up to $10,000 or even $12,000.

Chances for Advancement. If you take an associate's degree in operating room technology, can become an administrator.

Source of More Information. Association of Operating Room Nurses, Denver Technological Center, 8085 E. Prentice Avenue, Englewood, Col. 80110.

MEDICAL RECORD LIBRARIAN

This professional designs and maintains a filing system for the complete illness and treatment records of all hospital patients; analyzes medical records for statistical purposes and use in research and treatment.

Education and Training. High school diploma or its equivalent, and a four year college program giving a bachelor's degree.

Cost of Education. That of any college program in a similar institution.

Demand. Acute shortage likely to continue.

Places of Employment. 90% work in hospitals, others in drug firms, health agencies, government, education and industry.

Earnings. Begin at $5,000 to $10,000 a year and go to double that and even more.

Chances for Advancement. Administration positions and department head or professorship in teaching.

Source of More Information. American Association of Medical Record Librarians, John Hancock Center, 875 North Michigan Avenue, Chicago Ill. 60611.

MEDICAL PHYSICIST

This professional plans the use of x-rays, radium and other radiation in the fight against cancer; investigates bioelectrical changes in heart and brain; protects people against danger of excessive exposure to radiation.

Education and Training. High school diploma of its equivalent, a four-year college course and a bachelor's degree with some extra training in specialized hospital applications. Many take a master's degree or even a Ph.D.

Cost of Training. About the same as any university program in a similar institution. Scholarships and grants have been widely available but these depend on the state of federal funds.

Demand. Far exceeds the supply and is

likely to do so well into the foreseeable future.

Places of Employment. In hospitals and medical centers, teaching in professional and postgraduate schools, in research institutions and industry, as private consultants to physicians, industry and institutions.

Earnings. Begin at a little over $10,000 and go up to $30,000 and more. Salaries are on the way up.

Chances for Advancement. Become head of department or a full professor or go into research.

Source of More Information. American Association of Physicists in Medicine, 335 East 45 Street, New York, N.Y. 10017.

MEDICAL SECRETARY

This professional is a *competent executive secretary* with a knowledge of medical terminology; manages the office, acts as receptionist and handles the financial details as well as the medical record keeping.

Education and Training. Basically, secretarial training. Many medical secretaries pick up technical information on the job. High school diploma or its equivalent, with additional training at secretarial or business school, or a two- or four-year college program with appropriate degree.

Cost of Training. Varies widely depending on school attended; college costs those of any similar institution.

Demand. An acute shortage is predicted well into the future.

Places of Employment. Private doctor's office, hospital, any governmental or private agency or industrial firm employing physician.

Earnings. Begin about $5,000 or $6,000 a year and can go up to double this and more. Salaries on the rise.

Chances for Advancement. Administrative and supervisory positions, even some teaching positions in the few colleges or schools that train medical secretaries.

Source of More Information. American Association of Medical Assistants, 200 East Ohio Street, Chicago, Ill. 60611.

MEDICAL LABORATORY TECHNOLOGISTS

These professionals handle the scientific medical laboratory tests, carry out the unbelievably complex diagnostic, chemical, atomic and bacteriologic procedures.

Education and Training. High school diploma or its equivalent, and usually (today) four years of college for a bachelor's degree; often advanced degrees are also taken.

Cost of Education. That of any college program of the same length in a similar institution. Scholarships and grants are available as the current federal funds for medical education will permit.

Demand. Acute shortage likely to continue strong into the foreseeable future.

Places of Employment. Hospitals. clinics, private laboratories, research facilities, public health and other government agencies, drug industry.

Earnings. Begin at $8,000 to $10,000 and go up to double this much. Salaries are rising.

Chances for Advancement. Administrative, supervisory and teaching positions open; advanced degrees and medical research available; head department in hospital or school.

Source of More Information. American Society of Medical Technologists, Hermann Professional Building, Houston, Tex. 77025.

MEDICAL LABORATORY TECHNICIANS

These professionals do the more routine tests under the supervision of the technologist. They check Pap tests for cancer, prepare slices of tissue from the operating room for immediate examination or stain microscope specimens.

Education and Training. Varies greatly depending on the type of work. All have high school diplomas or the equivalents, plus either 12 months in an approved school for technicians or two years of college. Some go on to take a bachelor's degree.

Cost of Training. Special schools are usually free, but a college program costs what any other in a similar institution would. Scholarships and grants depend on availability of federal funds.

Demand. Acute shortage likely to continue far into the future.

Places of Employment. Hospitals, clinics, private laboratories, public health and other government agencies.

Earnings. Vary widely depending on the level of technician. Least trained begin at about $4,000 to $8,000 a year and go up to $12,000 or more—and this is rising.

Chances for Advancement. Supervisory positions in own field. With college degree can rise to medical technologist.

Soure of More Information. National Committee for Careers in Medical Technology, 9650 Rockville Pike, Bethesda, Md. 20014.

DISPENSING OPTICIANS

These professionals work in cooperation with ophthalmologist (eye doctor) and optometrist (lens prescriber); fill written prescriptions for eyeglasses by having lenses ground, help select suitable frames and fit them.

Education and Training. High school diploma or its equivalent and a two-year college program with an associate's degree.

Cost of Training. About the same as any two-year college program in a similar institution.

Demand. Exceeds the supply and is likely to continue to do so far into the future.

Places of Employment. Retail eyeglass dispensing establishments or optical laboratories.

Earnings. Begin at about $6,000 a year. Those who own stores can make up to $20,000 a year and more.

Chances for Advancement. Own or manage a dispensing office or branch of a chain; supervise an optical laboratory.

Source of More Information. American Board of Opticiantry, 821 Eggert Road, Buffalo, N.Y. 14226.

INHALATION THERAPIST

This professional (also called a respiratory therapist) works with breathing problems, using and attending to equipment such as resuscitators, iron lungs, oxygen tents and incubators; even analyzing blood samples to evaluate the gases in it.

Education and Training. High school diploma or its equivalent, plus nine months to two years of training, either in a hospital-sponsored program or a college with an associate's degree.

Cost of Training. Hospital-sponsored programs usually free, but college programs cost the same as those in any similar institution. Scholarships and grants depend on federal funds available.

Demand. Far outstrips supply and will continue to for many years to come.

Places of Employment. Mostly in hospitals but also in research, health departments and industry.

Earnings. Begin at $6,000 to $10,000 a year and can go up to double that figure.

Chances for Advancement. Administrative, teaching and research positions open.

Source of More Information. American Association of Inhalation Therapists, 332 South Michigan Avenue, Chicago, Ill. 60604.

PHARMACIST

This professional mixes and dispenses medicines, tests them for purity and strength and provides information on the effects of drugs, even develops new ones.

Education and Training. High school diploma or its equivalent, five years (commonly) at college of pharmacy for a bachelor's degree, some go on to Ph.D.

Cost of Training. Varies, but about $1,700 a year is mentioned by educators as a good average figure for tuition.

Demand. Those in field say there are jobs waiting for any graduate; that there is a tremendous need and not enough students.

Places of Employment. Retail drug stores, pharmaceutical houses, hospitals, armed forces, public health agencies, research facilities, laboratories, salesmen to doctors, teachers in pharmacy college.

Earnings. Minimum salary in New York State for example is $13,500 a year, and the pharmacist who owns his store, particularly in a small town, may do much better.

Chances for Advancement. Go on to doctorate, research, administrative or supervisory positions, head of department.

Source of More Information. American Pharmaceutical Association, 2215 Constitution Avenue, N.W., Washington, D.C. 20037.

PHYSICAL THERAPIST

This professional evaluates physical disabilities; and with exercises and training techniques, massage and physical agents (heat, light, electricity, water) he relieves pain and restores muscle coordination, strength, use and endurance.

Education and Training. High school diploma or its equivalent, and a four-year college program with a bachelor's degree; perhaps also a master's degree, rarely a doctorate.

Cost of Training. About the same as any college program in a similar institution. Scholarships and grants hitherto widely available now depend on the availability of federal funds.

Demand. Experts predict the current shortage will continue for at least another five years.

Places of Employment. In hospitals, nursing homes, rehabilitation centers, schools, industry, government and private agencies, the armed forces, teaching or even private practice.

Earnings. Begin at $8,500 to $10,000 a year and in ten years can reach $20,000—and salaries are rising.

Chances for Advancement. Take supervisory positions in hospitals, agencies and other institutions, head teaching department; some with doctorates in anatomy or physiology even teach in medical schools.

Source of More Information. American Physical Therapy Association, 1156 15th Street N.W., Washington, D.C. 20005.

OCCUPATIONAL THERAPIST

This professional works primarily with the upper limbs, takes a psychological approach. Working skills—such as woodwork, printing or jewelry-making—are used to restore the muscle strength, coordination, the ability to perform the tasks of everyday living, even help the mentally ill.

Education and Training. High school diploma or its equivalent, and a four-year college program for a bachelor's degree. Sometimes a master's degree is also taken.

Cost of Training. About the same as any college program in a similar institution. Scholarships and grants have been widely available but primarily depend on the accessibility of federal funds.

Demand. Those in the field say there is still a shortage of these professionals and this will continue.

Places of Employment. In hospitals and psychiatric institutions, nursing homes and rehabilitation centers, government and private agencies, armed forces, industry, teaching, even private practice.

Earnings. In the same general area as the physical therapist but slightly lower. Salaries are on the rise.

Chances for Advancement. Supervisory positions in hospitals, agencies and other institutions, even State Director in a mental hygiene department; or head of a teaching department or do private practice.

Source of More Information. American Occupational Therapy Association, 251 Park Avenue South, New York, N.Y. 10010.

RECREATIONAL THERAPIST

This professional uses recreation to help rehabilitate the individual, whether physically or emotionally handicapped or disabled, mentally retarded or socially deprived. Recreational therapists are strongly psychologically-oriented.

Education and Training. High school diploma or its equivalent, a four-year college program for a bachelor's degree and another year for a master's degree.

Cost of Training. About the same as any college program in a similar institution. Scholarships and grants have been widely available but are primarily dependent on the state of federal funds for education.

Demand. These professionals are in very short supply and this is expected to continue into the future.

Places of Employment. In hospitals and psychiatric institutions; nursing homes and rehabilitation centers; agencies for the crippled, blind, mentally retarded, aged and the physically handicapped and disabled; teaching and some private practice.

Earnings. In general in the same area as the occupational therapist but can go up close to $50,000 (as director of recreation for a very large city). Salaries are on the rise.

Chances for Advancement. Supervisory and administrative positions in hospitals and other institutions, agencies and government, head a teaching department or occasionally do private practice.

Source of More Information. The National Recreation and Park Association, 1700 Pennsylvania Avenue, N.W., Washington, D.C. 20005.

DENTAL HYGIENIST

This professional cleans teeth, applies fluoride solutions to prevent decay, makes dental X-rays, examines teeth and mouths and teaches dental care.

Education and Training. High school diploma or its equivalent, and either a two-year college program with an associate's degree or a two-year course in a hygienist's school; perhaps a four-year college program with a bachelor's degree, or even go on to a master's degree.

Cost of Training. Either about what any college program in a similar institution would cost or very considerably less in the non-degree special schools.

Demand. In distinctly short supply and likely to remain so for quite some time to come.

Earnings. Begin in the $4,000 to $6,000 range and go up to $10,000. Salaries likely to rise.

Chances for Advancement. With a master's degree the dental hygienist can move into teaching, administrative and public health jobs.

Places of Employment. In private dental offices, in schools and hospitals, in public health programs.

Source of More Information. American Dental Hygienists' Association, 211 East Chicago Avenue, Chicago, Ill. 60611.

DENTAL ASSISTANT

This professional prepares office and patient for the dentist, hands him instruments and mixes his filling materials, does some dental laboratory work, develops X-rays.

Education Training. High school diploma or its equivalent, one or two years of vocational training. Often on-the-job training alone.

Cost of Training. Varies widely but considerably less than college program of same length.

Demand. Should have no trouble getting jobs.

Places of Employment. Private dental offices, some clinics and hospitals, some government agencies.

Earnings. Begin at about $3,500 and go up to $7,500.

Chances of Advancement. Limited.

Source of More Information. American Dental Assistants Association, 211 East Chicago Avenue, Chicago, Ill. 60611.

MEDICALLY TRAINED SERVICEMEN AND WOMEN

Each year some 30,000 highly trained health personnel leave the armed forces, but our country still suffers from an acute shortage of just such persons. The prestigious American Hospital Association points out how carefully the military services screen their candidates for health training, how these people are frequently evaluated during their training and must meet both academic and professional requirements. For advanced training, further screening and evaluation is carried out.

To help both these people and the country, the Department of Defense cooperates with the Department of Health, Education and Welfare in Operation MEDIHC (Military Experience Directed Into Health Careers). This joint program is intended to help medically trained personnel continue their careers as civilians, thus solving two problems. The serviceman is informed either by a "transition" officer or by mail, 90 days before discharge, about MEDIHIC. The interested serviceman need only fill out the MEDIHC qualification card outlining his or her background. This card is then sent to the MEDIHC agency in the state where the serviceman will locate—and here the information is matched with any job or educational opportunities, and both the serviceman and the institution are notified.

For example, 33 states now admit military corpsmen to the examination for licensed practical nurse without further training. And in the state of Washington a program called Medex has turned medical corpsmen into physicians' assistants to relieve the acute shortage of doctors. The only training is on the job with the physician.

Thus the returning medical corpsmen can find considerable opportunity today to take a place in the country's health care setup and utilize their training, often without any additional schooling. The place to begin is with Operation MEDIHC.

Finally, for both civilian and military personnel there are two overriding sources of information about health careers—of which there are far more than the 17 listed here:

(a) Division of Careers and Recruitment, American Hospital Association, 840 Lake Shore Drive, Chicago, Ill. 60611.

(b) American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

AMERICAN PRISONERS OF WAR

Mr. THURMOND. Mr. President, an editorial published in the July 15 issue of the State of Columbia, S.C., deserves the attention of this body. The editorial, entitled "Washington Had to Reject Devil's Bargain on POW's," correctly points out the valid reasons why President Nixon refuses to set a fixed date for the withdrawal of American forces from Vietnam merely on the basis of an implied Communist promise to release American prisoners of war.

Agonizing as it is to families of POW's, President Nixon recognizes that we must not sacrifice the years of investment, in terms of American lives and treasure, in Southeast Asia, in order to bring about conditions which might—only might—result in the release of our men held captive.

Mr. President, 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:

WASHINGTON HAD TO REJECT DEVIL'S BARGAIN ON POW'S

It is typical of the enemy's inhumanity that the latest "peace" proposal from Hanoi dangles before their anguished next of kin the issue of American prisoners of war. Fix a withdrawal date by the end of the year, Hanoi proposes, and the prisoners will be set free.

Despite pressure—understandable pressure—from some wives of captured servicemen in enemy hands, the Administration has rejected the proposal. It is hard to see how it could have done otherwise. An offer from the enemy, if otherwise unacceptable, is scarcely more acceptable because the enemy is using human captives as bargaining chips. Indeed, some will argue, any offer of this nature ought to be rejected out of principle.

This is ugly business, all right, but what choice is there? If the Administration is correct in believing that meeting the enemy's conditions would jeopardize South Vietnam's government and ultimately undermine the security of South Vietnam, then Hanoi's proposition takes on a sinister new meaning. Washington was being asked to sacrifice the crucial interests of most South Vietnamese for the sake of American prisoners of war. It was a devil's bargain.

Having consequently rejected it, the Administration now is reportedly in the process of formulating a counter-offer. What that offer will be, no one knows. But it is unlikely to propose total American withdrawal by the end of the year or any other time certain, this being the sure way (in the Administration's view) to guarantee failure of the Vietnamization program.

Must the enemy be kept in the dark in order for withdrawal to be accomplished without adverse effects on the Saigon Government? There is some evidence, surely, that this is the case—exhibit No. 1 being Hanoi's anxiety to pin down the United States to an explicit timetable. Hanoi, one gathers from the many references to a withdrawal by December 31, also wants the United States to clear out before the South Vietnamese army is fully prepared to defend the country unassisted.

That insistence on a pell-mell American withdrawal tips the enemy's hand as well as anything does. Such precipitous action on our part, it is plain, probably would doom South Vietnam and convert into an utter rout an American commitment that, chances are, can be concluded short of a total defeat.

One's heart goes out to the families of American POWs, who are so ruthlessly exploited by the North Vietnamese Communists. But it is precisely because Washington was dealing with an enemy capable of such cruel tactics that the latest offer had to be rejected—even though the decision to reject it caused new agony to families who, God knows, have suffered enough.

THE PENTAGON PAPERS AND THE "PURSUIT OF EMPIRE"

Mr. HARTKE. Mr. President, one of the outstanding article-length analyses of the content and meaning of the Pentagon Papers appears in the current—August—issue of the Progressive. It was written by that magazine's Washington editor, Mr. Erwin Knoll, whose bitter but inarguable conclusion it is that—

We know now that it was no "mistake," no "accident," no "quagmire" into which America was inadvertently drawn, one reluctant footstep at a time. We know that

over more than two decades, through five Administrations, we have been embarked on an inexorable pursuit of Empire, conceived, planned, and executed in our name by a small band of willful men whose disdain for mankind is matched only by their contempt for their fellow Americans.

That is a shocking indictment, Mr. President, but it is difficult to see how a thoughtful reading of the Pentagon papers could lead to any other view.

I ask unanimous consent that Mr. Knoll's article be printed at this point in the RECORD, and I urge all Senators to read it with the closest attention.

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

WHAT WE KNOW NOW

(By Erwin Knoll)

The Reverend Will Campbell of Nashville, Tennessee, and points South, who carries his Christian ministry with equal and unalloyed love to black revolutionaries and white Klansmen, knows how to preach a fearsome fire-and-brimstone sermon. I heard him once, many years ago, describe to members of a rural flock the damnation that awaited them on Judgment Day unless they mended their racist ways. "You'll look up from the Bottomless Pit," he thundered, "and you'll cry, 'Lord, Lord, we didn't know. We didn't know!' And the Lord, will look down over the edge of Glory and he'll say, 'Waaal, you know now!' and he'll slam down the lid."

Waaal, we know now. We know, thanks to the 7,700 pages of history and documentation compiled in the Pentagon, thanks to the newspapers that seized the opportunity to make the record public, how we were enticed, frightened, cajoled, deceived, seduced into wagging aggressive and brutal war in Indochina. We don't know all of it yet, and perhaps we never will, but we know enough. In a way we are lucky, for we have come to know before the final judgment day. And though our lords did their best to try to slam down the lid, their efforts were repulsed by the U.S. Supreme Court.

We know now that it was no "mistake," no "accident," no "quagmire" into which America was inadvertently drawn, one reluctant footstep at a time. We know that over more than two decades, through five Administrations, we have been embarked on an inexorable pursuit of Empire, conceived, planned, and executed in our name by a small band of willful men whose disdain for mankind is matched only by their contempt for their fellow Americans.

We know that even those of us who opposed the adventure from the beginning—as *The Progressive* did—were unable to explore the depths of official duplicity. When we accused our Government of being secretive, we hardly imagined the enormity of the secrets it held. When we charged that our Government was lying, we did not fathom the dimension of the lies. When we declared that our reputation, our ideals, our wealth, our young men's limbs and lives were being squandered in a criminal enterprise, we thought that the men who made decisions in our behalf did not understand the nature of the crime. We were wrong; they understood.

We know now that we have been fed a steady diet of deception. More than twenty years ago, when the Truman Administration discovered and proclaimed America's new role as "leader of the Free World," it simultaneously began overt and surreptitious financial and military aid to the doddering French colonial empire to help it hold the peoples of Indochina in subjugation. In the Eisenhower Administration, when the attempt had collapsed, America entered into a "commitment" to the government it had handpicked for South Vietnam and connived with it to cancel the Vietnamese unification elections that had been called for by the 1954 Geneva Accords. While U.S. propagandists told the world—and their own people—that the Communist North would not permit free elections, the Central Intelligence Agency told President Eisenhower that any election would be an overwhelming popular triumph for Ho Chi Minh, in the South as well as in the North.

American involvement intensified during the Kennedy years, and so did the resort to secrecy and deceit. At a press conference on February 14, 1962, President Kennedy announced that at the request of the South Vietnamese government of Ngo Dinh Diem, "we have increased our assistance, there. And we are supplying logistical assistance, transportation assistance, training, and we have a number of Americans who are taking part in that effort." He did not mention that almost a year previously he had ordered a program of covert hostilities against North Vietnam, including infiltration of agents and their aerial resupply, overflights for the purpose of dropping leaflets, and the formation of "networks of resistance, covert bases, and teams for sabotage and light harassment" inside North Vietnam.

Nor did President Kennedy mention that he had under consideration even then a proposal from General Maxwell Taylor, then chairman of the Joint Chiefs of Staff, that the first substantial contingent of American ground forces—8,000 men—be dispatched to South Vietnam. Taylor was careful, as the national security bureaucrats were always careful, to submit a "cover story" with his proposal. "My view," he told Mr. Kennedy, "is that we should put in a task force consisting largely of logistical troops for the purpose of participating in flood relief and at the same time providing a U.S. military presence in Vietnam capable of assuring Diem of our readiness to join him in a military showdown with the Vietcong or Vietminh. . . ."

Throughout 1963, as resistance to the corrupt and despotic Diem regime carried America's client government in Saigon to the brink of collapse, the Kennedy Administration issued a steady stream of encouraging progress reports to the American people. While embassy cables from Saigon predicted imminent disaster, Secretary of State Dean Rusk proclaimed on February 1 that "there are some definitely encouraging elements;" on February 13 that "the momentum of the Communist drive has been stopped;" on April 18 that "the South Vietnamese themselves are fighting their own battle, fighting well;" on April 22 that "there is good basis for encouragement. The Vietnamese are on their way to success and need our help; not just our material help—they need that—but our sympathetic understanding and comradeship."

By the late summer, when it was plain that Diem could no longer be counted on as America's viceroy in Vietnam, the United States began conspiring with the South Vietnamese military for his overthrow. Again, the emphasis was on secrecy and deceit. On October 2, Washington advised our embassy in Saigon: ". . . President today approved recommendations that no initiative should now be taken to give any active, overt encouragement to a coup. There should, however, be urgent covert effort with closest security under broad guidance of ambassador to identify and build contacts with alternative leadership as and when it appears. Essential that this effort be totally secure and fully deniable and separated entirely from normal political analysis and reporting and other activities of the country team." On October 30, McGeorge Bund, the President's special assistant for national security, cabled Ambassador Henry Cabot Lodge: "Once a coup under responsible leadership has begun, and within these restrictions, it is in the interest of the U.S. Government that it should succeed." The coup was consummated on November 1.

The great leap forward into the credibility chasm occurred in the Johnson years, as America plunged deeper and deeper into a war it was determined to conceal. On March 17, 1964, National Security Action Memorandum Number 288 declared that it was U.S. policy "to prepare immediately to be in a position on seventy-two hours' notice to initiate the 'Retaliatory Actions' against North Vietnam, and to be in a position on thirty days' notice to initiate the program of 'Graduated Overt Military Pressure' against North Vietnam." Ten weeks later, when the President was asked at a news conference about charges (by Melvin R. Laird, then a Republican Representative from Wisconsin) that the Administration was "preparing to move the Vietnam war into the North," Mr. Johnson replied: "I know of no plans that have been made to that effect."

Through the summer and fall of 1964, as President Johnson ran for election as a moderate, a man of peace, against the reckless saber-rattling of Republican Senator Barry M. Goldwater of Arizona, the crisis managers in the Pentagon, the State Department, the CIA, and the National Security Council were making detailed preparations for a wider war—one which they understood would have to be deferred until after Election Day. Months before the Gulf of Tonkin incident, the document that would become the Tonkin Resolution was drafted to confer on the President virtually unchecked power to wage hostilities; it needed only an opportune pretext for presentation to the Congress. Meanwhile, covert "34A Operations" against North Vietnam were intensified, and U.S. destroyers were dispatched on "DeSoto Patrols" to gather intelligence and intimidate Hanoi. When one such patrol produced the Tonkin incident early in August, Defense Secretary Robert S. McNamara was asked why U.S. destroyers were in the Gulf. "It is a routine patrol," he replied, "of the type we carry out in international waters all over the world."

On September 3, Assistant Secretary of Defense John T. McNaughton drew up a memorandum headed PLAN OF ACTION FOR SOUTH VIETNAM, which included this list of "special considerations during next two months": "The relevant 'audiences' of U.S. action are the Communists (who must feel strong pressures), the South Vietnamese (whose morale must be buoyed), our allies (who must trust us as 'underwriters'), and the U.S. public (which must support our risk-taking with U.S. lives and prestige). During the next two months, because of the lack of 'rebuttal time' before elections to justify particular actions which may be distorted to the U.S. public, we must act with special care—signaling to the DRV [North Vietnam] that initiatives are being taken, to the GVN [South Vietnam] that we are behaving energetically despite the restraints of our political season, and to the U.S. public that we are behaving with good purpose and restraint."

By September 7, according to the Pentagon's historians, the planners had reached a "general consensus" in favor of a systematic U.S. bombing campaign directed at the North. But two weeks later, President Johnson told the American people: "There are those who say, you ought to go North and drop bombs, to try to wipe out the supply lines, and they think that would escalate the war. We don't want our American boys to do the fighting for Asian boys. We don't want to get involved in a nation with 700 million people and get tied down in a land war in Asia."

On February 7, 1965, as Lyndon Johnson settled in for a full term, McGeorge Bundy wrote in a memorandum to him: "We believe that the best available way of increasing our

chance of success in Vietnam is the development and execution of a policy of *sustained reprisal* against North Vietnam. . . . We may wish at the outset to relate our reprisals to those acts of relative high visibility such as the Pleiku incident. Later we might retaliate against the assassination of a province chief . . . we might retaliate against a grenade thrown into a crowded cafe in Saigon. . . . Once a program of reprisals is clearly under way, it should not be necessary to connect each specific act against North Vietnam to a particular outrage in the South. . . ."

On the same day the White House issued a statement about the enemy's "deliberate surprise attacks" on two U.S. barracks areas near Pleiku, South Vietnam: ". . . . These attacks were made possible by the continuing infiltration of personnel from North Vietnam. . . . As in the case of the North Vietnamese attacks in the Gulf of Tonkin last August, the response [bombing of the North] is appropriate and fitting. . . . We seek no wider war."

On April 1, Mr. Johnson chided reporters for being "too dramatic about our prophecies and predictions and I might say too irresponsible sometimes." There was, he assured them, "no far-reaching strategy that is being suggested or promulgated" for escalating the war. On the same day, according to National Security Action Memorandum Number 328, the President "approved the urgent exploration of twelve suggestions for covert and other actions" submitted by the CIA, approved the addition of 18,000 to 20,000 men to the U.S. "military support" forces in Vietnam (which already numbered 27,000), and approved a change of mission—from defense to offense—for the Marine battalions stationed in Vietnam. The change "had momentous implications," the Pentagon historians noted, but the President "was greatly concerned that the step be given as little prominence as possible."

The decision in mid-July to commit 200,000 U.S. troops to combat "was perceived as a threshold-entrance into an Asian land war," the Pentagon study pointed out. "The conflict was seen to be long, with further U.S. deployments to follow." But President Johnson told the press and the people at his next news conference, "It does not imply any change in policy whatever. It does not imply any change of objective."

We know now that there has never been any change of policy, any change of objective. We know that from the beginning of American intervention, U.S. policy has clung tenaciously to the goal of establishing a "free world bastion"—that is, an outpost of Empire—in Indochina. We know that the presence of a Communist regime in Indochina has been viewed as a threat to the "national security" of the world's foremost power—a threat so formidable that all means short of total annihilation could be invoked in the attempt to extirpate it. And we know that the men who held these views and acted in accord with them fiercely resisted any suggestion that they might have been mistaken. Most of the time, however, they simply ignored that possibility.

The basic considerations that govern American policy toward Southeast Asia were articulated by the National Security Council as early as January, 1954, in a statement approved by President Eisenhower. Its fundamental premise was that "Communist domination, by whatever means, of all Southeast Asia would seriously endanger in the short term, and critically endanger in the longer term, United States security interests. The statement emphasized that "in the conflict in Indochina, the Communist and non-Communist worlds clearly confront one another in the field of battle." The loss of that struggle, it warned, "would have the most serious repercussions on the U.S. and free world interests," might lead to Communist takeover of all of Southeast Asia, Indonesia, and India, and "endanger the stability and security of Europe."

This was the domino doctrine in its most primitive form, but American policy makers found it powerfully persuasive. On its strength, the National Security Council went on to contemplate the possibility that the United States might "become involved in an all-out war with Communist China, and possibly with the USSR and the rest of the Soviet bloc, and should therefore proceed to take large-scale mobilization measures."

In National Security Council Paper Number 5809, dated April 2, 1958, President Eisenhower directed the Government to "work toward the weakening of the Communists of North and South Vietnam in order to bring about the eventual peaceful reunification of a free and independent Vietnam under anti-Communist leadership."

From time to time, question about the inherent logic of U.S. policy were raised even within the national security establishment. Invariably, such challenges were brushed aside. In June, 1964, President Johnson asked the CIA whether "the rest of Southeast Asia necessarily [would] fall if Laos and South Vietnam came under North Vietnamese control." The agency replied:

"With the possible exception of Cambodia, it is likely that no nation in the area would quickly succumb to Communism as a result of the fall of Laos and South Vietnam. Furthermore, a continuation of the spread of Communism in the area would not be inexorable, and any spread which did occur would take time—time in which the total situation might change in any number of ways unfavorable to the Communist cause."

That CIA analysis—a categorical rejection of the domino doctrine—was part of the agency's pessimistic assessment of the results likely to be attained by the bombing program that was about to win the Administration's approval. The CIA assessment was ignored. Five years later it was repeated, almost verbatim, for the benefit of the Nixon Administration, and again it was ignored. If President Nixon had pulled U.S. troops out of Vietnam at the beginning of his Administration and opened the way for Communist rule in Saigon, the CIA found, "We would lose Laos immediately. Sihanouk would preserve Cambodia by a straddling effort. All of Southeast Asia would remain just as it is at least for another generation." That vision of the future, we know now, did not suffice for a President determined to keep America from becoming "a pitiful, helpless giant."

The CIA memoranda, it should be understood, were rare examples of fundamental dissent in what was normally a monolithic planning process pursued by men who quarreled over tactics, usually agreed on strategy, and rarely indulged in introspection over basic goals. "There appears to have been, in fact, remarkably little latitude for reopening the basic question about U.S. involvement in the Vietnam struggle," the Pentagon's historians pointed out. Such major decisions as the landing of U.S. Marines at Danang in March, 1965—a "pivotal" move that set the stage for a U.S. land war in Asia—were made "without much fanfare—and without much planning."

Daniel Ellsberg, the former Vietnam planner whose act of conscience has made it possible for us to know what we now know, recalls no instance when considerations of morality entered into the planning process. Ellsberg's former chief in Vietnam, Major General Edward G. Lansdale, the original "Quiet American" who headed the pacification program, confirms the recollection. "We really didn't get into that type of discussion," Lansdale told *The New York Times*. "There was too much to do every day with immediate problems."

We know now that it was absurd to suggest, as each of our recent Presidents has suggested, that if-we-only-knew-what-they-knew we would cheerfully endorse their policies. We know now how little they really knew, and how often what they thought they knew had no relation to reality. We know that on the few occasions when those who did know tried to break through with the facts, their efforts were frustrated and even punished.

When the National Security Council met on August 26, 1963, Paul H. Kattenburg, a career Foreign Service Officer with ten years of direct experience with Vietnam, tried to tell President Kennedy's advisers that they were embarked on a disastrous course. "At this juncture," Kattenburg told Vice President Johnson, Rusk, McNamara, Taylor, and the others there assembled, "it would be better for us to make the decision to get out honorably." Support for the Saigon regime was dwindling rapidly, he maintained, and America was wasting its prestige and staining its honor in a losing cause. Rusk dismissed his analysis as "speculative," Johnson and McNamara agree with Rusk, and Kattenburg was on his way out of responsibility for Vietnam planning. His duties in the past eight years have included a stint as second in command of the American mission in Georgetown, Guyana. He will retire this month as an instructor at the Foreign Service Institute in Arlington, Virginia.

Under Secretary of State George W. Ball was luckier. A persistent advocate of "compromise solutions" in Vietnam, he was installed in the Johnson Administration as the "devil's advocate" in residence—a sort of latter-day court jester whose dissents were tolerated and even encouraged to demonstrate the Administration's willingness to hear—and ignore—all points of view. Ball enjoyed a monopoly in that role. When McNamara, deeply disillusioned with the failure of the war he had programmed with the latest scientific management techniques, began in 1966 and 1967 to disavow the views he had formerly espoused, there was no choice for him but to depart. In 1964, the Pentagon's "Sigma" war games had indicated that a direct bombing campaign directed at North Vietnam would not bring the enemy to its knees. The result of "Sigma" were dismissed. In 1967, McNamara concluded that the "Sigma" forecast had been correct. He was dismissed.

Walt W. Rostow, who succeeded McGeorge Bundy as Johnson's principal adviser on national security affairs, was not dismissed. For years he maintained that "calculated doses" of American airpower directed at North Vietnam would bring a halt to the insurrection in the South. For all we know, he still maintains, down in Austin, Texas, that it will.

We know now that the enemy knew all about what we were not permitted to know. We know that the elaborate secrecy precautions, the carefully contrived subterfuges, were intended not to deceive "the other side" but us. When President Johnson decided to widen the war in April, 1965, all members of the National Security Council received written instructions to this effect:

"The President desires that . . . premature publicity be avoided by all possible precautions. The actions themselves should be taken as rapidly as practicable, but in ways that should minimize any appearance of sudden changes in policy, and official statements on these troop movements will be made only with the approval of the Secretary of Defense, in consultation with the Secretary of State. The President's desire is that these movements and changes should be understood as being gradual and wholly consistent with existing policy:"

Was this designed to throw the enemy off guard? The enemy knew all about it. It knew when it began encountering American troops in combat. It knew when its bases and plants and homes and pogodas were being bombed.

It knew when its territory was invaded by infiltration teams and when its coast was harassed by South Vietnamese torpedo boats under American direction. I knew, but the American people didn't.

On July 10, 1965, the North Vietnamese Foreign Office produced—and Radio Hanoi broadcast to the world—a White Book on the Vietnam war. It was, as it turns out, a remarkably accurate document. It charged that American policy planners had decided at Honolulu in June, 1964, "to extend the war to North Vietnam in the form of destruction by air and naval forces." According to the Pentagon archives, Ambassador Henry Cabot Lodge had proposed at Honolulu a "selective bombing campaign against military targets in the North," and had won the backing of McNamara and Rusk.

"Since the beginning of 1964," Hanoi's White Book declared, "the U.S. ruling circles have many times discussed the policy of extending the war to North Vietnam. The strategists of the U.S. White House and Pentagon have worked out many plans on this question, of which Plan Number 6 of the Walt W. Rostow, the chairman of the policy planning staff of the U.S. State Department, is the most noteworthy." The Pentagon papers show such planning was constant and intense, and that Rostow submitted memoranda to McNamara and Rusk calling for increasing commitments of airpower and ground forces.

Rostow's proposals, according to the White Book, were "replenished and amended by John McNaughton, U.S. Assistant Defense Secretary, and now bear the name of the McNaughton Plan, calling for bombing and strafing raids on North Vietnam by the U.S. Air Force." The Pentagon archive includes McNaughton's draft of a "proposed course of action" on March 24, 1965, calling for increased air assaults on the North as well as an expanded role for U.S. "combat support" personnel.

A statement issued in December, 1965, by Nguyen Huu Tho, the chairman of the National Liberation Front, asserted that the United States had been operating under a "McNamara Plan" which was "aimed at pacifying the South within the two years of 1964 and 1965." This evolved, Tho added, into "a defensive strategic plan but also representing a new and greater effort by the U.S. imperialists to improve the critical situation of the puppet government and forces and to concentrate their forces on pacifying the main area under the Front's control." Three years later, when General William C. Westmoreland relinquished his Vietnam command, he recalled that the strategy for 1964-1965 had been first to halt a "losing trend" and pacify populated areas. In 1965, Westmoreland said, "the U.S. mission's efforts to support pacification . . . continued to be hampered by political instability."

Such statements by North Vietnam or the Vietcong received scant attention in the American media. They were merely "Communist propaganda," and our Government, which knew better, hardly bothered to issue rebuttals.

We know now that America spurned every opportunity to recognize the struggle in South Vietnam for what it was—a civil war waged by insurgents who were determined, first of all, to attain national sovereignty and independence. As a fledgling empire experimenting with the techniques of international manipulation and intrigue, we could not conceive our enemies were not equally subject to manipulation. It was—it had to be—obvious that the insurgents in black pajamas were no more than tools of Hanoi, of Peking, of Moscow.

The CIA had reported back in the Eisenhower Administration, that the American-backed Diem regime "almost certainly would not be able to defeat the Communists in countrywide elections." Yet the United States assumed—and continues to assume—that the insurrection had no popular base in the South and could not survive if Hanoi were forced, in Dean Rusk's memorable phrase, "to stop doing what she is doing."

In 1961, when the Kennedy Administration initiated covert hostilities against the North, a State Department White Paper cited "ominous" evidence of increasing infiltration of fighting men and supplies into the South, though it acknowledged that many of these were Southerners who had gone North after Diem had canceled the 1956 elections provided for by the Geneva Accords. In 1962, however, a close Kennedy adviser, Michael Forestal, reported that "the vast bulk of both recruits and supplies come from inside South Vietnam itself." In 1963, William Jorden, the Vietnam expert who had written the 1961 White Paper, was dispatched on a three-month fact-finding trip to prove the thesis of major aggression directed by North Vietnam against the South. He returned with the news that "we are unable to document and develop any hard evidence of infiltration."

Jorden's report caused consternation in the Special Group Counter-Insurgency, which President Kennedy had established under the direction of his brother, Robert, and General Maxwell Taylor. Charles Maechling Jr., staff manager of the Special Group, recalled the April 5, 1963, meeting last year in an article for the *Foreign Service Journal*. "To the utter astonishment of those who heard [Jorden's] briefing, and Attorney General Kennedy's cross-examination of him, this supposedly honest observer found nothing to indicate that the insurgency was anything but homegrown," Maechling wrote, "Until 1964 all the military advisers back from Vietnam made the same report: There was plenty of instigation from the North—but hardly 'massive aggression'."

The Pentagon itself concluded that "the vast majority of Vietcong troops are of local origin," and found "little evidence of major supplies from outside sources. . . . Most arms being captured or stolen from GVN [South Vietnamese] forces or from the French during the Indochina war."

On August 18, 1964, a cable from the U.S. mission in Saigon (which called for "a posture of maximum readiness for a deliberate escalation of pressure against North Vietnam") still referred to the basic problem in the South as "the VC insurgency." Three months later, however, a DRAFT POSITION ON SOUTHEAST ASIA circulated by Assistant Secretary of State William P. Bundy set out his plan to "publicize the evidence of increased infiltration" from North Vietnam along with explanations of "the differences between the present estimates and those given in the past."

The same draft paper proposed a system of "graduated military pressures against North Vietnam" and declared that the United States "would be alert to any sign of yielding by Hanoi, and would be prepared to explore negotiated solutions that attain U.S. objectives in an acceptable manner. The United States would seek to control any negotiations and would oppose any independent South Vietnamese efforts to negotiate."

We know now that peace has never been on the American agenda. Hanoi knew it as long ago as 1965. Its White Book that year declared that while "the U.S. President was prattling about his hoax of unconditional discussions, the U.S. imperialists took new and very cynical and dangerous steps in their policy of war adventure." North Vietnamese Premier Pham Van Dong said in September, 1965: "President Johnson talks about peace in an attempt to cover up his war schemes. The more he talks about peace, the more he steps up the war."

But President Johnson's was not the first Administration to fear that peace might break out in Vietnam. In the Kennedy Administration, in a memorandum to Rusk on August 30, 1963, Assistant Secretary of State Roger Hilsman urged U.S. help and encouragement to those plotting a coup against Ngo Dinh Diem on grounds that Diem might move toward "neutralization negotiations" with the Communists.

In March, 1964, President Johnson wasted no words in disposing of the idea of peace negotiations looking toward a neutralized Vietnam—an idea that had been advanced by French President Charles de Gaulle and the Secretary General of the United Nations, U Thant, among others. "It ought to be possible to explain in Saigon," Mr. Johnson cabled Ambassador Lodge, "that your mission is precisely for the purpose of knocking down the idea of neutralization wherever it rears its ugly head and on this point I think that nothing is more important than to stop neutralist talk wherever we can by whatever means we can."

"We must continue to oppose any Vietnam conference," William Bundy wrote in a memorandum on August 11, 1964, and America did. When Washington set out its terms for negotiations, the Pentagon historians observed, the conditions were "tantamount to unconditional surrender" for the other side. In 1965, McNamara proposed diplomatic overtures "laying the groundwork for a settlement when the time is ripe," but the Pentagon historians note that this "amounted to little more than saying that the United States should provide channels for the enemy's discreet and relatively face-saving surrender when he decided that the game had grown too costly."

While President Johnson was proclaiming periodic bombing pauses and avowing his eagerness to "go anywhere, any time" for peace, the State Department prudently cautioned embassies abroad: "Insofar as our announcement [of a bombing pause] foreshadows any possibility of a complete bombing stoppage, in the event Hanoi really exercises reciprocal restraints, we regard this as unlikely. . . ."

We know now that the pious affirmations of America's commitment to "the Vietnamese people and their right to self-determination" were hypocritical cant. We thought at the time that Washington had no business telling the Vietnamese what was good for them; we know now that Washington wasn't telling them that at all—it was merely telling them what was good for *us*.

"We are there, first, because a friendly nation has asked us for help against the Communist aggression," President Johnson solemnly declared in his State of the Union address on January 4, 1965. Ten weeks later, Assistant Secretary of Defense McNaughton, writing in the best style of the Pentagon systems analysts, offered a more accurate appraisal of "U.S. aims":

"Seventy per cent—To avoid a humiliating U.S. defeat (to our reputation as guarantor).

"Twenty per cent—To keep SVN (and the adjacent) territory from Chinese hands.

"Ten per cent—To permit the people of SVN to enjoy a better, freer way of life.

"ALSO—To emerge from crisis without unacceptable taint from methods used.

"NOT—To 'help a friend,' although it would be hard to stay in if asked out."

The attitude of American bureaucrats toward their official clients in Saigon was the lace curtain counterpart of the treatment dealt out to "drinks" and "slopes" and "gooks" by American soldiers in the field. Diem had once been celebrated by Lyndon Johnson as "the Churchill of Asia," but Hilsman's memo calling for his overthrow proposed that the United States "encourage the coup group to fight the battle to the end and to destroy the palace if necessary to gain victory." On November 1, 1963, when Diem's palace was under siege, he placed a pathetic last call to Ambassador Lodge, who preserved the icy dignity appropriate to a

proconsul of Empire dealing with lesser breeds without the law. Diem asked what was "the attitude of the United States" toward the coup, and Lodge, who had been urging its support for many months, replied: "I do not feel well enough informed to be able to tell you. I have heard the shooting, but I am not acquainted with all the facts. Also it is 4:30 a.m. in Washington and the U.S. Government cannot possibly have a view." This exchange followed:

DIEM: But you must have some general ideas. After all, I am a chief of state. I have tried to do my duty. I want to do now what duty and good sense require. I believe in duty above all.

LODGE: You have certainly done your duty. As I told you this morning, I admire your courage and your great contributions to your country. No one can take away from you the credit for all you have. . . . If I can do anything for your physical safety, please call me.

We know that monstrous arrogance accrues to those who wield the vast power of the State without being held accountable to the people. As early as 1954—and as late as 1964—they seriously (and calmly) contemplated the possibility of using nuclear weapons in Indochina. They called their "conventional" bombing campaign "Rolling Thunder" and said it was "cheap." They disposed of mere mortals in the manner of Olympian gods. In the draft of his Plan of Action for South Vietnam on March 24, 1965, McNaughton wrote:

"It is essential—however—badly SEA (Southeast Asia) may go over the next one to 3 years—that U.S. emerge as a 'good doctor.' We must have kept promises, been tough, taken risks, gotten bloodied, and hurt the enemy very badly. We must avoid harmful appearances which will affect judgments by, and provide pretexts to, other nations regarding how the United States will behave in future cases of particular interest to those nations—regarding U.S. policy, power, resolve, and competence to deal with their problems."

Their game was power, and it was the only game worth playing. Taylor impatiently complained that "there was a danger of reasoning ourselves into inaction," the Pentagon historians recall. "From a military point of view," Taylor said, "the United States could function in Southeast Asia about as well as anywhere in the world except Cuba." Assistant Secretary of State William Bundy asserted that "basic doubts of the value of Southeast Asia and the importance of our stake there" could be disposed of by mounting an "urgent public relations campaign. Walt Rostow, ever the effervescent optimist, assured Dean Rusk:

"I know well the anxieties and complications on our side of the line. But there may be a tendency to underestimate both the anxieties and complications on the other side and also to underestimate that limited but real margin of influence on the outcome that flows from the single fact that we are the greatest power in the world—if we behave like it."

Part of behaving like it, we know now, was to transform the language into something unrecognizable and unrelated to human beings. They wrote "scenarios" for "carrot-and-stick approaches" and for "progressive squeeze-and-talk" techniques. They planned "an orchestration of communications" and "a crescendo of additional military moves against infiltration targets." They "interdicted" and "defoliated" and carried out "surgical strikes" against "targets of opportunity." They issued "signals" and conducted "limited external actions" which carried a promise of "assured destruction." They coined a thesaurus of synonyms for death.

We know now that war crimes were committed in our names—not little war crimes of the kind for which we prosecute Lieutenant Calley and Captain Medina, but big war crimes like those for which we executed our fascist enemies only a quarter of a century ago. The Nuremberg Charter—*our* Nuremberg Charter—outlaws the "planning, preparation, initiation, or waging of a war of aggression or a war in violation of international treaties, agreements, or assurances." The Charter of the United Nations—*our* U.N. Charter—provides that parties to an international dispute must seek a solution by negotiation or other peaceful means, refraining from force or the threat of force.

We know now how and why and by whom a million people or more were destroyed. Only one major question remains unanswered, and the answer will not be found in further Pentagon disclosure, or in court proceedings, or even in Congressional investigations. It is a question we must answer for ourselves.

Now that we know what we know, what are we going to do?

UNITED STATES-CHINA POLICY

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD the text of my testimony on United States-China policy, given before the Senate Committee on Foreign Relations, on June 24, 1971. The hearings of the Foreign Relations Committee on China policy have attracted major new public attention pursuant to President Nixon's announcement on July 15 of his forthcoming trip to the Peoples' Republic of China. My request to have my statement during those hearings printed in the RECORD—although my statement preceded the President's announcement by 3 weeks—results from the numerous requests I have received for it from persons interested in the process of rethinking of China policy now underway in the Congress as well as within the executive branch.

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

U.S. CHINA POLICY, TESTIMONY OF SENATOR JAVITS, A MEMBER OF THE FOREIGN RELATIONS COMMITTEE DELIVERED AT THE COMMITTEE'S HEARING ON U.S. CHINA POLICY THURSDAY, JUNE 24, 1971, ROOM 4221 NSOB, 10 A.M.

Despite the important changes which have already occurred in the tone and substance of U.S.-China relations over the past six months—and the pace of those changes has been swift—the U.S. faces the danger of being overtaken by events respecting the evolution of a new relationship with the Peoples Republic of China. A very important "moment of truth" on the question of China's representation in the United Nations toward the end of this year will occur. In my judgment, it is important that the Senate express its "advice" on this crucial policy issue, especially as the record still shows the Senate to be in a position of categoric opposition to the admission of the Peoples Republic of China into the United Nations.

With nine cosponsors, I introduced S. Res. 37 on February 2 of this year. This resolution grew directly out of my experience as a delegate to the United Nations General Assembly in the fall of 1970, where I was assigned responsibility for the Chinese Represenation issue. At that time, I was instrumental in bringing about a shift of emphasis in the U.S. position—away from opposition to Peking's admission, with emphasis rather on preserving representational rights for the Republic of China on Taiwan.

I feel that my sense of urgency was justified by the outcome of the General Assembly vote, in which a majority—for the first time—supported the Albanian resolution calling for the admission of the Peoples Republic and the explusion of the Republic of China. The effect of the majority vote in favor of the Albanian resolution was obviated by the U.S.-sponsored "Important Question" resolution which established that any change in Chinese representation was an important question requiring a two-thirds majority.

It now appears highly doubtful—even if it were desirable—that the Important Question device could again succeed in obviating the Albanian formula, if those are the only two choices presented to the General Assembly this fall. Clearly, a new approach is needed urgently if the United States is not to invite a major diplomatic defeat.

Much more than "face" is involved, in my judgment. Another "winner-take-all" collision—regardless of its outcome—could seriously jeopardize further progress in normalizing U.S.-China relations—a goal which now seems to have high priority both in Washington and Peking. It would be much harder for the Nixon Administration to move forward in achieving better relations with the Peoples Republic, if Peking succeeds in gaining admission under the harsh and vindictive terms of the Albanian resolution. Peking itself probably understands this, too.

Given the history of the past 20 years in the U.N., for which the United States is appreciably responsible, adoption of the Albanian resolution would inevitably constitute an historic diplomatic rebuff for the U.S. in the United Nations—perhaps causing a backlash of U.S. public opinion against the U.N. which could seriously damage the U.N. itself.

Moreover, if the Republic of China is expelled from the U.N. under the terms of the Albanian resolution, the U.N. could, in effect, be taking a position that Taiwan is rightfully part of the territory of the Peoples Republic of China. In any case, under such circumstances, Peking would undoubtedly press its claim to possession of Taiwan as vigorously as possible, perhaps even to the point of securing a resolution condemning the U.S. for its treaty to defend Taiwan.

There have been subtle indications that Peking—without relinquishing its longstanding claims—may well prefer to avoid a serious diplomatic confrontation with the U.S. over the status of Taiwan, at least at this time. The emphasis in Peking's recent statements regarding Taiwan has been on the withdrawal of U.S. military forces from Taiwan—rather than on earlier demands for a repudiation of the U.S.-Republic of China defense treaty, or for the immediate handover of Taiwan. If Peking is willing to "bend" on Taiwan, the chances for finding a new Chinese representation formula would be enormously increased.

Peking's emphasis on the removal of U.S. forces stationed on Taiwan may well be related to its fear that the potent U.S. nuclear capacity on Okinawa will be transferred to Taiwan, pursuant to the return of Okinawa to Japan. Peking may also be seeking to test the "sincerity" of the Nixon doctrine, with its emphasis on the pull-back and noninvolvement of U.S. forces in Asian nations on China's periphery.

The U.S. has already ceased patrols of the Taiwan Straits by units of the Seventh Fleet—a measure initiated during the Korean War. Peking responded favorably and quickly. I see no reason why the U.S. cannot declare its intention to remove its forces from Taiwan, concurrently with the withdrawal of U.S. forces from Vietnam. Such a demonstration of U.S. flexibility and sensitivity to Peking's military fears could help promote further flexibility in Peking.

A Military Assistance Advisory Group (MAAG) of appropriate, modest size is all that is needed, even under the terms of our

mutual defense agreement. Peking lacks the military capacity to seize Taiwan by amphibious or airborne attack—and shows no plans of acquiring the necessary capacity in the near future.

Accordingly, I would urge the Administration to issue a declaration of intent to withdraw U.S. forces from Taiwan, concurrently with the withdrawal from Vietnam—as an important and timely element in the effort to defuse the Chinese Representation status of Taiwan issues before the pressure of time locks us (and Peking) into our old positions of confrontation in the U.N. this fall.

In reviewing the terms of S. Res. 37—which was introduced back on February 2—I am struck by how much forward movement has been achieved in the direction advocated by its terms respecting overall U.S.-China relations. We have had, of course, the dramatic break-through of "ping-pong" diplomacy.

Also, I wish to take this opportunity to commend President Nixon for his important initiatives respecting trade regulations, the lifting of travel restrictions, and the continued projection of a diplomatic posture of reconciliation with mainland China. Moreover, the press has carried numerous reports of intensive reviews, discussions and diplomatic exchanges by the Nixon Administration respecting a new position of the Chinese representation issue. The task is not simple but the timing is urgent.

The time has now come, in my judgment, for the U.S. to play an active role in finding a new formula which will provide for U.N. membership for the People's Republic of China, carrying with it occupancy of the permanent seat on the Security Council and to provide for continuing U.N. membership participation for the Republic of China on Taiwan. This is clearly the best policy for the U.S., and I believe that it is at least an interim solution which would command broad support in the General Assembly.

It is possible that either or both Peking and Taipei might refuse to participate in the U.N. under the conditions I have suggested. That would be most regrettable, in my judgment. Nonetheless, the door would always then be open to both to participate—and at a minimum, the absence of Peking from the U.N. no longer would be the result of an outmoded, unrealistic and counterproductive policy of the U.S.

A number of the younger, more "left" inclined U.S. China scholars have advocated that the U.S. accept Peking's terms respecting the status of Taiwan, as the price of better relations and securing Peking's participation in the U.N. I disagree with this view for several reasons. First, I am convinced that such a course by the U.S. would, in my judgment, virtually assure the ascendancy of the harder-line elements in Peking and reinforce Peking into its old position of intransigence and militancy—a position which Peking now seems very desirous of modifying. Any "half-way" abandonment of Taiwan by the U.S., far from improving relations, could soon lead to a serious confrontation between the U.S. and the People's Republic.

Second, a policy of total abandonment is a wrongful and impossible course for the U.S. Leaving aside moral considerations, abandoning Taiwan would make sense only if the U.S. pursued a policy of radical detente with China, aimed at establishing a close Washington-Peking axis as the foundation of our Asia policy. Such a radical policy is neither desirable or possible, in my judgment. Our relations with mainland China is a key element of our Asian policy—but must always be judged in the context of overall Asia policy. It is in this crucial regard that the U.S. must shape its China policy in consonance with our relations with Japan and our other Asian friends and allies. Their interests and their attitudes are important, and sometimes complicating factors. This is especially true respecting the question of Taiwan, an issue of great importance to Japan particularly.

The challenge of finding a way to bring the Peoples Republic of China into the council of nations on terms which are at least minimally tolerable to the parties concerned is one of the most urgent now facing the Nixon Administration. In importance, it perhaps ranks only behind the SALT negotiations and ending the Vietnam War—and it is closely related to both of these efforts.

Over the perspective of a decade, the greatest benefit likely to flow from Peking's participation in the U.N. will be the engagement of Peking in the international nuclear arms control negotiations and agreements conducted under U.N. auspices. I feel that there are now mutually compelling reasons for Washington and Peking also to work together in the international arms control field. China's attitude toward SALT ought to be a benign one. Like Washington and Moscow, Peking too stands to gain from a SALT agreement restraining the nuclear arms race, for superpower nuclear might be an even greater potential threat to China than it is to the U.S. or Russia—and in recent years Peking has been on different occasions in a posture of confrontation with both superpowers. Even if relations between Peking and Moscow continue to deteriorate, a SALT agreement could nonetheless benefit Peking by reducing the chances that the USSR will acquire a strategic posture allowing it the option of a preventive nuclear first strike against China.

The U.S. has a particular incentive in bringing China into nuclear arms control arrangements because, even under the Nixon Doctrine, the U.S. is pledged to provide a "nuclear shield" to our Asian friends and allies along China's periphery. Thus, under the Nixon Doctrine, the chances of nuclear embroilment with China might be greater than conventional embroilment of the Vietnam or Korea varieties. Accordingly, a key element in the success and viability of the Nixon Doctrine strategy could be the achievement of nuclear arms control arrangements with China.

Peking too has a special incentive to support international nuclear arms control agreements in the post-Vietnam period. The Non-Proliferation Treaty is central in this respect, for the two nations generally deemed most likely to "go nuclear" are India and Japan—China's greatest potential rivals and enemies in Asia. China clearly has major incentive in preserving the inhibitions against India or Japan "going Nuclear"—for China's strategic position would be gravely deteriorated if Peking were faced not only with a nuclear USSR and USA but also nuclear close neighbors of such consequence as India and Japan.

In closing, let me reiterate my strong feeling that an important new tide is flowing in U.S.-China relations—potentially a very benign tide—and this is without any derogation of my every wish to seek detente and accommodation with the USSR. Nonetheless, I perceive a danger that the tide could be diverted into most troublesome channels, if a day is not found to handle the Chinese representation on question in the U.N. General Assembly this fall.

UNIVERSAL VOTER REGISTRATION FOR FEDERAL ELECTIONS

Mr. KENNEDY. Mr. President, later this week, on behalf of myself and a number of other Members of the Senate, I plan to submit an amendment to S. 382, "The Federal Election Campaign Act of 1971." The purpose of the amendment is to establish a system of universal voter registration for the Nation. The amendment would contain the following principal provisions:

First, it would provide a simple post card system of voter registration, in which any citizen could register to vote merely by filling out a post card application form.

Second, burdensome residence requirements under existing laws would be abolished. Simply by filling out the address of his residence on the post card form, a citizen would establish his voting residence.

Third, a new computerized agency created within the Census Bureau—the Universal Voter Registration Administration—would process the post card forms, compile voting lists by precinct throughout the country, and make the lists available to State and local election officials at appropriate times before any election.

Fourth, use of the new system would be mandatory for all Federal elections and optional for State and local elections. Where the system is used for State and local elections, however, the Federal list must be accepted intact. No person entitled to vote in Federal elections can be deleted from the list for failure to meet other qualifications.

The time has come to take another major step forward in our national quest for universal suffrage. To be sure, we have made great strides in recent years. But always in the past, our efforts have ignored one of the most burdensome qualifications for voting—the requirement of registration, a requirement that operates to disfranchise tens of millions of Americans in every Federal election.

The history of the Nation since the Civil War is marked with significant milestones along the route we have taken to broaden our democracy and increase the base of participation by our citizens in the political life of the Nation. We have forbidden the use of race or sex as a qualification for voting. We have outlawed poll taxes. We have granted the franchise to citizens of the District of Columbia in presidential elections. A long line of civil rights acts and court decisions, especially in the decade of the fifties and sixties, has expanded the right to vote and ended many of the most flagrant discriminations against citizens at the polls. And, only last year, we lowered the voting age to 18, thereby giving the franchise to millions of young Americans who had been forced to bear all the other burdens and responsibilities of citizenship, but had been denied the most basic right of all in our democratic society, the right to vote.

Now that we have stripped away so many other blatant impediments to the right to vote, the existing practices of voter registration in America can be seen all the more clearly for what they are—an arbitrary, obsolete, and unfair system by which vast numbers of Americans are silenced at the polls. In spite of the progress we have made in extending the franchise, the voting record of America ranks among the worst of all the great democracies of the Western world.

Of the 120 million potential voters in the presidential election of 1968, only 73 million—or 61 percent—actually went to the polls. Forty-seven million people stayed home, at a time when the winner—President Nixon—was receiving only 31 million votes. Incredible as it may seem, half again as many people stayed away from the polls as voted for the man who is our President.

In 1970, in Britain, by contrast, 72 percent of the eligible voters went to the polls, and yet they called it one of the lowest turnouts in history, the lowest since 1935. In the most recent elections in other democratic nations, the turnout has been even higher—75 percent in Ireland, 76 percent in Canada, 80 percent in France, 87 percent in West Germany, 89 percent in Sweden and Denmark.

The low turnout of American voters has been a consistent flaw in the political life of our Nation for many years. In the presidential election of 1900, the turnout was 73 percent. Not once since then has our voter turnout exceeded 66 percent. Seven times it fell below 60 percent. Twice, in 1920 and 1924, it fell below 50 percent.

And yet, it has not always been this way. Throughout the greater part of the 19th century, voter turnout in our presidential elections ranged in the neighborhood of 70 to 80 percent. The highest turnout was in 1876, when 82 percent of the potential voters went to the polls. The lowest was in 1852, when "only" 70 percent did so.

It is no coincidence, therefore, that the turn of the century, which saw the advent of voter registration, also saw a sharp decline in voter turnout. According to a recent study, registration was adopted at the turn of the century partly for the worthy purpose of prohibiting the abuses of machine politics in the growing cities of the North, and partly for the darker purpose of disfranchising black citizens in the South. Today, as this history strongly implies, the requirement of voter registration is the largest single obstacle to the right to vote in America.

The figures in 1968 tell the story. Of the 120 million potential voters in the presidential election of 1968, only 82 million—or 68 percent—were registered to vote and therefore eligible to go to the polls on election day. But of that number, fully 73 million, or 89 percent, actually went to the polls and cast their ballots.

The lesson is clear. Americans who are registered are Americans who vote. Of the 47 million citizens who stayed home on election day, the overwhelming majority—38 million, or 81 percent—were not registered to vote. Only 19 percent of those who stayed home were citizens who were registered to vote.

THE PRESENT SYSTEM OF VOTER REGISTRATION

Clearly, the paramount cause of America's dismal record of voter participation today is our inadequate system of voter registration. Virtually without exception, the registration laws of the 50 States and the District of Columbia are a nightmare of confusing, conflicting, and overlapping requirements, ranging from Missouri, which has six different registration systems for cities, depending on their size, and a seventh system available to counties at their option, to North Dakota, which has no statewide laws requiring voter registration, although local jurisdictions may do so at their option.

Typically, State and local registration rolls are unwieldy, inaccurate, and obsolete. A large percentage of the names are persons no longer qualified to vote because of death, conviction of a crime, change of residence, or other reasons. In order to keep the lists at least reasonably current, the States are driven to the use of arbitrary rules, such as the disqualification of voters who fail to vote in a previous election, or requirements of annual or periodic reregistration.

The burdens of our present system of voter registration are multiple. Frequently, they are a thin disguise for blatant racial discrimination against the right to vote. The hearing records of Congress during the debates of the Voting Rights Act of 1965 and its extension in 1970 are replete with examples of such discrimination.

For some citizens, registration means loss of income through loss of time on the job or time away from business. Many individuals simply cannot take time off to register during working hours, and are thereby relegated to the status of second-class citizens.

For others, the most important burden is the sheer difficulty and inconvenience of the registration process. Too often, registration is an obstacle course for the voter instead of the incentive to total participation it ought to be. The obstacles are enormous. Many citizens find it difficult to determine where and when they can register. They refuse to endure the long lines and waiting periods. They are baffled by the inaccessibility of registration offices. In some States, registration offices may be open only a few hours a day or week. Other States prohibit precinct, neighborhood, or mobile registration. They allow registration only in the county courthouse, which may require a trip downtown or even out of town. Frequently, the expense of the trip itself is sufficient to inhibit registration—a de facto poll tax that frustrates the right to vote.

For still others, there is the problem of early registration deadlines. In a number of States, the registration books close weeks or months before the election, and there is no opportunity whatever to register in the period immediately preceding the election. In Mississippi, the registration offices close 4 months before the election—the rolls are routinely purged after the deadline, so that a citizen erroneously removed from the list has no opportunity to register again. In 14 other States with early registration deadlines—Arizona, California, Colorado, Georgia, Hawaii, Kentucky, Michigan, Montana, Nevada, New Jersey, New Mexico, Ohio, Pennsylvania, and Rhode Island—the registration books close more than a month before the election.

For yet another group of citizens, especially those who travel frequently, who are away from home for extended periods, or who are ill or disabled, the problem is the lack of any procedure for absentee registration. Although virtually every State has established absentee voting procedures, few have taken the additional step of establishing absentee registration procedures as an alternative to the traditional requirement that registration must be in person.

And finally, for another substantial group of citizens, the burden is one of unreasonable reregistration requirements. In Texas, for example, annual reregistration is required, a procedure declared unconstitutional by a Federal district court earlier this year and now subject to an appeal. Other States require voters to renew their registration so frequently that many citizens simply find themselves unable to keep up with the requirements. Often a citizen arrives at the polls to vote, only to be told that his registration has been canceled because he failed to vote in the previous election, even though he was never given notice of the cancellation.

An especially insidious aspect of the problem of registration is the evidence that the burden of State and local registration requirements falls most heavily on the poor, the black, the uneducated, and manual and service workers. For example, according to a census study of the 1968 election, 87 percent of those with a college degree are registered to vote, whereas only 49 percent of those with 1 to 4 years' education are registered. And, two decades of hearings in Congress on Civil Rights Acts and Voting Rights Acts have overwhelmingly demonstrated the ease with which voter registration requirements lend themselves to discriminatory application.

THE BURDEN OF RESIDENCE REQUIREMENT

Impediments to the right to vote of a different sort, but no less burdensome for millions of citizens, are the hundreds of different State and local residence requirements that now exist throughout the Nation. Typically, under present voting laws a potential voter must fulfill three different resident requirements before he is entitled to vote—he must have resided in his State for periods ranging from 6 months to a year; he must have resided in his county for periods from 30 days to 6 months; and, he must have resided in his precinct for periods from 10 to 30 days. In some jurisdictions, the minimum residence requirement is lower; in many, it is substantially higher.

In the quieter and less mobile era of our history when these residence requirements were imposed, the burden was not as huge as it is today. The Census Bureau estimates that every year, 20 million Americans, or 10 percent of the population, move their residence from one State to another. On the average, each family in the Nation moves its residence once every 4 years.

The plight of the disfranchised mobile voter in America is well known, and no extended discussion is needed here. As many experts have noted, the right of a citizen to travel freely from State to State is one of our fundamental rights protected by the Constitution, and the exercise of that right should never trigger the loss of an even more basic constitutional right, the right to vote.

Last year, as part of the statute low-

ering the voting age to 18, Congress took a significant step to alleviate the burden of so-called "durational" residence requirements by reducing such requirements to 30 days for voting in presidential elections.

Now the time is ripe for Congress to go further, and there is growing sentiment in the Senate to make the same 30-day requirement applicable to all Federal elections. Indeed, a bill to this effect is about to be intrduced in the Senate by Senator JOHN TUNNEY of California, with strong bipartisan support, and similar legislation has already been introduced by Senator HAROLD HUGHES.

RACKGROUND OF EFFORTS TOWARD UNIVERSAL VOTER REGISTRATION

In recent years, discussions of various proposals to establish a system of universal voter registration for the United States have dwelled essentially exclusively on what may be called local action methods—that is, door-to-door canvassing at the local level—at the initiative of local jurisdictions. Each of two major studies of the decade of the sixties has recommended this approach, partly because it is the approach apparently responsible for the higher voter turnouts in foreign democracies, and partly because of philosophical and constitutional objections to methods relying on the initiative of the Federal Government.

The first study was made by the President's Commission on Registration and Voting Participation, established by President Kennedy in March of 1963, chaired by Richard Scammon, the Director of the Census Bureau at that time, and charged with the task of determining the reasons for low voter turnout in America, and recommending solutions. The Commission's report in November of 1963 was a major milestone in the analysis of the complex psychological and legal factors that lie at the heart of the problem.

The Commission made more than 20 major recommendations to end restrictive legal and administrative procedures inhibiting the right to vote. In the area of voter registration, the Commission urged the State to adopt procedures to make registration easily accessible to every citizen. As patterns to be followed, the Commission pointed to the example of Canada and noted a number of States and communities in America that had successfully used registration procedures involving door-to-door canvassing, deputy registrars, and mobile registration units.

The second major study was prepared by the Freedom to Vote Task Force, established by the Democratic National Committee in 1969 and chaired by Ramsey Clark, the former Attorney General of the United States. Notwithstanding its partisan sponsorship, the report of the task force, entitled "That All May Vote," is a persuasive nonpartisan document challenging the Nation to end the abuses we have endured for so long and to act to increase the strength of our democracy. As the report states:

People who vote believe in the system. They participate. They have a stake in government. But, to the nonparticipants their stake in government is not so apparent. Their alienation from the system is harmful not only in their own lives, but it threatens the survival of democracy itself.

Registration efforts must not be concerned with how people vote. The important consideration is that they vote. We can live with decisions made by a full electorate, but those who do not participate may be unwilling to live with decisions they had no voice in making. We must do everything within our power to encourage them to vote. Let the people choose.

The report of the task force made clear that voter registration is the real villain, the principal barrier that stands between the citizen and the ballot box. As in the case of the 1963 Commission study, the report pointed to the success of local action for voter registration in South Dakota, Idaho, and in parts of California and Washington, and urged a similar program for America. The proposal was introduced in legislative form in the 91st Congress by Senator INOUYE, a member of the task force, and it has been reintroduced as S. 1199 in the present Congress.

Because of doubts that have been raised about the feasibility of the local-action approach to voter registration, progress has been slow in efforts to implement such proposals. More and more, attention has turned to the alternative of a Federal system of voter registration to achieve the universal system we need.

The Senate took a major step in this direction last June, when it approved by the vote of 47 to 31 an amendment to the draft bill, authorizing Selective Service offices to register 18-year-olds to vote at the time they register for the draft. And Senator HUMPHREY is offering a similar proposal to use the facilities of the Internal Revenue Service to promote voter registration.

In large measure, recent Supreme Court decisions have eliminated possible constitutional objections to a Federal system of universal voter registration. Now and for the foreseeable future, I believe that such a system is the only hope we have for pulling ourselves out of the present morass of registration requirements.

THE SOUTH CAROLINA EXPERIENCE

In the face of growing demands imposed on outdated voter registration procedures, a number of cities and counties throughout the Nation have begun to use computers to modernize their procedures. In 1967, South Carolina became the first and only State to centralize its voters registration procedure through a computer system on a statewide basis Although registration in South Carolina continues to be initiated through the county registration boards in the State and citizens must still appear in person to register at the local boards, their applications are now forwarded to the State data processing office, where the information is stored and processed.

The familiar but cumbersome ledger books that used to form the registration record in South Carolina have now been replaced by magnetic tapes in a computer system. The records are continuously kept current through data provided to the State agency from various sources; for example, the bureau of vital statistics provides monthly reports on persons who have died, and the State and Federal courts provide data on persons convicted of crimes. Prior to the new system, the registration records were rarely cleaned for any reason.

On the basis of the data in the computer files, official lists of registered voters for each county and precinct are printed and made available to local officials 10 days before each State, county, municipal, or other election. Thus, it is no longer necessary to use the entire county ledger for a municipal election, or to copy manually from the county rolls the names of persons eligible to vote in elections held in smaller jurisdictions. Since the computer lists contain all the information provided by the voter when he registered, election officials are able to identify registrants easily at the polls. Under the previous system, only the voter's name and address were on the rolls.

As a result of the vastly increased efficiency of the new system, the county registration boards in South Carolina that used to be open only a few days a month are now open on a daily basis during normal courthouse hours. During the first year of the new system, 850,000 South Carolina voters were registered, the highest figure in the history of the State. The total cost of the computer portion of the system is approximately $170,000 a year, and the entire store of registration information is contained on five reels of computer tape.

A SYSTEM OF UNIVERSAL VOTER REGISTRATION FOR THE NATION

At a single stroke, the system of universal voter registration I favor would eliminate the arbitrary and unfair requirements of residence and registration that now operate to disfranchise so many of our citizens. Durational residence requirements would be abolished for Federal elections, and registration would involve a procedure no more complicated than filling out a post card form and placing it in the mail. Local control of the actual election process would remain unchanged, but virtually the entire financial cost and administrative burden of voter registration would be lifted from the States and transferred to the Federal Government.

The program would be administered by a new bipartisan agency to be established in the Census Bureau. Citizens would register to vote simply by filling out the post card form and mailing it to the new agency. Merely by specifying the address of his residence on the form, the citizen would determine his voting residence. There would be no requirement of residence for a specific period of time. The system would thus do away not only with burdensome registration requirements, but also with unfair residence requirements that operate to bar voters in almost every State.

With the assistance of computers, the information would be stored, divided according to election districts, and made available by the Census agency to appropriate State and local election officials, as the official list of eligible voters.

Use of the new voter registration list

would be mandatory in Federal elections, and optional for State and local elections. I believe, however, that the simplicity, efficiency, and cost savings of the system would lead to its rapid acceptance for State and local elections as well, so that within a brief period of time, the Nation would have a truly universal voter registration system for all elections. Our system of democracy deserves no less.

In its details, the system would function as follows:

First, a new bipartisan agency—the Universal Voter Registration Administration—UVRA—will be established in the Bureau of the Census to organize and administer a program of universal voter registration for all Federal elections, and to assist States in their registration for State and local elections. The UVRA will be authorized to establish State and regional data processing centers to carry out its functions. The agency will be under the direction of an administrator and two associate administrators, no more than two of whom can be members of the same political party. The new agency is created in the Bureau of the Census because that agency has established a long-standing reputation of efficiency and confidentiality, and has already developed the computer programs and technology essential to the implementation of a successful universal voter registration system.

Second, individuals will register to vote through post card voter registration forms, to be mailed free of charge to UVRA. The post card forms will be of the type which allows visual scanning by computers to read the information. They will be widely available in post offices and other Federal agencies, and will also be available to private voter registration groups. Where appropriate, bilingual forms will also be available. In addition, any State or local jurisdiction will be authorized to send its current registration records to UVRA for assimilation into the new Federal system.

Third, the information on the post card forms will include only the name, address, ZIP code, and date of birth of the individual, together with a statement that the individual is not disqualified from voting under State or local law by reason of conviction of a crime or adjudication of mental incompetence. In addition, the individual may specify his party affiliation if he wishes to register for primary elections. UVRA registration will remain valid for 4 years, or for longer periods according to State law.

Fourth, the post card form will also include a line for the signature or mark of the individual, and a statement of the penalty for fraudulent registration. The penalty will be a fine of not more than $10,000, imprisonment for not more than 5 years, or both. The form will also include a statement that the signature or mark of the individual attests to the accuracy of the information he provides on the form.

Fifth, UVRA registration will close 30 days before primary, general, or other elections. UVRA will compile lists of registered voters by local precincts and forward the lists to the appropriate State or local election officials. Simply by having his name on the list, any person will thereby be authorized to vote in Federal elections. States will be able to supplement and update the lists in advance of the Federal election. However, in cases where a State removes a name from the list, notice of the removal must be given promptly to UVRA and to the individual, together with the reason for the removal.

Sixth, use of the UVRA list will be mandatory for all Federal elections and optional for State and local elections. If State and local officials decide to use the UVRA lists for State and local elections, they may not delete anyone from the list for failure to meet other qualifications.

Seventh, UVRA will be authorized to establish appropriate procedures for individuals to verify their registration. It will also inform each voter of the location of his polling place, so that on election day every citizen will know where he must vote.

Eighth, to protect the right of privacy, UVRA information and voting lists will not be available to any other Federal agency and will not be made available by UVRA to any private source. In addition, UVRA will not draw on information collected for other purposes by other Federal data centers, such as the Internal Revenue Service or the Social Security Administration. The UVRA system will be used for voter registration and no other purpose. However, to the extent that State or local law requires voting lists to be publicized, UVRA information may become public at that level, although the information still may not be used by any Federal agency.

CONSTITUTIONAL JUSTIFICATION

In light of a long line of Supreme Court decisions in the area of voting rights in the decade of the sixties, and especially the decision by the Court in *Oregon* v. *Mitchell*, 400 U.S. 112 (1970)—the 18-year-old voting case decided last December—there is solid constitutional support for the establishment of a nationwide system of universal voter registration in the United States. Indeed, although the issue may be somewhat less clear-cut, there would also be ample constitutional justification for the extension of the Federal registration system to State and local elections as well.

As in the issues surrounding the Voting Rights Act Amendments of 1970, which Congress passed last year, the issue in the current context concerns the power of Congress to legislate by statute in the area of State and local election requirements.

There can be no question, of course, that the Constitution grants to the States the primary authority to establish qualifications for voting. Article I, section 2 of the Constitution and the 17th amendment specifically provide that the voting qualifications established by a State for members of the most numerous branch of the State legislature shall also determine who may vote for U.S. Senators and Representatives. Although the Constitution contains no specific reference to qualifications for voting in presidential elections or State elections, it has traditionally been accepted that the States also have primary authority to set the qualifications in these areas as well.

At the same time, however, these constitutional provisions are only the beginning, not the end of the analysis. They must be read in the light of all the other specific provisions of the Constitution, including the great amendments that have been adopted at various periods throughout the Nation's history. Most recently, a month ago, the 26th amendment, lowering the voting age to 18, became part of the Constitution, and conferred power on the Congress to enforce the new amendment by appropriate legislation.

The constitutional issues must also be interpreted in the light of the basic Supreme Court decisions interpreting the provisions in question. Although a State may have primary authority under article I of the Constitution to set voting qualifications, it has long been clear that it has no power to condition the right to vote on qualifications prohibited by other provisions of the Constitution, including the various amendments to the Constitution. No one believes, for example, that a State could deny the right to vote to a person because of his race or his religion.

Thus, the Supreme Court has specifically held that the equal protection clause of the 14th amendment itself prohibits certain unreasonable State restrictions on the franchise:

In *Carrington* v. *Rash*, 380 U.S. 89 (1965) the Court held that a State could not withhold the franchise from residents merely because they were members of the Armed Forces. Obviously, the rationale of this decision is directly applicable to the present national controversy over the voting residence of students.

In *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966), the Court held that a State could not impose a poll tax as a condition of voting.

In *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), the court upheld the constitutionality of a statute passed by Congress overriding State literacy requirements in English and conferring the franchise on voters literate in Spanish.

But the key Supreme Court precedent supporting a universal voter registration system for Federal elections is Oregon against Mitchell. In that important decision the court not only sustained the constitutionality of a Federal statute lowering the voting age to 18 for Federal elections, but also upheld the constitutionality of two other provisions in the 1970 statute, provisions that were applicable not only to Federal elections, but also to State and local elections.

A provision abolishing State literacy requirements altogether;

And, a provision reducing the residence requirements for voting in presidential elections to 30 days, and requiring the States to make available appropriate absentee registration and absentee voting procedures for such elections.

The Mitchell decision is especially significant because of the substantial majority by which the Supreme Court up-

held the constitutionality of the literacy and residence provisions of the 1970 statute passed by Congress

To be sure, the provision lowering the voting age to 18 in Federal elections was sustained by the narrow margin of 5 to 4, with Justice Black casting the deciding vote on the basis of the power of Congress under article I, section 4, of the Constitution to regulate the time, place, and manner of conducting Federal elections.

At the same time, however, in spite of the narrow vote on the 18-year-old issue, the Court upheld the validity of the literacy and residence provisions by overwhelming majorities—9 to 0 in the case of the literacy provision, and 8 to 1 in the case of the residence provision, with only Justice Harlan dissenting on the later issue.

The crucial link in the reasoning of the Justices leading to the strong majority in favor of the residence aspect of the case was their view that the provision was a valid exercise of the power of Congress under the necessary and proper clause of the Constitution to protect the constitutional right to change one's residence and to travel freely from State to State, a right that had been clearly reaffirmed by the Supreme Court as recently as 1966, in its decision in *United States* v. *Guest,* 383 U.S. 745 (1966).

Similarly, the crucial link in the reasoning of the Justices leading to the unanimous decision upholding the literacy provision in the statute was their view that the provision was a valid exercise of the power of Congress to enforce the 15th amendment of the Constitution, which bars racial discrimination in voting.

The present proposal for a system of universal voter registration for Federal elections, involving action by Congress in the areas of both residence and registration as qualifications for voting, is easily supported under the literacy and residence rationales of Oregon against Mitchell, since it would be action by Congress to promote the right to travel and to end racial discrimination in voting. No substantial distinction can be drawn on the basis that the residence provisions in the Mitchell case applied only to presidential elections, whereas the proposed universal registration system would apply to all Federal elections. As Justice Stewart stated in discussing the residence provision in the Mitchell case, in an opinion joined by Chief Justice Burger and Justice Blackmun:

> I have concluded that, while S. 202 applies only to presidential elections, nothing in the Constitution prevents Congress from protecting those who have moved from one state to another from disenfranchisement in any Federal election, whether congressional or presidential. 400 U.S. 112, 287.

Further, as I have indicated, the constitutional rationales supporting the literacy and residence provisions in the Mitchell case might easily support the extension of the universal voter registration proposal to State and local elections as well. A fortiori, however, the proposal is clearly valid for Federal elections as an exercise by Congress of its power under article I of the Constitution to regulate such elections, and I urge the Senate to adopt it.

THE THREAT OF THE MILITARY-INDUSTRIAL COMPLEX OF THE SOVIET UNION

Mr. THURMOND. Mr. President, in a day when our so-called military-industrial complex is being debunked by liberal opinion makers, it is gratifying to note that some in our country still recognize the threat of the military-industrial complex of the Soviet Union.

An editorial entitled "The Crime of Unpreparedness" was published in the July 9 issue of the Greenville News of Greenville, S.C. The editorial states clearly what is at stake if we cut too deeply into our defense establishment.

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:

[From the Greenville (S.C.) News, July 9, 1971]

THE CRIME OF UNPREPAREDNESS

One of former President Eisenhower's most quoted public utterances is his farewell message warning against the "military-industrial complex" in America. It is a special favorite of the left and the peacenik element.

Less well known, because it is ignored by most major influence-makers, is another Eisenhower quote about the military establishment. It is this:

"Until war is eliminated from international relationships, unpreparedness for it is well nigh as criminal as war itself."

Given the current increasing emphasis on reducing military appropriations in favor of welfare state and other domestic items and the constant hammering away at the military-industrial complex, the country needs to examine the other side of the coin as presented in the second Ike quote.

Anybody who thinks for a minute that war has been eliminated from this earth is only deluding himself. He who argues that war is unthinkable is deluding others. Major warfare is a constant threat in the Middle East and along the Chinese-Siberian border. Events completely beyond the control of any American could lead to a conflagration which would engulf the entire world, including the United States.

Only the most naive could ignore the fact that this nation's potential enemies possess and constantly improve a vast military-industrial complex. The Soviet Union's expanding missile, air and naval power is undeniable.

Also undeniable is the Soviet Union's avowed aim to impose its system upon the entire world. That fact often is glossed over or ignored, even though Soviet leaders never miss an opportunity to emphasize their ultimate goal.

The surest way to involve the entire world in another war of unprecedented horror would be to allow the imperialist Soviets to believe they could win a military conflict with the non-Communist nations.

That, of course, would happen should the defense establishment—the military-industrial complex, if you please—of the United States be weakened sufficiently.

While there is need to reduce considerable waste in defense spending and to ride herd over defense contracts, the greatest danger this country and the world faces is the threat of cutting too deeply into America's defense program. Parts of it, the Navy for instance, is in dire need of modernization at considerable cost.

As President Eisenhower said, failure to guard against war by refusing to keep well prepared for war, would be a heinous crime.

THE PERILS OF COEXISTENCE WITH COMMUNISM

Mr. ALLEN. Mr. President, events of the past few weeks in the area of diplomatic relations with Communist nations suggest a dramatic reversal of this Nation's foreign policy as it relates to international communism.

I am very much concerned that we not become mesmerized by rhetoric in support of the goals of detente and rapprochement, as desirable as they may seem. I hope, too, that the unquestioned desire on the part of the American people for peace will not blind us to realities concerning the nature and objectives of our adversary. World peace is a highly commendable goal—but not peace purchased at any price or peace achieved by any means.

Mr. President, in view of the rapidity of reversals of foreign policies, and in view of the worldwide implications of these changes, it might be helpful to refresh our memories concerning certain basic Marxist-Leninist tenets which have not changed.

Mr. President, in this connection, the July 1971, issue of the American Bar Association Journal contains an article by Charles T. Baroch entitled "The Brezhnev Doctrine." In the process of analyzing this doctrine and its implications, Mr. Baroch calls attention to the meaning of "the law of peaceful coexistence" as conceived by Communist jurists who describe coexistence as—

> A specific form of class struggle between socialism and capitalism in the international arena. . . . Peaceful coexistence between the two systems does not exclude revolutions in the form of armed uprisings and just national liberation wars against imperialist oppression, which occur within the capitalist system.

Mr. Baroch is eminently qualified to write on these subjects. He is a scholar in residence for the American Bar Association's Standing Committee on Education About Communism and its Contrast With Liberty Under Law. He received a J.D. degree from Charles University Law School, Prague, Czechoslovakia, and M.A. and Ph. D. degrees from Harvard where he served as Research Fellow, Russian Research Center for 5 years.

Mr. President, Mr. Baroch has rendered a timely and most useful service in reminding us of certain Marxist-Leninist tenets and a world view shaped by these tenets, which is:

> A world engulfed in an irreconcilable confrontation between the two antagonistic socioeconomic systems—capitalism and socialism—which is bound to end with a revolutionary transformation of capitalist society according to Marxist-Leninist tenets.

To this supranational revolutionary end everything is subordinated, including interests of whole nations (their sovereignty, equality, independence, etc.) as well as the interests of individuals, irrespective of whether they are part of the capitalist or socialist system.

Mr. President, I commend Mr. Baroch's article as worthy of thoughtful consideration of Members of the Senate and ask unanimous consent that it be printed in the RECORD.

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

THE BREZHNEV DOCTRINE

(By Charles T. Baroch)

More than two years ago the non-Communist world was shocked by the ruthless intervention of Warsaw Pact armed forces in the Czechoslovak Socialist Republic. The alleged purpose of the intervention was "to defend the socialist character" of a member of the world socialist system and its "socialist achievements".

The Warsaw Pact countries, especially the U.S.S.R., were accused, even by some Communists, of having violated Czechoslovak sovereignty and right of self-determination. Non-Communist reaction was well summed up by the indignant editorial in *The New York Times* of September 28, 1968, in which the name "Brezhnev Doctrine" may have been coined:

The latest Kremlin attempt to justify the invasion of Czechoslovakia is further indication of Stalinism ascendant in Moscow.

The earlier attempt to claim a status of semi-legality on the basis of a supposed invitation to the invaders from high Czechoslovak Government and Communist party leaders has apparently been discarded. Instead, Pravda now enunciates what must be called the *Brezhnev doctrine*, though the same thinking was manifest in the brutal repression of Hungarian freedom in 1956. The core of this doctrine is the assertion that Communist-ruled states enjoy neither genuine sovereignty nor genuine rights of territorial integrity, that the Soviet Union may at any time it deems proper send troops into any such states in order to pressure Communist rule.

What permits the Soviet Union to issue and even to implement such doctrine is, of course, Soviet military power. This reliance on force and contempt for law must raise fears among others that some day Moscow will decide that the sovereignty and territorial integrity of non-Communist nations is also being interpreted too abstractly and without due attention to class principles.

Questions arise as to the origin and scope of this allegedly new doctrine. It seems that the editorialist who coined the term, which has become an international household word, had in mind an analogy with certain American policy pronouncements now, with the acquiescence of other states, part of customary international law. Analogy with the most famous of these, the Monroe Doctrine, is very tempting, but, as I hope to demonstrate, despite superficial similarity, the so-called Brezhnev Doctrine is precisely its opposite in every respect.

There are three fundamental problems regarding the Brezhnev Doctrine: (1) Can it be attributed to Brezhnev? (2) What is its relation to international law? and (3) What are its real content and implications?

PERSONAL DECISIONMAKING BY COMMUNIST LEADERS IS MINIMAL

Certain aspects revealing a conventional, narrow understanding of the Communist world outlook are usually stressed by authors considering the Brezhnev Doctrine. It is assumed that the *Secretary General* of the Communist Party of the Soviet Union (C.P.S.U.), with the approval of the Politburo, formulated a *new* doctrine of the *limited* sovereignty of a member of the socialist system of states. Yet, there is in Communist-controlled states very little personal decision making by individual leaders, however exalted their positions. The "fraternal assistance" to Czechoslovakia was a vital policy decision of the C.P.S.U. Politburo based on evaluation of the global situation and recommendations by several departments of the C.P.S.U. Central Committee apparatus, of which the present Secretary General is a product. He therefore hardly deserves to be honored as the doctrine's originator.

There is the widespread conviction, also, that this doctrine represents a new foreign policy formula or, at least, a revival of policy discarded after Stalin's death. It is enough, however, to consult earlier Communist documents to see the fallacy of this view.

THE 1957 DECLARATION REAFFIRMS BASIC MARXIST-LENINIST TENET

In 1957, for instance, following the suppression of Polish and East German unrest and the Hungarian uprising of the year before, the ruling Communist Parties of the twelve socialist countries met in Moscow to define the Communist co-ordinated policy for the later 1950s and 1960s. They sought to outline basic rules of conduct to avoid the pitfalls of mechanical copying of C.P.S.U. methods (the so-called dogmatism) and, what was considered even more dangerous, of revisionism of Marxist-Leninist tenets or right-wing opportunism. Their declaration stated:[1]

In our epoch, world development is determined by the course and results of the confrontation [*sorevnovaniye*][2] between two diametrically opposed social systems [socialism versus capitalism]. [In that confrontation] the strengthening of the unity and fraternal cooperation of the socialist [communist-controlled] states and of the Communist and Workers' Parties of all countries and closing the ranks of the international working class, national-liberation and democratic movements take on special importance.[3]

While asserting that "the socialist countries base their relations on the principles of complete equality, respect for territorial integrity, state independence and sovereignty as well as non-interference", the declaration emphasizes that, however important, these principles *"do not exhaust* the essence of their relations". (Emphasis added.) Fraternal, mutual assistance is an integral part of these relations and "finds its expression in the principle of socialist internationalism,"[4] which has thus been elevated to a fundamental doctrine, superimposed on international law in socialist interstate relations.

In order to offset the dangers of revisionism, the twelve participating parties forcefully reaffirmed the correctness of the basic Marxist-Leninist tenet that "the processes of the socialist revolution and socialist construction are governed by a number of basic 'laws,' applicable in all countries embarking on the socialist path."[5] Their declaration then lists these generally valid principles and rules of conduct binding on all Communist Parties, ruling or nonruling alike:

1. Leadership of the toiling masses by the working class, whose vanguard is the Marxist-Leninist Party, in bringing about a proletarian revolution in one form or another [either by peaceful or violent (civil war) means] and in establishing some form of the dictatorship of the proletariat;

2. Alliance of the working class with the bulk of the peasantry and other strata of the toilers;

3. Abolition of capitalist ownership and establishment of public ownership of the basic means of production;

4. Gradual socialist reorganization [collectivization] of agriculture;

5. Planned development of the economy with the aim of building socialism and communism;

6. Completion of a socialist revolution in the sphere of ideology and culture and formation of numerous intelligentsia devoted to the working class, the toilers and the cause of the socialism;

7. Elimination of national oppression and the establishment of equality and fraternal friendship among people;

8. *Defense of the achievements of socialism*[6] [emphasis added] against encroachments of external and internal enemies; solidarity of the working class of a given country with the working class of other countries—proletarian internationalism.[7]

Two observations should be made with regard to the 1957 declaration. The Soviet delegation to the 1957 conference was headed by the then First Secretary of the C.P.S.U. Nikita S. Khrushchev, who, for all his reputation as promoter of peaceful coexistence, in 1956, as will be remembered, had given fraternal military assistance to orthodox Hungarian Communists led by Janos Kadar in their effort to preserve socialist achievements in that country.

Also, the same basic rules for Communist conduct defined in the 1957 declaration are quoted, as we shall see, in Brezhnev's arguments to justify the 1968 Warsaw Pact occupation of Czechoslovakia. A constantly deteriorating situation (from a Communist viewpoint) had developed there, with the local Communist Party in disarray and losing its total control (dictatorship) over the state,[8] resembling the 1956 Hungarian crisis.

In the view of the Warsaw Pact governments this situation fully justified armed intervention, aimed at restoring the Communist Party power monopoly. The non-Communist world, however, branded it as "contrary to every elementary rule of international law, to say nothing of the UN Charter".[9]

It is of major interest, therefore, to look next into the Communist attitude toward these elementary rules of international law, which are essential for normal intercourse among states. Since legal norms are basically rules and guidelines of conduct, whether of individuals or states, the importance of understanding the Soviet legal system and its underlying philosophy cannot be overemphasized in our search for communist policy motivation. Secretary of State William P. Rogers summed it up very well when as Attorney General he wrote in this *Journal:*

"When we talk about competing with International Communism in the realm of ideas, we are talking in large measure about the ideas which are the basis of our legal system."[10]

The so-called Brezhnev Doctrine has often been qualified in the non-Communist world as a doctrine of limited sovereignty, applicable only to a socialist state. What, briefly, is the Communist concept of state sovereignty within the international law context?

STATE CONCEPT DIFFERS FROM TRADITIONAL NOTIONS

The state concept—and sovereignty is an important attribute of the state—as defined in the Marxist-Leninist theory of state and law differs substantially from traditional notions. The theory of the origin, nature and aims of the state was formulated by Lenin, a lawyer by education, who relied heavily on Frederick Engels's work, *The Origin of the Family, Private Property and the State.* As is well known, Engels tied the state's origin to the appearance on the historical scene of private ownership of the means of production and the resulting split of society into antagonistic classes. The state emerged, and continued to exist, as an organ of class rule (slave-owners over slaves, feudal lords over serfs).

At present, Marxist-Leninist theory distinguishes between two basic forms of class society; in one the classes are *hostile* and *antagonistic* towards each other and are engaged in bitter class conflict (bourgeoisie vs.

Footnotes at end of article.

the working class in a capitalist state); the other, after doing away with private ownership of the means of production, is identified by cooperation of *friendly* classes (the working class and *kolkhoz* [collective farm] peasantry in a proletarian-socialist state) in a joint task and aim: building socialism and, ultimately, communism.

Marxism-Leninism disclosed the *class* nature of the state, and, in a society with antagonistic classes, it considers the state as a machine of suppression. "The state"—noted V. I. Lenin—"is a machine used to support the domination of one class over another." The figurative word "machine" immediately indicates the gist of the class nature of the state; it helps to explain that a state like any machine is a tool in the hands of people, a tool which multiplies their strength as representatives of the ruling class. Consequently, the state in its essence is an instrument of a dictatorship—of class domination.[11]

The state in a capitalist society, according to Marxism-Leninism, serves as an instrument for the oppression of the majority (the toiling masses) by the minority (the *bourgeoisie*). The state of the dictatorship of the proletariat, on the other hand, serves as an instrument of suppression of a minority (the remainder of the vanquished exploiting classes) by an overwhelming majority (the working class and the peasants). Only after the complete victory of socialism does the state cease to be an organ of class domination; under socialism it continues to serve as an instrument of political power of the friendly classes of toilers.

POPULAR SOVEREIGNTY IS A FICTION

In theory, the working class rules the proletarian-socialist state and is thus the bearer of its sovereignty. In fact, however, popular sovereignty is a fiction in such a state because of the unique position of the Communist Party, a position equivalent, ultimately, to one of exclusive and total control over the state. The ruling Communist Parties not only formulate policy for all aspects (economic, political and cultural) of society's life, but they also select cadres for the state apparatus who carry out and supervise their policy.[12] This is justified by the party's claim to be the vanguard of the working class in its revolutionary mission to transform the world.

The class character of the Communist-controlled party-state and, consequently, of its sovereignty introduces a new international or, better to say, supranational concept into interstate relations between socialist states themselves as well as between "capitalist" and "socialist" states.

In their interstate or, rather, interparty relations, Communist-controlled states claim to be primarily guided by the principles of socialist internationalism and not by general international law,[13] although, Soviet jurists assert:

"The socialist states consistently uphold the observance in international intercourse of the generally recognized democratic principles of international legality and law . . . they are inserting a new content into old legal forms, a new quality arising from the *socialist* character of those states."[14] [Emphasis added.]

This process is being described as the formation of a separate socialist international law, which will gradually replace general international law "when the world socialist system will occupy a dominant position in all areas of international relations".[15]

Meanwhile, intercourse between socialist and capitalist states is allegedly regulated by norms of general international law, often called by Communist jurists "the Law of Peaceful Coexistence" between states of the two antagonistic social systems. It is not a law of peaceful intercourse in the traditional, non-Communist meaning, but a set of norms operating in a historical situation characterized by the absence of major (nuclear) conflict between the two systems, whose "coexistence" is described as:

A specific form of class struggle between socialism and capitalism in the international arena. . . . Peaceful coexistence between the two systems does not exclude revolutions in the form of armed uprisings and just national liberation wars against imperialist oppression, which occur within the capitalist system.[16]

In this context the international law principles of the sovereignty of a capitalist state and noninterference in its internal affairs, despite formal acceptance by the Communists, are logically also subordinated to the overriding aims of class struggle (for example, international civil war) and are devoid of traditional significance.

It appears that the negative influence of the Brezhnev Doctrine on international law's validity is self-evident.

BREZHNEV'S ROLE HELPS TO EXPLAIN HIS DOCTRINE

For an understanding of the real content and implications of the Brezhnev Doctrine, we must return to Brezhnev's role, even though the doctrine may not be so new and he is not its author. It would be a great mistake to minimize the influence of this most important representative of the C.P.S.U. Central Committee apparatus, which wields enormous power emanating from the party's totalitarian control over the Soviet state and, indirectly, even over the world socialist system. In his public pronouncements the Secretary General interprets and communicates to the world the genuine "Brezhnev Doctrine", a complex set of concepts and motivations which make the C.P.S.U. and other Communist Parties "tick", despite their "rifts". We speak here, of course, of the Communist world view, the Marxist-Leninist doctrine, which is the global, ideological framework of the Communist Parties.

In a recent collection of speeches and articles the Secretary General summarizes "the Party's experience in directing communist construction and the foreign policy of the USSR".[17] It is C.P.S.U. directed foreign policy interpreted by Brezhnev, then, that will offer us an insight into the problem of "sovereign" relations among communist-controlled states, and, ultimately, also, between those states and their noncommunist counterparts.

INVASION OF CZECHOSLOVAKIA HAS BEEN AN IMPORTANT TOPIC

The invasion of Czechoslovakia in August, 1968, a critical foreign policy decision within the socialist system, has been an important topic in Brezhnev's speeches. On November 12, 1968, his address to the Congress of the Polish United Workers (*i.e.*, Communist) Party showed not only concern with a local (Czechoslovak) problem but reflected the communist global view:

"We are living, comrades, in a complicated, stormy and interesting time. The revolutionary process, which centers around the *confrontation of the two principal social systems* of our epoch—socialism and capitalism— is progressing irresistibly."[18] [Emphasis added.]

He admonishes the Communists of the socialist countries that the recent activization in Czechoslovakia of forces hostile to socialism should be understood in terms of this confrontation and that—

It is vitally important . . . to carry high the banner of socialist internationalism and constantly strengthen the solidarity and cohesion of the socialist countries.[19]

Despite remarks in support of the observance of traditional sovereignty of all states, Brezhnev emphasizes the special importance for the Communists of defending the sovereignty of states which have chosen the road of building socialism. He equates the sovereignty of a socialist country with building "a society free of every oppression and exploitation". True consolidation of sovereignty and independence requires that—

Each socialist country determine the concrete forms of its development along the path toward socialism, while taking into account the specific character of its national conditions.[20]

But, Brezhnev warns, in order to uphold "socialist" sovereignty:

"There exist also *generally binding principles* of socialist construction, whose neglect could lead to a retreat from socialism. . . . And when internal and external forces hostile to socialism make an attempt to reverse the development of a socialist country *in the direction of the restoration of the capitalist system* . . . then this threat represents not only a problem for the people of that country, but a common problem and task of all socialist countries."[21] [Emphasis added.]

Mutual fraternal assistance, based on principles of socialist internationalism, includes, according to Brezhnev, direct military intervention, even though only as "an extraordinary measure, in order to nip in the bud the threat to the socialist order".

Brezhnev did not elaborate on these generally binding principles and rules, knowing quite well that his host, Gomulka, was one of the signers of the 1957 declaration of the twelve Communist and Workers' Parties that spelled them out in detail.

Two years later, in a monumental discourse, "The Work of Lenin Lives and Triumphs", on April 21, 1970, Brezhnev again reminded his listeners, Communists and sympathizers from practically every country in the world, of the "collapse" of the antisocialist plot in Czechoslovakia, proving "the great importance of the international solidarity of the socialist countries". He remarked, "Neither our friends nor our enemies doubt its force and effectiveness—and that is very good."

When we compare this speech with the 1957 Moscow Declaration, the remarkable continuity of Marxist-Leninist thinking should not surprise us. Prepared by the same apparatus, it repeats the declaration's main points almost word for word: The path of different countries to socialism, and the socialist system itself, are characterized—"as has been emphasized by the fraternal Parties"—by "common landmarks", the socialist revolution in some form which crushes the state machinery of the exploiters and replaces it by the state (dictatorship) of the proletariat; the proletarian (socialist) state, which, in turn, liquidates the exploiter classes, socializes the means of production and inaugurates a cultural revolution in Lenin's meaning.

As for the socialist system once constructed, its fundamental obligatory characteristics are: the rule of the toilers, implemented through the control of the Marxist-Leninist party over society's development; social ownership of the means of production and a planned economy; education of the entire people in the spirit of the ideology of scientific communism; and, last but not least, a foreign policy based on the principles of proletarian-socialist internationalism.

Bearing in mind the doctrinal continuity displayed by the C.P.S.U. apparatus, it is only natural that Brezhnev should publicly deny not only authorship but also the very existence of a "Brezhnev" doctrine. Speaking in Moscow on June 9, 1969, before an international conference of seventy-five Communist and Workers' Parties held to consider the tasks of the struggle against imperialism, he accused "the imperialist propagandists" of having—

Footnotes at end of article.

Fabricated and circulated the notorious doctrine of limited sovereignty [and of] slandering the principle of proletarian internationalism by contrasting it *artificially* with the principles of independence, sovereignty and equality of national detachments of the workers' and communist movement [Communist Parties].[22] [Emphasis added.]

In support of his argument he quoted as "by no means obsolete" Lenin's definition: "to be an internationalist means to do the utmost possible in one country *for* the promotion support and stirring up of revolution *in all countries.*"[23]

The genuine "Brezhnev Doctrine" is, then, a restatement of the Marxist-Leninist world view; a world engulfed in an irreconcilable confrontation between the two antagonistic socioeconomic systems—capitalism and socialism—which is bound to end with a revolutionary transformation of capitalist society according to Marxist-Leninist tenets. To this supranational revolutionary end *evertyhing* is subordinated, including interests of whole nations (their sovereignty, equality, independence, etc.) as well as the interests of individuals, irrespective of whether they are part of the capitalist or socialist system.

The present Secretary General may, of course, at some future date be replaced by another *apparatchik* (prominent member of the C.P.S.U. Central Committee apparatus), who will continue promoting the Marxist-Leninist doctrine, the true driving force behind the Communist effort.

FOOTNOTES

[1] Pravda, November 22, 1957, page 1. Represented were the Communist Parties of Albania, Bulgaria, Hungary, Vietnam, East Germany, China, North Korea, Mongolia, Poland, Rumania, the U.S.S.R., Czechoslovakia and Yugoslavia. All but Yugoslavia signed the document.

[2] The widely used English equivalent, "competition", is a misleading translation in the author's opinion, since it does not reflect this struggle's irreconcilable charter.

[3] Pravda, November 22, 1957, page 1.

[4] *Ibid.*

[5] *Ibid.*

[6] *"Zavoyevaniya sotsializma"* (achievements of socialism), in the author's opinion, is better translated literally "conquests of socialism", since it reflects the Communist large-scale application of crude force and legalized error in transforming society.

[7] Pravda, November 22, 1967, page 1.

[8] Read a more detailed analysis of the situation in the author's brochure. The Soviet Doctrine of Sovereignty, the So-Called Brezhnev Doctrine, published by the American Bar Association Standing Committee on Education About Communism and Its Contrast With Liberty Under Law (1970).

[9] The New York Times, September 28, 1968, page 32.

[10] Roger, *Our Great Goal: Peace Under Law,* 45 A.B.A.J. 1181 (1959).

[11] Fundamentals of the Theory of State and Law [in Russia], legal textbook of the Sverdlovsk Law Institute (1969).

[12] *Id.* at 197–198.

[13] Tunkin, Theory of International Law [in Russian] 504 (1970).

[14] Korovin, *Proletarian Internationalism and International Law,* Soviet Yearbook of International Law—1958 [in Russian] 55 (1959).

[15] Usenko, *International Law in the Intercourse of Socialist Countries,* Soviet Yearbook of International Law—1966–1967 [in Russian] 44 (1968).

[16] 4 *Philosophical Encyclopedia* [in Russian] at 452–454.

[17] Brezhnev, The Leninist Policy Course: Speeches and Articles 1964–1970 ([in Russian] 3.

[18] *Id.,* Volume 2, at 325.

[19] *Id.* at 328.

[20] *Id.* at 329.

[21] *Ibid.*

[22] *Id.* at 397.

[23] *Ibid.*

CURRENT STRIKES CRIPPLE OREGON FOREST PRODUCTS INDUSTRY

Mr. HATFIELD. Mr. President, I think we are all familiar with the crippling effect that the west coast dock strike, now in its fourth week, is having on our commerce with the Orient. The work stoppage has tied up ships and halted trade in ports from southern California to Puget Sound.

I want to bring to the attention of the Senate the particularly devastating effect the strike is having on the forest products industry, specifically on the wood chip market.

Chips and other residue at sawmills, plywood mills, and other plants are amassing at a dangerous rate. With space to store them dwindling rapidly, the sawmills themselves are threatened with a shutdown. Such a calamity, if it occurs, will have national consequences. Already there are some threats to the economy.

Pyramiding the disastrous effects of the dock strike is the railroad strike, which hit the Union Pacific and Southern Railroad last week. Now the Southern Pacific is shut down. Due to the railroad strike, chips and wood residue—along with lumber itself—cannot be moved, in many cases, from even the wood processing plants, let alone be shipped overseas, where much of it ordinarily is bound.

Tying up these shipments—which are mainly to Japan—wreaks its effect on our balance of payments. And this at a time when the Nation is trying desperately to improve our balance-of-payments position. Until this interruption, the volume of chip exports was on the rise.

I ask unanimous consent that an article from the June 1971 Pulpwood Annual showing this rise appear at the end of my remarks.

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

(See exhibit 1.)

Mr. HATFIELD. Another threat to our economy as a result of this situation is the fact that a shortage of lumber and lumber products will mean higher prices in building construction. This is another calamity, for we in Congress have set a national goal of 26 million new and rehabilitated housing units in this decade. We do not want to be priced out of that goal.

In the West, many small communities are entirely dependent upon the wood industry for their livelihood. In these one-industry towns a shutdown of a sawmill or a plywood plant means a shutdown of the town.

Take the town of Kinzua, Oreg., for instance. A shutdown of the lumber mill there means unemployment for the 350 of the 500-odd residents. The mill produces an average of 10 carloads of finished lumber and wood chips a day. These are hauled out on a company line and picked up by the Union Pacific. With the Union Pacific closed down by the strike there is no way for Kinzua to ship its lumber products.

The Portland Oregonian newspaper was told by the mill's general manager that continuation of the strike past the middle of this week will mean real trouble. He said that lumber produced there can be stored but the big problem is what to do with the chips—that is, the residue. If the strike lasts much longer than this week a total shutdown will have to be considered, the official said.

The worries at Kinzua are echoed in dozens of little lumber towns in eastern Oregon and along the Columbia River.

Communications from numerous lumber and plywood companies tell the same story.

U.S. Plywood-Champion Papers, Inc., at Eugene, Oreg., reports:

> We are at our chip storage capacity right now and are facing plant shutdowns.

Cliff Pearson, vice president of the Roseburg Lumber Co., Roseburg, Oreg., says:

> It's a question of how long we can continue to pile up chips which should go to Japan out of Coos Bay. But even more important, in my opinion, is how we are going to pick these chips up again. In other words, we'll have to handle current chip shipments at the same time that we must get rid of the tremendous inventory created by the strike. Yet there are no more boats and no more rail cars available.

Emory E. Moore, president of Vanply, Inc., of Albany, Oreg., reports his company has a 30-day supply of Philippine mahogany for its prefinishing and lauan siding operations and after that "we'll be down." He said:

> Our export chips are piling up. We'll have no more room by Labor Day and would be forced to shut down.

Says William Swindells, Jr., senior vice president at Willamette Industries, Inc., Portland Oreg.:

> Box car shortages are intensified since shipments of lumber destined for overseas are under an embargo. Therefore, much needed cars stand loaded in the port areas. Lumber we are unable to ship sits out in the sun. Meanwhile our orders are going to Canadian manufacturers with the possibility that we may suffer a permanent loss of business.

Needless to say, these problems for the producers and suppliers are matched by problems for the consumer. The stoppage can lead to shutdowns of other businesses and to higher prices for all concerned.

The handling of chips and other residue by the lumber industry in recent years represents a giant step forward. Not so many years ago, most of this residue incurred in the process of preparing timber for the market was regarded as waste. To dispose of it, much of it was burned.

However, increased efficiency and improved technology in the industry has found new uses for these former wastes. In addition to being used as fuel to produce electric power at some sawmills, the residue now is utilized in the production of new products like hardboard and particleboard. It also is used as mulch and other soil additions in agriculture and gardening as well as in the production of pulp and paper. In addition, there are

lesser products such as wood flour and manufactured fuel logs. In fact, more than three-fourths of all mill residues now are put to use. The forest products industry may soon be able to say that it uses all but the whine of the saw.

It is obvious that the uses to which wood industry residues are put to use eliminate the sources of much solid waste pollution as well as air pollution, which results from the burning of the wastes.

The untoward accumulation of chips and other residue at wood industry plants due to the shutdowns in shipping and railroads brings a new threat of air pollution. If the residue cannot be moved, it may have to be burned. Burning would be in conflict with air pollution control measures and, in some cases, in violation of new State and local laws against burning.

Further, the revenues lost from the erosion of a part of the residue chip market would have to be made up from higher lumber and plywood prices or by lower stumpage prices for timber growers. Higher product prices would add to the rising cost of housing.

The possible accumulation of residue at wood plants can be envisioned when one considers the total residue production around the country. It is upwards of 4 billion cubic feet per year, including both the currently used and unused residue.

Nationwide, mill residues account for about 30 percent of the 64 million cords of domestically produced virgin fiber consumed in pulp mills. In the South mill residues account for 20 percent and in the West mill residues are the major supply to pulp mills.

Industry, consumer and Government alike are harmed by the prolonged shutdown at our west coast ports and by the railroad strike.

It is to the interest of all of us—in the Congress, the administration, and the general public—to accelerate efforts to settle the strike of the International Longshoremen's Union at our west coast ports, the United Transportation Union walkout at the railroads and the long strike of the Western Pulp and Paper Workers against six Weyerhaeuser pulp plants.

EXHIBIT 1

A BRIEF LOOK AT THE WORLD OF CHIP EXPORTS; AN EXAMINATION OF CURRENT AND FUTURE TRENDS IN CHIP EXPORTS IN THE PACIFIC NORTHWEST REGION

(By William E. Davis)

This report is not intended as a definitive survey of the chip export world. Rather, it is offered as a general overview of the subject, with a look at current trends and what's likely to happen in the near future in the Oregon and Washington area.

Last year chip exports to Japan from Washington, Oregon and California ports amounted to some 1,759,000 bone-dry units. The volume of exported chips is currently on the rise and it is expected that last year's total volume will be exceeded. A species breakdown shows that about 95% of the material exported is Douglas fir, with the remainder being primarily hemlock from the Columbia River region.

HIGHER PRICES APPARENT IN CONTRACTS

In the area of contracts, the new ones are reflecting steep price escalations (during the fourth quarter of last year, the value per short ton from the Oregon Custom District stood at $19.83 and from Washington at $20.13). Terms of the new contracts are long—5 to 10 years—but there is a move to renegotiate prices every year. One Japanese company is currently contemplating negotiating prices every six months.

A look at chip sources reveals that chips for the domestic and export markets are still largely supplied from outside sources such as sawmills, plywood plants etc. Because of high chip prices, however, many of the larger pulp and paper companies are starting to install their own chip plants and curtail, or cut out completely, buying chips from outside sources. But, as in the past, it still remains standard operating procedure for the big pulp and paper companies to help smaller sawmills and plywood plants finance chipping and chip transportation equipment.

Experience is showing that the independent chip plant operators are successful only to the extent that they have the ability to store chips, or shut down completely, when there is an oversupply. With this flexibility there seems to be a bright future for these plants.

PROFITABLE TRANSPORT DISTANCE IS UNKNOWN

From the chipping site to the export site, how far can you transport chips and still make a profit? At present this seems to be an open question. A new export facility at Coos Bay, Oregon, which will start operation in July and ship 12,000 monthly, plans to bring in chips from as far away as Colorado, Utah, Montana and Idaho. So, there seems to be no prescribed formula for success based on some average hauling distance.

What kind of chip volume is being exported monthly? Since much of the data concerning chip exports is considered confidential by the major exporting companies, it is difficult to gather specific information. However, listed below are the five major exporting companies as well as the size and number of ships used monthly.

WHAT THE MAJOR COMPANIES SHIP OUT

Each month Weyerhaeuser Co. sends nine ships to Japan. These ships break down as follows: one 6,000-unit, six 8,000-unit, one 12,000-unit and one 14,000-unit. This gives Weyerhaeuser a total shipping capacity of 80,000 units per month.

Roseburg Lumber Co. sends out 30,000 units monthly in two 8,000-unit ships and one 14,000-unit ship. This company will have another 14,000-unit ship coming on the line in July.

U.S. Plywood-Champion Papers ships out 26,000 units monthly in three 6,000-unit vessels and one 8,000-unit vessel.

Georgia-Pacific Corp. exports 20,000 units per month in two 6,000-unit and one 8,000-unit vessels.

International Paper Co. at Longview, Washington, sends Japan 16,000 units monthly in two 8,000-unit ships.

Since Japan is also importing an increasing volume of chips from countries such as Canada, New Zealand, Australia and Malaysia (Japan's talks on pulpwood supply with the U.S.S.R. apparently been slowed considerably), U.S. chip prices must remain competitive, but overall, the chip export future appears bright.

As mentioned earlier, the 1971 volume of chips exported is expected to be higher than last year's volume. In addition to the new export facility at Coos Bay, several major companies are exploring the possibility of exporting chips from Portland.

PRESENT PRICE DECLINE SEEN AS TEMPORARY

At present there is a surplus of chips on the market as a result of a cutback in pulp production (by as much as 30% in some companies), and the volume of chips produced by satellite chipping plants. This has caused chip prices to decline somewhat, but chip producers see this as temporary and look to the future optimistically.

During the times of lagging chip prices many observers see pulp export as becoming increasingly important, and view the Communist countries (particularly in view of the thawing relationship between the U.S. and People's Rep. of China) as representing a great potential market. The long-term chip future should remain bright, as additional U.S. pulp capacity goes to captive domestic markets. The trend to long-term chip contracts supports this view.

In British Columbia, Alberta, and Saskatchewan, pulp expansion is directed to more market pulp, but much of it is for U.S. mills.

ZERO DEPLOYMENT

Mr. HART. Mr. President, over the past weekend, the press has carried a number of stories about what is reported to be this Nation's latest proposal for an arms limitation agreement with the Soviet Union.

One section of the reported proposal would permit each nation to install an ABM system around its capital or at three sites to protect land-based missiles.

Without pretending to know whether the stories are accurate, but on the possibility that the report was leaked as a trial balloon, I would like to make one comment on the proposal. Actually, the comment is just to reaffirm a position I have long held and is appropriate to the SALT talks, whether or not the reports are correct.

History indicates that we have been most successful in securing arms limitation agreements when we have exercised restraint. That was the posture this Nation took in securing agreements to ban nuclear weapons in the Antarctic, to ban nuclear testing in the atmosphere, and to halt proliferation of nuclear weapons. The nations did not reach agreements when the United States had a monopoly on nuclear warheads or when the Soviet Union held a commanding lead in the development of intercontinental missile delivery systems.

A position seeking zero or minimum deployment of additional nuclear weapons also makes sense when both nations already have enough such weapons to destroy each other several times over.

It is with these thoughts in mind then that I urge the United States to seek a SALT agreement based on deployment of as few additional nuclear weapons as possible.

Prof. Marshall D. Shulman, director of Columbia University's Russian Institute, offered comments on this approach when he testified before a Senate Foreign Relations subcommittee on July 14.

I ask unanimous consent that excerpts from Dr. Shulman's testimony, as printed in yesterday's Washington Post, be printed in the RECORD.

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

THE "BARGAINING CHIP" AS A SALT STRATEGY

It is worth noting that in the internal debates on SALT within the Soviet Union, such U.S. efforts to force the pace of the strategic competition as the deployment of Safeguard and MIRV have had the effect of weakening the case of those in the Soviet Union who have argued that arrangements with the United States for the stabilization

of the strategic arms competition are possible. . . .

It is also clear that the effect of the "bargaining chip" rationale for further armament measures by the United States has been the opposite of what was intended. Although it is true that these measures have put before the Soviet leadership the prospect of a further expensive round in the arms competition as the alternative to a SALT agreement, what is more significant is that the Soviet leadership feels itself obliged to match each step with comparable measures, for it cannot allow itself, for both domestic and international reasons, to be pressured into an agreement on unfavorable terms. Perhaps the "bargaining chip" theory may be sound diplomacy under some circumstances, but it is clear that in the strategic weapons field it provides dynamism for the arms race. . . .

Over the long run, it would seem more effective for the United States to base its negotiating tactics and its military procurements on the principle that security in the realm of strategic weapons is best served by a stable equilibrium at as moderate a level as can be managed through explicit or tacit agreement with our adversaries. To achieve this will require us to break the cycle of interaction between the two countries by the exercise of political leadership, deciding military policies in terms of this conception of security rather than leaving them to be decided by the pressures of the military services, the upward tug of technology, the overaction of military planners, or the misguided rationalizations of self-deceptive bargaining techniques.

SUPREME COURT RULINGS

Mr. THURMOND. Mr. President, liberals everywhere are applauding the recent Supreme Court ruling upholding the right of the New York Times to publish the purloined Pentagon papers. Implicit in this decision was the premise that the Government should avoid "prior restraint."

But what is it but prior restraint when the Federal Government can compel the States to submit in advance any proposed legislation they have for approval by Federal agents? Such restraint has been imposed upon Southern States for several years now.

When South Carolina challenged the Voting Rights Act in the Supreme Court, many of the same Justices who opposed "prior restraint" against the New York Times indicated their approval when such restraint was aimed at Southern State laws. As Justice Black correctly pointed out, such a Federal law "approaches dangerously near to wiping out the States as useful and effective units in the Government of our country."

Mr. President, an editorial published in the July 8 issue of the State of Columbia, S.C., correctly reveals the double standard of which I speak.

I ask unanimous consent that the editorial, entitled "New York Times and the South Receive Uneven Justice," be printed in the RECORD.

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

NEW YORK TIMES AND THE SOUTH RECEIVE UNEVEN JUSTICE

At the root of the Supreme Court decision upholding the right of the *New York Times* to publish the purloined Pentagon Papers was an oft-stated premise that the government should avoid "prior restraint."

Would that the same court had been as concerned about prior restraint five years ago when it validated a congressional statute which clearly imposed prior restraint on South Carolina and other Southern states. We refer to the Voting Rights Act of 1965 and, in particular, Section 5 of that act.

Let it be recalled that a vindictive Democratic Congress, miffed that a number of Southern states had forsaken the Democrats and supported Republican Barry Goldwater in the 1964 presidential election, undertook to penalize the offending states with hobbling controls.

Without requiring any showing of illegal or discriminatory conduct as a prerequisite for punitive controls, the Congress simply lumped together those states in which voters had not cast ballots in numbers satisfactory to congressional evaluators.

Such states (all Southern with the exception of Alaska) were required to suspend their literacy tests for voters, irrespective of any factual showing as to whether the tests had been abused.

Furthermore, the states were prohibited from altering their election laws without prior approval (the corollary of prior restraint) by either the federal judiciary or the office of the Attorney General of the U.S.

When South Carolina challenged the Voting Rights Act in the Supreme Court, many of the same justices who decried "prior restraint" against the *New York Times* subscribed fully to the proposition that such restraint could be properly applied against suspect Southern states.

Only Justice Hugo Black lodged any substantial complaint against such high-handed procedure. (This was, to be sure, before Chief Justice Warren Burger and Associate Justice Harry Blackmun joined the court.) Said Mr. Justice Black:

"A federal law which assumes the power to compel the States to submit in advance any proposed legislation they have for approval by federal agents approaches dangerously near to wiping out the States as useful and effective units in the government of our country."

Just a few weeks ago, a three-judge federal court in Mississippi revived Black's dissenting views in the South Carolina case and applied them to a situation which found Mississippi caught in the procedural vise of the Voting Rights Act. Regretfully, the Mississippi judges pointed out that as members of an inferior court they had no choice but to follow the precedent set by the Supreme Court's majority in the South Carolina case.

But that necessity did not keep them from observing:

"If we were free to perform our judicial duties according to our ability and agreeably to our understanding of the Constitution of the United States, we would, to a man, concur with Mr. Justice Black's views that Section 5 of the Voting Rights Act of 1965 is clearly unconstitutional . . .

"In the case at bar, the application of the vicious 'conquered province' theory embodied in this section is uniquely opprobrious because of the State of Mississippi's humiliation in bringing its laws to Washington for bureaucratic approval has been met with an obtuse, patronizing failure by the federal government official to discharge the duties Congress placed upon him. The unhappy result is that additional coals of discord are heaped upon the head of an already strained federalism."

Is it too much to ask that the Supreme Court of the United States accord South Carolina and other Southern states the same relief from prior restraint that it grants to the *New York Times*?

GOVERNOR'S MERIT AWARD TO MISS LONETTA SUBLETT

Mr. COOK. Mr. President, recently one of Kentucky's school systems, the Taylor County school system, was awarded the Governor's Merit Award for outstanding education innovation in the use of an audio informational retrieval system.

Miss Lonetta Sublett, superintendent of the Taylor County school system, applied to the U.S. Department of Education for the grant and was honored for her leadership and achievement by the Governor at the executive mansion.

I commend Miss Sublett on her sincere interest in the betterment of our schools and in her progressive attempts to individualize education. The money was made available to the Taylor County school system through Federal funds and is just another indication of how our tax money can be used effectively. Our educational programs need our continued support when they can produce such results.

I ask unanimous consent that the article published in the Central Kentucky News on Miss Sublett's success be printed in the RECORD.

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

TAYLOR SCHOOL SYSTEM HONORED

The Taylor County School System has been awarded the "Governor's Merit Award", for "outstanding educational innovation in the use of an audio informational retrieval system."

The award was presented to School Superintendent Miss Lonetta Sublett, by Governor Louie B. Nunn in ceremonies at the state capitol on Thursday afternoon of last week.

The audio retrieval system, is one of many innovations started during Miss Sublett's tenure as superintendent, and was installed by use of federal funds from the United States Office of Education in a grant applied for by Miss Sublett and handled through the Kentucky Department of Education.

Present in the House of Representatives' Chamber last week as the governor greeted some 160 state educators was Mrs. Spiro T. Agnew.

The schools were lauded for following a total school innovative approach, offering every student a learning experience that permits maximum individual achievement.

A reception for the winners and guest was held at the Executive Mansion following presentation of the awards.

U.S. INVOLVEMENT IN INDOCHINA

Mr. HATFIELD. Mr. President, Mr. Morton Halperin and Mr. Leslie Gelb wrote a guest editorial in the July 16 issue of Life magazine entitled "What Chance is 'Reasonable' in Vietnam? Mr. Halperin and Mr. Gelb are well qualified to write on our involvement in Indochina. Mr. Halperin served as Deputy Assistant Secretary of Defense, and then as a member of President Nixon's National Security Council staff. Mr. Gelb, while in the Defense Department, directed the preparation of the now famous Pentagon Papers. Thus, their thinking deserves our careful attention. In their editorial, they make the argument in favor of a

date certain for our total withdrawal, and contrast that with the alternatives that seem to be pursued by the administration.

With the President's dramatic announcement about his forthcoming trip to China, there has been much speculation about the future of our involvement in Indochina.

My conclusion is that it is now all the more imperative for Congress to legislate a date for our total military withdrawal. In my judgment, such an action, as advocated by these experts, would be a momentous step in preparing the climate for the President's journey of peace to the People's Republic of China.

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

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

WHAT CHANCE IS "REASONABLE" IN VIETNAM?
(By Leslie H. Gelb and Morton H. Halperin)

With presidential adviser Henry A. Kissinger coming home from a "fact-finding" trip to Saigon and Paris, the Nixon administration is in the midst of yet another reappraisal of American Vietnam policy. The Pentagon papers indicate that such reevaluations are episodic. As in the past, the public can only be dimly aware of what options are being seriously debated. The President's choice involves as much what he decides to tell the American people as what he decides to do.

We believe that only an unambiguous public gesture can now end the divisions in our country. The Senate for the first time has gone on record in favor of a complete withdrawal within nine months. The publication of the Pentagon papers has intensified the debate about governmental credibility. And, in the midst of this, the Vietcong on July 1 put forward another in a long line of peace proposals.

This new seven-point proposal, like its predecessors, is a construct of Marxist rhetoric and Talmudic precision. The Vietnamese Communists use words very carefully to state their position in a way that raises hopes without giving anything away. They present a familiar list of moral imperatives that the United States "must" do in order to bring peace to Vietnam: ending "Vietnamization," dismantling all bases, withdrawing "all troops, military personnel, weapons, war materials," bring about a coalition government.

But in the following paragraph, which enunciates their conditions for action, as distinguished from the moral imperatives, they simply state: "If the U.S. sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of U.S. forces [and Allied forces], the parties will at the same time agree on" 1) safe withdrawal and 2) the release of American POWs, beginning and ending with the withdrawal of U.S. forces.

The message seems to be this: if we set a 1971 terminal date, there will be a ceasefire against American forces, a concurrent release of prisoners, and ostensibly no prohibitions on future American military and economic assistance to the Saigon regime. This interpretation is supported by North Vietnam's Le Duc Tho in his press interview of July 6.

We cannot be certain that this is really Hanoi's meaning. In the past, when we asked them what such and such a phrase meant, they only would say that we should look at the totality of their proposal. Thus we can only learn what they mean by putting forward a concrete proposal of our own which includes a terminal date for our presence and simultaneous release of prisoners.

Of course, if release of our POWs alone were our basic goal, the President would have every reason to accept the Hanoi position. But the real issue is, as it has always been, how important a non-Communist Vietnam is to American security. In this regard, everything that the President has *said* indicates that his Vietnam policy is not much different from that of each of his post-World War II predecessors. His stated goal is, as their goal was, a non-Communist South Vietnam. For President Truman, that meant beginning a program of military assistance to enable the French to fight the Vietminh. For President Eisenhower, it meant massive aid totaling 80 percent of the French effort in 1954 and, after the Geneva Conference, the introduction of an American military mission. For President Kennedy, it meant sending 15,000 American advisers to Vietnam and meddling in South Vietnamese domestic politics. For President Johnson, it meant Americanization of the war. For President Nixon, it is Vietnamization with phased withdrawal of American troops, along with invasions of Laos and Cambodia. The American policy in Vietnam is now described by President Nixon as assuring a "reasonable chance" for survival of the Saigon government. The difficulty is not with the phrase but with what meaning it is given. In fact, "reasonable chance" reasonably defined could provide a basis for uniting the American people.

So far, however, "reasonable chance" seems to add up to an ambiguous holding action: it has meant withdrawing most of the American forces in order to cut American casualties and costs, thereby, the President hopes, maintaining domestic support for the war. It has meant withdrawing slowly enough with hawkish enough rhetoric to reduce the chances of what the President has called "a nightmare of recrimination"—the right-wing reaction.

It seems to portend keeping two American residual forces in the battle as long as necessary: one on the ground in Vietnam providing assistance to the South Vietnamese and defending itself, and the other in Thailand and offshore on carriers conducting bombing raids throughout Indochina. It surely will mean continuing large-scale military and economic assistance to the South Vietnamese government.

While these actions can be interpreted in various ways, they are consistent with the notion that the President is doing everything that our domestic politics will permit to support the current Saigon government for the indefinite future.

Many would argue that we have long since given the Saigon government a "reasonable chance." We have fought their war for them for six years, killing many of the best enemy troops. At least for the past three years, we have given top priority to the equipping and training of South Vietnamese forces. The Saigon government has an army larger than its opponents, and it can draw ample recruits from the population under its control. These facts do not mean that the Saigon government would survive a complete American withdrawal. The simple truth is that we do not understand much more about South Vietnam today than we did in 1946, and we just do not know whether the Saigon government can survive or not.

President Nixon is really asking for continued American support for the war—for what everyone, including the President himself, seems to concede is only a marginal improvement of an uncertain chance that the current Saigon government will indeed be able to survive.

What the President hopes to gain is surely more than overbalanced by what he risks in continuing the war.

First, whatever Hanoi's current terms are, they are almost certain to increase as the size of our force diminishes. When 50,000 or fewer American troops are left in South Vietnam, Hanoi might demand that the United States also cease aid to Saigon and perhaps even change that government in return for the release of the prisoners.

A second risk is that if Hanoi does step up military pressure against this shrunken American force, the President might feel that he had no alternative than to respond by what he has called "decisive escalation" against North Vietnam. Most observers would say that the President simply cannot afford the domestic political repercussions of escalation now. But most of them were saying that before Laos and Cambodia. Indeed, most U.S. escalations of the war were preceded by predictions that they would not occur.

Beyond these two risks lies a third: namely, the risk of breaking the fragile link of trust between the President and the people. Presidents always want to keep open their options and retain their flexibility. But when the issue is Vietnam today, the President's desire for ambiguity must give way to the public's right to clarity.

President Nixon seems prepared to run these risks for two reasons. He still believes what most Southeast Asian specialists, including those within the government, have long since ceased to believe: that prospects for a "generation of peace" depends on the outcome in Vietnam.

The president also fears the growth of radicalism at home. Such domestic reaction is indeed something to worry about. The political left has started calling for war crimes trials. Their goal seems to be to establish wide-ranging individual, if not national, guilt. The Calley trial sparked the political right. Their goal will be to find out who is to blame for America's not winning this war. This emerging "scapegoatism" is frightening. President Nixon is on the mark here.

It is now the President's obligation to unite the country by stating an unambiguous policy. The new NLF proposal opens the way for doing so by apparently allowing the President to define "reasonable chance" as an American withdrawal with the Saigon government free to receive American military and economic aid. If President Nixon were to define "reasonable chance" in these terms, few here would quarrel with that decision, and it would almost certainly open the way at last to an end to our military involvement in Indochina.

It may well be the only way to give ourselves—these United States—a reasonable chance.

CAMPAIGN REFORM

Mr. PROUTY. Mr. President, several days ago, the distinguished Republican leader (Mr. SCOTT) placed in the RECORD an itemized account of all outstanding debts and negotiated settlements associated with the last few election campaigns. This list set out in detail "who owes how much to whom and for how long."

If campaign reform is to mean anything at all, it certainly should mean that no candidate is entitled to a special advantage over his opponent. As the ranking Republican member of the Committee on Rules and Administration, I supported Senator SCOTT's amendment prohibiting the extension of unsecured credit to candidates by certain businesses because I felt that the amendment put everyone on notice that no one is entitled to a free ride.

Mr. President, I ask unanimous consent to have printed in the RECORD several news accounts pertaining to Senator SCOTT's investigation and his amendment.

There being no objection, the items

were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, July 24, 1971]

WHEN THE CANDIDATES FLY NOW, NOBODY BOTHERS TO PAY LATER

WASHINGTON.—Airlines are stuck with over $2.1 million in unpaid debts run up by political candidates and their campaign organizations. Telephone companies have nearly $400,000 in similar unpaid bills.

In addition to the Democratic and Republican National Committees, debtors listed include President Nixon, the late Robert F. Kennedy, Senator Hubert H. Humphrey (D., Minn.) and former Senator Eugene J. McCarthy (D., Minn.).

The Senate GOP leader, Hugh Scott, put the figures in the *Congressional Record* yesterday in urging adoption of an election-reform bill amendment to curb political deadbeats.

"This business of trying to run political campaigns on the cuff is distinctly unfair and places a burden which not only should not be on the companies but is actually forcing them into making involuntary and illegal contributions," the Pennsylvanian told the Senate.

In talking with newsmen he jibed at Mr. McCarthy, who he said apparently is going to run for President again, as one "who doesn't run a shirt-sleeve campaign but one on the cuff."

Examination of the documents Mr. Scott put on record showed that American Airlines alone reported that as of last April 30 it had outstanding debts of $1,337,834 incurred by candidates for federal office from 1962 on.

LISTING OF DEBTS

Here is the list it gave of candidates or political organizations and the amount owed by each:

Republican National Finance Committee, $151,871; Richard M. Nixon, $69,376; National Democratic Committee, $426,833; Robert F. Kennedy, $415,120; Hubert H. Humphrey, $138,762, and McCarthy for President, $135,872.

R. M. Bressler, vice president and treasurer of the airline, said in a letter to the Civil Aeronautics Board that because of "the substandard credit relations" it has experienced with candidates, it now is asking for personal guarantees in all cases.

WRITE-OFFS, SETTLEMENTS

Trans-World Airlines, in a June 2 report to the Civil Aeronautics Board, said its outstanding accounts showed $221,519 owed by United Democrats for Humphrey, $25,091 for a Humphrey charter, and $13,196 by the GOP National Committee.

Trans World also reported that on February 24, 1969, it had written off $6,867 by McCarthy for President, and on November 14, 1968, had settled for $9,485 a debt of $16,352 owed by McCarthy for President.

Other airlines also reported unpaid campaign debts, as did A.T.&T., Western Union and General Telephone and Electronics. An itemization of unpaid telephone bills covered page after page.

An unpaid Kennedy for President account totaling $30,690 was reported as settled in July 1969 for $15,395.

"LARGE DEBTS . . . NO MONEY"

Johnson Flying Service, Inc., of Missoula, Mont., reported that still unpaid is a $2,910 bill incurred on September 20, 1968, by Mr. Humphrey and charged to the Democratic National Committee.

The company said it had tried to collect but "they state that they cannot pay as they have a large quantity of debts and no money."

Mr. Scott's amendment to the election reform bill would prohibit extension of unsecured credit to candidates for federal office by airlines, telephone companies and other industries regulated by the government.

He previously had requested the General Accounting Office to compile a report on all outstanding debts of candidates to such companies, along with any negotiated settlements.

NEARLY COMPLETE

Mr. Scott said the report is nearly complete and reveals "totally unacceptable campaign practices by both political parties not to mention the federal common carriers themselves."

Corporate contributions to political campaigns are forbidden by law, but Mr. Scott said that if a candidate fails to pay his bills, he has in effect received an involuntary contribution.

[From the Washington Post, July 24, 1971]

SCOTT ASKS CAMPAIGN CREDIT BAN

Senate Republican Leader Hugh Scott yesterday proposed forbidding political candidates to put telephone, telegram, travel and similar campaign expenses on the cuff.

Scott conceded his move, proposed as an amendment to a pending bill to limit campaign advertising expenses, was aimed at Democratic presidential contenders.

"Isn't that the name of the game?" he asked newsmen with a grin.

Scott's amendment would bar certain federally regulated industries such as airlines, telephone companies and the like, from extending "unsecured credit" to political candidates—in other words, no unlimited charge accounts.

He said both parties and their candidates still have enormous bills outstanding from previous campaigns, such as $208,000 owed by the Democrats and $112,000 by the Republicans to Eastern Airlines alone.

Scott said the worst offender is former Sen. Eugene J. McCarthy (D-Minn.), an unsuccessful contender for the 1968 Democratic presidential nomination who it is said will enter next year's primaries in another bid for the White House.

Scott said McCarthy still owes $475,000 to just one telephone company from his 1968 effort.

"He favors everything except paying his bills," Scott said. "McCarthy doesn't run a shirt-sleeve campaign; everything is on the cuff."

He said there are also thousands of dollars in bills still unpaid from the 1968 campaign of the late Sen. Robert F. Kennedy (D-N.Y.) for the presidential nomination, including one of $414,000 to American Airlines.

Scott put a lengthy list into the Congressional Record of what he said were documented unpaid campaign debts for both parties and their candidates.

The documents, in the form of replies from officials of affected companies to requests of the Civil Aeronautics Board and the Federal Communications Commission, showed that even President Nixon had whopping unpaid bills from his 1968 campaign.

American Airlines reported its balance due from Richard M. Nixon as of April 30 this year of $69,376—$2,666 left over from the election year and $66,710 incurred in 1969. United Airlines reported the Nixon-Agnew campaign still owes them $75,180.

American also reported an unpaid balance for Sen. Hubert H. Humphrey (D-Minn.), Nixon's 1968 opponent, of $138,762; United said the Humphrey-Muskie ticket is indebted to them for $79,083.

Several officials said they have written off some of the campaign debts as uncollectable. R. M. Bressler, vice president and treasurer of American, said "We now ask for personal guarantees in all cases involving individual candidates and can report we have declined the applications of at least two well-known candidates in the last year where guarantees have not been forthcoming."

[From the Washington Star, July 23, 1971]

SCOTT HITS 1968 AIR TRAVEL, PHONE DEBTS

(By James Doyle)

Senate Minority Leader Hugh Scott, R-Pa., disclosed today that inquiries to government regulatory commissions had revealed that Democratic and Republican political candidates owe more than $2.1 million in outstanding airline bills and nearly $400,000 in outstanding telephone bills.

Scott submitted an amendment to the proposed Federal Elections Campaign Act of 1971 to forbid the granting of unsecured credit by the transportation and communications industries.

Scott said his amendment would permit the candidates to use credit cards, as they do now, but would prohibit the companies from issuing cards if the candidates' ability to pay was dubious.

Scott introduced information from a number of companies indicating that they were unable to require huge deposits from candidates because they could not pinpoint the volume of business the candidate would generate and were prohibited by non-discriminatory clauses in federal regulations from setting a high deposit figure.

Scott said that most of the outstanding debts belong to Democratic candidates and the Democratic National Committee.

His figures showed that as of April 30, 1971, the Democratic National Committee had an outstanding debt with American Airlines of $426,833, most of it left over from the 1968 campaign.

The Robert F. Kennedy political organization owed American Airlines $415,120; the Hubert Humphrey campaign owed $138,762, and the Eugene McCarthy campaign owed $135,872.

The Richard M. Nixon campaign owed American Airlines $69,376, and the Republican National Finance Committee owed American $151,871.

Almost all of these debts dated back to the 1968 presidential campaign.

Trans-World Airlines listed debts of $246,000 for the Humphrey campaign and $13,000 for the Republican National Committee.

A debt of $16,352.36, incurred by the McCarthy campaign in 1968 was settled for a payment of $9,485, TWA reported, and another McCarthy debt of $6,867.36, incurred in 1968, was written off Feb. 24, 1969.

TWA said political debts "are handled in the same manner as any other account" but did not explain the criteria for negotiating a lesser payment or completely writing off a debt.

United Air Lines listed an outstanding debt of $79,000 for the Humphrey-Muskie campaign and $75,000 for the Nixon-Agnew campaign. The Nixon campaign used United charters throughout 1968 and 1970.

An outstanding debt of $12,000 was listed by United for the Democratic National Committee with the notation "incurred by R. F. Kennedy."

Eastern Airlines listed a Humphrey-Muskie debt of $208,000 and a Republican National Committee debt of $112,000.

Western Airlines said it had no outstanding campaign debts, but had written off a "ticket by mail" invoice for $376.00 incurred in May, 1968, by "Senator Ted Kennedy and a Mr. Burke," and written off in September 1969.

The American Telephone & Telegraph Co. submitted a breakdown for its various regional companies, and said it wrote off some debts "after significant collection effort has been made" without success.

The breakdown did not segregate Democratic and Republican candidates but it showed written-off debts of $2,200 in Pennsylvania, $6,000 for Pacific Bell Telephone, $7,700 for New England Telephone Co., $1,200 for Michigan Bell and $48,000 for Indiana all of it from the McCarthy for President campaign.

The McCarthy campaign had another $5,600 debt written off by Northwestern Bell.

The General Telephone Companies submitted similar figures showing a total indebtedness from political campaigns of $68,386.14.

Scott said the total outstanding debt to A.T. & T. was about $76,000 for the Democrats.

ECONOMIC RAMIFICATIONS OF VIETNAM WAR

Mr. HATFIELD. Mr. President, Mr. Harold Willens has been at the forefront of those who have reawakened the American business community to the serious economic ramifications of the war in Vietnam and our swollen military budget. Mr. Willens is convinced that the wide spectrum of American business cannot prosper in an economic climate that is soured by the war and distorted by inflated military expenditures. Recently he wrote a letter to President Nixon which outlines much of the thinking behind Mr. Willens' efforts. I ask unanimous consent that the letter and an Associated Press article about Mr. Willens be printed in the RECORD.

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

APRIL 28, 1971.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I happened to be visiting South Vietnam when the world heard the welcome news that our ping pong players would be visiting China.

That same day an American soldier gave me a copy of *The Serviceman's Daily Prayer*, a leaflet which he said was widely distributed to our military personnnel in Vietnam. The leaflet, bearing the address: Service Prayer, 2936 Bremen Street, Columbus, Ohio 43224, contains these words:

"Bestow your blessing on my country and on all who fight against the evils of Communism."

Yesterday Secretary of State Rogers, in speaking about Chinese-American relations, stressed *political diversity* as a fact of life we cannot change and should accept. Secretary Rogers is right and realistic. By initiating a thaw in Chinese-American relations you were right and realistic, Mr. President.

But your action and your Secretary of State's words are being undermined by the exposure of young American minds to the inflammatory words of the prayer leaflet and similarly irrational military propaganda revealed by the recent CBS documentary: "The Selling of the Pentagon."

Business has trained me to operate pragmatically. A pragmatic evaluation indicates that our foreign policy in recent years has been counterproductive. Our international behavior has operated against our self-interest. In fact we have inflicted severe damage upon ourselves through a foreign policy which has not kept abreast of changing realities.

One of these realities is the changing nature of communism which has itself fragmented into a number of political divergencies. Changes in communism have been matched by changes in capitalism. My first employer, were he to return from the dead, would be astonished by the "social benefits" we have adopted over the past 35 years.

It seems logical to assume and project a succession of further changes "in our direction" within communist countries if international tensions can gradually be eased. Public statements on various occasions reveal your awareness that such easing of tensions would greatly benefit our country.

The dangers and burdens of an endless arms race and misadventures like Vietnam dramatize the advantage of accepting prudent calculated risks for peace. We will be more likely to take such calculated risks if we begin to look upon peace as an incremental process rather than something which appears suddenly and full-blown. And above all we must recognize that the small specific steps in such an incremental process depend upon limited, tentative trust in the other side. That kind of trust can never be developed if our people look upon ideological competitors as mortal theological foes.

Successful businessmen are always conscious of competitors. But I have seen healthy companies destroyed by competitor-obsession. Perhaps there is a lesson to be learned from this, Mr. President. If we become obsessed by our ideological competitors we cannot do justice to improving and winning willing adherents for our own great "product"—free enterprise democracy.

I very much hope, Mr. President, that you will take steps to put an end to the distribution of this prayer leaflet and everything else which furthers the intermingling of theology with foreign policy. Because I realize how complex and massive a job that is, and because I feel the Congress should be willing to help you in this, I am sending copies of this letter to each Senator and Congressman.

Sincerely,

HAROLD WILLENS.

BUSINESSMAN'S PEACE ACTIONS GOT HATE MAIL

(By John Cunniff)

NEW YORK.—Four years ago Harold Willens, a Los Angeles executive and real estate developer, and Henry Niles, then chairman of Baltimore Life Insurance Co., formed Business Executives Move for Vietnam Peace (BEM).

"At that time," said Willens, "anybody who spoke out against the war was considered the enemy or a nut."

The hate mail flooded in, Willens said, considerably faster than the membership applications. Willens and Niles felt, however, that the war was a mistake of historical magnitude, a military blunder, a political scandal.

BEM advocated that the businessman-citizen speak out on the issue. But its founders soon realized few establishment figures either cared or perhaps dared to. They disliked tangling with stockholders; they didn't want to rock the boat.

BEM drew memberships steadily, however. And then, since BEM was a one-issue organization, Willens in 1969 founded BEF, or Businessmen's Educational Fund, to fight on a broader scale what he felt was the militarization of America.

Willens, its chairman, devoted what his wife said was 101 per cent of his time to speeches, membership work, lobbying and, most recently, to a Vietnam trip. Results? Willens thinks he has succeeded to some extent.

In recent months the attitudes of some businessmen appear to have changed. Within the past year the heads of Bank of America, International Business Machines and E. I. du Pont have spoken against the war and blamed it for domestic problems.

Willens, a 57-year-old millionaire grandfather and former Marine, was asked if he felt a major change really has occurred in the business attitude.

"I think the line of the pragmatist and the idealist are meeting," he replied. "Damn few businessmen think we are unpatriotic now. All of them relate inflation to the war, for example."

Do you really think you can end wars?

"Yes. Maybe there'll be little ones. But my feeling is that since we've always had wars it is no reason to extrapolate into the future. We changed the name of the game when technology developed the ultimate weapon."

Isn't that being overly idealistic?

"We have to get away from the fuzzy thinking that says wars are inevitable and that peace is a utopian concept. Either man or war is obsolete. We have to decide."

But why should businessmen try to take a leadership role?

"The businessman's role is critical because he thinks pragmatically. He knows how to build. Peace must be constructed. It is an incremental thing, like constructing a building by putting in the foundation, then the first story and so on. It is a step-by-step operation."

Won't demilitarization weaken the nation's security?

"The present direction is counterproductive to the best interests of the country. Escalation has brought us into disastrous wars, bled our resources and kept us from solving critical domestic problems that erode our strength.

"The other approach, to seek peace, is a calculated risk, such as you take in business. There may not be immediate success. The armaments race grew step by step. De-escalation can proceed in the same way."

It was suggested to Willens that many people feel business executives can only hurt their own particular cause by speaking out on this subject. This lit the Willens fuse.

"Self-interest tells the corporate executive he's got to get in there. The businessman must redefine the corporate and individual responsibility. He must redefine it because his company is dependent upon the nation's policies.

"In order to be responsible to the stockholders, the executive has to act in accordance with the new realities. He must realize that in fact he is doing a deep disservice to stockholders, because business can only thrive in a healthy economy.

"He can't hide in a paneled office. He cannot hide behind the corporate curtain and protect the interest of stockholders, his country and himself.

"I don't think the businessman's alibi is any better than others—than the clergyman who fears what his parishioners will say or the physician who fears his patients."

PAKISTAN: THE THING SPEAKS FOR ITSELF

Mr. SAXBE. Mr. President, in law there is a doctrine entitled Res Ipsa Loquitur, meaning "the thing speaks for itself." The pictures in both Time and Newsweek today graphically illustrate a tragedy of immense proportions. It is too bad that the CONGRESSIONAL RECORD cannot reprint these pictures.

For several weeks now I have called to the attention of my colleagues, through the RECORD, the dreadful fate of millions of refugees in East Pakistan. Senator CHURCH and I have introduced an amendment with 32 cosponsors to the Foreign Assistance Act which would suspend America's aiding and abetting this terrible crime. I plead with my colleagues to look at the photographs in these two magazines. Nothing more need be said; nothing more can be said.

I ask unanimous consent that some articles regarding Pakistan be printed in the RECORD.

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

BENGAL: THE MURDER OF A PEOPLE

It seemed a routine enough request. Assembling the young men of the village of Haluaghat in East Pakistan, a Pakistani Army major informed them that his wounded soldiers urgently needed blood. Would they be

donors? The young men lay down on makeshift cots, needles were inserted in their veins—and then slowly the blood was drained from their bodies until they died.

Govinda Chandramandl forgets who told him first, but when he heard that an amnesty had been pledged to all refugees, he immediately set off on the long walk home. With his two teen-age daughters by his side, Chandramandl trudged through monsoon-drenched swamplands and past burned-out villages. When he neared his scrap of land, soldiers stopped him. As he watched in helpless anguish, his daughters were raped—again and again and again.

He was about 3 years old, and his mother was still in her teens. They sat on ground made muddy by the steady drizzle of the summer rains. The baby's stomach was grotesquely distended, his feet swollen, his arm no thicker than a man's finger. His mother tried to coax him to eat some rice and dried fish. Finally, the baby mouthed the food feebly, wheezed—and died.

Few people seem more alien to Americans than do the Pakistanis. When thousands of them perish in various natural disasters that regularly plague their country, the newspaper account of their suffering have a curious unreality. And yet today, no one can escape the nightmare vision of Pakistan's civil war: another 6 million or more driven into desperate exile as the result of a deliberate effort to terrorize an entire people. It is as if a city the size of Richmond, Va. had been obliterated and the population of New York made suddenly homeless. Even in a world jaded by war and atrocity, suffering on that scale still comes as a sickening shock.

And there is more to it than that. Far more horrifying than the prospect that Pakistan may destroy itself are the signs that its brutal civil war could spark yet another, wider conflict between Moslem Pakistan and its archenemy, Hindu India. Last week, Pakistan's President Mohammed Yahya Khan angrily declared that if India expands its surreptitious support of Bangla Desh, as the secessionist Bengal nation is known, "I shall declare a general war—and let the world take note." The world would have to. For should that happen, Pakistan's ally, China, and India's ally, Russia, would be hard-pressed to avoid involvement. And the United States could be faced with the dangerous necessity to choose sides.

Already, the realities of geopolitics have confronted the U.S. with the thankless task of choosing between strategic and humanitarian considerations. Straining to preserve its influence with Yahya's government, yet anxious to help the suffering Bengalis, America has succeeded only in embroiling itself in a bitter controversy. Last week that controversy was intensified when Sen. Edward Kennedy disclosed the contents of confidential messages from U.S. diplomats in Pakistan. "Specter of Famine Hangs Over East Pakistan," read one cable. "Prospects for Averting Widespread Hunger, Suffering and Perhaps Starvation Not Repeat Not Good." Kennedy's clear implication was that the Nixon Administration was seeking to cover up the magnitude of the Bengali tragedy. And, not content with that, he went on to intimate that the U.S. had plans to send police teams to East Pakistan to help Yahya's Punjabi soldiers suppress Bengali resistance.

TWO DIVERGENT CULTURES

Such a cold-blooded move, should it ever come to pass, would ensnarl the U.S. in one of the most intractable racial and cultural conflicts of modern times. Physically and politically, Pakistan is unique among the world's nation's; between its rugged, relatively empty western region and its desperately overpopulated eastern region lie 1,000 miles of Indian territory. And more than space divides the two parts of Pakistan. It is a nation of two radically divergent cultures, of two totally different peoples who have despised each other through history. The lighter-skinned, aggressive Punjabis of West Pakistan scorn the Bengalis of the east as spiritless peasants or tricky tradesmen. And the Bengalis, whose rich rice land and lucrative jute crops have paid Pakistan's bills ever since the founding of the country in 1947, regard the Punjabis as barbarians—and, to make matters worse, oppressive barbarians who have monopolized Pakistan's government and army. Snapped one Bengali leader: "We have never been anything but a colony of the west."

Chafing after decades of subjugation, the Bengalis responded with frenzied enthusiasm when their fiery, leonine hero, Sheikh Mujibur Rahman, led them to the polls last December in Pakistan's first free elections after twelve years of military rule. Spurred on by the flambouyant oratory of Mujib (as his worshipful followers call him), the Bengalis voted in such numbers that Mujib and his Awami League won an absolute majority of seats in the country's new National Assembly. Suddenly it seemed that Bengal's time had come. But as it turned out, Mujib's platform of economic and diplomatic autonomy for the east was too great a threat to be endured by Punjabi leaders. Unwilling to play second fiddle to Mujib, West Pakistan's most popular politician, the left-leaning Zulfikar Ali Bhutto, refused to participate in the new Parliament. And in the end President Yahya abruptly postponed the opening of the assembly indefinitely.

PLANS FOR SLAUGHTER

Within hours of Yahya's decree, Mujib proclaimed a general strike in East Pakistan. To this day, Pakistani officials maintain that Yahya personally appealed to Mujib for a compromise that would heal the nation's wounds. But most observers believe that Yahya had other plans all the while. Weeks before the Yahya-Mujib meeting actually took place, the President and his right-hand man, Lt. Gen. Tikka Khan, were already mapping out plans for Mujib's arrest, the dissolution of the Awami League and the slaughter of Bengali nationalists.

Known as "the bomber of Baluchistan" for his indiscriminate use of air and artillery strikes in crushing a local tribal revolt in 1965, Tikka Khan apparently persuaded Yahya to buy time for the army to build up its strength in Bengal. Accordingly, Yahya made his bid for discussions with Mujib. And while the two leaders talked—and Bengalis as well as the world at large looked for a compromise that might save Pakistan—the army pulled off a logistics coup. Flying the long over-water route around southern India with Boeing 707s commandeered from Pakistan International Airways the army doubled its troop strength in Bengal to 60,000 men. When Tikka gave the word that all was ready, Yahya flew out of Dacca. And that very night, the bomber of Baluchistan unleashed his troops.

Under instructions to strike brutally on the theory that a savage surprise attack would snuff out resistance quickly, the army obeyed its orders with a vengeance. Tanks crashed through the streets of East Pakistani's capital of Dacca, blasting indiscriminately at men and buildings. With cold ferocity, Punjabi soldiers machine-gunned clusters of citizens while others set fire to slum hutches throughout the city. Soon, the city was littered with bodies, and the campus of Dacca University—a hotbed of secessionism—was a bloody shambles.

Throughout that blood-drenched night and in the days and weeks that followed, the carnage continued. And the massacres were not limited to Dacca but were carried on throughout the countryside as well. After a desperate visit to his native village on the Indian border, a sobbing Bengali journalist told how the land had been devastated: "I passed through a dozen villages which had been burned and deserted, with bodies everywhere being eaten by crows. The smell! The horror! I kept praying it would not be like that at my village. But it was. The village was just a mass of charred rubble and corpses. My wife and child were missing. There was just one old lady alive and she could no longer talk. She just sat on the ground, shaking and moaning."

With the passing of time, the magnitude of the slaughter has diminished, but there has been no lessening in the brutality of the Pakistani Army. Last week, *Newsweek's* Loren Jenkins, who was in Dacca the night that Gen. Tikka Khan's troops launched their campaign of murder, cabled the following report on conditions in East Pakistan now:

Four months after the first flush of bloodletting, East Pakistan still lives in fear. But instead of being the cowering, groveling fear that the army sought to instill, it is a sullen fear tinged with quiet defiance and hate. It is a fear based on the appreciation of a very harsh reality, not a fear that marks people of broken spirit. Walking along a Dacca street recently, I met a journalist I had known before. Our eyes met and he nodded, but he appeared embarrassed. Glancing nervously all around, he muttered, "My God, my God. Civilized man cannot describe the horror that has been done." An hour later another friend explained: "We have been ordered not to talk to foreign journalists. We are scared. We live in terror of the midnight knock on the door. So many people have been killed. So many more have disappeared. And more vanish every night."

One who vanished in the night was Mujib, who is now reportedly held in prison in the western garrison town of Mianwali. A hero before, Mujib has now become a martyr. For all his conspicuous faults, he has become the symbol of Bengali patriotism. Yet Yahya, almost boastfully, told a recent visitor, "My generals are pushing for a military trial for Mujib and for his execution. I have agreed and the trial will be held soon." No policy could be more short-sighted or more likely to harden Bengali resistance. As one Western diplomat told me, "Yahya is simply out of his mind. He still doesn't even understand what the army has done. He thinks they can kill off a couple of hundred thousand people, try Mujib for treason, force a return to order and all will be forgotten. This is utter nonsense. These people will not forget."

GUERRILLA RESISTANCE

Indeed, the minds of Bengalis are emblazoned with the memories of these months of terror. Despite the terror, signs of resistance to the army creep up everywhere. In Dacca, street urchins hawking the local papers slip mimeographed communiques from the government-in-exile into the newspapers. On ferry boats in the countryside, where all passengers are under the watchful eyes of the army, strangers sidle up and whisper of massacres or point out areas in the dense Madhupur jungle where the "Mukti Bahini," or Liberation Army, is hiding. All over the country, the resistance is rapidly taking on the earmarks of a classic guerrilla war. And East Pakistan is ideal guerrilla terrain reminiscent of South Vietnam's Mekong Delta—a labyrinth of sunken paddies, jute fields and banana groves.

That the Mukti Bahini are capitalizing on their few assets is brought home daily. They have cut the key railroad to Dacca from the port of Chittagong and have also severed the parallel road. More than 60 per cent of the interior's food supplies moves over those routes and there is virtually no prospect of restoring them until peace is also restored. The rebels' recent coup in blowing up three power stations in Dacca has underscored the point that no city or village is safe from their campaign to bring the economy to a halt.

Most important, however, is the fact that the rebels now seem to be winning what every guerrilla needs—the support of the populace. Two months ago, villagers in Noakhali province pleaded wtih the Mukti Bahini not to blow up a bridge because it would bring army retaliation. Last week, those same villagers sought out the guerrillas and asked them to destroy the bridge.

To be sure, the guerrillas are no match for the federal army. While they have rallied some 20,000 Bengali fighters to their cause (and expect another 10,000 recruits to join them next month after clandestine training in India), the inadequately armed rebels still face 60,000 well-equipped professional soldiers. And despite its covert aid, India has cautiously hesitated to recognize the Bangla Desh government-in-exile. One reason for this restraint is the genuine and costly problem the New Delhi government faces in caring for the 6 million Bengali refugees now in India. NEWSWEEK's Tony Clifton, who has reported the anguish of the refugees since the beginning of Pakistan's civil war, filed this report last week from Calcutta:

The strain on India has become almost unbearable. The refugees are still swarming across the border in hordes ranging as high as 40,000 a day, and as P. N. Luthra, the former Indian Army officer in charge of the refugee program, told me, "I'm now responsible for the care of a small country." It is costing India $3 million a day to feed, clothe, house and provide vital medicine for the Bengalis, a financial drain that is crippling to the already marginal Indian economy. Worse yet, lack of available funds has meant a shortage of virtually everything in the refugee camps—and the inevitable result has been suffering, disease and death. To Luthra, the only conceivable resolution of the tragedy is for the world to put the utmost pressure on Pakistan to stop the carnage so the Bengalis will feel safe in going home.

Yet for all their suffering, the Bengalis themselves maintain their stoicism. It is the monsoon season in India, but the monsoon here is not like the great monsoons of Hollywood. Instead of roaring and thundering, the rain falls softly and steadily, dribbling through the canvas tents to soak the refugees, turn earth floors to mud and flood inadequate drains. But the refugees stand patiently, calf deep in stagnant water, eager to tell me their stories so I can tell others. I collect a notebook of horror—rape and murder and kidnaping. They tell me how they saw their children stabbed, their husbands or brothers executed, their wives collapse with fatigue or sickness. The stories are all new, and all the same. And I remember Luthra's plaintive question, "How can we think the human race is evolving to a higher level when it lets this go on?"

As the military repression and the guerrilla sabotage goes on. It poses an ever-increasing threat to the future of Pakistan itself. Already, experts say, the country's economy is a shambles. Since the fighting began, exports have plummeted, the vital jute crops that are Pakistan's biggest foreign exchange earner not unharvested, and the vast consumer market of the eastern region on which West Pakistan's factories lived has vanished along with the refugees and rebels. "In short, Yahya's government faces the genuine danger of bankruptcy," warns a Western economist in Dacca. Equally genuine is the danger of mass starvation. "Unless something is done soon," the same economist adds, "there is going to be a famine here that will make all the prior suffering look like nothing." But in the end, the greatest threat to Pakistan is the flaring hatreds that Yahya's army has spawned. "Pakistan died in March," says a Karachi editor. "The only way this land can be held together is by the bayonet and the torch. But that is not unity, that is slavery. There can never be one nation in the future, only two enemies."

THREAT OF WAR

The area already has enemies enough. In recent weeks, Islamabad and New Delhi have traded insults and accusations at a dizzying rate and there is a real possibility that angry words may escalate into war. Indeed, some Indians even claim to see an economic motive for going to war; according to the Institute for Strategic Studies in New Delhi, it would be cheaper for India to fight Pakistan than to continue to care for millions of Bengali refugees. "It hasn't come to that yet," sighed one U.S. official last week. "But India has considered a military thrust, apparently very seriously." And Pakistan too has weighed the use of force against its neighbor in retaliation for India's support of the Mukti Bahini.

The gravest danger from any such hostilities is the possibility that Communist China and Russia would become involved. Chinese Premier Chou En-lai has denounced "Indian expansionists" and has promised Yahya that Peking would support the Pakistanis "in their just struggle to safeguard their state sovereignty." And Chou could handily translate his pledge into action—by ordering Chinese troops stationed along the Indian border to provoke skirmishes, or by infiltrating "advisers" to reinforce the Pakistani Army. "Pakistan has some promises from Peking to take military action of its own should war begin," warns a U.S. diplomat, "and India is trying to extract some counterbalancing promise of military aid from Russia. That could lead to catastrophe."

AN AGONIZING CHOICE

Any such involvement by the two Communist superpowers would confront the United States with a cruel dilemma. Pakistan, despite the undeniable brutality of its policy toward the Bengalis, is a long-standing American ally and a country that the U.S. is desperately trying to keep out of Peking's sphere of influence. At the same time, India is Asia's biggest nation with a democratic tradition, dating back to Gandhi and Nehru, and as such, occupies a special position in the U.S. portfolio of friendly nations. To choose between the two would be agonizing. One U.S. analyst of foreign affairs, drafting a scenario for U.S. actions should a subcontinent war break out, remarked: "Our first move obviously would be to try to play the peacemaker, much as Russia did at Tashkent in 1966 during the last Indo-Pakistani war. If that failed, the U.S. might be able to sit it out, so long as Russia and China were involved only as suppliers of the two combatants. But if they got directly engaged, it would then be almost impossible for Washington to remain aloof. We would have to gamble on one side or the other, give them at least the logistical aid they needed and hope we had chosen the winner."

Rhetoric and contingency plans aside, none of the world's three great powers wants to embroil itself militarily in the Indian subcontinent. But that does not rule out the possibility that they could become involved against their will. In the meantime, the future of Pakistan and, possibly, the lives of millions of other Asians, depend on Yahya Khan. And at the moment the Pakistani President remains determined not to relent—ignoring the fact that he may be creating out of nationalist guerrillas the core of a potential Communist insurgency. "The tragedy of Pakistan really is that Yahya is oblivious to what he is doing, oblivious to the cost of his actions," a diplomat in Islamabad remarked somberly last week. "There is only one man alive who could save Pakistan now, and that is Mujib. Yahya vows that Mujib must die. But the day he hangs by the neck, Pakistan will hang with him."

THE POLITICS OF RELIEF

If some Americans are still only vaguely aware of the plight of the Bengali refugees, Beatles George Harrison and Ringo Starr intend to pound the message home this week. In their first public appearance together since the famous rock group split up, George and Ringo plan a benefit performance at New York's Madison Square Garden, with all proceeds to go to homeless Bengali children. And theirs is only one of many efforts—by the International Rescue Committee, Catholic Relief Services, UNICEF and Americans for Childrens Relief among others—designed to stir the U.S. conscience over the genocidal civil war in Pakistan.

Many private citizens now involved in Bengali relief are veterans of similar operations during the Biafran tragedy two years ago. And most are dismayed that, unlike the rescue of Biafran children, which aroused such widespread sympathy, world reaction to the Bengali refugee emergency seems almost apathetic by comparison. Ironically, the sheer magnitude of the suffering in East Pakistan may, in itself, be partly to blame. "Bengali refugees must now form the largest group of displaced persons in the world," said Dr. Daniel L. Weiner, who recently returned from a fact-finding tour for the IRC. "It is a problem that has to be dealt with on an international scale; no private effort can possibly handle this load. Private agencies can only alleviate some aspects of the mess. But the very size of the probem seems to paralyze people—it's not so much a lack of interest as a feeling of helplessness."

Busy: To the extent that any organized international effort has been mounted to alleviate Bengal's misery, the U.S. Government can take credit. Washington has committed $70.5 million to the aid of East Pakistani refugees in India (as compared with $11 million from the Soviet Union). More than 360,000 tons of U.S. food grains are in the transport pipeline to East Pakistan. For the present, according to U.S. specialists, the threat of mass starvation in the region is not due to any lack of supplies but to poor distribution. Though the U.S. has given Pakistan $2 million to charter relief ships, the Pakistani Army has used most of them so far to transport troops and ammunition. "They are so damned busy trying to re-establish their control over East Pakistan," snapped a State Department aide, "that they haven't looked beyond their own noses."

Such complaints suggest that Washington has had little success in influencing President Mohammed Yahya Khan to moderate his policies. Yet the Nixon Administration has justified its aid to the Yahya regime mainly on the ground that such support will give Washington leverage over Islamabad. In the face of mounting domestic criticism of that policy, however, the U.S. has recently begun to waffle. In requesting a total of $131.5 million in aid to Pakistan next year, the State Department recently promised Congress that the money would be held back until Pakistan begins to minister to its homeless millions. But skeptical observers recalled that the U.S. slapped a similar ban on military aid to Pakistan last April—only to have it emerge later on that Pakistani freighters were still hauling U.S.-supplied ammunition and spare parts, ordered before the ban took effect, back to Karachi. And last week, Sen. Stuart Symington charged that the ban was still full of holes. The Administration, said Symington, was guilty of "semantics, ambiguous statements on the public records without clarification and no effort to present the actual facts until pressed to do so."

Strategic: Privately, U.S. diplomats concede that, above all else, Washington is trying to maintain good relations with Pakistan out of strategic considerations. One U.S. diplomat warned against the end of an American role on the subcontinent. "If India and Pakistan bleed each other into impotence, and our influence has vanished," he argued, "the area could become a playground for the Soviet Union and China." Added a colleague with startling bluntness: "We are

more interested in stability than morality at the moment . . . Right now the chance for stability, slim as it is, seems to lie with Yahya."

Yet, the price of a cold geopolitical approach to the problem may itself prove to be unacceptable in the end. For one thing, Washington's calculated reluctance to bring added pressures on Islamabad by openly cutting off aid put it at odds with the World Bank and the other members of an eleven-nation consortium, all of whom have deferred development programs in Pakistan until the government in Islamabad works out a "political accommodation" with the eastern region. (Even the World Bank, however, has not been able to escape the controversy swirling around Pakistan. After World Bank president Robert McNamara tried to suppress a critical report drafted by a team of investigators who recently visited Pakistan, The New York Times got hold of the document and splashed it on its front page.) Subsequently, McNamara sent a letter to the Pakistani Government apologizing for the news leak.

Moreover, Washington's equivocation has already enraged India, where most officials are convinced that Yahya could not continue his policy of repression without outside help. "Supply of arms to Pakistan by any country in the present context amounts to condoning genocide in Bangla Desh," charges India's Foreign Minister Swaran Singh. "It could have an impact on Indo-U.S. bilateral relations as well." Thus, rightly or wrongly, the Administration's pragmatic stance on the Pakistani question has promoted an impression of official U.S. indifference to the human agony of a strife-torn land—an impression that is at odds with the traditional image of a concerned and compassionate America.

[From Time magazine, Aug. 2, 1971]

PAKISTAN: THE RAVAGING OF GOLDEN BENGAL

Over the rivers and down the highways and along countless jungle paths, the population of East Pakistan continues to hemorrhage into India: an endless unorganized flow of refugees with a few tin kettles, cardboard boxes and ragged clothes piled on their heads, carrying their sick children and their old. They pad along barefooted, with the mud sucking at their heels in the wet parts. They are silent, except for a child whimpering now and then, but their faces tell the story. Many are sick and covered with sores. Others have cholera, and when they die by the roadside there is no one to bury them. The Hindus, when they can, put a hot coal in the mouths of their dead or singe the body in lieu of cremation. The dogs, the vultures and the crows do the rest. As the refugees pass the rotting corpses, some put pieces of cloth over their noses.

The column pushing into India never ends, day or night. It has been four months since civil war broke out between East and West Pakistan, and the refugees still pour in. No one can count them precisely, but Indian officials, by projecting camp registrations, calculate that they come at the rate of 50,000 a day. Last week the estimated total passed the 7,500,000 mark. Should widespread famine hit East Pakistan, as now seems likely, India fears that the number may double before the exodus ends.

Hundreds of thousands of these are still wandering about the countryside without food and shelter. Near the border, some have taken over schools to sleep in; others stay with villagers or sleep out in the fields and under the trees. Most are shepherded into refugee camps where they are given ration cards for food and housed in makeshift sheds of bamboo covered with thatched or plastic roofing. Though no one is actually starving in the camps, food is in short supply, particularly powdered milk and baby food.

NO MORE TEARS

Life has been made even more miserable for the refugees by the monsoon rains, that have turned many camps into muddy lagoons. Reports Dr. Mathis Bromberger, a German physician working at a camp outside Calcutta: "There were thousands of people standing out in the open here all night in the rain. Women with babies in their arms. They could not lie down because the water came up to their knees in places. There was not enough shelter, and in the morning there were always many sick and dying of pneumonia. We could not get our serious cholera cases to the hospital. And there was no one to take away the dead. They just lay around on the ground or in the water." High-pressure syringes have speeded vaccination and reduced the cholera threat, but camp health officials have already counted about 5,000 dead, and an estimated 35,000 have been stricken by the convulsive vomiting and diarrhea that accompany the disease. Now officials fear that pneumonia, diphtheria and tuberculosis will also begin to exact a toll among the weakened refugees. Says one doctor: "The people are not even crying any more."

Perhaps because what they flee from is even worse. Each has his own horror story of rape, murder or other atrocity committed by the Pakistani army in its effort to crush the Bengali independence movement. One couple tells how soldiers took their two grown sons outside the house, bayoneted them in the stomach and refused to allow anyone to go near the bleeding boys, who died hours later. Another woman says that when the soldiers came to her door, she hid her children in her bed; but seeing them beneath the blanket, the soldiers opened fire, killing two and wounding another. According to one report from the Press Trust of India (P.T.I.), 50 refugees recently fled into a jute field near the Indian border when they heard a Pakistani army patrol approaching. "Suddenly a six-month-old child in its mother's lap started crying," said the P.T.I. report. "Failing to make the child silent and apprehending that the refugees might be attacked, the woman throttled the infant to death."

CORDON OF FIRE

The evidence of the bloodbath is all over East Pakistan. Whole sections of cities lie in ruins from shelling and aerial attacks. In Khalishpur, the northern suburb of Khulna, naked children and haggard women scavenge the rubble where their homes and shops once stood. Stretches of Chittagong's Hizari Lane and Maulana Sowkat Ali Road have been wiped out. The central bazaar in Jessore is reduced to twisted masses of corrugated tin and shattered walls. Kushtia, a city of 40,000, now looks, as a World Bank team reported, "like the morning after a nuclear attack." In Dacca, where soldiers set sections of the old City ablaze with flamethrowers and then machine-gunned thousands as they tried to escape the cordon of fire, nearly 25 blocks have been bulldozed clear, leaving open areas set incongruously amid jam-packed slums. For the benefit of foreign visitors, the army has patched up many shell holes in the walls of Dacca University, where hundreds of students were killed. But many signs remain. The tank-blasted Rajabagh Police Barracks, where nearly 1,000 surrounded Bengali cops fought to the last, is still in ruins.

Millions of acres have been abandoned. Much of the vital jute export crop, due for harvest now, lies rotting in the fields; little of that already harvested is able to reach the mills. Only a small part of this year's tea crop is salvageable. More than 300,000 tons of imported grain sits in the clogged ports of Chittagong and Chalna. Food markets are still operating in Dacca and other cities, but rice prices have risen 20% in four months.

Fear and deep sullen hatred are everywhere evident among Bengalis. Few will talk to reporters in public, but letters telling of atrocities and destroyed villages are stuck in journalists' mailboxes at Dacca's Hotel Intercontinental. In the privacy of his home one night, a senior Bengali bureaucrat declared: "This will be a bitter, protracted struggle, maybe worse than Viet Nam. But we will win in the end."

Estimates of the death toll in the army crackdown range from 200,000 all the way up to a million. The lower figure is more widely accepted, but the number may never be known. For one thing, countless corpses have been dumped in rivers, wells and mass graves. For another, statistics from East Pakistan are even more unreliable than statistics from most other places (*see* TIME Essay). That is inevitable in a place where, before the refugee exodus began, 78 million people, 80% of them illiterate, were packed into an area no larger than Florida.

HARSH REPRISALS

The Hindus, who account for three-fourths of the refugees and a majority of the dead, have borne the brunt of the Moslem military's hatred. Even now Moslem soldiers in East Pakistan will snatch away a man's *lungi* (sarong) to see if he is circumcised, obligatory for Moslems; if he is not, it usually means death. Others are simply rounded up and shot. Commented one high U.S. official last week: "It is the most incredible, calculated thing since the days of the Nazis in Poland."

In recent weeks, resistance has steadily mounted. The army response has been a pattern of harsh reprisals for guerrilla hit-and-run forays, sabotage and assassination of collaborators. But the Mukti Bahini, the Bengali liberation forces, have blasted hundreds of bridges and culverts, paralyzing road and rail traffic. The main thrust of the guerrilla movement is coming from across the Indian border, where the Bangla Desh (Bengal Nation) provisional government has undertaken a massive recruitment and training program. Pakistani President Agha Mohammed Yahya Khan last week charged that there were 24 such camps within India, and Indians no longer even bother to deny the fact that locals and some border units are giving assistance to the rebels.

Half of the Mukti Bahini's reported 50,000 fighters come from the East Bengal Regiment, the paramilitary East Bengal Rifles, and the Bengali police, who defected in the early days of the fighting. Young recruits, many of them students, are being trained to blend in with the peasants, who feed them, and serve as lookouts, scouts and hit-and-run saboteurs. Twice the guerrillas have knocked out power in Dacca, and they have kept the Dacca-Chittagong railway line severed for weeks. Wherever possible they raise the green, red and gold Bangala Desh flag. They claim to have killed 25,000 Pakistani troops, though the figure may well be closer to 2,500 plus 10,000 wounded (according to a reliable Western estimate). Resistance fighters already control the countryside at night and much of it in the daytime.

Only time and the test of fire will show whether or not the Mukti Bahini's leaders can forge them into a disciplined guerrilla force. The present commander in chief is a retired colonel named A.G. Osmani, a member of the East Pakistani Awami League. But many feel that before the conflict is over, the present moderate leadership will give way to more radical men. So far the conflict is nonideological. But that could change. "If the democracies do not put pressure on the Pakistanis to resolve this question in the near future," says a Bangla Desh official, "I feel for the consequences. If the fight for liberation is prolonged too long, the democratic elements will be eliminated and the Communists will prevail. Up till now the Communists do not have a strong position.

But if we fail to deliver the goods to our people, they will sweep us away."

By no means have all the reprisals been the work of the army. Bengalis also massacred some 500 suspected collaborators, such as members of the right-wing religious Jammat-e-Islami and other minor parties. The Biharis, non-Bengali Moslems who fled from India to Pakistan after partition in 1947, were favorite—and sometimes innocent—targets. Suspected sympathizers have been hacked to death in their beds or even beheaded by guerrillas as a warning to other villagers. More ominous is the growing confrontation along the porous 1,300-mile border, where many of the Pakistani army's 70,000 troops are trying to seal off raids by rebels based in India. With Indian *jawans* facing them on the other side, a stray shot could start a new Indo-Pakistani war—and one on a much more devastating scale than their 17-day clash over Kashmir in 1965.

Embroiled in a developing if still disorganized guerrilla war, Pakistan faces ever bleaker prospects as the conflict spreads. By now, in fact, chances of ever recovering voluntary national unity seem nil. But to Yahya Khan and the other tough West Pakistani generals who rule the world's fifth largest nation, an East-West parting is out of the question. For the sake of Pakistan's unity, Yahya declared last month, "no sacrifice is too great." The unity he envisions, however, might well leave East Pakistan a cringing colony. In an effort to stamp out Bengali culture, even street names are being changed. Shankari Bazar Road in Dacca is now called Tikka Khan Road after the hard-as-nails commander who now rules East Pakistan under martial law.

HONEYED SMILE

The proud Bengalis are unlikely to give in. A warm and friendly but volatile people whose twin passions are politics and poetry, they have nurtured a gentle and distinctive culture of their own. Conversation—*adda*—is the favorite pastime, and it is carried on endlessly under the banyan trees in the villages or in the coffeehouses of Dacca.

Typically, Bangla Desh chose as its national anthem not a revolutionary song but a poem by the Nobel-prizewinning Bengali Poet Rabindranath Tagore, "Golden Bengal":

Come Spring, O mother mine!
Your mango groves are heady with fragrance,
The air intoxicates like wine.
Come autumn, O mother mine!
I see the honeyed smile of your harvest-laden fields.

It is indeed a land of unexpectedly lush and verdant beauty, whose emerald rice and jute fields stretching over the Ganges Delta as far as the eye can see belie the savage misfortunes that have befallen its people. The soil is so rich it sprouts vegetation at the drop of a seed, yet that has not prevented Bengal from becoming a festering wound of poverty. Nature can be as brutal as it is bountiful, lashing the land with vicious cyclones and flooding it annually with the spillover from the Ganges and the Brahmaputra rivers.

IMPROBABLE WEDDING

Even in less troubled times, Pakistanis were prone to observe that the only bonds between the diverse and distant wings of their Moslem nation were the Islamic faith and Pakistan International Airlines. Sharing neither borders nor cultures, separated by 1,100 miles of Indian territory (*see map*), Pakistan is an improbable wedding of the Middle East and Southeast Asia. The tall, light-skinned Punjabis, Pathans, Baluchis and Sindhis of West Pakistan are descendants of the Aryans who swept into the subcontinent in the second millennium B.C. East Pakistan's slight, dark Bengalis are more closely related to the Dravidian people they subjugated. The Westerners, who eat wheat and meat, speak Urdu, which is written in Arabic but is a synthesis of Persian and Hindi. The Easterners eat rice and fish, and speak Bengali, a singsong language of Indo-Aryan origin.

The East also has a much larger Hindu minority than the West: 10 million out of a population of 78 million, compared with 800,000 Hindus out of a population of 58 million in the West. In British India days, the western reaches of what is now West Pakistan formed the frontier of the empire, and the British trained the energetic Punjabis and Pathans as soldiers. They scorn the *lungi*, a Southeast Asian-style sarong worn by the Bengalis. "In the East," a West Pakistani saying has it, "the men wear the skirts and the women the pants. In the West, things are as they should be."

TWENTY FAMILIES

The West Pakistanis were also determined to "wear the pants" as far as running the country was concerned. Once, the Bengalis were proud to belong to Pakistan (an Urdu word meaning "land of the pure"). Like the Moslems from the West, they had been resentful of the dominance of the more numerous Hindus in India before partition. In 1940, Pakistan's founding father, Mohammed Ali Jinnah, called for a separate Islamic state. India hoped to prevent the split, but in self-determination elections in 1947, five predominantly Moslem provinces, including East Bengal, voted to break away. The result was a geographical curiosity and, as it sadly proved, a political absurdity.

Instead of bringing peace, independence and partition brought horrible massacres, with Hindus killing Moslems and Moslems killing Hindus. Shortly before his assassination in 1948, Mahatma Gandhi undertook what proved to be his last fast to halt the bloodshed. "All the quarrels of the Hindus and the Mohammedans," he said, "have arisen from each wanting to force the other to his view."

From the beginning, the East got the short end of the bargain in Pakistan. Though it has only one-sixth of the country's total land area, the East contains well over half the population (about 136 million), and in early years contributed as much as 70% of the foreign-exchange earnings. But West Pakistan regularly devours three-quarters of all foreign aid and 60% of export earnings. With the Punjabi-Pathan power elite in control for two decades, East Pakistan has been left a deprived agricultural backwater. Before the civil war, Bengalis held only 15% of government jobs and accounted for only 5% of the 275,000-man army. Twenty multimillionaire families, nearly all from the West, still control a shockingly disproportionate amount of the country's wealth (by an official study, two-thirds of the nation's industry and four-fifths of its banking and insurance assets). Per capita income is miserably low throughout Pakistan, but in the West ($48) it is more than half again that in the East ($30).

To cap this long line of grievances came the devastating cyclone that roared in off the Bay of Bengal last November, claiming some 500,000 lives. The callousness of West toward East was never more shockingly apparent. Yahya waited 13 days before visiting the disaster scene which some observers described as "a second Hiroshima." The Pakistani navy never bothered to search for victims. Aid distribution was lethargic where it existed at all; tons of grain remained stockpiled in warehouses while Pakistani army helicopters sat on their pads in the West.

SUPREME SACRIFICE

Three weeks later, Pakistan held its first national elections since becoming a nation 23 years before; the object was to choose a constitutional assembly that would draft a new charter for the nation, and then would continue to sit as a national assembly. The East Pakistanis thronged the polls and gave an overwhelming endorsement to Sheik Mujibur ("Mujib") Rahman, 51, the fiery head of the party known as the Awami League and a longtime spokesman for Eastern autonomy (he spent nearly ten years in jail for urging that Bengalis be given greater control of their destiny). Mujib's Awami (People's) League captured 167 out of the 169 seats allotted the East in the 313-member national assembly, giving it a clear majority. The victory meant that Mujib, as the leader of the majority party, would be Prime Minister of all Pakistan.

It was something that Yahya had simply not anticipated. He and his fellow generals expected that Mujib would capture no more than 60% of the East Pakistani seats, and that smaller parties in the East would form a coalition with West Pakistini parties, leaving the real power in Islamabad. Mujib feared some sort of doublecross: "If the polls are frustrated," he declared in a statement that proved horribly prophetic, "the people of East Pakistan will owe it to the million who have died in the cyclone to make the supreme sacrifice of another million lives, if need be, so that we can live as a free people."

With the constitutional assembly scheduled to convene in March, Yahya began a covert troop buildup, flying soldiers dressed in civilian clothes to the East at night. Then he postponed the assembly, explaining that it could not meet until he could determine precisely how much power and autonomy Mujib wanted for the East. Mujib had not espoused full independence, but a loosened semblance of national unity under which each wing would control its own taxation, trade and foreign aid. To Yahya and the generals, that was unacceptable. On March 25, Yahya broke off the meetings he had been holding and flew back to Islamabad. Five hours later, soldiers using howitzers, tanks and rockets launched troop attacks in half a dozen sections of Dacca. The war was on. Swiftly, Yahya outlawed the Awami League and ordered the armed forces "to do their duty." Scores of Awami politicians were seized, including Mujib, who now awaits trial in remote Sahiwal, 125 miles southwest of Islamabad, on charges of treason; the trial, expected to begin in August, could lead to the death penalty.

OUT OF TOUCH

In the months since open conflict erupted, nothing has softened Yahya's stand. In fact, in the face of talk about protracted guerrilla fighting, mounting dangers of war with India, and an already enormous cost in human suffering, the general has only stiffened. Should India step up its aid to the guerrillas, he warned last week, "I shall declare a general war—and let the world take note of it." Should the countries that have been funneling $450 million a year in economic aid into Pakistan put on too much pressure, he also warned, he will do without it.

He has already lost some. After touring East Pakistan last month, a special World Bank mission recommended to its eleven-nation consortium that further aid be withheld pending a "political accommodation." World Bank President Robert McNamara classified the report on the grounds that it might worsen an already difficult diplomatic situation. The report spoke bluntly of widespread fear of the Pakistani army and devastation on a scale reminiscent of World War II. It described Kushtia, which was 90% destroyed, as "the My Lai of the West Pakistani army." A middle-level World Bank official leaked the study, and last week McNamara sent Yahya an apology; in his letter he reportedly said that he found the report "biased and provocative." Yet one Bank official insisted that though it was later revised and modified somewhat, its thrust remained the same. "We just had to put it on a less passionate basis," he said, "But it did not reduce its impact."

U.S. policy has been murky, to say the least. The Nixon Administration continues to oppose a complete cutoff of U.S. aid to Pakistan. The White House has asked Congress for $118 million in economic assistance for Pakistan for fiscal 1971–72, which it says will be held in abeyance. Despite intense pressure from within his official family, as well as from Congress, Nixon argues that a total cutoff might drive Pakistan closer to China, which has been one of its principal suppliers of military aid since 1965, and also destroy whatever leverage the U.S. has in the situation. In the light of Henry Kissinger's trip to China, however, it now seems clear that there may have been another motive for the Administration's soft-pedaling. Pakistan, of course, was Kissingers' secret bridge to China.

Nonetheless, criticism has been mounting, particularly in the Senate, with its abundance of Democratic presidential aspirants, Senator Edward M. Kennedy charged that the World Bank report, together with a State Department survey predicting a famine of appalling proportions, "make a mockery of the Administration's policy." Two weeks ago, the House Foreign Affairs Committee recommended cutting off both military and economic aid to Pakistan. The bill still must clear the House and the Senate, but its chances of passage are considered good.

Since 1952, when massive aid began, Pakistan has received $4.3 billion from the U.S. in economic assistance. In addition, the U.S. equipped and maintained the Pakistani armed forces up until 1965. Then, because of the Pakistani-Indian war, arms sales were dropped. Last October the Administration resumed military aid on a "one-time basis." After the East Pakistan conflict erupted, it was announced that arms shipments would be suspended; but when three ships were discovered to be carrying U.S. military equipment to Pakistan anyway, the State Department explained that it intended only to honor licenses already issued. Over the years, it is estimated that close to $1 billion has been provided for military assistance alone.

The U.S. may well have to do some rethinking of its Pakistan policy. In a recent interview with TIME, former French Culture Minister Andre Malraux warned that before long, "you in the United States will have a big problem in Asia: Bengal. It will be like Viet Nam, except that there are 78 million Bengalese [in Pakistan]. The Bengalese are nationalists, not Maoists. But the present serene attitude of the U.S. will have to change."

CONDONING GENOCIDE

India is particularly incensed over the present U.S. policy, and Prime Minister Indira Gandhi strongly protested to Henry Kissinger about U.S. military shipments when he visited New Delhi this month. The supply of arms by any country to Pakistan, Foreign Minister Swaran Singh charged last week, "amounts to condonation of genocide." Mrs. Gandhi is faced both with mounting pressure for military action, and an awesome cost that could set her own economy back years. India is feeding the refugees for a mere 1.10 rupees (15c) per person per day, but even that amounts to more than $1,000,000 a day. The first six months alone, Indian officials say, will cost $400 million. Contributions pledged by other countries (the U.S. leads with $73 million) equal barely one-third of that—and much of that money has not yet actually been paid.

Still, it would hardly be cheaper to launch a war and get it over with, as some high-level Indians openly suggest. Hours after Indian troops marched into East Pakistan, Pakistani tanks and troops could be expected to roll over India's western borders. Moreover, fighting could spread over the entire subcontinent. For all of India's commitment "to Bangla Desh democracy and those who are fighting for their rights," in the words of Mrs. Gandhi, New Delhi is not at all interested in taking on the burden of East Bengal's economic problems. The only answer, as New Delhi sees it, is a political solution that would enable refugees to return to their homes.

The impetus for that could conceivably come from West Pakistanis. It is still far from certain that they are really determined to go the distance in a prolonged war. Thus far, the war has been officially misrepresented to the people of the West as a mere "operation" against "miscreants." Tight censorship allows no foreign publications containing stories about the conflict to enter the country. Even so, as more and more soldiers return home badly maimed, and as young officers are brought back in coffins (enlisted men are buried in the East), opposition could mount. The pinch is already being felt economically, and there have been massive layoffs in industries unable to obtain raw materials for lack of foreign exchange.

IMMENSE SUFFERING

Meanwhile, the food supply in East Pakistan dwindles, and there is no prospect that enough will be harvested or imported to avert mass starvation. August is normally a big harvest month, but untold acres went unplanted in April, when the fighting was at its height. Already, peasants along the rainswept roads show the gaunt faces, vacant stares, pencil limbs and distended stomachs of malnutrition. Millions of Bengalis have begun roaming the countryside in quest of food. In some hard-hit locales, people have been seen eating roots and dogs. The threat of starvation will drive many more into India. Unless a relief program of heroic proportions is quickly launched, countless millions may die in the next few months. Yahya's regime is not about to sponsor such an effort. His latest federal budget, adopted last week, allocates $6 out of every $10 to the West, not the East; in fact, the level of funds for Bengal is the lowest in five years. The U.S., still fretful about driving Yahya deeper into Peking's embrace, seems unlikely to provide the impetus for such a program.

Man's body is so small,
His strength of suffering so immense.

But in golden Bengal how much strength can man summon before the small body is crushed?

[From the Washington Post, July 23, 1971]

PAKISTAN "PEACE" FORCE LIVES IN DREAD

(By Lee Lescaze)

DACCA.—A member of East Pakistan's Central Peace Committee came to visit a provincial town recently. He brought six armed bodyguards and when night came refused the separate rooms that had been prepared for them.

The seven men lay down on the floor, three on each side of the leader so that an assassin would have to pick his target from the bunched mass of flesh.

In every town and village the Pakistan army has swept through, peace committees have been formed in its wake. Their official powers are vague, but in practice they rule life and death for their neighbors. A word from the peace committee is enough for the army—they arrest, and often shoot the accused.

Unlike the army, which consists of West Pakistanis most unfamiliar with this region and few who are able to speak its language, Bengali, the peace committee members are local men. They are recruited from the relatively small proportion of the population, perhaps less than one-tenth, who are willing or eager to cooperate with the military.

They are also afraid.

In every town visited on a recent trip through two large areas of East Pakistan, there had been attempted assassinations of peace committee members or threats dropped on their doorsteps.

Often, the threatening letters warning against further cooperation with the army are pinned to a shroud such as is used in all Bengali burials.

Peace committee members pass the days in relative safety, gathering intelligence about guerrialla sympathizers and ruling on the disposition of property that has been seized from "enemies"—men who have fled or been killed. The peace committees are also responsible for assuring people that they have nothing to fear from the army.

At night, however, the guerrillas operate and most peace committee members sleep with guards or spend each night in a different house trying to stay a step ahead of assassins.

In one town, two reporters stopped at a peace committeeman's house to ask questions and watch as the committee prepared the necessary papers to send along to army headquarters with a prisoner they had captured.

The committee leader spoke at length of a narrow escape from assassins, but said he had the support of almost all the town's citizens. Only agents from India, he explained, caused him problems.

When the reporters left to continue walking around the town, the peace committeeman sent his teenage son to follow them. One man started to address the foreigners, saw the boy watching and hurriedly turned away.

The youth insisted that his charges visit his high school. He leaned on the backs of their chairs listening as they posed a few harmless questions for the assistant principal to answer. The reporters could escape their shadow only by climbing into their car and driving out of town.

At a second town, with a normal population of only 2,000 people, the reporters were welcomed by peace committee leaders and offered tea.

It was good they had come, the committeemen said, since miscreants had attacked the railroad station during the night and made off with the assistant station manager's clothes and 24 rupees (about $3).

One man put the number of attackers at 20. Another thought it had been 40. They all agreed, however, that they had been well-armed "and by their tone, well-trained." The peace committee armed auxiliary called Razarkars (Bengali for volunteers) had four rifles, but had driven the attackers away within five minutes, the story went.

A crowd of men and boys gathered to listen to the dialogue. One peace committee man complained repeatedly that his eyes hurt from conjunctivitis. The tea was a long time coming.

"No one has been killed here by the army," the peace committee leader said.

"There is no doubt that the army is trying to protect the people. They are also trying to the maximum extent possible to get the cooperation of the public."

He said that some people had been arrested, but most had been quickly released unharmed.

"The main problem," he added, "is All-India Radio which is spreading totally false propaganda."

He conceded, however, that he and other peace committee members had received threatening letters. These were left at their houses at night by miscreants, he explained. The leader saw no inconsistency between his belief that only a few miscreants were causing trouble and his assertion that the railroad station had been attacked by a relatively large group of well-armed men.

After the tea finally arrived and was rapidly consumed, the reporters said goodbye and walked down the muddy street to their car. About 20 men and boys who had been listening, followed.

"We can't talk, he'll reports us to the army," one whispered. "No one agrees with him, but we are afraid."

As the reporters walked, the Bengalis poured out contractions of the peace committee's statements. Many had been killed, they said, and more arrested. "We have been waiting for a chance to speak to you," one added.

Then they saw the man with conjunctivitis hurrying to catch up and they stopped talking.

"All we want is peace," one man said loudly. Presumably, the peace committee would not object to a desire for peace.

[From the Washington Post, July 23, 1971]

SECRET CABLES SEE FAMINE IN EAST PAKISTAN

(By Lewis M. Simons)

U.S. officials in East Pakistan have reported that the "specter of famine" hangs over the province and have expressed dismay with State Department denials of these conditions, according to the tests of secret cables made public yesterday.

Released by Sen. Edward M. Kennedy (D.-Mass.), the cables were from U.S. Embassay officials in the Pakistani capital of Islamabad and from U.S. consular officials in the East Pakistani capital of Dacca to Secretary of State William P. Rogers.

One message, from the U.S. Consul in Dacca on July 6, stated in part: "Specter of famine hangs over East Pakistan and prospects for averting widespread hunger, suffering and perhaps starvation not, repeate not, good."

On July 15, the embassy cabled: "We are concerned . . . that department stating publicly that there is no evidence in field reports which would bear out predictions of coming famine in East Pakistan. Perhaps spokesmen not apprised on most recent field reports . . . which indicate famine real possibility."

The embassy message said the State Department denials were interfering with mission attempts to get the Pakistan government to "face up to dealing with" possible famine which, according to the Dacca consulate's report, "will probably prevail in much of East Pakistan over the coming year."

Kennedy refused to disclose how he obtained the cables. Photocopies of the original texts, labeled "confidential," were distributed to newsmen at the hearing.

An aide to Kennedy said he did not believe the State Department knew the senator had the texts. However, he said, no objections were raised by Department officials at the hearing or afterward.

State Department spokesman Charles Bray said "we have no idea how he (Kennedy) came into possession of the cables." He said they were secret information.

"The Senator makes it very difficult to carry on a constructive dialogue on the real human problems in East Pakistan when he abuses our confidential communications this way," Bray said.

He added that the department had advised Kennedy in June that "there was a good possibility of food shortages" in East Pakistan.

Commenting on the disclosure, made by Kennedy at a hearing of the Senate Judiciary Subcommittee on Refugees, informed Senate sources said there was growing belief in Congress that the Nixon administration is deliberately playing down the tragic circumstances in East Pakistan and continuing to send arms to the central government of President Yahya Kahn.

Yahya has been widely reported as playing a role in getting presidential adviser Henry Kissinger into Communist China on July 9.

According to one source, Sen. J. W. Fulbright (D-Ark.) asked Assistant Secretary of State Joseph Sisco at an executive session of the Senate Foreign Relations Committee on Monday whether Washington's refusal to stop arms shipments was the price the United States must pay for "Pakistan's complicity" in Kissinger's visit.

Sisco, according to this source, replied: "I don't know. I wasn't a part of it."

Kennedy told the chief government witness at yesterday's three-hour hearing, Under Secretary of State John Irwin, that the field reports "substantiated our own belief of impending starvation" in East Pakistan.

Irwin replied: "Certainly we must recognize the possibility of famine."

Two Kennedy aides are planning to travel to India next week to investigate conditions of the more than seven million East Pakistan refugees now there, it was learned. The aides will also attempt to enter East Pakistan.

Irwin and other government witnesses stressed that the main hurdle to overcome in averting a hunger crisis in East Pakistan was internal distribution of food, rather than getting sufficient supplies to the country.

This prompted Kennedy to ask whether the Pakistan army was facing any difficulty in moving military men and equipment through the East and whether the troops were hungry.

Frank Kellog, a special assistant to the Secretary of State, replied that there were "no reports that would indicate this." He attributed the army's mobility to its being a "well-organized institution," while relief for East Pakistan was relatively disorganized.

[From the Wall Street Journal, July 23, 1971]

A NATION DIVIDED: EAST PAKISTAN CONFLICT IS COMPLICATED BY RACE, RELIGION AND POVERTY—NO IMMEDIATE SOLUTION SEEN; RESIDENTS BARELY SUBSIST; POLICE STATE GRIPS BENGALIS

(By Peter R. Kann)

DACCA, EAST PAKISTAN.—The doctor sits behind a desk in his street-front office in an East Pakistani town, occasionally glancing out at the road lined with the charred debris and looted shells of shops and homes.

A vehicle with UNICEF markings on its doors but with armed West Pakistani soldiers inside cruises by. Otherwise, the street is all but deserted.

The doctor sits in his office only because he has been ordered to. His family is hiding in a village somewhere outside of town. He speaks in a whisper because any passerby could be an informer. At night, when the army goes knocking on doors, he lives with the fear that his name may be on one of its lists.

He whispers of recent events in this town: the streets littered with bloated and decomposing bodies; the burning, looting and raping; and the continuing terror. "We are afraid to speak the truth. Those who speak the truth are punished, and the only punishment is death," he says.

The doctor is an army veteran, which makes him a special target for his former colleagues. But his real crime is being a Bengali in a land of Bengalis that also happens to be part of the map of Pakistan. It is now a land of death and of fear.

CAUSES WASHED AWAY BY BLOOD

It is less than four months since the civil fighting in East Pakistan began, but already the causes of the conflict seem almost academic. Its geographical and historical roots, the legalities and moralities—all seem to have been washed away by blood. No one really knows how many people have been killed in East Pakistan since March 25, but Western diplomats say the minimum is 200,000. The maximum exceeds one million.

The events fall into three stages.

The first was a Bengali political movement aimed at ending two decades of economic and political exploitation by the West Pakistanis. It culminated, in March elections, in national political victory for the Bengali Awami League and its platform of greater East Pakistan autonomy. But on March 25 the Pakistan army (an almost entirely West Pakistani institution), fearing that East Pakistan was moving toward independence, cracked down in Dacca, the East Pakistan capital. Bengali students were massacred, politicians were arrested and the Awami League was outlawed.

The second stage was a fairy-tale few weeks in which the Bengalis proclaimed and celebrated their independence. Some thousands of East Pakistan's non-Bengali minority were killed during this period, in which the army, perhaps overly cautious, remained in the capital and in a number of military camps. But the illusion of independence ended in mid-April when the army emerged to crush the revolution. Tens of thousands of Bengalis were slain as town after town was retaken, burned and looted. There was little military opposition. Some six million Bengalis, most of them from the Hindu minority group that became a special army target, began fleeing into India.

NOW THE THIRD STAGE

The third and present stage is army occupation—a terrorized Bengali population being ruled by military force and crude police-state tactics. West Pakistan officials say everything is rapidly returning to normal. But the economy is woefully disrupted, factories are idle, schools are closed, roads are mostly empty and towns are largely deserted. Millions of Bengalis, particularly Hindus and middle-class Moslems, are still hiding in the countryside. About 50,000 refugees are still fleeing to India each day. And army rule is being challenged by Bengali guerrilla forces (the Mukti Bahani, or Liberation Army) that seem to have massive support among the Bengali population. The guerrillas are still lacking in training and organization, but supplies and border sanctuaries are being provided by India.

Ten days of traveling across East Pakistan and talks with scores of diverse people here indicate that the fourth stage eventually will be an independent East Pakistan: Bangla Desh, or Bengal Nation. But clearly much more killing will take place before Bangla Desh comes to pass.

No solution, including independence, holds any bright hopes for East Pakistan's predominantly peasant society, which, in accordance with the Mohammed's Prophet instruction to "go forth and multiply," is propagating itself into starvation. Its 75 million people already are barely subsisting 1,600 to the square mile, and this population will double within 25 years. A half-million Bengalis were killed by a cyclone last fall. A half-million more were born in 87 days. Perhaps only in East Pakistan could a disaster of the cyclone's magnitude be overshadowed by a greater one—this civil war—only six months later.

PRIMITIVE CONCEPTIONS OF GUILT

Poverty, ignorance and frustration have turned this conflict into a Congo as well as an Algeria. Men are killing each other not only in the name of politics but also over race and religion. The Moslem philosophy of an eye for an eye and a tooth for a tooth is made more terrible by primitive conceptions of collective guilt.

The army kills Bengalis. The non-Bengali minority of about two million (commonly called Biharis) backs the army. So Bengalis kill Biharis. The army and the Biharis see this as ample reason to butcher more Bengalis. The Hindu minority of about 10 million becomes a convenient army scapegoat and even some Bengali Moslems can be persuaded to join in their slaughter. Amid this chaos, various villages, gangs and individuals have been attacking each other for economic gain or to settle private scores.

These are the tales of some of the people encountered on a trip through East Pakistan. As with the doctor, the names of Bengalis and the towns in which they live are omitted.

Bengalis, in talking to a reporter, fear for their lives. Most don't talk at all; in some towns not even beggars will approach a stranger. Normally among the world's most voluble people, the Bengalis now talk mostly with their eyes—eyes that look away in fear or that stare down in shame or that try to express meanings in furtive glances.

A lawyer and his sons have been fortunate. When one asks a Bengali how he is these days, he replies, "I am alive." The lawyer and his sons not only are alive but are living in their own home. They are also hiding in their own home, for they leave it only rarely. "It is too easy to be arrested on the street," the lawyer says. "A seven-year-old can point a finger at me and call me a miscreant, and I will be taken away."

Miscreant is the term the Pakistan army applies to all who oppose it. "All Bengalis are miscreants now," the lawyer's younger son says. He is a law student, but students are a special army target, and most are in hiding. The universities are closed. "What use would there be learning law anyway now that there is no law in our country?" the son asks.

It is evening, and the discussion is taking place in the lawyer's home. Before talking, he closes the wooden shutters on the windows. Then he has second thoughts—"someone who passes by may report a conspiracy"—and so the shutters are partly reopened.

They talk of "the troubles," of how, when word of the army's March 25 attack in Dacca reached this town, the Awami League took control. There was orderly rule under the Bangla Desh flag until mid-April, when air-force planes strafed the town. People panicked. The Awami Leaguers and their military force, the Mukti Bahani, began to flee along with thousands of others. But it was several days before the army reached the town, and during that time angry Bengali mobs attacked and slaughtered hundreds of Biharis.

Relative to its actions elsewhere, the army, when it arrived, showed restraint. Most of the town remains undamaged, although much of it was looted by the army and its mobs. About half the population has returned and many shops have reopened, though not under former management. Hindu shopkeepers have disappeared, and Biharis and other army backers have taken over. And, as everywhere, the arrests continue.

Four Christian Bengalis are arrested by the army at a roadblock. Not many buses travel East Pakistan's roads these days, and those that do are frequently stopped, and their passengers are lined up and searched. Few of the soldiers at these checkpoints speak any Bengali (Urdu is the language of West Pakistan), and so a common way of finding "miscreants" is to lift men's sarongs. Moslems are circumcised; Hindus aren't. Some West Pakistani soldiers came to East Pakistan thinking all Bengalis were Hindu. More sophisticated soldiers simply think that all Hindus are "miscreants," but then so are many Bengali Moslems. So it is all very confusing for the soldiers, and the four Christians are arrested.

FOR CHRISTIANS, NO BEATINGS

They are taken to a military cantonment and beaten for several hours by interrogators who don't speak their language. So the matter comes to the attention of an army major, who summons the four Christians and offers apologies: "It is our policy not to beat Christians," he explains.

A shopkeeper, a thin Bengali with wire-rimmed spectacles, glances out from his shop at two strangers walking down the deserted street. They enter the shop and inquire about "the troubles" in this town. The shopkeeper is visibly trembling. "There is nothing I can say," he replies. Then he glances again at the flattened buildings lining the main street and whispers. "Look around you." As the visitors leave, he adds, voice cracking, "I'm ashamed I cannot. . . ."

Further down the street a youth approaches. "The army destroyed our city. Many Bengalis are being arrested. They are being shot every night and thrown into the river. We no longer eat the fish from the river," he whispers.

The youth guides the strangers to the local hospital to talk to a surgeon. The surgeon is a Bengali but is employed by the government, which means he is particularly vulnerable. He is asked about killing in the city. "Killing? What killing? Killing by whom? He is asked about general problems. "Problems? What problems? There are no problems."

BELABORING THE OBVIOUS

The visitors take their leave. Outside the hospital the youth whispers: "You have talked to the doctor, but I think he has concealed the truth. He is afraid." It is explaining the obvious.

A professor and his student are talking about the prospects of students returning to classes in early August, when the university is supposed to reopen. They are pessimistic. Some students are hiding in their homes, others have fled to outlying villages or to India. Some have joined the Mukti Bahani. The campus has been turned into a military camp, and troops are quartered in the dormitories, using books to fuel their cooking fires. "Would you come back?" the professor asks.

The student, a girl, has a room in a house that overlooks an army interrogation center. "All day the students, young boys, are brought in and beaten," she says. "Three soldiers walk on them with boots. All night we hear the screams. I cannot sleep. We cannot stand to see and hear these things."

"Our army had a good reputation," the professor says. "We had a great army. But look what it has done. How can an army be great when it fights in an immoral cause?"

Two army majors are standing at a ferry landing on the east bank of the Ganges River. One is a frogman, the other one served in the camel corps. Both seem to be civilized and charming men. They explain that they are fighting a patriotic war to defend the integrity of their country against Indian agents, miscreants and misguided individuals. "We saw atrocities that made our blood boil. Had you seen them, even you would have wanted to kill," he says of a town where some Biharis were butchered by Bengalis. (The town was later leveled by the army and a far greater number of Bengalis were killed.)

FOOD FOR THE CROCODILES

The majors are asked why so many Bengalis have fled, particularly Hindus. The answer is imaginative. They say that in April, before the army restored order, Hindus told Moslems that the "holy Koran is just an old book. So the Moslems came out of their homes to defend the holy Koran and many Hindus fled." There has been much killing, the camel-corps major grants. "The crocodiles have gotten fat," says the frogman, glancing out at the Ganges.

But all is returning to normal, they say, and the Bengali people aren't afraid of the army. A ferry is landing, and a group of Bengali laborers, recruited by the army to reopen a jute mill, edges past the majors in single file. Each of them bows his head in a subservient salute as he passes the officers.

Not all army officers are as sympathetic as these majors. Western residents of one town tell of an army captain approaching a young Hindu girl and telling her to feel the barrel of his gun. "You feel it is still warm," he said. "From killing Hindus," he added laughing—but not joking.

An old Bihari who served as a bearer in the British Indian army many years ago is now a waiter at a roadside hostel on the outskirts of a town more than half destroyed. He supports the army and thus isn't afraid to talk. He explains that for several April days, after the Awami League people fled but before the army arrived, things were bad for the Biharis. Mobs of Bengalis ran through the streets shouting (and he lapses into his old Indian-army English), "Kill the Bihari buggers, burn the Bihari buggers." Some Biharis were killed, he says, but most weren't. Then the army arrived. "The army kill many Bengali buggers," he says. "And the Hindu buggers, they run away to India. It is very bad days, Sahib."

A Hindu, one of the richest and most respected men in his community before the fighting, was a philanthropist who had built schools, hospitals and irrigation systems for the predominantly Moslem peasants in his area. He considered himself fully Pakistani. Although a Bengali, he hadn't backed the Awami League but rather had supported the more conservative and even anti-Hindu Moslem League.

THE HUNTER BECOMES THE HUNTED

For nearly a month after the civil war began but before the army arrived in his area (and thus during the period Biharis were in danger from Bengalis), the Hindu sheltered two Biharis in his home. When mobs came looking for them, he protected them. But, with the arrival of the army, roles reversed, and Bengalis—particularly Hindu Bengalis—became the hunted.

Hindu villages were burned by the army, and mobs were encouraged to plunder Hindu homes. Under army orders the local Hindu temple was smashed to the ground by men wielding sledgehammers.

The Hindu and his family fled to the village hut of a friend, where they have been hiding for more than two months. His first daylight emergence from this hiding place was for a rendezvous with two reporters. He walked across the rice paddies in the late afternoon, dressed as a peasant and shielding his face with a black umbrella.

He hadn't fled to India like so many other Hindus because he hoped the army would move on and life might somehow return to what it had been before. But the army remains, Hindus are still being searched out and shot, and now it is too risky to try to reach the border from this area.

Only a few close friends know his hiding place. One of them is a Moslem League official, an influential man these days since many Moslem Leaguers are supporting the army. "He knows where I am hiding, but he dare not help me," the Hindu says. He believes that nearly all Moslem Bengalis sympathize with the Hindus. "But what can they do? They, too, are in danger and they are afraid."

All the Hindu's property is on an army list of "alien properties." In other areas it is called "enemy properties," but in either case it is scheduled to be confiscated and put up for auction. The Hindu talks much about losing his property—but the greater danger is losing his life.

"My Moslem friends tell me that Hindu bodies taken from the river are so disfigured from tortures that the faces cannot be identified," the Hindu says before picking up his umbrella and heading back across the fields to his hiding place.

A HEADMASTER RECITES HIS LESSON

The travelers visit a town near the Indian border. One of the last towns to be retaken by the army, it is heavily damaged and is still largely deserted. Here the local peace committee—a unit composed of some Biharis and conservative Bengali Moslem Leaguers who serve as the local eyes and ears of the army—assigns two youths to guide and shadow the visitors. "Come to the school and talk to the headmaster," they say.

The headmaster, a middle-aged Bengali, sits behind his desk. The reporters sit facing him. And standing behind the reporters, also facing the headmaster, are the young peace committee shadows. In a faltering voice the headmaster begins to recite statistics of school enrollment, dates when schoolhouse cornerstones were laid—anything uncontroversial. At the end of each sentence he glances up, past the reporters, to the shadows, like a schoolboy reciting his lessons to a teacher with a stick.

How was the school damaged? the reporters ask. "There was some strafing," he mumbles. Then, looking up at the teen-age shadows, he hurriedly adds, "and maybe it was damaged by miscreants."

As the reporters and their shadows leave, the professor mumbles, "We are trying to hold together," and then he stares down at the ground.

[From the New York Times, July 23, 1971]

TWO BEATLES' BENEFITS FOR PAKISTANIS ARE SOLD OUT

Thousands of patrons—mostly youths in informal attire—waited overnight Wednesday at Madison Square Garden and at more than 100 Ticketron outlets for tickets to two benefit shows featuring two of the four Beatles, George Harrison and Ringo Starr, and the Indian sitar player Ravi Shankar.

The crowds came early and in abundance, demonstrating that the Beatles—or whatever is left of them—can still draw the fans.

In about 10 hours, 36,000 tickets were sold yesterday for performances scheduled to be held at the Garden on Aug. 1 at 2:30 P.M. and 8 P.M., according to Allen Klein, the American manager of the Beatles. Originally, only one evening performance was to have been given, but the faithful were so numerous that a matinee was arranged.

The Garden's box offices had been scheduled to open at 10 A.M. yesterday, but after the throng had swelled to more than 5,000 Garden officials decided to put the tickets on sale Wednesday midnight. By 8:44 A.M. yesterday all available reservations had been purchased.

WILL AID PAKISTANIS

The benefit performances are being presented by Apple Corps, Ltd., and Mr. Klein's company, Abkco Industries, Inc., which manages the affairs of the Beatles. Apple is the name of the Beatle-owned recording, film, retail and electronic ventures.

Proceeds from the shows will go for the relief of the homeless children and the millions of refugees who have fled East Pakistan to India. The relief will be administered through the United Nations Children's Fund. Ticket prices range from $4.50 to $10.

Also donating their services for the benefit concerts are Eric Klapton, lead guitarist; Leon Russell, pianist; Klaus Voorman, bass player; Billy Preston, keyboard; Jim Keltner, drummer; Jim Horn, bass; Badfinger, rhythm guitarist and percussionist, and Claudia Lennear, singer.

[From the New York Times, July 23, 1971]

KENNEDY HINTS UNITED STATES MAY PLAN TO HELP POLICE EAST PAKISTAN

(By Benjamin Welles)

WASHINGTON, July 22.—Senator Edward M. Kennedy, chairman of the judiciary subcommittee on refugees, publicly implied today that the United States was planning to send police teams to East Pakistan.

Mr. Kennedy, who is a Democrat from Massachusetts, put the question to John N. Irwin 2d, Under Secretary of State, who was testifying on the refugee problem in East Pakistan, India and other areas.

Mr. Irwin and officials with him appeared surprised. C. Herbert Rees, director of South Asian operations for the Agency for International Development, conceded that there were plans for the return to East Pakistan of Robert H. Jackson, a police expert who was withdrawn from Dacca following the civil disturbances of March 25.

Mr. Jackson, who has been employed by the agency as a police specialist since 1964, served previously in South Vietnam and in Brazil before his recent assignment to Dacca.

However, Mr. Rees denied that there were plans to send police teams to East Pakistan or to start public-safety programs there.

Congressional sources insisted, nonetheless, that they had evidence that plans were being drawn up to have United States teams help the Pakistani Army suppress Bengali resistance in East Pakistan.

Mr. Kennedy's purpose in posing the question and bringing the matter into the public record, they said, was to "nip the scheme in the bud."

Mr Kennedy also disclosed the contents of cablegrams to the State Department from the United States mission in Pakistan. One sent July 6 by the consulate general in Dacca, said in summary:

"Specter of famine hangs over EP [East Pakistan] and prospects for averting widespread hunger, suffering and perhaps starvation are not good."

Charles W. Bray 3d, State Department spokesman, criticized Senator Kennedy for having made public the State Department cablegrams.

"The Senator should not expect a constructive dialogue on the real human problems of East Pakistan when he abuses our confidential communications," Mr. Bray said.

In other testimony, Francis L. Kellogg, special assistant to the Secretary of State on refugee and migration affairs, said the average flow of refugees into India was believed to have dropped from 50,000 to 21,000 daily.

He added that the United States had authorized $70-million to assist refugees in India. Global relief to date totals $128-million, he said.

Both Mr. Irwin and Mr. Kellogg conceded that the United States was pressing President Agha Mohammad Yahya Khan of Pakistan to show a greater sense of urgency in handling the refugee problem.

[From the Washington Post, July 24, 1971]

U.S. ARMS AID TO PAKISTAN BEWILDERS FEARFUL BENGALIS

(By Lee Lescaze)

DACCA.—The approach to Americans is double-barreled in East Pakistan. First, Bengalis want to describe their fear and the killing they have seen.

Then, they ask: "Why are you sending the army more guns?"

The United States is not at the bottom of the East Pakistanis' list thanks to China's outspoken support of the Pakistani army repression since March 25, but many find it difficult to understand why the United States continues arms shipments to an army they see as already well-equipped and murderous.

"The cradle of democracy and Mao's so-called center of revolution are both against us," an educated Bengali remarked.

Neither is the United States the most disliked foreign power in the eyes of army officers and their sympathizers. They see Britain which has cut off aid until peace returns here, as the chief villain.

But Washington is widely distrusted. "Yes, you are helping us," a pro-army banker said last week, "but it is for your own reasons." He argued, without supporting evidence, that Washington had aided Sheikh Mujibur Rahman's Awami League before the military crackdown and was therefore partly responsible for the present crisis.

Like the banker, many army officers yield to the temptation to describe what has happened here in terms of a conspiracy. "We must not trust anyone too much," a major said. "China has proved a good friend to us," he added, but he declined to extend the same praise to America.

"You tie strings to everything," he said, "and your policy can change abruptly."

"The United States is doing enough to earn the enmity of the Bengalis," one source said, "but not enough to win West Pakistan's friendship.'

Foreign radio stations provide most of the news here where English is quite widely spoken and the local press is tightly controlled.

KENNEDY A HERO

In one town after another young men could recite the names of U.S. senators who have spoken in favor of halting aid to Pakistan. Sen. Edward M. Kennedy is a particular hero

A guerrilla leader speaking in the village from which his small band harasses the army, praised Kennedy, but asked what the American pople would do to help him.

The radio keeps men in small towns amazingly well informed. "We heard last night that two more American ships are bringing ammunition for the army," a young Bengali said. "It makes us very sad if it is true."

Washington has repeatedly stressed that no new military shipments have been authorized since fighting began here March 25. However, U.S. officials acknowledge that about $36 million was scheduled for delivery before that date.

If the present pattern of shiploads carrying well below $2 million worth of military supplies each continues, the radio may carry news of more than 20 additional arms ships leaving American ports in the next months.

The ships would be able to sail even if the full Congress upholds the House Foreign Affairs Committee's July 15 decision to suspend all military and economic aid to Pakistan.

Military aid dominates the attitudes toward the United States of army officers and their opponents—most of East Pakistan's 75 million people.

But military supplies will have less effect than economic aid on the long-term solution here. Pakistan's economy in both west and east is heavily dependent on foreign aid and the government was angered when an internationial aid consortium announced last month that it would not meet to discuss Pakistan's needs until a more normal situation prevailed here.

However, aside from the international consortium, one expert argues that an attempt by any foreign power to bring political pressure by cutting economic aid would be unlikely to have an immediate effect on Pakistan's government policy.

The United States appears to agree. When presidential adviser Henry Kissinger visited Pakistan early this month, one well-informed source says, he said Washington would consider altering its policy if it could be demonstarted that a new U.S. policy would bring a solution in East Pakistan much sooner than the present course.

Kissinger reportedly said he was not interested in hearing that American action might cut a ten-year problem down to a five-year problem. Would it bring a solution in two years or less, he asked.

No one, according to reports of the meeting, ventured to assure him of such a rapid end to the crisis here and Kissinger left Pakistan for his China trip apparently determined to leave policy toward Pakistan unchanged.

Exactly what the policy is, however, puzzles outsiders in Dacca as well as Washington. Almost all economic aid has been suspended—in part for technical reasons—but the State Department has announced it hopes the House Foreign Affairs Committee aid veto will be reversed.

"Our policy is better than it looks," one sources said. He pointed out that all but a handful of U.S. technical assistance advisers

have been withdrawn, rural public works projects have been halted since March for security reasons, there have been loans for commodity imports approved in recent months and shipments of PL 480 foodgrains have been stopped. Warehouses at East Pakistan's Chittagong port are full and with rail and road communications disrupted there is no way to distribute the grain.

PL 480 shipments, financed by excess counterpart funds, will be resumed when the port can handle them. No one is certain which other parts of the U.S. aid program will be resumed or when.

Meanwhile, although all foreign observers in Dacca appear convinced that the army will eventually be forced to withdraw from East Pakistan, America is seen by Bengalis here as staunchly supporting their foe and that is yet one more disappointment they live with in East Pakistan's terrorized, army-occupied towns.

[From the New York Times, July 24, 1971]

MORE ARMS HELP TO PAKISTAN SEEN—SYMINGTON SAYS UNITED STATES PLANS TO ALLOW SHIPMATES, DESPITE AN IMPLIED EMBARGO

(By Benjamin Welles)

WASHINGTON, July 23.—Senator Stuart Symington disclosed today that the Administration still intended to permit approximately $15-million in arms to be shipped to Pakistan despite repeated official statements implying that a total embargo had been imposed on arms since civil war broke out in East Pakistan March 25.

Senior officials privately confirmed that about $15-million worth of arms now in the hands of Pakistani Government officials in this country may be transported to Pakistan as soon as shipping and other administrative arrangements could be arranged.

Mr. Symington, Democrat of Missouri, accused the Administration in a long floor statement of "semantics, ambiguous statements on the public records without clarification and no effort to present the actual facts until pressed to do so."

As of mid-July, he declared, the value of unshipped material for Pakistan in the United States was well over $10-million. Mr. Symington said that he had learned from "press sources," which he did not identify, that State Department officials had confirmed that the present worth of material "in the pipeline" was about $15-million.

Charles W. Bray 3d, the State Department spokesman, announced that Agha Hilaly, the Pakistani Ambassador, had met with Secretary of State William P. Rogers today. The principal subject of the meeting was President Nixon's recent disclosure that he intended to visit China before next May, Mr. Bray said.

In his statement Mr. Symington, who is chairman of the Foreign Relations Subcommittee on Near Eastern and South Asian affairs, charged the Administration with sowing confusion through statements interpreted as meaning "that we had not shipped arms to Pakistan since March 25; also that we had nothing in the pipeline to be shipped to Pakistan."

"That impression was wrong," Mr. Symington declared, "and we have continued these shipments, not because we were powerless to stop them but because we decided not to stop them."

On March 25 President Agha Mohammed Yahya Khan of Pakistan ordered the army to suppress a movement for political autonomy in East Pakistan. Since then widespread loss of life and destruction of property have brought East Pakistan's economy virtually to a standstill and have caused about seven million East Pakistanis to flee to India.

To help stem the growing threat of famine and disease, the United States has allocated approximately $70-million for aid to refugees in India, plus some $35-million to help refugees and others in East Pakistan.

Mr. Symington contrasted repeated statements implying that the United States had ceased all arms deliveries with subsequent evidence that, in fact, arms deliveries were being continued under a variety of bureaucratic subterfuges.

On April 15, he said, a State Department spokesman asserted that "no arms have been provided to the Government of Pakistan since the beginning of this crisis and the question of deliveries will be kept under review in the light of developments."

Mr. Symington cited a letter of April 25 from David M. Abshire, an Assistant Secretary of State, to Senator J. Fulbright, chairman of the Foreign Relations Committee, which reported: "I would say that in the present circumstances we are not giving any arms at all."

PUT HOLD ON DELIVERIES

In early April, Senator Symington said, the Administration put a "hold" on the delivery of foreign military sales items to Pakistan. It suspended the issuance of new licenses to items on the munitions list for either the foreign military sales program or for sales through commercial channels, and held in abeyance actions on a one-time exception that had been delivered to the Government of Pakistan or its agents. Nothing relating to that one-time exception was scheduled for delivery, he said.

"This did not mean, however," he continued, "that other military equipment had not gone to Pakistan. By early April the Government of Pakistan or its agents had obtained legal title to and were in possession of some military items still in the U.S. In a legal sense, however, the 'delivery' of these items to Pakistan had apparently taken place."

Mr. Symington further disclosed that Defense Department contractors and other commercial suppliers had continued to utilize valid licenses issued before early April. He said that some of the items had been shipped "and additional supplies under these licenses will be shipped in the future."

In a separate development, the State Department sharply criticized Senator Edward M. Kennedy, Democrat of Massachusetts, for divulging confidential State Department cables at a hearing of the Judiciary subcommittee on refugees yesterday. The messages discussed the "specter of famine" over East Pakistan.

Mr. Kennedy retorted that "high officials of the Government refused to be candid and apparently deliberately mislead and suppress information." He accused the Administration of trying to "whitewash one of the greatest nightmares of modern times."

[From the Washington Star, July 25, 1971]

POLICY TOWARD PAKISTAN SHOULD BE RECONSIDERED

(By Crosby S. Noyes)

It is now fairly obvious why the Nixon administration has chosen to handle the crisis in Pakistan with velvet gloves. The help that the government in Islamabad provided in getting Henry Kissinger to Peking and back could well have had something to do with the administration's policy of continuing to send aid to that strife-torn country.

There are not many countries, after all, from which an American presidential adviser could have made the trip. In this case, the Pakistanis cooperated fully in the elaborate charade of Kissinger's famous stomachache and, it is believed, provided the planes and crews for the momentous visit.

This is not, of course, the official administration explanation for the continuing aid program. The rationale has been that the United States wants to preserve its leverage on the government of President A. M. Yahya Khan and that cutting off economic assistance will do nothing to help the people of the ravaged eastern part of the country.

This rationale, however, has never been very convincing. And whatever overriding reasons of state may have inspired the soft line up to this point, the policy should now be carefully reconsidered.

Because the unpleasant truth is that this continuing American aid—including military equipment—is helping West Pakistan to carry out the ruthless suppression of its rebellious eastern province. All reports from Western observers in that part of the world speak of continuing terror among the population, the systematic destruction of villages, total disruption of the economy and the killing of more than 200,000 largely unarmed civilians.

A recent report from a special mission of the World Bank has recommended the suspension of all international development programs in Pakistan "for at least the next year or so." According to this report, there is no evidence that "normality is being approached or that matters are even moving in that direction." The 11-nation consortium which supplies economic aid to Pakistan—of which the United States is a major contributor—was urged to suspend its programs until there is a drastic improvement in the situation.

More recently, there have been signs of political disintegration in West Pakistan as well. The authority of Yahya Khan's martial law regime is under challenge, notably from Pakistan's left-leaning former foreign minister, Zulfikar Ali Bhutto, who has considerable political stature in his own right. Bhutto is threatening to produce public disturbances if he is denied power in a civilian government. And, once again, the prospect is that any disturbances would be met by fierce repression from the army.

In this situation, it is not altogether surprising that the Congress in Washington is taking an increasingly dim view of the administration's program of continuing aid to Pakistan. In a recent action, the House Foreign Affairs Committee, which does not often oppose administration proposals, voted to strike $118 million requested for the program.

According to the amendment striking the sum from the foreign aid bill, assistance to Pakistan can be resumed only when the President reports to Congress that the Pakistani government has restored "reasonable" stability and when some 5 million refugees who have fled East Pakistan to India are permitted to return to their homes.

From all the available evidence, this will not be any time soon. The committee's recommendations are expected to be accepted by the House. And, given the prevailing view in the Senate, a similar restriction on future aid is very likely to pass there as well.

To be sure, there is no guarantee that confronting West Pakistan with a cut-off of aid and possible bankruptcy will bring about a dramatic change of policy toward the East. Having embarked on a policy of repression, West Pakistan will find a political reconciliation between the two parts of the country increasingly difficult, if indeed it is not already impossible.

There also is a most urgent need for a massive international relief effort in East Pakistan itself. In its report, the World Bank commission called for immediate and large-scale food shipments to avert the threat of widespread starvation in the ravaged province. That kind of relief must go on. But a consensus is clearly growing in this country that any aid which serves the cause of repression in Pakistan should be stopped forthwith.

[From the Washington Sunday Star, July 25, 1971]

EAST PAKISTANI REFUGEES ADD TO INDIA'S WOES

(By Henry S. Bradsher)

BONGAON, INDIA.—Eleven days ago in Khulna, an industrial town in southwestern East Pakistan, officials told some foreign visitors that the Khulna district was quiet and re-

turning to normal after the Pakistani Army's crackdown.

On the helicopter trip back to Dacca, visitors could see some villages northeast of Khulna had been burned out.

Two days ago, Naren Bala walked through this Indian town four miles from the Pakistani border.

Eleven days ago he had left his village, Shantipur, which lies 20 miles northeast of Khulna in the Khulna district.

Naren Bala is a Bengali Hindu citizen of Pakistan.

He said he fled because local Moslems working with the Pakistani Army looted and burned Shantipur.

Naren, his wife who is expecting a baby very soon, and their sons had walked barefooted more than 100 miles to safety here. He carried his naked 3-year-old daughter on his left hip and with his right hand balanced on his head a large bundle that represented the family's entire possessions.

Naren was part of the endless procession of refugees walking through Bongaon.

Indian Government workers give them cholera inoculations, smallpox vaccinations and food and send them on deeper into India. There already are 400,000 refugees living in Bongaon, a subdivision whose normal population is 450,000.

Since the Pakistan Army began its crackdown in East Pakistan on March 25 some 3 million refugees have passed through the Bongaon subdivision. In all some 7 million refugees have entered India. They continue to come at a rate of about 40,000 a day.

HUGE PROBLEM STILL GROWS

The immensity of the problem is difficult to comprehend, so large are the numbers, and to comprehend is to be appalled. Yet, the problem grows.

Staggering along from day to day under ever-mounting load, the government of India does not know how bad things might get. It is gravely worried that 7 million refugees might be only part of the ultimate total.

With an increase of guerrilla warfare inside East Pakistan—which India itself is fostering—there is a chance of more refugees fleeing from the fighting and Pakistani Army reprisals. With a famine looming as a strong possibility in several parts of East Pakistan this autumn, there is a chance of more refugees coming to India in an effort to avoid starvation.

How high might the total go?

Ten million? Twenty million?

No one knows, but some officials think even 20 million is within the range of horrifying possibilities.

When the refugee flow began as the Pakistani Army smashed all resistance to its rule of East Pakistan, Indian officials thought there might be a million or so refugees. This was within the realms of understanding.

When East Pakistani Moslems set upon Hindus in religious rioting with economic overtones in 1964, two-thirds of a million refugees came into India and stayed. The Indian state of West Bengal, where Bangaon and Calcutta are located, has absorbed 4.2 million East Pakistani refugees since 1947, according to official records, perhaps as many as 7 million by unofficial estimates. But the new flood after March 25 did not end when the Pakistani Army had subdued the province.

Instead it mounted as the army began a deliberate effort to drive the Hindu minority of 9 or 10 million persons out of the Moslem nation.

"WE HAVEN'T BROKEN"

With famine might come more Moslem refugees in large numbers than already fled from fear. An estimated 20 percent of present refugee total is Moslem. What is the breaking point for India? When does it become impossible to feed and shelter and medically care for the ever increasing hordes of refugees?

"We've long since passed the breaking point—but somehow we haven't broken," one Indian official said. The head of India's refugee program, Col. P. N. Luthra of the Rehabilitation Ministry, says, "We are already tremendously worried" that the physical limit of ability to cope with refugees has been reached.

At his office in Calcutta, southwest of Bongaon, Luthra cited the Tripura region of India on the eastern side of East Pakistan as an especially difficult area. Refugees have doubled its normal population of half a million. Food and other relief supplies for them have to be transported around East Pakistan on badly overloaded transportation systems.

"We already are at the point of finding it very difficult to maintain these refugees" in Tripura, Luthra said. He declined to speculate on how much worse the problem will get although it is known that at the level of Prime Minister Indira Gandhi's cabinet there is much speculation, tinged with desperate gloominess.

There was a touch of desperation in the experienced civil servant tones of Luthra, long a top Indian administrator, as he said he hopes the refugees will go back to Pakistan by October or November. "The international community must do something" to achieve this, he said.

"WHY SHOULDN'T THEY?"

But, suppose refugees do not want to go back.

With desperation turning to anger, Luthra replied: "Of course they will go back. Why shouldn't they go back, Hindus included? If conditions return to the way they were before March 25, they will all be happy to go back."

Refugees along the road through Bongaon said they would not go home until "Bangala Desh," the name of independent East Pakistan, is established. Even the most militant Bangala Desh supporters in India cannot see that happening any time soon.

At a camp for 6,500 refugees 10 miles south of Bongaon at Gaighata, families that came into India with the first wave more than three months ago said they heard from newcomers that "so much killing and murder still is going on" that they cannot return.

But, they were told the president of Pakistan, Gen. A. M. Yahya Kahn, has said several times that the situation is returning to normal and all Pakistanis "of any religion, caste or creed" should return home with assurances of good treatment and safety.

"LIE" IS RESPONSE

When this was translated for the refugees who crowded around foreign visitors to the camp, there were angry outcries from many persons. Remarks several made were translated as . . .

Dhananjay Ghosh, a gray 59, said he and his nine family members would stay in India . . .

"Even if that means two or three years. We have no other place to go."

Gaighata camp refugees live under canvas sheets spread over wooden frames. They have been sleeping on packed earthen floors, but now are building bamboo platforms to escape the monsoon rain flooding. Down a narrow country road, refugees unable to crowd into camps live in huts they have built from bamboo and grass. They get the same meager but adequate food rations plus the equivalent of 23 cents a week to purchase other needs which are provided the camp dwellers.

CHAT WITH A SQUATTER

One of three roadside squatters, Pulin Gayen, sad he could remain there a long time. He stood holding a 3½-year-old daughter who the doctor said had the measles. If the Indian government stops rations, Gayen said, "Then I will work to live on my labor." But are there enough jobs here for all refugees? "No, but the government will create jobs," he replied confidently.

The government development officer for Bongaon, Sachin Datta, said the government has begun using unarmed volunteer corps to keep refugees in their camps so they won't go out and compete on the local job market. There have been numerous complaints from Indian laborers that refugees who get free food and shelter have been undercutting them. One day's farm labor used to pay between 22 cents and a full meal and 47 cents without a meal, depending upon the area. Now it is down to between 13 and 26 cents without a meal.

PRICES EYED

There also is concern here that refugees are pushing up local prices, even though their basic needs come from outside local economy. Potatoes have gone up from 4.5 cents a pound to 6 cents. Fish has risen from 30 cents a pound to 60 cents. Local officials worry about these things but are proud that this area has a good health record. The cholera problem that loomed so large a month ago has receded. Luthra said a total of 4,500 refugees died of cholera.

KOREAN TEXTILE IMPORTS

Mr. MILLER. Mr. President, Ambassador-at-large David M. Kennedy met with the President at San Clemente to report on the progress of his discussions on voluntary restraints on textile exports from the Far East. Following his report, the President asked him to return to the Far East to pursue his efforts to reach an acceptable solution to the problem.

I am informed that after 7 weeks of negotiations—principally in South Korea, Taiwan, and Hong Kong, Ambassador Kennedy was able to report only modest progress toward achieving agreements. Taiwan has agreed to certain understandings which would form the basis for a restraint agreement. Hong Kong reportedly has evidenced its willingness to conclude a restraint agreement, provided the other countries involved, principally Japan, also implement effective restraint agreements. The report on South Korea was quite unfavorable.

One can sympathize with the reluctance on the part of any country to limit exports of a commodity which is a major foreign exchange earner—as, indeed, textiles are for South Korea. However, as a member of the Senate Finance Committee and one who has always strongly supported increased military assistance for South Korea, I find the report on South Korea most troubling.

From where I sit on the Finance Committee, I see the strong protectionist pressures that are building up in the United States. Restrictive trade legislation is being planned in several congressional offices for active consideration if the administration's efforts toward voluntary restraints are unsuccessful. And there is little doubt in my mind that restrictions in a trade bill would be more restrictive than restrictions under a voluntary agreement. With unemployment in the United States at a high level and the great anxiety throughout the country over the job problem, and with our trade balance in serious jeopardy, there is an understandable concern in the Congress over a rising tide of foreign imports. The fact that next year is an election year only increases pressures on

many Members of Congress for restrictive legislation.

I should also note that an uncooperative attitude toward working out voluntary restraints will not be helpful to those of us who support the military assistance program for South Korea. The administration has properly committed itself to a program of modernization of the South Korean Armed Forces. This commitment does not, however, commit the Congress; and it is difficult, I know, for Members of Congress to explain to the taxpayers their support for such a military assistance program if the South Korean Government is unwilling to cooperate on the textile problem.

I appreciate that some Senators are impatient; and the reason they are impatient is because the people from their States and districts are impatient. I would hope, however, that they will be patient awhile longer and give Ambassador Kennedy some more time to try to work out an acceptable export limitation agreement with our Asian friends. It should be obvious that the situation cannot long continue on its present course. Voluntary agreements are the best way to handle it, and Ambassador Kennedy, representing the administration, is doing his best to see to it that the situation is handled that way. His failure to obtain the cooperation required will almost inevitably result in a chain of reactions which will meet short-term problems but will not well serve the cause of mutual trade expansion in the long term. I know that Senators are disappointed that meaningful agreements have not yet been achieved, but I caution that their disappointment not be translated into restrictive or retaliatory legislation at this time.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND 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 following enrolled measures:

H.R. 1892. An act for the relief of Stephen C. Yednock;

H.R. 1907. An act for the relief of Arnold D. Smith;

H.R. 2110. An act for the relief of the estate of Julius L. Goeppinger;

H.R. 2246. An act for the relief of Charles C. Smith;

H.R. 3344. An act to authorize the Administrator of Veterans' Affairs to sell at which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code;

H.R. 3753. An act for the relief of Sergeant Ernie D. Bethea, United States Marine Corps (retired);

H.R. 6217. An act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938;

H.R. 7271. An act to authorize appropriations for the Commission on Civil Rights; and

H.J. Res. 714. A joint resolution designating the week of August 1, 1971, as "American Trial Lawyers Week".

The ACTING PRESIDENT pro tempore (Mr. RIBICOFF) subsequently signed the enrolled bills and joint resolution.

EMERGENCY LOAN GUARANTEE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the pending business, S. 2308, which the clerk will state.

The second assistant legislative clerk read as follows:

Calendar No. 264, S. 2308, a bill to authorize emergency loan guarantees to major business enterprises.

The Senate resumed the consideration of the bill.

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

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

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. 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. PROXMIRE. Mr. President, the other day, when I was speaking about the Lockheed loan, I had indicated why I felt that the argument made by the proponents that this was necessary to save employment was wrong and could not be supported. As a matter of fact, we would have more jobs for American workers if we did not go ahead with the guarantee, because more jobs are involved in a competitive product, the DC–10, than in the L–1011.

The L–1011, on the basis of all the evidence we have, actually would have about a 40-percent foreign labor content; whereas, the DC–10 has about 10 percent.

Furthermore, we have the testimony on the record by the FAA and the CAB that the lion's share of the production, if the L–1011 is not produced, if the Lockheed plane is not produced, if Lockheed does not go through with this, will go to the Douglas DC–10, a plane which employs a much greater proportion of American labor—a situation, therefore, which would mean more American jobs.

In addition, I discussed the competitive situation; and I pointed out that the outstanding authorities on competition, including the distinguished Senator from Michigan (Mr. HART) and the former Assistant Attorney General in charge of antitrust, Donald Turner, of the previous administration, both strongly oppose the guarantee and say that it is anticompetition, not procompetition.

Another reason given for supporting the Lockheed loan guarantee is the need to recover the $1.4 billion already invested in the L–1011 program. If the L–1011 program is terminated, it is argued that this $1.4 billion would become largely worthless.

One might ask why the Federal Government has an obligation to insure Lockheed creditors and stockholders against loss. But, more importantly, the argument about recovering an investment already made misses a basic economic point. In deciding whether to continue the L–1011, the crucial fact is not the amount of such investment expenditures but whether estimated future revenues exceed estimated future costs. If the program will produce net future revenues, trustees appointed under chapter X of the Bankruptcy Act would have a strong incentive to continue the program.

In other words, even if Lockheed goes into bankruptcy, even if the worst comes to the worst, if we do not provide the guarantee, and Lockheed goes into bankruptcy, they can continue the L–1011 program in the event the trustees find that the revenues from the L–1011 program—Tri-Star—will exceed costs.

On the other hand, if future costs are greater than future revenues the program should be terminated now to prevent the fixed loss of $1.4 billion from becoming even greater. There is no point in throwing good money after bad when dealt a losing hand.

TAX ARGUMENT ABSURD

It has also been argued that the Federal Government should save Lockheed because the loss in tax revenues resulting from a write-off of the $1.4 billion invested would exceed the amount of the loan guarantee. Under this theory, the Government should never let any firm fail in order to maximize tax revenues. Last year there were over 10,000 business failures—not counting Penn Central—with aggregate liabilities of $1.9 billion.

The same case on tax grounds that can be made for saving Lockheed could also be made for saving the 10,000 firms in order to prevent a drop in tax revenues.

Aside from its inherent absurdity, the tax-revenue argument also neglects the fact that most or all of the reduced tax revenue would be offset by increases elsewhere in the economy. For example, if the L–1011 program were scrapped, McDonnell Douglas would expand the DC–10 program. There is no question about that. The evidence is overwhelming. The CAB and the FAA agree that McDonnell Douglas will pick up the lion's share of the work that Lockheed would not perform. Thus, McDonnell Douglas would generate more tax revenues, by starting additional economic activity, and tax revenues would be generated. Still additional economic activity and tax revenues would be generated if the proposed $250 million were loaned to other business firms instead of Lockheed.

CONFIDENCE ARGUMENT LACKING

Finally, the administration urges the Congress to approve the Lockheed guarantee in order to maintain confidence in the economy and prevent a reversal of our somewhat sluggish economic recovery. There is no evidence that consumers or businessmen would regard a Lockheed bankruptcy as catastrophic. Indeed, the Nation's top business leaders expressed general opposition to the Lockheed rescue attempt at a recent meeting of the Business Council as reported by the Wall Street Journal.

So it is ridiculous to argue that the failure of one firm—particularly a firm whose failure would result in a continuation of at least 85 percent or 90 percent of its present business which is primarily a defense contractor, and Mr. Packard has assured us, and no one has denied it, that the contracts would continue, that the work would continue, and that the jobs would continue—could seriously affect the economy. Lockheed and its suppliers have already laid off 24,000 workers since January 31 of this year without collapsing confidence in our economy. Even if the L–1011 program were canceled, the additional job loss would approach 11,000, far less than the unemployment which has already taken place. If the economy can be upset by the failure of one firm, our economic recovery is far more fragile than the administration has indicated.

NO DISINTERESTED SUPPORT

Throughout the hearings the only supporters of the Lockheed guarantee were administration officials or those who stood to benefit financially if the guarantee were approved. The administration was unable to come up with a single disinterested economist or financial expert or legal scholar or businessman, or other expert who thought that a Lockheed guarantee was in the public interest. If a Lockheed guarantee really conferred such great benefits upon the public as alleged by the administration, one would think a few public-spirited spokesmen could be found to testify in favor of the guarantee.

The truth of the matter is that all of the alleged public benefits collapse upon a close examination. On the other hand, the disadvantages of making a guaranteed loan to Lockheed are substantial and outweigh any marginal benefit which might be obtained. Let us examine some of these disadvantages.

DISDVANTAGES OF LOCKHEED GUARANTEE

First, the most obvious disadvantage of making a loan guarantee for Lockheed is the possible loss of the $250 million if Lockheed defaults. We are told the guarantee involves little risk, yet prudent bankers say they are unable to bear the risk notwithstanding their strong financial stake in keeping the company alive.

We have in the RECORD the opinion of a top counsel in the Treasury Department that if Lockheed goes into bankruptcy, the banks would probably jeopardize $300 million of the $400 million they have already loaned Lockheed. At least it would take years to get back the $300 million.

Under these circumstances, one would think that if this were not a risky situation, the banks would be delighted to put up the $400 million, to get the company over the hump, and preserve the $400 million invested. So if the banks are not putting up the money without a guarantee, the L–1011 program must be more hazardous than the picture painted by the administration.

The second disadvantage of the proposed Lockheed guarantee, is that it would destroy the incentive for business efficiency by removing the threat of failure.

This bill tells the business community, "Do not worry about efficiency. Uncle Sam will bail you out if you are in danger of failing, provided you are big enough." Under Secretary of Defense Packard said he would oppose the Lockheed guarantee if he felt it would constitute a precedent for aiding other large firms.

A Lockheed guarantee cannot help but set a dangerous precedent for our economy, especially since the guarantee authority was increased from $250 million to $2 billion. The long-term damage to the efficiency of our economy can be enormous—far in excess of the amounts at stake in the Lockheed situation.

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

Mr. PROXMIRE. I yield.

Mr. TOWER. The Senator from Wisconsin has said that Mr. Packard opposes the generic bill pending before the Senate. On Saturday I read a statement which said:

> Dave Packard and I are in agreement on all aspects of the matter, including our support for enactment of the legislation now pending before the Congress.

Mr. Packard has not refuted that statement made by Secretary Laird.

Mr. PROXMIRE. I am surprised at the Senator from Texas. I wonder if he heard the statement by Secretary Connally yesterday on national TV when he admitted that Secretary Laird opposed the generic bill.

In the original statement which Secretary Packard was supposed to read before the House Banking Committee the 19th of this month, he said:

> It is this last point which leads into the reasons I do not support extending a broad Federal loan guarantee authority to the defense industry or any other industry at this time.

Mr. TOWER. In other words the Senator is suggesting that the Secretary of defense has not been honest with us.

Mr. PROXMIRE. On the contrary, he has been completely honest.

Mr. TOWER. Mr. President, Under Secretary of Defense Packard has not refuted what the Secertary of Defense said on Saturday morning. I again repeat what the Secretary said:

> Dave Packard and I are in agreement on all aspects of the matter, including our support for enactment of the legislation now pending before the Congress.

Mr. PROXMIRE. Mr. President, I think we ought to have additional hearings to clarify this if the Senator from Texas is that puzzled. It seems to me that it is perfectly clear that he does not want the generic bill. He said so over and over again. He was required to come in and read the administration's position. He refused to do it.

Mr. TOWER. He said——

The PRESIDING OFFICER. The Senate will be in order.

Mr. PROXMIRE. The chairman of the House committee did read it. And it became perfectly clear that Packard is not opposed to the Lockheed loan but that he is strongly opposed to the generic bill. I do not know of any other Cabinet or sub-Cabinet official that has ever done what he did on this issue: Publicly refused to read a statement prepared for him supporting his own administration position. Maybe it has been done sometime in the past, but not to my knowledge. And the Secretary of Defense supported Mr. Packard.

There is a difference in the administration. There is not any question about that at all. It was not surprising, of course, that when the President spoke out after the Senator from Texas brought his considerable influence and pressure to bear and pointed out that this attitude by top defense officials was very important in the Senate and the House, Melvin Laird reconsidered and made the statement he made.

Mr. TOWER. Mr. President, will the Senator yield so that I can read the statement of Secretary Laird.

He said:

> Some press reports which suggest that Deputy Secretary of Defense David Packard and I do not support the Administration's position on pending legislation regarding loan guarantees are erroneous and, in my view, unfair. The Department of Defense supports the legislation, and we believe it is in the best interests of our country for it to be promptly enacted into law.

That is the Secretary of Defense speaking. I have to believe that he means what he says and not what the Senator from Wisconsin thinks he means.

Mr. PROXMIRE. Again, let me read what Secretary Laird actually wrote:

> Some press reports which suggest that Deputy Secretary of Defense David Packard and I do not support the Administration's position on pending legislation regarding loan guarantees are erroneous, and, in my view, unfair.

Then he goes on to say:

> The Department of Defense supports the legislation and, we believe it is in the best interests of our country for it to be promptly enacted into law.

There have been several proposals by the administration. The first was a proposal for the Lockheed guarantee. Mr. Packard did support that legislation. But I think it is possible to read ambiguity into this, which is the only way I can reconcile the position taken by our two top Defense officials.

To proceed, the Lockheed loan guarantee—and this is the third objection—would likely perpetuate a management team which has brought the company to the brink of insolvency. When a company manages to lose a total of $480 million on four Government contracts—all at the same time—the competence of the management must be questioned. One of the beneficial effects of our bankruptcy laws is that an orderly system is provided for replacing inept management. New and better management is certainly in the long-term interest of the company and its thousands of employees. However, such a cleansing effect would be frustrated by the proposed loan guarantee.

A loan guarantee would keep the same management in charge which has lost $480 million, with a $250 million guarantee, so that the taxpayer is asked to participate.

It is true that the act gives the Emergency Guarantee Board the authority to

effect management changes. However, such changes are discretionary with the Board and Secretary Connally and Chairman Burns have already testified they are very reluctant to impose management changes.

Four, the proposed guarantee is grossly unfair to small business. Chairman Burns has clearly stated that the guarantee legislation applies only to large firms and not to small firms. It sets a precedent that big firms cannot be allowed to fail but little ones can. If Lockheed can get a Federal guarantee to keep it from going broke, why should the same aid not be extended to all firms, large and small? Last year, over 10,000 firms failed with aggregate liabilities of $1.9 billion or one and one-half times the investment in the L–1011. Nobody rushed a bill to Congress to protect these firms from failure. Why should Lockheed be treated any different? What is really proposed is socialism for big business and enterprise for small business.

Five, the proposed guarantee distorts the allocation of credit. If the Lockheed guarantee becomes a precedent, firms will gain access to credit, not on the basis of economic merit, but on the basis of political clout. The scandals uncovered in the closing years of the RFC were one reason why Congress terminated the program. If we are to allocate credit based on political influence, the strength of our free enterprise economy will be seriously weakened.

That is just what we are doing here. The setup now is that there will be $2 billion to make sure that if a firm has enough political influence and enough pressure, and enough clout to bring to bear, they can get a loan.

I think we ought to recognize the terrific impact of doing this. There is a $2 billion guarantee fund. The President has the Chairman of the Emergency Loan Guarantee Board, who would be the Secretary of the Treasury. In an election year he would be bound to be under great pressure to bail out any big firm in trouble, no matter what the economic merits of the situation might be because it might determine how the State would go in the presidential election.

Six, the proposed guarantee is basically unfair to Lockheed's competitors. McDonnell Douglas and Boeing will find themselves competing not only with Lockheed, but with the Federal Government as well. Loan guarantees invariably permit a firm to obtain credit at a price less than the private market would charge. That is what that would be, of course, a charge less than the private market would make. If Lockheed is to receive the benefit of a Federal subsidy to produce a product in competition with other plane manufacturers, how can we, in fairness, deny the same subsidy to Lockheed's competitors?

Seven, the proposed guarantee puts the Federal Government in an untenable conflict of interest. Because it has a financial stake in the solvency of Lockheed, the Defense Department will have an incentive to award "sweetheart" defense contracts to Lockheed in order to protect the guarantee. The Civil Aeronautics Board will have an incentive to award more favorable routes to those airlines flying the Lockheed L–1011. Even the SEC would have an incentive to be less stringent in reviewing Lockheed's financial statement since the Federal Government would have an interest in not rocking the boat.

Eight, and this is the reason I suspect so many prominent businessmen, very successful businessmen, are opposed not only to the Lockheed loan guarantee but especially the generic bill, is that this would create a precedent which will inevitably increase Federal control over business. If large companies can obtain Federal aid whenever they are in trouble, the Federal Government will soon begin to regulate corporate financial practices and bank lending procedures in order to minimize the potential uses of the guarantee authority. The history of the FDIC affords an excellent example of how an insurance program can be gradually converted into a regulatory program.

The ninth reason for opposing the guarantee is that if generalized, as this bill does, it threatens to weaken our system of collective bargaining, since the Federal Government would have a financial interest in the solvency of a major corporation.

Mr. GAMBRELL. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I am happy to yield for a question.

Mr. GAMBRELL. The Senator mentioned the FDIC. I wonder, in this context, if the Senator considers that a bad precedent for loan guarantees and if the Senator would urge the repeal of that program?

Mr. PROXMIRE. The Senator knows the answer to that question; of course. The FDIC is an excellent program. It insures depositors for $20,000 and not $250 million. It insures every depositor in the country for the exact same amount without fear or favor. It is a program that has been on the books for many years, and it has proven itself.

Mr. GAMBRELL. Does it insure for as much as $2 billion nationally?

Mr. PROXMIRE. It insures only for the limit of $20,000 for any depositor. It does not insure the bank; it only insures the depositor. The total may well aggregate far more than that. I am sure it does, when we include all the depositors on a nationwide basis.

Mr. GAMBRELL. Is it not in the same situation as Lockheed, in that it is the beneficiary of the loan guarantee?

Mr. PROXMIRE. The depositors are the beneficiaries under FDIC. Some banks—not many but some banks—have gone into receivership. The stockholders would lose money, but only the depositors would benefit from the FDIC.

Mr. GAMBRELL. The depositors in that situation are in the same situation as the 24 banks that propose to lend to Lockheed. Suppose 250 banks were about to lend the $250 million to Lockheed at the rate of $1 million apiece. What would be the Senator's feeling about that?

Mr. PROXMIRE. If there were so many banks, they could each lend $1,000 or even $100 apiece. It seems to me that the principle is entirely different in size bank loan. In the case of FDIC the Federal Government is insuring a deposit. By and large, depositors do not have any of the kinds of opportunities businessmen have when they make a loan to protect themselves. A depositor cannot be held to blame for the failure of a bank. It is different than the situation of a bank that loans to a corporation.

Mr. GAMBRELL. Is it not a fact that the FDIC is not offering individually to depositors who want it, to insure deposits, but universally to all depositors who are participating in the Federal Reserve System? The purpose of it is to give some assurance to the public generally against the failure of banks. Since the institution of FDIC there has been instilled confidence in the public and it has been good for our public and the banking system.

Is that not the purpose of this generic bill, to instill some confidence in the public and the economy that the U.S. Government is not going to walk off and let one of the major industries in this country collapse for lack of some Government credit support? Is it not very much like the FDIC?

Mr. PROXMIRE. I would say to the Senator from Georgia that this is nothing like FDIC, nothing like it. First, FDIC insures deposits; second, it has a limit of $20,000; and third the principle behind FDIC was to insure those who cannot and should not be held responsible for the actions of the bank involved.

In this case what we are doing is insuring the banks and the banks have been principal protectors of the principle of free enterprise, only making loans where there is a sound business situation, where there is efficiency, and sound products that can be sold. In those circumstances we find that there should be an incentive. Here, we are eliminating that kind of discipline. Think of the great loss if banks will not assume the kind of prudent judgment they have in the past. The FDIC is good for the depositor.

If the Senator has had the opportunity to discuss this matter with bankers he would find they would support that situation. They are in this for $400 million and want to be protected for the next $250 million, but they would not want a Government guarantee of all their loans. If that were done there would not be any need for bankers to exercise any judgment.

Mr. GAMBRELL. If, as the Senator described it, this is a boondoggle for big business there would be some credibility to his contention.

Mr. PROXMIRE. It is not for small business or middle size business, but only for big business.

Mr. GAMBRELL. That is the point the Senator would like to gloss over, but the express purpose of the act is to protect the economy against serious injury by the collapse of a large business and it is not for the protection of big business. It is not for the protection of a Lockheed investment, but for the protection of the investment of subcontractors, suppliers and the jobs of employees, and not just of Lockheed, but hundreds of thousands all over the country.

Mr. PROXMIRE. I have a tremendous amount of documentation to establish the fact the economy will be hurt, not helped, by this guarantee. As a matter of fact, more jobs will be provided by the DC–10, than the L–1011 but the DC–10 will be replaced by the L–1011 if this action is followed. This loan cannot be justified to Lockheed on the basis of benefitting our economy.

I have not put that material in the RECORD yet, but I intend to.

The PRESIDING OFFICER. Would the Senator from Georgia use the speaker system so the Chair can benefit from the eloquence of both of the Senators?

Mr. GAMBRELL. The Senator, I think, would agree that there is a substantial body of opinion and plenty of documentation to the effect that there will be damage to the economy from this and that is documentation which already has been established.

Mr. PROXMIRE. The documentation I have, although I am an interested party in this matter, comes from disinterested people. The only documentation the Senator from Georgia has comes from Lockheed—either Lockheed, or the administration that has taken the Lockheed position. The economists are opposed to it. The administration has not been able to find a single independent economist who favors this in and of itself. The only witnesses have been administration officials, the views of the airlines, all of which have a direct financial interest. The only other witnesses who were disinterested witnesses were opposed to it. Their opinion was that this would not help the economy.

Mr. GAMBRELL. I am not sure it is with disinterest that you stake your political judgment and your political future on standing behind a proposal like this. I know one can bring professors down from Harvard and other places, who are going back up there and if their judgment turns out to be wrong, if the economy does suffer damage, why, they are there, they still have their jobs, and they do not have to answer to anyone for it. So I do not consider the fact that the CAB and the FAA or the Treasurer who came down and testified in favor of this plan, have some interest in the proposal; I do think they have an interest in the thing working, which is substantial. I do not think that you can consider them to be interested or biased or prejudiced or having some conflict of interest.

Mr. PROXMIRE. Well, the conflict of interest is just overwhelming. There is no question of the conflict of interest that Lockheed represents. I think we all have to agree on that. There is no question of the conflict of interest represented by the 24 banks, particularly the two big banks, the Bank of America and Bankers Trust who testified. There is no question about the conflict of interest involving the airlines. They all have a clear benefit which they will gain if Congress goes through with this. They are not disinterested. They have an ax to grind; they have a benefit to receive. Once the administration gets on one side of the issue, there is not any question that administration officials either will not testify at all, or if they testify, they are going to testify in support of the administration's position.

So, as I say, all of the testimony that supports the argument that this loan guarantee is importantly helpful to our economy is given with an ax to grind representing the groups that I have just listed, and that does support the notion that the economy may be benefited if we go through with this; or, you may disagree with John Kenneth Galbraith, you may disagree with Donald Turner, you may disagree with the panel of distinguished businessmen led to Mr. Greenspan and others, but they do not have a financial interest; they do not have an ax to grind; they do not have anything to gain from this; and they all indicate that in their judgment the economy would be better off without this loan than with it.

Furthermore, the point I was trying to make when the Senator from Georgia questioned me, is that regardless of how one feels that the board would be another Federal Deposit Insurance Corporation, the only comment I made in connection with this was that this would increase the regulatory action of the Government and the interference of the Government with business enterprise. I feel that is one of the principal reasons why you find the Business Council, made up of the top business people in our country, so overwhelmingly against it.

I have said that the proposed guaranty, particularly if generalized, threatens to weaken our system of collective bargaining since the Federal Government would have a financial stake in the financial solvency of large corporations. Under these circumstances, it is likely that the Lockheed management will appeal to the Federal Government for assistance during their forthcoming wage negotiations with the unions. Because of its financial interest, the Federal Government will be more likely to intervene on the side of management.

Then, the proposed guarantee for Lockheed will perpetuate deceptive bidding procedures in the aerospace industry. The head of one aerospace company says firms frequently bid too low—we all know that—in order to obtain a contract with the expectation that the Government will come to their aid if they cannot deliver at the agreed-upon price. The Lockheed rescue plan will merely confirm this belief and make honest bidding more difficult.

I suspect this is the reason why David Packard felt so strongly about a generic bill that he refused to read before the House the testimony prepared for him by the administration.

It is apparent that the proposed Lockheed guarantee has practically no benefit and serious disadvantages. It is a big business giveaway of the worst sort and should be rejected by the Congress. If Congress insists upon passing some form of a general loan guarantee bill to cover a future emergency, the Lockheed application should be rejected by the Emergency Loan Guarantee Board

Let me say, Mr. President, that I share the views of many who would feel that a generic bill would be worse than a simple Lockheed guarantee. As strongly as I feel against the Lockheed guarantee proposal, I feel much more strongly about extending it and applying it to many other corporations. As I pointed out, this is eight times greater—we can have eight more Lockheed loans for a total of $2 billion.

Now, Mr. President, the distinguished Senator from Texas questioned me on the position taken by the Secretary of Defense and the Under Secretary of Defense. Let me read into the RECORD the actual questions and answers by the Secretary of Defense as they appear in the transcript.

Let me say that there is no question, of course, that the Secretary of Defense is going to do his best to reconcile his position with the President of the United States, but I say to the Senator from Texas that he should take a look at the remarks actually made by Mr. Laird before the pressure was put on him:

On Friday, Laird spoke up at his news conference. The transcript includes these remarks:

Q. "Could you say anything about your position appropos of Deputy Secretary Packard's position on the Lockheed bill?"

Laird: "I support Secretary Packard's position 100 per cent . . . I support his original as well as his amendment (sic) statement."

Q. "Is there a dichotomy within the administration?"

Laird: "There is a difference within the administration. I don't think you can say that there is not. All you have to do is read his statement and there is some difference in his position, but Dave Packard feels very strongly that we've got to toughen up on the procurement policies as far as our government is concerned and his views are his own views, but I want you to know that I support Dave Packard."

Q. " . . . Do you take a different position from the Secretary of the Treasury?"

Laird: "I think Dave Packard has taken a somewhat different position and I stand by Dave Packard's statement and I will support him."

Q. "He said yes in his testimony, he said no in his prepared testimony.

I will say that again:

He said yes in his testimony; he said no in his prepared testimony. Now which do you both support, sir?"

Laird: "I think that we gave preference to selecting Lockheed as one case on a no-precedent basis, but I would stand by the testimony of the Secretary . . ."

Q. "I'd like you to come out and make a flat-out statement."

Laird: "I support Dave Packard."

Mr. President, let me read now what Secretary Packard said in his statement:

It is this last point which leads me to the reasons I do not support—

I repeat:

"I do not support extending a broad Federal Government loan guarantee authority to the defense industry or any other industry at this time.

Then he went into a considerable explanation of why the general bill now before us would have an adverse effect on defense procurement.

Mr. President, we simply cannot get away from the statement by Secretary Laird—an extraordinary statement by the Secretary of Defense when one considers the great ability Mr. Laird has. I know him well. He is from Wisconsin. He is one of the ablest men I have ever met. He was a shrewd, sharp, highly

competent Congressman. I think he is an outstanding Secretary of Defense. I have disagreed with him in the past. I will in the future. But I have always had great admiration for his intelligence, understanding, and integrity. I do not think there is a man more alert and able than Secretary Laird is with respect to a press conference of this kind. He has held many of them. He was not deceived. He knew what he was doing. So when Secretary Laird, with that kind of background, with that kind of shrewd intelligence, says, "I support Secretary Packard's position 100 percent," and goes out of his way to say, "I support his original remarks, as well as his amended statement," I think we know how Secretary Laird feels.

Now, it is true, as the Senator from Texas said, that the Secretary of Defense made another statement, which the Senator from Texas put into the RECORD on Saturday. I think all of us are big boys. We all know, in this context, what that means—that the President has spoken out, and it was necessary for Mr. Laird to do his best to reconcile his position with that of the President. But one cannot possibly read the transcript of that hearing, without recognizing that the position of Mr. Laird—the preferred position, the personal position—is that he opposes the generic bill.

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. TOWER. 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. TALMADGE. Mr. President, extensive committee hearings have been conducted on the pending bill, S. 2038, the Emergency Loan Guarantee Act of 1971. Floor debate promises to be exhaustive. The issues have been drawn. The merits of the bill have been challenged and defended. And, hopefully, we will soon resolve the matter.

I shall not take the time of the Senate to discuss the mechanics of the bill. Such discussion would be an exercise in repetition. I shall, however, address myself to certain issues which I believe must be considered in connection with the legislation.

Mr. President, this bill is not a giveaway. The Federal Government is not giving the Lockheed Co. one penny. The Federal Government is not extending a loan to Lockheed. This bill merely allows the Government to guarantee bank loans to Lockheed and other major business enterprises whose failure would seriously and adversely affect the employment and the economy of our Nation.

Under the bill, the Federal Government's and the taxpayers' interests are protected to the maximum. Merely for the sake of this debate, let us assume that the Lockheed Co. goes bankrupt despite the loan guarantee envisioned by this bill. The Government would have a first lien or first claim against the corporation's assets, now valued at about $400 million, to the exclusion of the banks and other creditors. Therefore, the public's risks are minimal.

Continually, the question has been raised as to the need for this bill, and more specifically, the difference Lockheed's bankruptcy would make. Opponents of the bill contend that the matter simply boils down to one of equal rights: a huge corporate giant should have the same right to go bankrupt as smaller enterprises. This admittedly catchy phrase is both simplistic and inaccurate. A closer study of this statement reveals only the inherent fairness of, and the absolute necessity of this legislation. The fact is that a large corporation which finds itself in financial straits is not nearly as well protected as is a smaller enterprise.

Agencies such as the Small Business Administration and the Small Business Investment Company are available to supply aid to smaller businesses. So let us turn the phrase around. The crucial issue is not whether a large corporation should have an equal right to go bankrupt—but whether it should have an equal opportunity to avoid bankruptcy.

The Committee on Banking, Housing, and Urban Affairs reports that the bankruptcy of Lockheed and the termination of the L–1011 Tri-Star program would impose a cost on the private economy of from $260 to $380 million. It would result in the loss of tens of thousands of jobs in many States, particularly in California and Georgia, and the probable insolvency of many small companies which are Lockheed's suppliers and subcontractors.

Another point of controversy centers on the alleged precedent which a bill of this nature would establish. Governmental assistance to the private sector has existed in this country for many years. Such assistance has been available for predictable economic needs through such agencies as the Commodity Credit Corporation and the Federal Housing Administration, and certainly poses no threat to free enterprise.

Moreover, it has also been available for unanticipated problems. A prime example of this is the Reconstruction Finance Corporation, which for a quarter century undergirded a struggling national economy, disbursing some $40 billion in direct loans and underwriting billions more. Recently, the U.S. Export-Import Bank guaranteed or made credit available for the foreign purchase of some $790 million worth of aircraft from McDonnell Douglas and Boeing, Lockheed's chief competitors. Obviously, therefore, the Lockheed case is not unique.

At this point, Mr. President, it should be of interest to the Senate to examine the primary source of Lockheed's financial problems. Some say it is poor management. But this charge is refuted by the large number of successful programs that Lockheed has finished with outstanding results. Lockheed has delivered more than 33,000 military and commercial aircraft and more than 1,300 missiles and spacecraft since the company's founding in 1932.

Excluding the C–5 program, which I will touch on later, Lockheed's record on more than 12,000 military airplane deliveries since World War II is very close to 100 percent compliance with both schedule and cost targets. Moreover, Lockheed's cost and schedule performance in missile and spacecraft production compares very favorably with that of its aircraft production.

The few programs in which Lockheed has encountered difficulties and cost overruns have one thing in common: total package procurement. This type of contract, which was first used in the C–5 program, has now been abandoned. Total package procurement did not work on either the Lockheed programs or those new technology programs managed by others. It was simply an unrealistic and impractical approach to military procurement imposed by the Federal Government on its contractors. When this concept fell out of favor and came under harsh criticism, the Government refused to carry out part of its binding agreement by not allowing the company to exercise key protective provisions of the contract. Subsequently, when Lockheed tried to take this dispute to the courts, the Government effectively blocked them by employing stall tactics, thereby forcing the company to accept a $200 million fixed loss. Altogether Lockheed has suffered a pretax loss of over $480 million on its three total package procurement contracts and some ship construction work.

It is easy, Mr. President, to wax eloquent concerning imagined threats to the free enterprise system when there are no jobs at stake in one's State.

But I am speaking today in behalf of some 17,000 Georgians directly employed by a company whose record in the aerospace industry is, on balance, a fine one unsurpassed by its competitors. I make no apologies for this. Indeed, I regard it as my duty as the senior Senator from Georgia and, I might add, it is a duty which I welcome.

Needless to say, Mr. President, others in this body have come to the aid of their constituents in the past. On November 9, 1967, the able senior Senator from Wisconsin was instrumental in securing the passage of legislation which granted special tax advantages solely to the then financially beleaguered American Motors.

Like most Members of this body, I supported that legislation in the Finance Committee and on the floor of the Senate, Mr. President, and heard the following remarks of the able senior Senator from Wisconsin:

> The overwhelmingly important point is that this bill will help a fourth competitor in the automobile industry stay alive.

The Senator went on to say that this legislation was "immensely important to the biggest employer in the State of Wisconsin."

But now, Mr. President, we are speaking of the biggest single employer in the State of Georgia. Any reasoning which suggests that the biggest single employer in Wisconsin is worth helping while its counterpart in Georgia is not, can only be justified by some obscure principle of geography—it certainly finds no support in logic. Apparently, Mr. President, it is

easier to maintain competition in the automobile industry than it is in the airframe industry.

According to the able Senator from Wisconsin, no less than four companies are necessary to maintain competition in the automotive industry, particularly if one is located in Wisconsin. But he is unmoved by the fact that the demise of Lockheed would leave McDonnell Douglas virtually unchallenged in the field of defense aircraft contracting. In addition, in the arena of commercial aviation, the demise of Lockheed would leave only Boeing and McDonnell Douglas. With regards to the airbus, the remaining field is narrowed to only McDonnell Douglas, since Boeing has no similar aircraft.

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

Mr. TALMADGE. I am delighted to yield to my friend, the Senator from Wisconsin.

Mr. PROXMIRE. I thank the Senator. Will the Senator tell me how many jobs in Georgia, including the Lockheed Corp. and subcontractors together, are involved in the L–1011 project?

Mr. TALMADGE. Very few are involved in the L–1011 project, at the present time, in my State of Georgia. They are involved in the C–5A.

Mr. PROXMIRE. It is my understanding that none are involved by Lockheed and 55 are involved by subcontractors in Georgia who produce a very small component of the L–1011. Wisconsin has more jobs involved in the L–1011 than Georgia has. We have 64 jobs, and Georgia has 55 jobs.

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

Mr. PROXMIRE. I yield.

Mr. TALMADGE. I wish the Senator would be as anxious to preserve those 64 jobs in 1971 as he was to preserve the American Motors jobs in 1967.

Mr. PROXMIRE. May I speak on that in just a minute? Let me first point out that the loss of jobs involved here involves only the L–1011. The testimony is overwhelming, and it has not been disputed—perhaps the Senator from Georgia can dispute it—that in the event of bankruptcy, the C–5A and the other prime defense contracts which the Lockheed Corp. has would not be endangered. Secretary Packard, the principal man in our Government charged with procurement, assured us of that. He said the Government is protected on that.

In the second place, so far as the difference between the situation with American Motors and the situation with Lockheed is concerned, it is this: No. 1., the American Motors Corporation legislation which I introduced provided for an additional 2-year carryback against a tax loss and deprived American Motors of a 2-year carryforward. American Motors is making money now, and the Government is not going to lose any money from that legislation. The fact is that the overwhelming majority of independent economists supported the action we took with respect to American Motors, because they said—not the Senator from Wisconsin—the economic experts said that we needed this fourth competitor in the automobile industry.

So far as wide-bodied jets are concerned, it is true that there is one producer; and the studies made by the Department of Transportation and NASA, completed only last March, stated that, because of economies of scale, that this is the kind of industry which can effectively support only one producer. That study said that if there are two, both will be in difficulty.

Mr. TALMADGE. The Senator can see from the clock that it is 5 minutes to 2, and at 2 p.m. limited debate will start. If the Senator will permit me to resume my very brief remarks, I will be delighted to engage with him further in this colloquy.

The point remains, however, that the Senator supported an effort to preserve jobs in his own State and will not support an effort to preserve them in Georgia, California, and other parts of the country.

The difference between the American Motors situation and the Lockheed situation is this:

The Senator's 1967 amendment, as he knows, had the effect of delivering immediately to American Motors some $20 million or $25 million out of the Treasury at that particular time; whereas, this legislation is merely an effort for the Government to guarantee a loan, which will not discharge one dollar from the Treasury.

Apparently, competition thrives in warmer climates, but in the colder northern areas it must be kept alive with governmental assistance.

Finally, Mr. President, I submit that the Senate must consider the overall record of excellence compiled by Lockheed, the Government's culpability in Lockheed's difficulties, the remoteness of the risk to the taxpayer, and the dire effect which the failure of Lockheed would have on the economy. I urge my colleagues to reject demagogery and responsibly weigh the merits of this legislation.

Mr. President, I now yield to the distinguished senior Senator from Wisconsin, if he wishes to pursue this colloquy further.

Mr. PROXMIRE. I thank the Senator from Georgia. I think I have pretty much said my piece.

The economic experts who testified on the American Motors legislation we passed said that it was in the national interest. These were not administration people. These were not people connected with American Motors. They argued that we needed a fourth competitor. General Motors, Chrysler and Ford also agreed that it was desirable that American Motors be allowed to continue, that it would be a healthier situation. We do not have that situation at all now.

Mr. TALMADGE. Can the Senator tell us why he wants us to reduce the airframe industry to one competitor, when he, himself, argued for four in the automotive industry?

Mr. PROXMIRE. They are two different industries, two different situations.

Mr. TALMADGE. We have competition, whether in the automotive industry or in the airframe industry.

Mr. PROXMIRE. We have a study by the Department of Transportation and NASA which states that this industry can support only one competitor. That is what they found after an extensive study. So far as I know, it is the only study that has been made of this industry.

It is true that there are foreign competitors; there are competitors with respect to long hauls, and the airbus can get into some long hauls now that it has been redesigned. It can fly coast to coast.

In addition, we have the testimony of the former Assistant Attorney General in charge of antitrust, Donald Turner. Nobody, in my judgment, has contributed more in recent years to competition than he has. He said that the Lockheed guarantee would be a mistake; that it would enfeeble rather than strengthen competition.

Mr. TALMADGE. What the Senator says conflicts with what the President of the United States says, what the Secretary of the Treasury says, what the Secretary of Defense says, what the Deputy Secretary of Defense says, what the House Banking and Currency Committee says, and what the Senate Committee on Banking, Housing and Urban Affairs says.

They all take a view opposite to that of the Senator from Wisconsin. The Senator from Wisconsin thinks his judgment is better than the collective judgment of all the authorities I have cited.

Mr. PROXMIRE. The Senator from Georgia has often been in the minority. That has not prevented him from being right.

Mr. TALMADGE. I have seen the Senator from Wisconsin in the minority, also, I may say.

Mr. PROXMIRE. That is true, and sometimes I am wrong and sometimes right. In this case, so far as competition is concerned, the record is very clear.

As a matter of fact, the present Assistant Secretary of the Department of Justice in charge of antitrust, Mr. McLaren, was invited to appear; but his refusal to appear was eloquent testimony, it seems to me, of his position.

The antitrust authorities do not see a threat in permitting the DC–10 to continue as the only factor in this limited wide-bodied jet field. That has been their conclusion, after study and after consideration. I submit that these are the experts in that area, not the Secretary of the Treasury.

Mr. TALMADGE. Does the Senator think they are greater experts than the President of the United States, the Secretary of the Treasury, the Secretary of Defense, the Deputy Secretary of Defense, and the committee of which the Senator is a member and which voted 2 to 1 to report the bill?

The PRESIDING OFFICER (Mr. ROTH). The hour of 2 o'clock having arrived——

Mr. TALMADGE. Mr. President, I yield the floor.

The PRESIDING OFFICER. And, pursuant to the previous order, the time be-

tween now and the hour of 3 o'clock will be equally divided and controlled by the distinguished majority and minority leaders or their designees.

Who yields time?

Mr. TOWER. Mr. President, I shall be delighted to yield further to the Senator from Georgia if he would like to pursue this colloquy further.

Mr. TALMADGE. Does the Senator from Wisconsin desire to pursue this colloquy further?

Mr. TOWER. Mr. President, I yield the Senator from Georgia 5 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 5 minutes.

Mr. TALMADGE. Mr. President, just briefly—as the Senator from Wisconsin and I have finished our brief colloquy—as Members of the Senate know, the Senator from Georgia is a strong supporter of free debate. I have never signed a cloture petition in my life. I have voted for cloture in the U.S. Senate only one time in my life.

However, time is of the essence in this particular matter. Congress is scheduled to recess on August 6. The people charged with the responsibility of operating the Lockheed Corp. have announced that, without some Government assistance prior to August, they will be forced into bankruptcy. If that eventuality occurs, then hundreds of thousands of jobs will be lost throughout the Nation.

I may be a little parochial and, if so, I make no apologies for it, but 17,000 of those jobs are in the State of Georgia where a Lockheed plant operates.

The people of Georgia did not send me to the U.S. Senate to help liquidate their jobs. Unfortunately, there are too many people in this country who are jobless at the present time. The vast majority of these people would like to work. They want to earn wages and salaries. They want to be productive citizens.

Unfortunately, in some quarters, the only answer seems to be to put them on welfare or on relief.

I do not buy that argument.

I believe that people who want to work, who are able to work, and who can be productive citizens, should be given the opportunity to work.

In my judgment, the pending bill as framed by the Committee on Banking, Housing, and Urban Affairs and reported by its able chairman, the distinguished Senator from Alabama (Mr. SPARKMAN), is a very fine bill. It had the 2-to-1 support of its committee members.

An identical bill was ordered reported by a similar committee in the House by a vote of 23-to-11.

That, in my mind, indicates that an overwhelming majority in Congress, both the Senate and the House, want to go forward with what the President of the United States has requested.

Unfortunately, some of my colleagues who speak the loudest and the longest against Senate rule XXII have taken it upon themselves to attempt to prevent the Senate from voting on this particular measure.

The President says the bill is in the national interest. The Secretary of the Treasury says the bill is in the national interest. The Secretary of Defense says the bill is in the national interest. The Deputy Secretary says likewise.

I do not know what authorities in the country could have a higher claim to speak responsibly for the Government than these particular individuals. I prefer to believe them. I do not believe that it is in the national interest to restrict competition in the airframe industry to only one and thus create an absolute monopoly of one. I do not see how anyone who believes in the competitive free enterprise system could conclude that that is in the national interest.

The same Senator, who briefly stated a moment ago that we could support only one manufacturer of airbuses in this country, 4 years ago before the Senate spoke eloquently in support of maintaining competition in the automotive industry. At that time we had four competitors, and we still have four. I supported the Senator's effort. I thought it was in the national interest to continue to have competition in the automotive industry. I support that theory today. I have not changed my mind. If it is responsible action in the automotive industry, it is responsible action in the aircraft industry also.

I hope my colleagues in the Senate will agree with me on that fact.

I thank my friend from Texas for yielding to me.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, I yield myself such time as I may require.

Mr. President, during discussion of the pending bill, it has been implied that we rushed this legislation through the committee and that the majority of the witnesses who testified before the committee had something to gain from the Government's guaranteeing a loan to Lockheed Aircraft Corp. Since I, as chairman, am the one who is responsible for the hearings, I would just like to make a few comments for the record.

First of all, every member of the committee was requested to submit lists of witnesses they wished to appear before the committee. We contacted every person whose name was submitted to us and invited those people to appear. In many instances, those contacted did not wish to appear. Now, of course, as chairman of the committee I have subpena powers. I do not take this authority lightly and, frankly, I am opposed to subpenaing witnesses except under very unusual circumstances.

Since this matter was mentioned by our colleague from Wisconsin, I have rechecked the witness list and not only did we invite every person he wished to have as a witness, but, in fact, many of the witnesses who did appear were persons suggested by the Senator from Wisconsin.

Members of the committee will recall that the Senator from Wisconsin asked that Ralph Nader be invited to testify as a witness. There was a feeling on the part of the majority of the committee that Mr. Nader, regardless of the good work he has done in the field of consumer interests, was not especially qualified to testify on this matter. The committee decided to leave it up to me as chairman to decide during the course of the hearings whether Mr. Nader should be invited.

As a matter of courtesy to the Senator from Wisconsin, I immediately informed Mr. Nader he would be a witness and later I wrote to him inviting him to come in.

The Senator from Wisconsin suggested that William McChesney Martin, the previous Chairman of the Federal Reserve Board, be invited——

Mr. PROXMIRE. Mr. President, will the Senator from Alabama yield at that point?

Mr. SPARKMAN. In just a minute. He suggested that Dr. Burns, the present Chairman of the Board, also testify. I did not see the need to bring Mr. Martin in. Nevertheless, we invited him. He came. He started off by stating that he wanted to make it perfectly clear that he supported the legislation wholeheartedly, and he stuck by that statement.

Mr. PROXMIRE. Mr. President, will the Senator from Alabama yield at that point?

Mr. SPARKMAN. I yield briefly.

Mr. PROXMIRE. I should like to say that I did not suggest Mr. Martin. That was the Senator from Ohio (Mr. TAFT) who suggested that.

Mr. SPARKMAN. I stand corrected.

Mr. President, the Senator from Wisconsin has stated:

> The Commitee did not hear from a broadly representative panel of businessmen or economists on the long range implications of making the Federal Government the ultimate guarantor of corporate solvency.

Mr. President, in late May, the newspapers carried articles stating that the Senator from Wisconsin had written to some 100 businessmen and others inviting them in to testify on this legislation. A copy of that invitation was sent to me by one of the recipients. Now, Mr. President, since we gave the Senator from Wisconsin the privilege of submitting the names of those he wished to have in as witnesses, I should like to ask why he did not let us know, out of the 100 or so he invited, the names of witnesses from the business and other communities that accepted his invitation.

Mr. President, I ask unanimous consent to have printed in the RECORD the invitation which was dispatched by the Senator from Wisconsin.

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

U.S. SENATE,
Washington, D.C., May 25, 1971.

DEAR ——— ———: I am writing to you about the proposed legislation to guarantee $250 million in loans to the Lockheed Aircraft Corporation. A copy of this bill is enclosed for your information. Although Lockheed is not mentioned by name, the Administration has made it clear that it intends to use the entire loan guarantee authority for Lockheed.

I believe the proposed guarantee is a grave threat to our system of free enterprise. The bill sets a dangerous precedent by implying that the Federal government will never let a large firm fail. Federal controls over business are bound to increase if the U.S. government becomes the ultimate guarantor of business solvency.

Moreover, the proposed loan guarantee is grossly unfair to Lockheed's competitors since the funds would be used in Lockheed's commercial activities. Those who bid on government contracts against Lockheed would also be adversely affected since the Federal government would have an incentive to favor Lockheed in order to protect its loan guaranteee.

I believe there is an excellent chance of defeating the proposed bill, particularly if the nation's top business leaders speak out against it. If you share my views, I hope you would be willing to testify against the bill before the Senate Banking Committee. Hearings will start on June 7, and are expected to run for two weeks.

Please let me know if you would be willing to testify against the bill. While a personal appearance before the Committee would carry more weight, a letter in opposition to the bill would also be useful. I hope to hear from you soon.

With best wishes, I am,

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

Mr. SPARKMAN. I point out that the Senator from Wisconsin wrote in his letter:

Please let me know if you would be willing to testify against the bill.

He did not ask the addressee just to come to testify, but to come and testify against the bill.

I should like to make one further point. The Senator from Wisconsin insisted on several occasions that a representative of the British Government be called as a witness to our hearings. We contacted the British Embassy here and invited them to have a witness appear if they wished to do so. The British Government declined the invitation. At one point in our contact with the British Embassy they indicated that the British Government would like to submit a statement for the record and we accepted that statement and it is contained in the transcript of the hearings at page 790, part 2.

I would like now to turn to the consideration of the bill by the committee in executive session. At no point was the bill "steam rolled" through the committee. Every member had the opportunity to offer as many amendments as he wished, and there was broad and general discussion of each amendment submitted. For the record, the Senator from Wisconsin offered 28 amendments. Each was considered. I call attention to the fact that the bill was finally reported by the committee by a 10-to-5 vote.

Quite an issue was made earlier about the transcript of the hearings not being available for the debate of the bill. I hope each Senator will take note that both volumes of the hearings are on the desks today and were placed here the second day of the debate. I hope, too, Senators will take note of how voluminous these hearings are—how many documents are included in them. It was no small task assembling and preparing these hearings for the Printing Office, so because we gave the Senator from Wisconsin and all other committee members, Senator, the opportunity to go over the transcript before it was submitted to the printer. Nevertheless, we had the printed hearings the second day of debate. They were not available on the first day of debate because we did not have notice that the matter was coming up one day early.

I wish especially to commend Mr. Edward Dicks, the committee editor, for the masterful job he did in preparing these hearings for printing. It was no small job for the Printing Office, and they are to be commended for making these hearings available to us today.

In conclusion, Mr. President, I would just like to note for the record that the hearings as well as the executive sessions were run no differently from any hearings or executive sessions held by the Banking, Housing and Urban Affairs Committee. Statements to the contrary are simply incorrect.

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

Mr. SPARKMAN. I yield.

Mr. PROXMIRE. Mr. President, I take just a moment to say that I think that everything the Senator has said as far as I know is correct. The Senator conducted the hearings with complete fairness. I did not at any time criticize the chairman for not bringing up enough opposition witnesses. I did say that the administration was not able to produce distinguished, objective witnesses.

I think that what the Senator has said in his concluding remarks is true. The Senator conducted very fair hearings and markup session. I have no criticism whatever to make of the Senator.

Mr. SPARKMAN. Mr. President, I thank the Senator.

Mr. PROXMIRE. Mr. President, I yield 10 minutes to the junior Senator from New York (Mr. BUCKLEY).

The PRESIDING OFFICER. Is the Senator from Wisconsin in charge of the time?

Mr. PROXMIRE. Mr. President, the Senator from West Virginia (Mr. BYRD) has just asked me if I would handle the time on the bill. In his behalf, I yield 10 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes.

Mr. BUCKLEY. Mr. President, the mere fact of the emergency guarantee loan bill confirms all the fears of those who were seriously concerned about the precedent which might be set by the original proposal to save Lockheed.

Whereas proponents of the original proposal for Government intervention were able to argue that extraordinary measures were justified by circumstances unique to Lockheed, what we are now presented with is a bill of broad application which would institutionalize the practice of governmental guarantees.

Justice Oliver Wendell Holmes once observed that "hard cases make bad law." It is apparent here that they can also make bad legislation. There is no question as to the seriousness of Lockheed's own financial situation. There is no question that the collapse of this enterprise would have consequences far broader than the financial loss suffered by its stockholders, although the full extent of those consequences is open to argument. The scope of the legislation presented to the Senate, however, renders the particulars of the Lockheed case irrelevant because we are asked to approve a program which would have a lasting and adverse impact on the basic concept of the proper relationship between Government and business.

I submit that we are not discussing abstract notions as to what is theoretically desirable. Rather, we are discussing a proposal which goes to the heart of the free enterprise system. Because if Government is to assume responsibility for guaranteeing large corporations against economic misfortune, the effect on business will ultimately work to the detriment of all—employees, stockholders, consumers, and the public at large. If the inefficient or mismanaged firm is insulated from the free market pressures that other business firms must face, the result will be that scarce economic and human resources will be squandered on enterprises whose activities do not meet the standards imposed by the marketplace; standards which have assured us of the efficiency and supremacy of the business establishment which we enjoy at the present time.

The bill under consideration would establish the precedent for aiding any major corporation which, for whatever reason, has suffered economic misfortune on a scale which will not be accommodated in the private financial market. Once this precedent is firmly established, there will be inevitable pressures to extend such assistance to smaller enterprises, even to the tiny enterprise on whose continued existence a small community depends. The result of this process could be the creation of the syndicalism which characterized the economic structure of Italy and Germany in the 1930's and 1940's. This suggests that there may be no surer road to governmental domination of major sectors of our economy than by permitting the Federal Government to come to the aid of business firms in distress.

The argument has been advanced that the classic mechanisms of the marketplace will not always work in the case of the defense industry because of its dependence on a single, often capricious customer. It has also been stated that the rapidly growing capital requirements of the defense and aerospace industries will at times exceed the financing capacities of private institutions. This may be the case; but if so, then the specific, specialized needs of these industries should be made the subject of extended hearings to determine what legislation, if any, might be appropriate. These arguments, however, in no way justify the bill now under consideration, given its open-ended application.

Another argument which has been advanced and one with which I have deep sympathy is that the Federal Government has a special obligation to help Lockheed because the Government's repudiation of a special understanding precipitated the company's current financial difficulties. I refer to the "golden handshake" which defense contractors were forced to rely upon by virtue of the specific procurement procedures developed during the McNamara era. The

"golden handshake" sealed the unwritten understanding that contractors would be protected by the Government from certain unforeseen and ill-defined contingencies. It has been stated that the failure of the Government to live up to this understanding has cost Lockheed approximately $200 million in cash, a sum large enough to have made the difference between corporate survival and bankruptcy.

I happen to be among those who feel that there are times and circumstances when governments should be expected to meet their moral obligations. If Lockheed does indeed have a moral claim against the U.S. Government for a substantial sum in cash, then it seems to me that the proper way to satisfy that claim is through legislation authorizing the appropriate payment. I could support such legislation, but I cannot support a bill which would meet the Government's moral obligation by indirection, and which in the process would pioneer a form of governmental intervention that would erode the market disciplines required by a healthy system of free and competitive enterprise.

Mr. President, I wish to call to the attention of my colleagues an article which was published in Sunday's New York Times entitled "Opening Pandora's Box." The article was written by Alan Greenspan. I ask unanimous consent that the article may be printed in the RECORD.

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

[From the New York Times, July 25, 1971]

OPENING PANDORA'S BOX—NEW RFC COULD REACH STAGGERING DIMENSIONS

(By Alan Greenspan)

The proposal currently being debated before the Congress to initiate a "Reconstruction Finance Corporation" type guaranteeing agency threatens to open a Pandora's Box, which it would be extremely difficult to close.

The implicit expectation of the proponents of this legislation is that it would be a minimum program designed to help out a few special cases. The cost to the taxpayer, it is argued, would be small and the benefits large. Faltering companies in key industries or key areas essential to the national interest, it is maintained, could be supported, thereby fending off potentially cumulative bankruptcies with their associated deleterious effects on jobs and business confidence.

But it is just not credible that such a foot-in-the-door program can be kept on a limited basis. The number of candidates that would emerge for such guarantees could reach staggering dimensions. Who would be the final arbiter of so vague a standard as what serves the "national interest?" Can one realistically imagine the rejection of a petition of a company in a key Congressman's district cited by him as being in the national interest?

More than 20 years ago the Hoover Commission with the history of the Reconstruction Finance Corporation in mind noted that "direct lending by the Government to persons or enterprises opens up dangerous possibilities of waste and favoritism . . . it invited political and private pressures, or even corruption."

To place the Federal Government in a position where it can pick and choose which particular private enterprises should or should not be allowed to slip into bankruptcy must inevitably lead to subsidization of the least efficient concerns in an industry. We often lose sight of the tremendous churning that goes on in a free, competitive economy—of the way in which concerns, vying for profitability, attempt to marshall their resources in the most productive manner.

It is the very threat of bankruptcy that often jolts concerns, large and small, from inefficient practices in their utilization of labor and capital and in their methods of financing and marketing. To have the possibility of falling back on a guarantor of last resort must inevitably remove this very valuable prod. To institute such a mechanism could only impair the viability of our free enterprise system and slow the growth of American living standards.

Moreover, it is important to remember that when the Federal Government guarantees private credit, it does not add to the total financial resources available. It only moves one borrower up in the credit rating queue at the expense of other borrowers who are not fortunate enough to have such a guarantee.

While the quantity of long-term savings flowing into the capital markets does vary from year to year, it is not an unlimited source of funds. Government loan guarantees, direct and indirect, necessarily single out certain areas of the economy for special treatment. At present, it is primarily housing, via Government-guaranteed mortgages. Presumably, in the future we shall be seeing other areas where the financing requirements are met by "set-asides" in the market through the guarantee mechanism. Government loan guarantees tend to reduce the size of the pool of long-term savings available for non-guaranteed private borrowing.

This is because the availability of Government guarantees increases the effective credit demand at any given interest rate, and inasmuch as the aggregate supply of savings is limited, it acts to raise interest rates to non-guaranteed borrowers.

Thus, Government guarantees to some companies could have the effect of depriving funds at reasonable cost to other private borrowers. Or worse, in order to prevent this unhappy consequence the Federal Reserve could be pressured to accommodate the increasing demand for funds through an expansion of the money supply. This in turn would act to feed the very inflationary forces that have been instrumental in bringing a number of companies to the verge of bankruptcy and would thereby accelerate the number of petitioners for Government loan guarantees.

Such a vicious circle would be difficult to break once we begin moving toward ever more extensive uses of Government guarantees.

The inevitable secondary consequence of the development of a broad loan guaranteeing authority would be a move, sooner or later, by the Federal Government to increase its regulatory control over the private-enterprise system. Someone is bound to argue (with some validity) that if the Government is a guarantor of last resort for a certain class of business enterprise, it should also oversee the operations of such corporations.

A standby guarantor could reasonably be expected to require the regulation of, for example, pricing and marketing practices, debt-equity ratios and dividend payouts. In fact, it might want to regulate anything that, if mishandled, could lead to the necessity of a loan guarantee—that is—almost every important business decision.

We cannot look upon Government loans or guarantees as a temporary expedient pending a return to prosperity. In fact, the types of problems that have now led to the call for Government guarantees are structural and threaten to be long-standing.

Although our level of activity by any historic standard is high, profit margins have only just emerged, and then by the narrowest of margins, from their lowest levels since the nineteen-thirties. The debt burden of our business structure has risen sharply. As a result, interest charges, loan amortizations and other legally fixed obligations have now reached the point where a substantial number of large, as well as smaller, business enterprises are barely able to meet their commitments at the present depressed levels of cash flow.

Unfortunately, the current outlook suggests that the problems of subnormal corporate profitability and attendant financial difficulties is apt to persist to some extent throughout this decade. So long as this condition prevails, increasing demands will be heard to substitute Government guarantees for private financial worthiness.

The solution to our corporate financial malaise, however, is not the symptom fighting Government-guarantee mechanism, inasmuch as this must surely lead to new problems that are likely to be far worse than our current economic disease. The only viable long-term solution is to remove the inflation bias from our economic system. This has acted as a damper on productivity increases and exacerbated an already difficult collective bargaining process.

It is difficult to envisage, even under the best of circumstances, a return to the higher profit margins and cash flow of five or 10 years ago. Nonetheless, sufficient gains can be achieved to substantially ease the financial burden currently confronting American business.

To solve today's financial difficulties by introducing a new wedge of Government into our economic system could only trade far greater difficulties for our free enterprise system in the future for beguiling short-term solutions to today's problems.

Mr. BUCKLEY. Mr. President, the hazards which I referred to in my remarks and in the article are substantiated by some of the amendments which have been offered since the bill was reported. One amendment, No. 319, would extend the guarantees not merely to large corporations in distress, where extinction would affect merely a certain segment of the country, but it would extend the principle of protection to all manner of small business enterprises.

Another amendment, No. 323, exhibits the kind of impulse which follows in this kind of situation. It would stipulate that any business would have to meet certain requirements.

Still another amendment, No. 326, would expand the scope of the bill by writing into it the application to farmers and small businesses. Furthermore, it would raise the amount of the guarantee from $2 billion to $4 billion.

Mr. President, I submit that this bill should not be thought of in terms of Lockheed but in terms of pioneering a whole new area of governmental interference in business; it would establish a principle which would be subversive to our system of free competitive enterprise.

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

Mr. BUCKLEY. I yield.

Mr. WEICKER. Mr. President, I commend the Senator from New York for putting his finger right smack on the heart of the problem, and putting it concisely so that all can understand.

I very definitely would like to associate myself with the comments of the junior Senator from New York. I would hope that my colleagues would give strict attention, if not on the floor, in the REC-

ORD tomorrow to what has been said. I can assure Senators that if these words are not heeded they may prove very prophetic; and if they assume the role of prophecy, as set forth by the Senator from New York, the country will be poorer for it.

Mr. BUCKLEY. I thank the Senator for his kind remarks. I think we both agree that the point involved is transcendent; that we cannot allow our concern for survival of one particular enterprise to erase our understanding of the marketplace society.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GAMBRELL. Mr. President, will the Senator from Texas yield to me for 3 minutes?

Mr. TOWER. I yield 3 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. GAMBRELL. Mr. President, with reference to the comments of the Senator from New York, I would like to say that he has articulated a fine principle and I hope his experience in the Senate in future years does not lead him to the dilemma in which the senior Senator from Wisconsin finds himself of having several years ago announced and stood on a fine principle and then having run aground here today in connection with this legislation. I expect that from the standpoint of legislators it is sometimes advisable to deal with things as they come up rather than to announce historic principles and later to find they do not apply to things a Senator would like to have for his own State or for his own constituents.

The specific matter now pending is the cloture vote to be taken in about 35 minutes. I would like to say in reference to that that I have not been in the Senate long enough to have established any tradition of signing or not signing a motion for cloture, or having voted on a motion for cloture, or not having voted on a motion for cloture.

Mr. BYRD of West Virginia. Mr. President, will the Senator use his microphone? We cannot hear him.

Mr. GAMBRELL. I would like to say at this point, when the hearings on this bill opened almost 2 months ago, I and several members of the committee expressed at that time the need and urgency for consideration of this matter, or the need to lay it aside and not consider it at all.

It is certainly obvious that the problem facing the Lockheed Aircraft Corp., and the matter that has given rise to the matter dealt with and the time invested in this, would be an utter waste, if some vote up or down is not taken on the matter.

I know many Senators have some principle in favor of extended debate—and I feel rather strongly that extended debate should be permitted—but when we have a matter which has been before the Senate for 2 months, a matter that has been widely discussed in the newspapers and by the public, attention has been given to the matter and obviously any effort to defer the vote is a vote against Lockheed. If that is what any Senator would like to do, he may go ahead and do it, but we should not waste 2 months of the Senate's time. The Senate should let this matter come on for a vote and let us get it behind us, since we knew when we went into the matter that we had to have a vote before the August recess or not have it at all.

Mr. TOWER. Mr. President, I yield 5 minutes to the senior Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, it is very interesting to me that Senator BUCKLEY, my colleague from New York, whom I hold in high esteem, should come to the opposite conclusion that I have in respect to this bill and that he, rather than I, should have had printed in the RECORD the article which was published in yesterday's New York Times written by Alan Greenspan. I was going to ask the Senator from Texas (Mr. TOWER) for time to discuss that article because it was in response to an earlier article in the New York Times by me.

Mr. President, to complete the record I ask unanimous consent that my article entitled "Needed: A New RFC" published in the New York Times on July 11, 1971, be printed in the RECORD. I repeat that Mr. Greenspan's article is in answer to my article.

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

NEEDED: A NEW RFC—CORPORATE CRISES REQUIRE EMERGENCY POWERS

(By Senator JACOB K. JAVITS)

A vital element of government assurance as to the future economic well-being of the United States depends upon the prompt Congressional enactment of legislation to deal with selected corporate liquidity crises by establishing an R.F.C. (Reconstruction Finance Corporation) type of authority to cover loan guarantees for such corporations. This legislation would permit the Federal Government to guarantee loans essential for the continuance of operations vital to the national interest or to such interest within a given region.

In approximateely a year's time, one of the nation's largest corporations (Penn Central) has gone bankrupt and the nation's largest defense contractor (Lockheed) is on the ropes. The question is not one of bankruptcy or court reorganization nor of saving stockholders or creditors or management—but of continuing operations vital to the national interest.

It will be recalled that the crisis in Penn Central in those terms occurred when after bankruptcy no one would lend the bankruptcy trustees the money to continue operations without a Federal guarantee. At that point there was imminent danger of stoppage involving failure to meet payroll for tens of thousands of workers and marooning tens of thousands of commuters and other travelers.

The Lockheed situation follows closely on the heels of the Penn Central bankruptcy and of rumors regarding the liquidity position of other major United States corporations. These rumors persist.

Clearly, the frantic crisis-ridden legislative maneuvering which has come in the wake of the Penn Central and Lockheed contingencies demonstrates that the American economy still lacks an emergency economic "war power." Such legislation is needed to ensure that steps could be taken to prevent the economically unthinkable from happening during a time of crisis.

Congress should now enact for this purpose legislation comparable to the Emergency Loan Guaranty Act which I first introduced on July 27, 1970. It is likely now that the over-all guarantee authority may be reduced from $5-billion to $2-billion (the Federal Reserve Board Chairman, Arthur Burns, suggests this figure) and some other details may be changed, but the essential thrust of the legislation is what counts.

This essential thrust is that the loan be guaranteed meets the national (or regional) interest criteria, that it cannot be otherwise obtained on reasonable terms and conditions, that there is reasonable assurance of repayment, and that failure to provide a Federal guarantee would in effect shut down the essential services for the maintenance of which the loan is sought.

Also, the Treasury Secretary as loan guarantee authority could impose suitable conditions on the borrower and that would include the kinds of conditions a bank would impose on a borrower in trouble. My bill also calls for submission to the Congress—which would have the power to veto—of any individual loan in excess of $20-million to one borrower in any one year.

It is inaccurate and simplistic to blame the liquidity crisis of such of our nation's corporations as are affected on poor management. A peculiar mix of economic recession and a sluggish recovery, combined with a high level of inflation, are contributing factors to the liquidity problems facing many American corporations—factors which are completely beyond any individual's control—as well as in given cases poor management.

Over the past two years, basically sound corporations with good management have been caught in a squeeze in which repressively tight money and high operating costs—labor, raw materials, taxes and other overhead—have combined with sluggish sales and decreased profits. An inevitable result of this situation has been a deterioration in the borrowing power of businesses, many of whom rely on firm lines of credit to maintain cash flow and refinance debt.

Poor management should not be used as an excuse for refusing to enact an economic war power upon which the health of the economy depends. But I would require the imposition of stringent conditions on any loan guarantee where the danger of failure of an important firm could be traced also to questionable management decisions.

What worries me is that the approach to this widespread liquidity crisis has been on a case-by-case basis and only after disaster is knocking at the door. This ad hoc corporation-by-corporation approach can contribute to losing sight of the forest because of the peculiar defects of certain trees. And I am sure that the American people and the Congress would support generic legislation designed to protect the rich forest which is our national economy even though they question the right of specific trees to survive.

I am suggesting no change in our bankruptcy laws, which have served us well. If a business is poorly run or has become uncompetitive, it should not be kept limping along. But if, looking at the indicators of business liquidity, we can see troubled times ahead for some of our basic productive enterprises, we cannot afford to neglect this threat to the nation.

Some opponents of such generic, broad-based, emergency loan guarantee legislation are arguing, perhaps with political motivation, their assistance to "fat cat" corporations does not serve the broader interest of a competitive American economy. I would argue that in a time of economic difficulty when the rate of unemployment is approaching a 10-year high, the interests of the American workman would be ill-served if a Penn Cen-

tral employing some 100,000 persons or a Lockheed employing some 70,000 persons in operations essential to the national interest were allowed to cease operations.

I should also make clear that the legislation I have introduced, and which is now before the Senate Banking Committee, makes no distinction between guaranteeing loans to major and to smaller corporations. I think it would be a mistake for Congress to establish the principle that medium-sized firms would be ineligible for extraordinary government assistance, simply because of their size. (Smaller firms are already covered through the Small Business Administration for guarantees or loans up to $350,000 each.)

I can think of cases where the stoppage of a smaller firm could have severe consequences for a regional economy, in a thinly industrialized area, for example, where the firm is the major employer.

Some opponents of Government assistance to corporations through an emergency loan guarantee authority express an almost theological concern over the precedent-setting nature of such Government involvement in the private enterprise system. This concern does not belong in the nineteen-seventies, which are increasingly characterized by private sector involvement in quasi-governmental corporations, by overseas United States private investment guarantees, and private sector close cooperation with the Government and the Congress to work out voluntary import quota limitations on such basic products as petroleum, steel and textiles.

Also overlooked in this argument is the fact that a loan-guaranteeing corporation—the Reconstruction Finance Corporation—was operating throughout most of the nineteen-thirties and nineteen-forties, and that emergency-type loans have been made by the Federal Government in the nineteen-sixties. Indeed, the R.F.C. placed over $38-billion in loans and over-all made rather than lost money.

An argument can now be made that our economy has developed to the point that the interrelationship between the private and public sectors has become so close that a government without an emergency guarantee power is an anachronism which serves the needs of the nineteen-seventies very poorly indeed.

Finally, opponents of broader-based emergency loan guarantee legislation fear that the authority could be abused, citing the political favoritism that marred the last years of the operations of R.F.C. I feel that it is very important that there should be a requirement in any bill approved by the Congress for a detailed justification for the guarantee and that requests for a guarantee be made through a high-level board (the Federal Reserve's bill suggests the chairman of the Federal Reserve Board and the Secretaries of Treasury and Commerce).

My bill also would require the guaranteed loan to be used for the precise purposes which are essential to the nation or a region. Clothed with appropriate safeguards, such an authority can serve as an essential tool for preventing national or regional hardship which can come about when an important stoppage threatens our fast-paced economy.

The time for legislative action is at hand. The approach should be one of permanent benefit to the whole economy. Last year, it was Penn Central—this year Lockheed, and I don't know what is in the cards for 1972 and beyond. But with two major fatalities in the past year and other close calls, the lesson is clear: Permanent emergency safeguards must be provided lest we have the type of fatality on our hands that would affect the economic well-being of our whole nation.

Mr. JAVITS. A very interesting point is raised by Mr. Greenspan and I will touch on that first because it bears directly on the bill. Then, I wish to say a word about the fundamental issue of principle which Senator BUCKLEY properly puts before the Senate because there is an issue of principle.

First, let me discuss the Greenspan article. He erects a straw man that we intend to legislate an RFC-1933 style bill, and then he proceeds to try to knock it down on the grounds that it would try to help everybody that would not be worthy of help; that it would reduce the effects of competition and help the big firms not the small firms and reduce the money supply for those who want to have loans as a matter of competition in the marketplace.

The point is that we are not doing any such thing. We are not intending to create a 1933-style RFC; we are not going to create any far-reaching program. If there is any doubt about that, the $2 billion provided here would hardly take us very far in that kind of program.

The point is what the United States is trying to do by this bill in its generic aspect is to insure against economic collapse by virtue of the cessation of operations deemed essential to the national interest. I submit that is not only the responsibility but the duty of Government and the highest principle of any free society. Against this overriding principle every other principle pales into insignificance.

Mr. President, if we have no right to save this company, the stoppage of which would represent a disaster to the national interest, then we have no right to do the following things:

We have no right to pass a bill to inhibit a railroad strike, and I and many other liberals have lent ourselves to that time and time again.

We have no right to inhibit strikes in defense industries, or a utility strike.

If we cannot put the Government into the business of saving what must be saved, we must dismantle the FHA completely, and let people go unhoused.

The principle that Government shall not get into this business gets beyond one of the greatest principles of all, which is to protect these other principles, which are the most important.

Under that philosophy we should not give subvention of interest to the Rural Electrification Administration and for rural telephones, which exist only by way of Government guarantees.

We should not guarantee loans for college dormitories, or give subvention to colleges and universities, nor should we give subsidies to agriculture or to the Merchant Marine. Under the principle enunciated by Senator BUCKLEY the Federal Government would have to keep its hands out of the business altogether.

Mr. President, it seems to me we decided that question, at the very least 30 years ago or more.

On the principle that the very first principle of government is that society shall continue to operate, I deeply believe we have to use our brains and great ingenuity to see that the evils which might result from this sort of legislation do not result; that the excesses and corruption which might exist do not exist. We can shatter any precedent that is made. We can pass a bill today and repeal it tomorrow. We are not bound to the extent that we cannot overrule it or repeal it. If we do not like the way it works, we can cancel it. But we know we need this kind of machinery on the books because the alternative is too dangerous.

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

Mr. JAVITS. May I have another 2 or 3 minutes?

Mr. TOWER. Mr. President, I yield 2 additional minutes to the Senator from New York.

Mr. JAVITS. That is fine.

Mr. President, the key to Government today is that Government cannot stay out of business any more than business can stay out of Government. The question is how they accommodate themselves one to the other.

It has been my point—and I think it is critically important—that the opponents of this legislation have overlooked the fundamental fact that this is not a bail-out bill. On the contrary, the Government officials, if they are worthy of their salt, may insist that in the case of some companies, that as they go into bankruptcy or into chapter XI reorganization, they will have to oversee the requirement that the stock, for example, is not watered, that there is not inefficient management, or that certain creditors take their chances when they do not have the right to rank as high as the guaranteed creditor. That is what we ought to be able to expect, and I would expect it, just as we would expect it of a tough bank officer. The United States can also be a tough lending officer.

The big argument of Mr. Greenspan is that the Government will get into business in terms of running it. What does it do with reference to RFC, the Robinson-Patman Act, the FPC, and a dozen other agencies?

Our duty is to create the conditions to allow those businesses vested with the national interest to go on. And as the lending officer we can impose any requirements that an officer of the First National City Bank or any other large bank could impose. We have a right to do it. I think we would do it under those conditions.

For those reasons, I hope the Senate will vote cloture so that we may proceed to consider and act on the bill.

Mr. PROXMIRE. Mr. President, I yield 9 minutes to the Senator from Connecticut (Mr. WEICKER).

Mr. WEICKER. Mr. President, I would like to make a few comments prior to this rather hasty cloture vote.

First, as to the statements of various proponents of the bill that there have been extensive hearings on the bill, this, of course, is not so. I have read these hearings very carefully, and they are almost exclusively devoted to a Lockheed bill. It is all right to say there were other bills that were called up under the same hearings, but the fact is that the questions and responses related to a Lockheed bill, not a generic bill.

Really, the ultimatum that we are confronted here this afternoon emanates from the British Government. I am not trying to arouse any feeling of nationalism here, but it is a fact. It is a fact that

is in the committee hearings. I read from page 791 of the hearings:

ASSURANCE THAT THE TRISTAR PROGRAMME WILL BE COMPLETED

The assistance of the U.S. Government takes the form of the guarantees for which the U.S. Administration is seeking Congressional authority, the amount of $250 million being that which the U.S. Administration expect will be sufficient to assure the continuity of the TriStar project. The British Government understands that before providing such guarantees to Lockheed the U.S. Administration will have taken steps to satisfy themselves that the other requirements for the completion of the project (notably the confirmation of current airline orders) are met.

If the guarantees mentioned above cannot be given by 8 August 1971, the agreement between Lockheed and Rolls Royce for supply of the RB 211, and the British Government's offer of support will not become effective. The parties principally concerned with the RB 211/TriStar project agreed that since the announced date for the beginning of the summer Congressional Recess is 6 August it would be reasonable to expect a decision on the U.S. Administration's proposal to Congress by 8 August.

So it is very clear as to who is setting the date along with Lockheed, and along with the circumstances, in this particular body.

I cannot help but comment—and I am sorry my colleague the senior Senator from New York has left the floor—that the comments he has made have been made in the past by various proponents of the bill. He cites the instances of Government assistance. I point out that, invariably, this has been in the public service field, and, invariably, it has been before, and not after the fact. That is one of the weaknesses of the legislation which we are asked to consider today.

Really, I find it amazing that we hear statements that we can do one thing today and another thing tomorrow. As I recall, at the beginning of my remarks I said I did not want the U.S. Senate to do business like Lockheed, and yet that is exactly what is being proposed here.

There has been a great deal of debate among Members of the Senate in this Chamber on various issues relating to the delegation of authority to the executive branch of the Government. Clearly, this is another instance of that delegation. While we are bemoaning the fact that in the area of foreign relations we should not do that, we are willing to go ahead on the domestic scene and fall into the same trap.

Let us make no mistake about it. This bill is written to cover one business. This particular panel can bring up any loan whatsoever, to anybody, without any congressional review at all, prior to October 1. It is not inconceivable that the SST could be resurrected and moneys used for that purpose prior to October 1, 1971. I see nothing in the nature of the bill which requires that anyone should be exempt once the bill is passed. There are some requirements of other corporations that come to the Government for a loan. So one cannot say this is a generic bill—it is a Lockheed bill.

My colleagues have to cut it one way or the other: It is either a Lockheed bill or a generic bill. It is not a generic bill tailored to the bailout of Lockheed, or at least it should not be.

Now I have an important question to ask my colleagues which I have let go by until today. They have made the statement during the past 4 days that this is not $250 million worth of taxpayers' money, but, rather $250 million in a loan guarantee. I have made the statement that this is $250 million that has to be set aside in case the worst happens; therefore it is taxpayers' money; to which they replied, "But there are other assets of the company, so in any event it could cover $250 million."

Now, here is the question that I ask the proponents of the bill: If the Government has assets of Lockheed as security for the $250 million loan, will not the Government do everything in its power to secure those assets or increase their value, in order to protect the $250 million; and therefore, does not the Government have an interest in seeing that Lockheed gets business at the expense of Lockheed's competitors in other fields?

If the proponents of this bill—and they have made this point clear—say this is not taxpayers' money, it is a loan guarantee secured by the assets of Lockheed—and here is where the argument of the junior Senator from New York and those of us who agree with him comes to the fore—the U.S. Government would have a proprietary interest in Lockheed, and would have to go ahead, or could go ahead, and would be motivated or moved—should be moved, as a principal creditor—to protect or increase the assets of Lockheed, and therefore the U.S. Government would have a favored position vis-a-vis Lockheed as opposed to other contractors.

This is the reason why I ask my colleagues to take a long, hard look today before they move in that direction. The consequences are not just bailing out a corporation. Inherent in this bill is some of the greatest political power we have seen in any legislation presented to the U.S. Senate. The power, up until October 1, would be totally outside the legislative branch of the Government. After that date, it would still sit, in a primary way, with the executive branch of the Government.

Let the market be free, certainly as far as commercial products are concerned. This body understands its obligations to the Nation as a whole in the area of public service; but once the private sector is entered upon, as is being proposed here, there is no turning back; and the very failing of which we have accused ourselves over the past several years—that fault, in other words, of delegating power outside the legislative branch of the Government—will have been enhanced.

I should be very glad to have any of the proponents of this legislation respond to what is a genuine question as to whether or not, on the basis of this action, the U.S. Government would thus acquire such an interest in Lockheed that it is to the benefit of the U.S. Government to see that the assets in no way diminish and are, if possible, increased.

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

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PERCY. Mr. President, will the Senator from Wisconsin yield me 2 minutes?

Mr. PROXMIRE. I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I intend to vote for cloture today because I wish to see this matter brought to a head at the earliest possible time, believing time is of the essence. But I would not want any inference to be drawn from that vote that I have made up my mind to support the bill.

I can understand the arguments made by the proponents of the measure. I should like to study them as closely as I can, and would like to hear from the Senator from Texas of the ripple effect—that is, the net number of employees who would be released, if there should be a bankruptcy of Lockheed. I should like to study the whole issue a little bit more.

I think there may be some relationship between what we did in the case of Penn Central and this case. But I have serious concerns about this precedent, because I do deeply believe in the discipline of the marketplace, with which we are certainly interfering.

If this is an economically sound loan, I cannot see why the banks cannot go a little bit farther to help Lockheed stay in business a little longer, and get their own investments back.

There is an important difference between this and the Penn Central situation. I said just before that vote that I felt as though I were on a slippery road, the end of which I could not see. But in that situation, at least, we were confronted with a case in which if Penn Central could not operate——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PERCY. May I have 30 seconds?

Mr. PROXMIRE. Yes.

Mr. PERCY. American transportation in a large part of the country would have been interfered with.

That is not the case in this instance. We had then a case in which the company certainly was in receivership, and this was the only alternative we had.

In this case, I think we need 2 or 3 hard days of debate to help clarify the matter, but I hope the Senate will bite the bullet and come to a decision on this issue at the earliest possible time.

Mr. PROXMIRE. I yield myself 6 minutes.

Mr. President, the motion to kill off debate on the Lockheed bailout bill after only 3 days is another example of the red carpet treatment being given the Lockheed company by the Congress.

More debate is needed on the Lockheed bill. The bill before the Senate goes way beyond the administration's original proposal to assist Lockheed with a $250 million loan guarantee.

The Senate bill authorizes $2 billion in guarantee authority—or eight times the administration request. It will permit eight or 10 giant corporate bailouts over the next 2½ years.

What the bill really says is that the Federal Government will not permit big

business firms to fail. Such a program can destroy our free enterprise system. At the very least, it will have a profound and far-reaching effect on our economy. And yet we are being asked to vote on such an unprecedented proposal after only 3 days of debate. The Secretary of Defense and the Under Secretary of Defense are opposed to the pending bill and the Secretary admits there is a difference within the administration.

Anyone who takes the time to read the hearings, which incidentally, were not even distributed during the first day of debate, will find that at least 95 percent of the testimony was taken up with the Lockheed case. And yet we are being asked to vote on a sweeping, hastily contrived, vaguely drafted bill which surrenders $2 billion in guarantee authority to the Treasury and the Federal Reserve System. And the reason we are being asked to vote with such unprecedented haste is that Lockheed needs the money by August 8.

Mr. President, the backers of the Emergency Loan Guarantee bill cannot have it both ways. If they want to pass a general guarantee bill after only a very limited hearing record, they should be willing to debate the bill before the Senate and the American people. If this is really a general bill, we should not let the situation of only one company determine our schedule. The proposed loan guarantee for Lockheed is only one-eighth of the total guarantee authority.

On the other hand, if this is really a Lockheed only bill, the proponents of the Lockheed bailout should stop hiding behind the facade of a general bill. They should admit to the Senate and the American people that they are really concerned about saving Lockheed first and only incidentally about passing a general bill. Let the backers of the general bill, S. 2308, move to susbtitute the original administration bill, S. 1891, which applies only to Lockheed.

If we were debating just the Lockheed bill, I believe we could come to a much quicker decision. But since the Lockheed proponents chose to expand the Lockheed bill into a generic bill, they have no one to blame but themselves for expanding the amount of debate required by the Senate.

Because some of us in the Senate have sought to discuss the general bill in some detail, we are accused of mounting a filibuster. This charge is absolutely false. I categorically deny it. A filibuster, in the classic sense of the term is an attempt by a minority of Senators to kill legislation by endless debate. That is not my intention. As far as I am concerned, I will make no attempt to prevent the Senate from voting on S. 2308 as soon as the issue has been adequately debated.

We need more debate on the bill in order to counteract the effect of the Lockheed lobby. Members of Congress have been subject to overwhelming pressure from the powerful Lockheed lobby including the company itself, the Treasury, the banks, the airlines, the subcontractors, and certain labor unions. The only chance of educating the Senate and the American public about the Lockheed giveaway is through extensive debate. Why are the proponents of a Lockheed bailout so anxious to kill off this debate? Are they fearful that an informed and outraged public opinion will cause the Senate to reject their cause? Are they so lacking in confidence in their measure that they are afraid to subject it to the spotlight of national publicity?

We are told we need to act by a certain date or otherwise Lockheed will run out of cash, or that the airlines will cancel their orders, or that the British Government will pull out of the deal. Mr. President, who are these outside organizations? What right do they have to tell the Senate how to conduct its business? What right does the chairman of the board of Lockheed have to attack this Senator for wanting to discuss the bill? What right does he have to demand Senate action by a certain date?

He is the one who needs the guarantee—not us. If the chairman of the board of Lockheed behaved that way to his commercial bankers, he would undoubtedly be tossed out on his ear. Is the dignity of the U.S. Senate any less?

There is no arbitrary or fixed deadline for giving aid to Lockheed. If the Senate wants to take a few days or weeks to debate the proposed legislation, that is our business. If Lockheed is in danger of running out of cash, let them apply to the banks for a temporary loan.

As we proceed to consider this legislation keep one thing in mind. If the Lockheed Co. is so shaky that it will fall apart if aid is not rendered by a certain day, then we certainly should not guarantee the loan. If the banks, the airlines, and the British Government are so lacking in confidence in the future of Lockheed that they are unwilling to wait a few days or weeks for Congress to complete an orderly debate on the legislation, then the U.S. Government certainly has no business guaranteeing the loan. If the company is that bad, we should not risk the taxpayers' money on it.

Mr. President, the dignity of the U.S. Senate is on trial. Are we going to permit a large and powerful corporation to dictate our procedures? Are we going to jump like spineless errand boys whenever the rich and powerful snap their fingers? Are we going to let the chairman of the board of Lockheed tell us how long we have to debate a bill?

Mr. President, it will be a sad day for the dignity of the U.S. Senate if this cloture motion is approved. It will be a serious departure from the traditions of the U.S. Senate.

Also, Mr. President, for some strange reason, whenever human rights are involved, the Senate can afford to debate at length before cloture is proposed. But whenever the welfare of a fat-cat corporation is at stake, the Senate is asked to proceed with uncommon haste. Indeed, some Members of the Senate who have traditionally and consistently voted against cloture on civil rights bills are in the forefront demanding cloture on a bill to help big business after only 3 days of debate.

The history of civil rights legislation shows considerable debate before cloture is even attempted. For example, before the first vote on cloture took place, the 1960 civil rights act was debated 20 days; the 1962 civil rights bill involving literacy tests was debated 11 days; the 1964 civil rights act was debated 55 days; the 1965 voting rights act was debated 24 days; the 1968 open housing bill was debated 19 days.

These five civil rights bills were debated an average of 26 days before the initial cloture vote occurred. However, legislation to assist big business can only be debated 3 days before cloture is attempted. There seems to be one standard for human rights and another standard for big business rights.

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

Mr. PROXMIRE. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. TOWERS. I yield 2 minutes to the Senator from Tennessee.

Mr. BROCK. Mr. President, I recall back in my childhood that when one would try to get the better of an argument, oftentimes he would invoke demons, hobgoblins, and ghouls, in an effort to frighten the opposition. I am beginning to marvel at the ability of our modern vernacular to suggest the presence of new hobgoblins on the American scene—giant corporate bailouts.

Some people say, "Well, you cannot do anything because you are under pressure from enormous corporate octopuses who have a handle on the entire United States."

What a question to ask of this body, as to whether or not there is that kind of pressure. I have felt no pressure. I have had no visits, no phone calls. I sat through extensive hearings, and I came to a conclusion. My conclusion was not that some giant corporation needed help. My conclusion was that 30,000 employees were jeopardized, not by their own actions, not by the actions of their management, but by the actions of the U.S. Government whose "procurement contracts" policy cost that corporation some $200 or $300 million. It was a situation over which Lockheed's employees had no control and which jeopardized the entire structure of the corporation—both those parts which were working on the defense contracts and those which were not.

I wonder whether people really are so concerned about corporate giants that they are concerned about what kind of giant would develop if we do not recognize the Federal Government's responsibility when we create that kind of situation.

The market for this plane in the next 10 years probably will amount to 1,000 planes. Multiplying that by $20 million a plane makes a total of $20 billion. The action of this body could eliminate the ability of one of the only two competitors in this country to supply that market.

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

Mr. TOWER. I yield 1 additional minute to the Senator.

Mr. BROCK. Are we going to say that we are going to create probably the largest corporate monopoly in the world by our action today, by refusing to rec-

ognize past mistakes? That is what could happen if that contract is assigned to one company.

What about the little people and the big people? How big are the pipefitters, the steamfitters, and the others who work for the Lockheed Corp.? They are not corporate giants. They are human beings with families, and they have to pay for their automobiles and their homes. These are the people I am concerned about, and I think we should be discussing them and not throwing out the shibboleths of giant corporate octupuses and the rest.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. I yield myself such time as is necessary.

Mr. President, it has been claimed that there would be little employment loss if Lockheed were to fail. As a matter of fact, it has been suggested that it would be good for the economy and good for the job situation in this country if Lockheed were to go under.

Some 30,000 employees of Lockheed and its suppliers were involved in the L–1011 project alone in January, of which some 14,000 have been laid off. If the company fails, these 30,000 workers will be unemployed.

It is reasonable to assume that a multiplier of 2 will reflect the impact of this direct employment loss on the economy, resulting in a total job loss of 60,000 if Lockheed should fail.

It is argued that only 6,000 or 7,000 people are actually working on the project now, and that the total job losses will be only 10,000 or 11,000. This simply is not so.

The current number employed on the project is around 16,000, because about 14,000 have been laid off. Those who have been laid off still have their jobs at stake in this project, and are properly considered part of the employment loss from a Lockheed failure.

The opposition argument assumed that the Lockheed direct-labor hour figures for 1 week should be divided by 40 hours to determine the employment involved. In fact, the number of direct hours per week spent working on the L–1011 by an employee is 35½ hours. This makes the direct labor involved at Lockheed some 7,500 people, and the indirect labor hours amount to around 2,500 more jobs. The total is then 10,000 jobs right now at Lockheed—with around 7,000 laid off—and 6,000 jobs at suppliers—with around 7,000 laid off. This means 30,000 jobs directly involved in the economy, and another 30,000 jobs indirectly at stake.

Mr. President, we have been debating this measure for 5 days now. We started Wednesday; we debated Wednesday, Thursday, Friday, and in an unusual Saturday session, and now today.

We have had much less debate on much important legislation in Congress that has involved the expenditure not just of paltry amounts but of billions of dollars, in far-reaching and complicated Federal programs in which money has come directly out of the taxpayer's pocket. We have debated far less in such measures, in many instances, than we are debating on this matter.

This is not a difficult matter to understand. There have been hearings; there is testimony. A voluminous record has been made on the floor of the Senate during the past 5 days, and I think everybody is pretty well informed on this issue now.

Of course, it is urgent because these jobs are at stake. The President of the United States has recognized the urgency and has urged Congress to enact this legislation with all deliberate speed and, in any event, before the August recess.

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

SENATOR RANDOLPH BELIEVES S. 2308 NEEDS FURTHER DEBATE

Mr. RANDOLPH. Mr. President, I shall vote against the pending cloture motion to limit debate on S. 2308, the proposed Emergency Loan Guarantee Act.

Although I have consistently opposed so-called filibusters on any issue and have advocated liberalization of rule XXII, I also firmly believe that Senators should have a reasonable amount of time for debate and discussion of pending legislation.

The record will reflect that of the 32 cloture votes since my entry into the Senate, I have voted against cloture only one time. Clearly, each Senator must make his own decision on what constitutes a "reasonable amount of time" and what constitutes a filibuster. It is my belief that we have not had sufficient time to consider the pending measure which involves a basic national policy decision. I do not believe that the Senate has entered into that phase of discussion which would be termed a filibuster. Those Senators who wish to speak on this issue should be provided additional opportunity.

I emphasize, Mr. President, that my vote on the cloture motion today does not reflect a position for or against the pending measure. It is strictly a vote on the question of whether Senators have had a "reasonable amount of time" to consider the issue.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. TOWER. What is the parliamentary situation?

CLOTURE MOTION

The PRESIDING OFFICER (Mr. ROTH). The hour of 3 o'clock having arrived, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

Before the clerk commences reading, the Chair would ask for order in the Senate.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

John Tower, Hugh Scott, Robert Dole, Wallace Bennett, Alan Cranston, Jacob Javits.

Richard Schweiker, Charles Percy, John Tunney, Marlow W. Cook, Charles Mathias.

Bill Brock, Gordon Allott, William Saxbe David Gambrell, Howard Baker.

CALL OF THE ROLL

The PRESIDING OFFICER (Mr. ROTH). Under rule XXII, the Chair directs that the clerk call the roll to ascertain the presence of a quorum.

The second assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 162 Leg.]

Aiken	Ervin	Montoya
Allen	Fannin	Nelson
Allott	Fong	Packwood
Anderson	Fulbright	Pastore
Baker	Gambrell	Pearson
Bayh	Goldwater	Percy
Beall	Gravel	Prouty
Bellmon	Griffin	Proxmire
Bennett	Gurney	Randolph
Bentsen	Hansen	Ribicoff
Bible	Harris	Roth
Boggs	Hart	Saxbe
Brock	Hartke	Schweiker
Brooke	Hatfield	Scott
Buckley	Hollings	Smith
Burdick	Hughes	Sparkman
Byrd, Va.	Jackson	Spong
Byrd, W. Va.	Javits	Stennis
Cannon	Jordan, N.C.	Stevens
Case	Jordan, Idaho	Stevenson
Chiles	Kennedy	Symington
Church	Magnuson	Taft
Cook	Mansfield	Talmadge
Cooper	Mathias	Thurmond
Cotton	McClellan	Tower
Cranston	McGee	Tunney
Curtis	McIntyre	Weicker
Dominick	Metcalf	Williams
Eagleton	Miller	Young
Ellender	Mondale	

Mr. BYRD of West Virginia. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. McGOVERN), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. DOLE) is necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER (Mr. ROTH). A quorum is present.

VOTE

The PRESIDING OFFICER. Pursuant to rule XXII, a rollcall has been had, and a quorum is present.

The question before the Senate now is, Is it the sense of the Senate that debate on the pending bill, S. 2308, to authorize emergency loan guarantees to major business enterprises, shall be brought to a close?

The yeas and nays are mandatory under the rule, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

On this vote, the Senator from South Dakota (Mr. MCGOVERN) is paired with the Senators from Kansas (Mr. DOLE) and Nebraska (Mr. HRUSKA).

If present and voting, the Senator from South Dakota would vote "nay" and the Senators from Kansas and Nebraska would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. DOLE) is necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kansas (Mr. DOLE) and the Senator from Nebraska (Mr. HRUSKA) are paired with the Senator from South Dakota (Mr. MCGOVERN). If present and voting, the Senator from Kansas and the Senator for Nebraska would each vote "yea" and the Senator for South Dakota would vote "nay."

The yeas and nays resulted—yeas 42, nays 47, as follows:

[No. 163 Leg.]

YEAS—42

Allott	Fannin	Montoya
Anderson	Fong	Packwood
Baker	Gambrell	Percy
Beall	Goldwater	Ribicoff
Bellmon	Griffin	Saxbe
Bennett	Gurney	Schweiker
Bentsen	Hansen	Scott
Brock	Hollings	Smith
Cook	Jackson	Sparkman
Cooper	Javits	Talmadge
Cotton	Magnuson	Thurmond
Cranston	Mathias	Tower
Curtis	McGee	Tunney
Dominick	Miller	Young

NAYS—47

Aiken	Ervin	Nelson
Allen	Fulbright	Pastore
Bayh	Gravel	Pearson
Bible	Harris	Prouty
Boggs	Hart	Proxmire
Brooke	Hartke	Randolph
Buckley	Hatfield	Roth
Burdick	Hughes	Spong
Byrd, Va.	Jordan, N.C.	Stennis
Byrd, W. Va.	Jordan, Idaho	Stevens
Cannon	Kennedy	Stevenson
Case	Mansfield	Symington
Chiles	McClellan	Taft
Church	McIntyre	Weicker
Eagleton	Metcalf	Williams
Ellender	Mondale	

NOT VOTING—11

Dole	Inouye	Mundt
Eastland	Long	Muskie
Hruska	McGovern	Pell
Humphrey	Moss	

The PRESIDING OFFICER (Mr. ROTH). On this vote the yeas are 42 and the nays are 47. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is rejected.

THE LOCKHEED LOAN GUARANTEE

Mr. PEARSON. Mr. President, in order to promote economic development generally, and to provide opportunity for corporations and individuals in particular, the Government has created a massive program of loans and loan guarantees. As of June 30, 1971, the Federal Government had $54 billion in direct loans outstanding. Government guaranteed and insured loans totalled $137 billion. Thus Federal loans and guarantees outstanding today exceed $190 billion.

Housing loans and guarantees by the Federal Housing Administration and the Veterans' Administration account for 62 percent of all U.S. credit programs. The remaining U.S. credit flows to many groups, from college students to ghetto businessmen, from farm electric cooperatives to foreign nations.

Federally guaranteed loans and direct Federal loans have increased in dollar volume by more than 100 percent in the past decade alone.

The farm credit system has saved the family farmer. Without Federal farm credit, I am convinced the United States today would have a national system of collective farms, owned by huge conglomerates and operated in a manner comparable to the Soviet collectives.

FEDERAL LOANS AND GUARANTEES TO MAJOR ENTERPRISES

Because credit assistance to home buyers, small businessmen and farmers is so prevalent, it is often forgotten that the Federal Government consistently extends credit or loan guarantees to major industrial enterprises. The Reconstruction Finance Corporation, for example, extended more than $2 billion in credit, in direct loans, and 362 of these loans were in an amount in excess of $1 million. During the depression, the RFC salvaged many railway corporations whose survival was important to economic recovery. Steel companies received loans from the RFC as well.

Not only did the RFC salvage much of America's primary industry, but it made money in the process. The RFC, from date of incorporation to June 30, 1957, had an adjusted net income of $333.7 million, derived from interest and dividends earned on loans and securities of more than $1.44 billion.

In more recent times, the so-called V-loan program of the U.S. Government has extended more than 30 loans to major defense suppliers, in amounts exceeding $20 million per loan, between 1951 and January 30, 1968.

These V-loans include a loan to Douglas Aircraft Co. for $75 million, made on January 5, 1967. I note parenthetically that Douglas is the sole competitor of Lockheed in developing the so-called commercial air bus for the airlines. The Lockheed Corp., this Nation's largest defense supplier, has never received a V-loan in an amount exceeding $20 million.

Most recently, the United States has extended $100 million in guarantees to the Penn Central Corp. in an effort to maintain service along the Atlantic Seaboard, our Nation's most populous corridor. Loan guarantees to private enterprise are an established method of promoting the public interest, and assisting entities of importance to the national economy.

THE LOCKHEED LOAN GUARANTEE

Mr. President, the Senate has before it legislation which would authorize the United States to guarantee loans to the Lockheed Corp. in an aggregate amount not to exceed $250 million.

I support this legislation, and urge its adoption by the Congress.

Much more is involved than the survival of Lockheed. During hearings on the pending bill, administration witnesses testified that they are not concerned about the job security of Lockheed's management team. Nor is the administration concerned about potential losses which Lockheed stockholders might suffer if the company fails. This Government is not in business to salvage imprudent stock market investments.

The Congress and the administration do, however, have a responsibility to promote the economic well-being of the Nation. If passed, the loan guarantee legislation before Congress will help the economy, protect jobs, and maintain intact an important defense and aerospace production team. The loan guarantee, moreover, will involve minimal risks for the Government.

THE TRI-STAR PROGRAM

Lockheed and McDonnell Douglas are currently engaged in competition to develop and market an intermediate range, wide-bodied air bus, to complement Boeing's development of the long-range 747. Lockheed is developing the L–1011 Tri-Star, and McDonnell Douglas is developing the DC–10. Both ventures are international, in a sense, because the Tri-Star will utilize an engine manufactured in England, and the DC–10 will utilize components of the wing manufactured in Canada.

Due to the advanced state of the Tri-Star program, an estimated $350 million inventory investment is held by suppliers and subcontractors. This inventory would approach worthlessness if the Tri-Star program is scrapped for lack of financing. Many subcontractors throughout the Nation would face serious financial losses, job losses, and perhaps bankruptcy.

Lockheed has "firm orders" for more the 100 Tri-Star units, and the airlines have advanced $240 million to the firm. TWA, Eastern, and Delta would be hard hit if Lockheed, under the management of a trustee in bankruptcy, is not able to continue development and production.

The direct suppliers to and subcontractors of Lockheed with respect to the Tri-Star program have current commitments for 181 aircraft sets of materials for Tri-Star manufacture. These commitments involve $738.5 million. The

number of these suppliers and subcontractors exceeds 150, including 24 suppliers whose involvement exceeds $4 million.

The current Lockheed Tri-Star program contemplates the production of 220 aircraft with total anticipated sales of 170 aircraft scheduled out by the end of 1977. Market studies have shown a free world airline need by 1980 of 775 wide body jet aircraft in the medium range category—and Lockheed expects to capture between 35 and 40 percent of this market.

Because of reasonably good sales prospects for Lockheed's Tri-Star program, a consortium of 24 banks has loaned the company $400 million to date. The banks will not extend further credit without Federal guarantees. With Federal guarantees, the banks will extend an additional $250 million to the company.

If the Tri-Star program is successful, the banks will be repaid the $400 million they have loaned already, along with the $250 million in loans to be backed up by Federal guarantees. If the Tri-Star program is not successful and Lockheed is forced into receivership, the United States will have first lien on Lockheed's assets—sufficient to cover the United States' risk in the venture.

There are between 30,000 and 60,000 U.S. jobs which depend upon continuation of the Tri-Star program. If the United States does not guarantee these loans in an amount not to exceed $250 million, Lockheed will enter bankruptcy proceedings and these jobs will be in jeopardy. Without loan guarantees, there is no assurance the trustee in bankruptcy will continue the Tri-Star program. With the loan guarantees, it appears that Lockheed and its subcontractors will have a fair chance of proceeding successfully to a profitable conclusion.

WHY IS LOCKHEED INSOLVENT?

Mr. President, Lockheed is in precarious financial conditon because of difficulties encountered on four defense contracts: Navy shipbuilding, the SRAM missile, the Cheyenne helicopter and the C–5A. As a penalty for poor management, really, the Department of Defense imposed upon Lockheed a loss of $200 million on the C–5A program alone. Lockheed has an obligation to repay to the United States $100 million in advance payments made on the C–5A, with repayment to begin in 1974.

It seems clear that Lockheed cannot repay the $100 million to the Treasury if the company is dissolved in bankruptcy proceedings.

Under Secretary of Defense David Packard testified that Lockheed would not require Federal loan guarantees today if, earlier this year, DOD had settled on the C–5A in a manner more favorable to the company.

Within hours after Lockheed settled with the Department of Defense, Rolls-Royce in Britain went bankrupt. Under the applicable bankruptcy laws, Rolls-Royce's trustee was authorized to renegotiate for higher delivery prices on the RB–211 engine for the Tri-Star program.

Lockheed cannot be blamed, in my opinion, for the adverse effects of the wholly unexpected Rolls-Royce bankruptcy.

SUMMARY

Mr. President, if the United States does not guarantee the Lockheed loan:

The United States will lose $100 million in C–5A repayments;

The airlines will lose about $240 million in advances on Tri-Star;

Lockheed suppliers will lose an estimated $350 million;

The banks will lose about $300 of $400 million in credit already extended on the Tri-Star program;

About 60,000 U.S. jobs will be jeopardized in the depressed aerospace industry.

If the United States guarantees the loan, and Tri-Star is a successful program, no one will lose and the United States will be compensated by Lockheed for administrative expenses.

If the United States guarantees the loan, but Tri-Star fails and Lockheed goes under, the United States will be required to accept the assets of the corporation as priority lien holder. There could be small losses to the Treasury, in the event that Lockheed assets could not cover the $250 million in guarantees.

Mr. President, the precedent for Federal guarantees to important segments of the economy, whether it be the railroads or medical students or homeowners or farmers, is well established. It would be foolhardy indeed, for the Congress to ignore callously the commitment, approaching $1.4 billion, which citizens have made in Tri-Star. It would be foolhardy to ignore the potential job losses in aerospace.

Because the risk to the Government is minimal, I support the Lockheed loan guarantee. Such a guarantee is in the national interest.

Mr. TOWER obtained the floor.

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

Mr. TOWER. I yield to the Senator from Pennsylvania for a question.

PROGRAM

Mr. SCOTT. Mr. President, I should like to ask the distinguished majority leader if he will advise us as to the schedule from now on.

Mr. MANSFIELD. Yes, indeed. I am delighted that the distinguished minority leader has raised that question because, as the Senator is aware, we are now operating on a two-track system of procedure, with the pending business and S. 382, the election reform bill, both eligible for consideration.

It is anticipated that perhaps tomorrow we will take up the sugar bill, which takes some debate, to be followed by the public works and HEW appropriation bills.

There will be a session on Saturday, and it is almost certain there will be at least one rollcall vote on Saturday.

That is the situation as I see it now. If anything further develops, I will, of course, consult with my distinguished counterpart.

Mr. SCOTT. Mr. President, if I may pursue that for one moment, will the distinguished majority leader, in view of the recent vote, and the fact that we will be continuing on this bill each day, tell us if he has any plans for a session on Sunday, with time out for church?

Mr. MANSFIELD. Well, I had not thought about it, but I will give it some consideration if the Senator is serious.

Mr. SCOTT. I thank the majority leader.

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

Mr. MANSFIELD. I yield.

Mr. PASTORE. When does the Senator expect us to continue with S. 382?

Mr. MANSFIELD. At an appropriate time, and I will discuss it with the distinguished Senator before proceeding.

Mr. PASTORE. But nothing will occur on that today?

Mr. MANSFIELD. Not today.

ORDER FOR ADJOURNMENT UNTIL 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock tomorrow morning.

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

EMERGENCY LOAN GUARANTEE ACT

The Senate continued with the consideration of the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

CLOTURE MOTION

Mr. TOWER. Mr. President, pursuant to rule XXII of the Standing Rules of the Senate, I send to the desk a cloture motion with the requisite number of signatures.

The PRESIDING OFFICER. The cloture motion having been submitted, the clerk is directed to read it to the Senate.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises:

John Tower, Alan Cranston, Robert Griffin, Hugh Scott, Glenn Beall, John Tunney.

Jacob Javits, Henry Bellmon, Charles Mathias, Marlow W. Cook, Bill Brock, David Gambrell.

Henry Jackson, Charles Percy, Howard Baker, Wallace Bennett, Richard Schweiker, Clifford Hansen.

Mr. TOWER. Mr. President, I think Senators had better be advised that it is conceivable that there could be a vote this afternoon on an amendment. I cannot say that as a certainty, but I must mention that possibility just in case.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HANSEN. 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. HANSEN. Mr. President, I ask unanimous consent that I may be included in the list of signers of the cloture motion.

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

COMMENDATION OF MAYOR WALTER WASHINGTON FOR CITY'S DECLINING CRIME RATE

Mr. THURMOND. Mr. President, I rise today to pay tribute to Mayor Walter Washington of Washington, D.C., for achievements which have contributed to a decrease in the city's crime rate. Recent reports show that the crime rate in Washington went down by 18.7 percent for fiscal year 1971. This marks the first significant decrease in crime in the District over the past several years.

Mr. President, improved city conditions do not just happen—they are the results of hard administrative work, and Mayor Washington has demonstrated his willingness and ability to strive toward a better city. He has recognized the need for a larger police force in combating the serious crime problem. The force now numbers 5,100, nearly twice the size it was a short time ago.

Efficient police forces do not just happen—they result when there is capable leadership. Mayor Washington and Chief Jerry Wilson have provided such leadership, and we saw the fruits when the May Day riots were handled with the right amount of restraint and force resulting in a minimum loss of property and a quick restoration of law and order.

I note that the Mayor and some members of the city council have praised Chief Wilson and the police force for the encouraging dip in crime. While I concur in this praise, I wish to single out Mayor Washington, as the city's chief executive, for the role he has played.

The Mayor has contributed through his influence and initiative to several factors which have helped the police deal with crime. They include the city's narcotics treatment program, better lighting of downtown streets, improved mobilization of policemen, a modernized police communications network, and a number of other programs designed to improve relations between the people and law enforcement agencies.

The recent purchase of three helicopters for the District police shows a keen determination to employ the most effective means possible to the war on crime.

Mr. President, I commend Mayor Washington for his leadership in a very difficult situation. It is my hope that his able administration will result in even further reductions in the District of Columbia crime rate.

APPLICATION OF SCHOOL LAWS IN NORTHERN AND SOUTHERN CITIES

Mr. THURMOND. Mr. President, an outstanding series of articles has been prepared by three staff members of the State newspaper of Columbia, S.C. It concerned their in-depth investigation of the respective application of the law to school districts in the North as opposed to those in the South.

These three reporters, Mr. Kent Krell, Mr. Lee Bandy, and Miss Levona Page, visited school districts in Dayton, Ohio; Rochester, N.Y.; Trenton, N.J.; Buffalo, N.Y.; and Columbus, Ohio. Their mission was to answer such questions as: How much have these typical northern cities desegregated their schools? To what extent does the Federal Government enforce desegregation in the North? How do school officials, teachers, parents, and students feel?

Their findings were published in a six-part series in the State July 14 through July 19, 1971, in addition to an interview with Mr. Stanley Pottinger, director of the Civil Rights Division of the Department of Health, Education, and Welfare. I recommend this material to the attention of my colleagues.

Mr. President, the school population of Columbia, S.C., totals 38,000 students. Of this number, 19,400 are black; 18,600, or 49 percent, are white. Current statistics on the schools in Columbia, compiled in this newspaper series, indicate that 53 percent of the black students are now enrolled in schools that are predominantly black—that is, with enrollments more than 80 percent black.

Their statistics also show that in Rochester, N.Y., 40 percent of the students are black, and 44.2 percent of them are in predominantly black schools. In Dayton, Ohio, 41 percent of the students are black, and 77.8 percent of them are in schools that are more than 80 percent black. In Trenton, N.J., 70 percent of the students are black and almost all of them are enrolled in predominantly black schools. In Buffalo, N.Y., the black students comprise 41 percent, and 50.7 percent of them are in predominantly black schools. In Columbus, Ohio, only 26.9 percent of the total student population are black, but 53 percent of them go to schools that are more than 80 percent black.

There are conditions that exist today. They exist in the North well after districts in the South have been forced to achieve a racial balance suitable to the courts and Federal administrators.

Why have the courts not moved against the northern-style segregation? The answer, they tell us, is that segregation in the North is de facto, and segregation in the South is de jure. De facto segregation is that separation of the races that occurs as the result of private decisions, such as housing patterns in a neighborhood. De jure segregation, on the other hand, is that separation of the races that results from official action, such as State law or school board action.

Mr. Pottinger said in the interview that the courts have not given HEW a mandate to deal with de facto segregation—only with de jure segregation. This, he says, is why segregation in the North is still tolerated.

What escapes me, Mr. President, is how HEW, the courts, or anyone else can say that de jure segregation still exists in the South. Practically all of the 4,380 school districts in the South have been found in compliance with HEW guidelines in the past year—yet new regulations, such as busing laws, are going into effect this year in the South in order to achieve an even greater racial balance.

Apparently, it does not matter that segregation in the South results from housing patterns, or from private decisions of black and white parents. It must be that any segregation occurring below the Mason-Dixon line is automatically de jure. Such a situation is preposterous, Mr. President, and it is time some judicial balance was brought to bear on the problem. The time is long overdue for the South to be treated like the rest of the Nation.

I ask unanimous consent that the articles by Mr. Krell, Mr. Bandy, and Miss Page, along with the in-depth interview with Mr. Pottinger, all of which appeared in The State, Columbia, S.C., July 14–19, 1971, be printed in the RECORD.

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

[From the State (Columbia, S.C.), July 14, 1971]

SCHOOL INTEGRATION: A DOUBLE STANDARD? DE JURE, DE FACTO—TWO SETS OF RULES

(By Kent Krell)

(NOTE: *How much have cities above the Mason-Dixon line desegregated their schools? To find the answers, The State sent a three-reporter team to ask wide-ranging questions: To what extent does the federal government enforce desegregation? How do school officials, teachers, parents and students feel? This first package of a six-part series was written by special assignments writer Kent Krell and Washington bureau chief Lee Bandy.*)

Roosevelt High School, a solid brick structure built in 1903, lends an air of sturdy, scholarly isolation to the seedy inner city of Dayton, Ohio.

The big building sits back off West 3rd Street at the end of block after relentless block of shoeshine parlors, bars and shabby storefronts, many of them festooned with cryptic and often crude stickers, reflective of black militancy.

One apparently lifeless store proclaims itself the headquarters of "The National Committee to Combat Fascism."

Roosevelt High symbolizes a legal and sociological paradox which has become a source of puzzlement, frustraton, resentment and outright annoyance to many Americans above and below The Mason-Dixon line.

Schools like Roosevelt High in Dayton, East High in Buffalo, N.Y., and George Mather Forbes Elementary in Rochester, N.Y., are the black embodiment of so-called de facto segregation. Their student bodies are almost totally Negro.

Contrarily, South Park High in Buffalo and Northland High in Columbus, Ohio, are the white embodiment of de facto segregation.

Since May 17, 1954, when the U.S. Supreme Court ruled segregation in the public schools a violation of the Constitution, federal authorities have pursued a zealous assault on so-called de jure segregation in the South. The target was clearly state laws which forbade mixing of the races in the public schools.

The historic ruling on de jure segregation directly involved schools in South Carolina, Kansas, Virginia, Delaware and the District of Columbia. Seventeen other southern or border states with segregation laws were involved indirectly. Their defense was largely built around a 1896 Supreme Court ruling which upheld the constitutionality of "sep-

arate but equal" schools for whites and Negroes.

Now civil rights activists and the U.S. Department of Health, Education and Welfare (HEW) are scrutinizing de facto segregation in the North. This is a situation where housing patterns in a neighborhood have brought about virtual isolation of the races in the area's schools.

Last month, HEW released the results of a nationwide survey which showed that public school integration in the South has increased dramatically in the past two years.

At the same time, the survey showed that school integration in many Northern metropolitan areas has declined significantly.

According to HEW, the percentage of black students in the U.S. attending majority white schools increased from 23 per cent in the fall of 1968 to 33 per cent in the fall of 1970. HEW attributed the increase almost wholly to the increase of integration in the South.

Is the law as applied differently to de jure and de facto school segregation in the North and South fair and justified?

One of the first to raise the question in a public forum and pique the national conscience was liberal U.S. Sen. Abraham Ribicoff, D-Conn., a former HEW secretary under the Kennedy administration.

Last year in a strange political mating, Ribicoff joined with Southern conservatives in the Senate to suggest that the federal government was applying a double standard in its enforcement of desegregation edicts.

A recent survey by The State of five Northern school districts reflected a variety of responses with respect to the validity and morality of school segregation in those areas.

Civil rights spokesmen and some educators in Trenton, N.J., Dayton and Columbus, Ohio, and Rochester and Buffalo, N.Y., said de jure and de facto segregation were equally injurious and should be attacked as co-evils.

On the other hand, some school officials and others, including some Negroes, defended de facto segregation by advocating the legitimacy of neighborhood schools. Such attitudes were often accompanied by sympathetic expression for the South.

As Mrs. Naomi Finlay, a white mother in Dayton, Ohio, put it: "I do feel for the South. They have been discriminated against when it's come to schools.

"It looks to me the carpetbaggers are back in the guise of HEW."

Many of those who attack apparent de facto segregation actually claim it is merely a subtle form of de jure segregation and hence a palpable violation of the courts.

They point to rulings by local school boards which tend to perpetuate segregation patterns. Specifically, they cite gerrymandered school boundaries along racial lines and restrictive transfer regulations, including the absence of free busing.

De facto segregation exists largely because of the widespread existence of the neighborhood school concept and the autonomy of many local school boards. In recent editorials addressed to the situation, the Dayton, Ohio, News wrote:

"Past boards and administrations have indulged themselves in enough overtly segregation actions to make the system as vulnerable as the Jim Crow schools in the South . . . It would be unfair to exempt the white kids of suburbia . . .

"Countywide school integration would be larger but less socially disruptive than citywide desegregation . . . Face it: We are all lumps in the same cottage cheese. We can't get out of that so we might as well get on with it."

Dr. Charles A. Glatt, director of the Midwest Institute for Equal Educational Opportunities at Ohio State University in Columbus, believes the Supreme Court's recent ruling in the Charlotte, N.C., school case can be applied to de facto segregation in the North. The court said school officials must use all available tools, including gerrymandered districts and perhaps even free transportation to achieve racial balancing.

The high tribunal said federal judges should exercise their powers "to fashion a remedy that will assure a unitary school system."

Speaking through Chief Justice Warren E. Burger, the Supreme Court said neighborhood school zoning is unconstitutional if it does not accomplish desegregation.

"All things being equal, with no history of discrimination, it might well be desirable to assign pupils to schools nearest their homes.

"But all things are not equal in the system that has been deliberately constructed and maintained to enforce racial segregation."

Some Southern school officials and lawyers have objected to their present de jure status, claiming:

—Since HEW has previously declared some districts in compliance with its requirements, they should have achieved at least the status of de facto desegregation, passing from under the de jure umbrella despite the 1971 Charlotte school ruling.

That the de jure concept has an ex post facto or retroactive flavor since enforced segregation had been held legal by the federal courts prior to the 1954 school ruling.

Dr. Glatt contends the legality of de facto segregation in the North will in all probability have to wait on a case dealing specifically with a Northern district and the historical problems peculiar to it.

Dr. Glatt, 43, whose soft, sing-song accent still bears its Louisiana origins, thinks the North may be as much as a decade or longer behind the South in achieving complete desegregation of its schools.

He says the federally-funded Desegregation Institute he heads at OSU is evidence that the government is willing now "to ease" into and face up to the problems of segregation above the Mason-Dixon line.

Philip Rebold, a white civil rights attorney in Dayton, believes that a May 28 ruling by the U.S. 6th Circuit Court of Appeals in Cleveland, Ohio, may hold the answer to school desegregation issues in the North. The appellate court affirmed a district judge's ruling that the Pontiac, Mich., Board of Education was guilty of de jure segregation when it "intentionally utilized the power at their disposal to locate new schools and arrange boundaries in such a way as to perpetuate the pattern of segregation . . ."

One Northern official who is puzzled and irritated by the federal government's approach to school integration is Trenton, N.J., Mayor Arthur J. Holland.

Citing racial tension over school desegregation, Mayor Holland observed:

"I can't understand why HEW (U.S. Department of Health, Education and Welfare) doesn't intervene. Our de facto segregation is a result of more subtle forms of de jure segregation."

Richard Fisher, an executive member of the Buffalo, N.Y., Teachers Association, said HEW would not have to look hard to find examples of de jure segregation in Buffalo. He cited zoning rulings by the local board which have turned schools into one-race institutions.

"I'm probably pragmatic," says Joseph L. Davis, assistant superintendent of Columbus, Ohio, city schools, "but I do think there is a difference between de jure and de facto segregation. One involves the willful act of a duly constituted governmental authority while the other does not."

However, Davis acknowledges the results of de facto and de jure segregation—racial isolation of students—can be the same.

"I favor integrated education by laws and convictions," says Davis, adding that the logistical problems of massive busing from one neighborhood to another can cause "tremendous" fiscal and emotional problems.

Many of those hoping to perpetuate the neighborhood school concept—and, inherently, the characteristics of de facto segregation—cite a 6th Circuit Court of Appeals ruling in a Cincinnati school case.

In essence, the appellate court found that a school board cannot be held responsible for existing housing and economic patterns. In such circumstances, the court said the board is not required to re-arrange school boundary lines, adding:

"We were of the belief that the Constitution prohibited enforced segregation but DID NOT require enforced integration."

Citing the safety factor and travel hazards involved in widespread busing, the court said topographical characteristics, such as rivers and lakes, and man-made barriers, such as railroads, may be taken into account in establishing boundary lines.

The Cincinnati case was appealed to the U.S. Supreme Court, but on May 3, 1971, the court refused to review it.

[From the State (Columbia, S.C.), July 14, 1971]

SEES SOME HYPOCRISY—HEW: WE LACK AUTHORITY

(By Lee Bandy)

WASHINGTON.—Health, Education and Welfare Department officials generally agree with President Nixon that a certain amount of hypocrisy exists in the North in regard to school desegregation. But they also claim they have very little, if any, real authority to deal with it.

Most of the racial isolation outside the South, they say, is caused by de facto segregation resulting from private decisions, housing patterns and other so-called voluntary action.

And thus far, they contend, neither the Supreme Court nor Congress has given HEW a mandate to deal with this form of segregation.

The Senate has consistently rejected efforts in Sen. Abraham Ribicoff, D-Conn., a former HEW secretary under the Kennedy Administration, to treat de facto and de jure segregation alike.

And the high tribunal has shied away from the de facto issue, choosing instead to deal with racial discrimination matters caused by official actions.

However, HEW says it isn't using Congress or the federal courts as a shield to hide behind, or to cover up what some Southerners believe is "inaction" in the North.

Legal action, however, is proceeding in several non-Southern cities. "There is more movement in the North than people generally suspect," said J. Stanley Pottinger, HEW's civil rights director.

He said action is proceeding in several different forms—through state administrative orders (some Northern areas have state-imposed racial balance plans), federal court suits and HEW compliance reviews.

Federal school desegregation suits are pending in four cities: Pasadena, Calif., Waterbury, Conn., Chicago, and Indianapolis, Ind. And HEW compliance reviews or orders have either been completed or are under way in about 60 non-Southern communities.

Some of those include Buffalo, N.Y., Boston, Wichita, Kans., Ferndale, Mich., Omaha, Neb., Dayton, Ohio, and Racine, Wis., which have pockets of racial isolation.

Where discrimination is found as a result of official action—like gerrymandered school distiicts or teacher assignments—HEW says it has applied the law in the same manner as it has in the South. But this is because the situation, which previously had been considered de facto, was really found to be de jure.

"The only difference in making the case," Pottinger said, "is that it's easier to find discrimination in the South because it was the law of the land."

The discrimination in the North has been more subtle in that it was never made a part of the public record.

Trenton, N.J., Mayor Arthur J. Holland admitted, "Our de facto segregation is a result of more subtle forms of de jure segregation."

And Pottinger said, this is what makes HEW's job more difficult outside the South, despite the fact that the department has assigned 80 investigators to scour the rest of the country for vestiges of discrimination compared with 52 in Dixie.

"Over a period of time, it's even more difficult to make a case in the North. It's more arduous. It takes many more hours to find a violation," the civil rights director contended.

A black civil rights investigator, who previously was assigned to the South, said, "I find many of the same problems in the North but they call it de facto . . . and consequently it takes twice as long to decide a case."

He claimed that present law "does not reach massive segregation as it is in the North . . . racial isolation is our biggest problem up North, and proving it's a result of official action is not the easiest thing to do."

HEW has targeted 500 school districts where heavy racial isolation exists and efforts are being stepped up in these areas to determine the cause.

Pottinger said that short of a Supreme Court decision on de facto or a mandate from Congress, HEW will only be able to go so far in trying to bring about a better racial balance in some non-Southern cities.

But, he added: "If we had the authority, we would be sorely lacking, in all honesty, if we did not move against the North with the same vigor we have moved in the South."

The hangup came in the distinction between de jure and de facto segregation, Pottinger claimed, while arguing the two are not clearly understood.

"The legal distinctions have led us to discrepancies in results," he said, noting the South is now far ahead of the North in the amount of school desegregation.

"But legally speaking, there's nothing we can do about it," Pottinger complained. He vigorously denied his office has an anti-South bias just because most of its fire has been directed against Dixie. "That simply is not true," the civil rights director declared.

WHEN DOES DE JURE CEASE, DE FACTO START?

When does de jure segregation cease being de jure and become de facto in school districts?

A Department of Health, Education and Welfare spokesman says, "If we accept a district's plan, as far as we're concerned that's the end of their de jure status."

J. Stanley Pottinger, HEW's civil rights director, added that HEW would come back only if the Supreme Court or some other federal body imposed new guidelines.

When Pottinger was first asked the question, he responded in the abstract. He said the end comes when a system has done all it can under the Charlotte-Mecklenburg ruling and has not followed with official action to maintain some racially separate schools.

"But as a practical matter," he continued, "how does anyone know that has happened?"

In the Charlotte busing case, Chief Justice Warren E. Burger wrote that once a system is in full compliance "it does not follow that the communities served by such systems will remain demographically stable, for in a growing, mobile society, few will do so."

Consequently, he continued in the unanimous 9–0 decision, "neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition of student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system.

"This does not mean that federal courts are without power to deal with future problems; but in the absence of a showing that either the school authorities or some other agency of the state has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary."

The apparent inference is if a district's compliance plan is finally approved and no subsequent action is taken to fix or change racial patterns, the system does not have to submit another civil rights proposal even if resegregation results.

[From the Columbia (S.C.) State, July 15, 1971]

ROCHESTER HAS "A DUAL SYSTEM"

(By Levona Page)

(NOTE.—How much have cities above the Mason-Dixon line desegregated their schools? To find the answers, The State sent a three-reporter team to ask wide-ranging questions: To what extent does the federal government enforce desegregation? How do school officials, teachers, parents and students feel? This second of a six-part series is by governmental affairs staff writer Levona Page.)

ROCHESTER, N.Y.—"We have a dual system," says David R. Branch, Rochester school board president.

"The schools in Rochester are segregated because of the government's refusal to do anything about housing and the past refusals of the school board to do anything more about the schools," he explained.

Like most of its northern neighbors, Rochester has seen its schools become more and more black as Southern Negroes migrated to the city and native whites fled to the suburbs.

Branch, a liberal Democrat elected last November, sought to reverse this trend when he led the board in a 3-to-2 adoption this spring of a busing plan designed to achieve a racial balance in most of the district's school this fall.

Shortly after the board's action, Branch's house in an integrated Rochester neighborhood was the target for protesting white parents who cloaked themselves in white sheets and staged a round-the-clock picket for nearly two weeks. White students and parents also picketed the school district headquarters.

The protesters were members of the United Schools Association, a conservative group, then headed by Dr. Louis A. Cerulli, a Rochester surgeon and general practitioner who served on the school board for 10 years and preceded Branch as chairman. Last month, the Democrats nominated Cerulli for a post on city council.

Cerulli contends that the protesters were mavericks from his group and he had advised them against donning the white sheets. But defending their Ku Klux Klan-style garb, he commented, "The sheets can connote certain things to certain people, but don't forget that people also wear white gowns when they graduate from college."

The black community, which was pushing desegregation efforts a year ago, has now withdrawn support and is contending that "a black child doesn't have to sit next to a white child to get a good education."

"I don't know what brought about the change," said Mrs. Virginia M. Washington, a native of Camden, S.C., and now a teacher in the Rochester schools.

Mrs. Washington, who taught at Columbia's Booker T. Washington High for seven years before moving north in 1960, said, "I guess the attitude among blacks has changed because of this business about white teachers not relating to blacks and the whole concept of 'black is beautiful.' The blacks now feel that white schools don't educate black children and it has just been a matter of brainwashing in the past."

The prospect of desegregation is provoking as many anxieties among white teachers in Rochester as it did last year when massive mixing under federal pressure took place in Columbia.

"The general feeling is one of being apprehensive about the fall," said Lynne Marquardt, a young white native New Yorker with four years teaching experience at 91-per-cent-white Charlotte High in Rochester. That school will be converted to a junior high and will be 41 per cent black next fall.

Miss Marquardt continued, "many of the teachers, including myself, have never been in a really integrated situation and we are wondering if we have been adequately prepared to face it."

Rochester's busing plan represents the district's first major desegregation effort, although the school board has been passing resolutions favoring racially balanced schools since August, 1963.

In the fall of 1964, the same year the Civil Rights Act was passed, Rochester schools began operating on a type of "freedom of choice" desegregation plan, just as did the Columbia schools. In Rochester, about 600 blacks chose to enroll in predominantly white schools that year, compared to 22 in Columbia.

In the spring of 1970, when Columbia was preparing to begin its massive mixing plan under federal supervision, the Republican-dominated Rochester school board voted 3-to-2 along party lines against a zoning and busing plan that would have achieved a racial balance in all schools.

Rochester's black community, which was then supporting desegregation, joined with liberal whites to put pressure on the board and that resulted in adoption of a zoning plan to racially balance seven of the city's 54 schools last year. The open enrollment (or freedom of choice) program continued, allowing 1,340 minority race students, including Spanish-surnamed pupils, to transfer to predominantly white schools on the outskirts of the city, while 185 whites transferred to black schools in the core of the inner city.

Another 637 black students were bused to white suburban schools outside the district in a special program under which the receiving schools get special federal aid.

During the last school year, Rochester had a total student population of about 45,500 of which about 15,100 were Negroes. The projected ratio for next year is about 60 per cent white to 40 per cent non-white and the district is attempting to achieve that balance in most of the schools.

Despite last year's transfers, 44.2 per cent of the city's Negro students remained in schools that were 80 to 100 per cent black, according to a June report compiled by the U.S. Department of Health, Education and Welfare. That figure was 8.8 per cent below the 53 per cent of Negro students in Columbia who remained in schools 80 per cent or more black this past year.

Although Rochester's desegregation plan was described in a laudatory 1969 HEW report on how five U.S. school systems desegregated, its schools have actually been gradually becoming more black.

HEW has never made any effort to require more desegregation in Rochester. The percentage of blacks enrolled in schools 80 to 100 per cent black has increased 10 per cent since 1968, while the total number of black students has increased only 4 per cent in that period.

Some blacks accuse the city of hypocrisy.

"I've never seen such hypocrisy in all my life as I've seen here in the last two years on the subject of desegregation," said Henry M. Williams, a Texas native and one of Rochester's two Negro school principals.

"It's just unbelievable," Williams continued. "At least in the South we admitted we had a problem, but in this region there is wholesale refusal to admit there is a problem. When this occurs, you don't begin to resolve the problem."

During a stint with the Air Force, at the age of 16, Williams was sent to Shaw Air Force Base, S.C., and while there, decided to finish his high school education. He graduated from Lincoln High in Sumter in 1949 when "Strom Thurmond was governor." Later he returned to Texas and entered the education profession. He was a school principal when desegregation took place and says he was "relegated to a position of questionable validity." Infuriated at his treatment, he left the school system and taught at two black colleges before accepting a job as the first black high school principal in Rochester two years ago.

"After 16 years in education in Texas and coming to this region, I expected to find a more progressive school situation and a more progressive racial climate," Williams continued. "Instead, I found intensive polarization, great apprehension, fear and a gulf of misunderstanding. In short, the state of human relations is operating at a very low level."

He added, "Being a native Southerner, it irritates me that the South has been villified for so long and I think it's time the spotlight was held up to some of the other areas."

As for Rochester's desegregation plan that will go into effect this fall, Williams said he is "cautiously optimistic" and said he hopes human relations workshops being conducted this summer will help prepare teachers for the change.

School board member Mrs. Dorothy Phillips, a Republican who voted against part of the desegregation plan, says the black support for it has diminished "because it is still the black kids who will do all the traveling at the early ages."

The only Negro on the Rochester board, Mrs. Wyoma Best, a native of Norfolk, Va., says black opposition to the plan "is not a valid position because we have involved both communities. We are not just talking about pushing bodies around."

She added, "I don't feel a child, black or white, gets a quality education in a segregated facility. He needs to be where he can learn about all cultures."

School desegregation, at the moment, is one of Rochester's hottest political issues. The Republican-dominated city council has no power to veto the Democratic-dominated school board's desegregation plan, but the council did seize on a way to use its clout when the school budget came up for approval. The council trimmed the budget by $875,000—the exact amount set aside for the city's cost of busing the pupils under the new desegregation plan. The school system is trimming costs in other areas to make up for the cut.

In another move, the county's Republican legislative delegation passed legislation increasing the school board size from five to seven members and making the offices nonpolitical, effective by the November election. Democrats say that was an effort by the GOP to regain control of the board and reverse the desegregation plan.

Gordon J. DeHond, one of the two Republicans now on the board, said he would not vote for reversal even if the GOP does gain control in November.

"If a new board comes in and reverses the plan, that would be de jure segregation." DeHond said, meaning that the segregation would be the result of an official action, which clearly has been ruled by the federal courts to be unlawful. De facto segregation, which exists in many northern cities as the result of housing patterns, has to this point not been ruled on by U.S. Supreme Court.

Last spring when the board voted against a desegregation plan, blacks brought suit, charging the board with being guilty of de jure segregation. It is still pending, but is expected to be dropped after implementation of the plan this fall.

DeHond, a former school teacher and the only native of Rochester on the school board, says some board members are "up tight" about being accused of de jure segregation. He contends that is just used as an excuse for not making revisions in the plan to allow for simpler zoning patterns and more choice for the students in the schools they want to attend.

A conservative who usually wins the votes of those opposed to desegregation, DeHond said he is against racial balancing and the destruction of the neighborhood school concept. "There has always been a type of segregation—either ethnic, racial, economic or religious. It's only natural for people to want to belong to their own group and to be cohesive in that sense. I don't think it is the function of the schools to try to make society homogeneous. I don't think that's possible or desirable."

Dr. Cerulli, a native of Rochester who worked his way through the University of Alabama where he was a classmate of football coach Paul "Bear" Bryant, speaks for his neighbors in the Charlotte section on the outer fringes of the city school district. A heavily Italian community, the area stretches up toward Lake Ontario and is the farthest point away from the inner-city black ghetto schools. Parents there resent the idea of their children being bused to the inner city.

"The worry is not so much a fear about the quality of education as it is that you don't know what's happening to your kid while he's in school," Cerulli said.

"I would never send a child of mine to some of those neighborhoods, especially a little girl six, seven or eight years old."

Cerulli said as a physician he was called to several schools during the past year to treat students wounded in racial disturbances. Local officials said about half a dozen students had been hospitalized after such incidents and one young white man, a non-student, had his arm hacked with a meat cleaver when he entered into a racial squabble between whites and blacks at the Charlotte school.

"When I went to the high school," Cerulli said, "we had blacks in our classes then, but the number was minimal and we didn't have any trouble.

"Now there are a lot of blacks who have migrated from the South and they are a different type. They have things all pent up within them and they come to a place like Rochester and let these things go and we have trouble."

He said when he was on the Rochester school board and president of the Big Six organization, which includes boards from New York's largest cities, he had conferences with Gov. Nelson Rockefeller to see what could be done to stop the migration of Southern Negroes.

"We tracked this down and found that they come mostly from Orlando, Fla., and some small town in South Carolina," Cerulli said. "Rockefeller wanted to have a study to find out why they were leaving there and coming here and what we could do to help the governors of those states keep those people there. One reason they came here is for higher welfare payments, but not much has been done about it."

In the cases where whites have voluntarily transferred to the inner city black schools, most have enrolled in a single school—Clara Barton School No. 2. In 1966, the enrollment there was 97.9 per cent black, but by 1969–70 the percentage was down to 80.9. A major reason that school became attractive to some whites is that, with the help of federal funds, it began offering such special programs as Far Eastern Studies, French for intermediate grades and enrichment programs in reading, mathematics and science.

A 1970 report by the school district office stated that while integrated classes were established at the school, a portion of the school's enrollment remained in segregated classes for instructional purposes.

Under Rochester's plan for desegregation, steps to achieve a racial balance at the elementary level will be stretched out until 1974, to allow for the construction of several new schools. Schools No. 2, 3, and 4, the most segregated of the inner city elementary schools, will not be balanced until 1972 or 1973.

Tied in with the desegregation of the schools is a reorganization of the system's grade structure, which now has kindergarten through grade 6 grouped as elementary schools and grades 7–12 grouped as high schools with no junior highs in between. The plan this fall is to convert five schools to junior highs for grades 7–8 and five senior highs to grades 9–12. The elementary level organization, which will go into effect gradually until 1974, will eventually divide the present 43 elementary schools into primary (grades 1–3) and intermediate (grades 4–6).

The two men most responsible for the implementation of the plans are Santo Patti and Richard Siebert, both of whom are principals who were called in for the special assignment of desegregating and reorganizing the schools.

They agree that segregation has existed in the Rochester schools because of housing patterns, but no court or federal agency has ever declared it to be wrong.

Siebert commented, "In my opinion, segregation by whatever name you call it is unjust, whether you call it de facto or de jure. But when you are jousting with shadows, it is hard to come to grips with it."

Patti added, "When legislation forces you to look at segregation, you can't get around it. If the court came out now against de facto segregation, the North would have to start looking at itself more closely."

ROCHESTER, N.Y., AT-A-GLANCE

City School Population: 45,500 students (15,100 Negroes)

Projected 1971–72 enrollment: 60 per cent white; 40 per cent nonwhite

Percentage of blacks in predominantly* black schools: 44.2 per cent.

COLUMBIA, S.C., AT-A-GLANCE

City Public School Population: 19,400 (51 per cent) black; 18,600 (49 per cent) white

Percentage of blacks in predominantly black schools: 53 per cent

---

[From the State, Columbia (S.C.), July 16, 1971]

BITTER SCHISM MENACES FUNDING

(By Kent Krell)

DAYTON, Ohio.—Daytonians are bitterly divided over school desegregation, a schism which threatens the fiscal underpinning of public education in this southwestern Ohio city.

One white elected school official says bluntly there would be "a riot" in Dayton if there is widespread busing to accelerate racial mixing in the schools. A black sociologist agrees in part: "It would be traumatic to say the least and violent at most." But, he adds, Dayton schools are now "a disgrace" because of existing segregation patterns.

One side of the controversy, represented by a bare majority of the Dayton Board of Education, essentially favors voluntary ef-

*Between 80 and 100 per cent black.

forts to end racial isolation in the city schools.

The other side, represented by a one-vote minority of the school board, favors retention of the neighborhood school concept and a modified form of freedom of choice in the assignment of pupils.

Tied to the specter of desegregation is the refusal of the Dayton voters to approve four successive proposals in the past 15 months to increase local taxes. Renewal of existing levies will be voted on in November. A negative vote then would precipitate a financial crisis.

Wayne M. Carle, superintendent of the Dayton City Schools and philosophically in tune with a majority of the school board, says schools might have to close in late October for lack of funds and not reopen until the new fiscal year which begins in January. Local taxes underwrite 81 per cent of the schools in Dayton. On the average, state funds in Ohio contribute to less than one-third of the cost of public education on the secondary and elementary school levels.

Carle, a strong advocate of full de-segregation of the schools, says fiscal and racial conservatism are major factors in the defeat of two tax referendums in the past 15 months.

"A lot of people are afraid that buses are waiting to swoop up the kids and take them out of their neighborhoods," said Carle.

(NOTE.—*How much have cities above the Mason-Dixon line desegregated their schools? To find the answers, The State sent a three-reporter team to ask wide-ranging questions: To what extent does the federal government enforce desegregation? How do school officials, teachers, parents and students feel? This third part of a six-part series is by special assignments writer Kent Krell.*)

The controversy over desegregation, simmering since Carle took over as superintendent three years ago, peaked in April when the board split along its familiar liberal-conservative lines and voted 4–3, to work voluntarily for full desegregation of the district's 55,000 students.

During the past school year, black pupils made up 40.7 per cent of the total school population, but under existing policies were isolated to the point where only 13 per cent of them, or 2,900 students, were in predominately white schools.

Actually, 17,900 of the total number of black pupils, or 77.8 per cent, are in schools which have a Negro population of between 80 and 100 per cent. Thirty-four of the district's 69 schools fall in this category.

Blacks were far less isolated in South Carolina's largest school districts during 1970–71. For instance, only 53 per cent of all Negro students in Columbia were in schools where the black population was between 80 and 100 percent. In Greenville, the percentage was .6 while in Charleston it was 59.9 per cent.

In 1968, prior to implementation of a freedom of enrollment policy, Negroes made up 38.3 per cent of the total school population in Dayton with only 10.9 per cent or 2,488 pupils in majority white schools.

Officials of the U.S. Department of Health, Education and Welfare (HEW) started negotiating with the district in 1968 about faculty desegregation. The school board agreed 4–3 to a voluntary plan under which faculties and administrative staffs of all schools will be desegregated this fall in line with the district-wide ratio of 70 per cent white and 30 per cent black.

One report circulated that HEW had focused on desegregation in Dayton schools because it is the birthplace of J. Stanley Pottinger, HEW's civil rights director. Dr. Carle puts little stock in the report since HEW's interest in Dayton began three years ago and Pottinger did not assume his present job until 1970. Pottinger now lists San Francisco, Calif., as his home.

The faculty desegregation plan and plans for integration of pupils along existing ratios have come under attack from Serving Our Schools (SOS) committee, represented by the minority of the school board members.

SOS draws most of its support from whites, both life-long residents and those who moved here by the thousands from Appalachian communities in Kentucky, West Virginia and western Pennsylvania in the 1950's and 1960's. SOS does have some black members, however.

The three-member conservative contingent on the school board is hopeful of becoming a majority after the November general elections when three of the four seats, now held by liberals, are on the line.

Mr. Miley O. Williamson, black executive director of the Dayton chapter of the National Association for the Advancement of Colored People, says the civil rights group is prepared to file a desegregation suit against the board if the conservatives gain a majority in the election.

"We can't hide behind housing anymore," said Mrs. Williamson, "We can't wait that long.

Some moderates on the desegregation issue have argued that true open housing, required by local and state law, will eventually bring about desegregated housing patterns.

Catalyst for the voluntary move toward removal of a dual school system has been Carle, a taciturn Wyoming-born Mormon who feels so strongly about the immorality of segregation that he has publicly criticized his church for its refusal to ordain Negroes as ministers.

He predicts that "we're headed for a catastrophe" if a dual society exists for another decade.

Carle says Dayton schools must move resolutely, and hopefully voluntarily, toward complete elimination of racial isolation in the schools.

"A token move would be self-defeating and more destructive in the long run," he said.

"We tend to overlook, among our phobias about race in this country, that, fundamentally, black kids tend to do better in integrated situations and white kids do no worse," says Dr. Carle.

On racial disorders in schools, the superintendent contends that "given a racist society, tension is inevitable on first encounter (between whites and blacks)."

However only two high schools—one heavily white and the other 58 per cent white—experienced disruptions during the past school year.

Tyree S. Bloomfield, a black sociologist who heads a civil disorders-oriented team within the Dayton police departments, says, "It's a disgrace that there is more segregation here today than when I was in high school in 1956."

At that time, Roosevelt High School, which he attended, was 65 per cent white and 35 per cent black. Now Roosevelt High, located within an inner city Negro neighborhood, is totally black.

J. Thomas Webb, Roosevelt High's black principal, and a native of Gadsden, Ala., says, "in some ways I feel more segregated here than in the South where I grew up . . .

"It's sort of hidden here like a plate slammed down in front of you at a restaurant, but it's there," says Webb.

The Board voted 4-3,, to work towards complete desegregation of the Dayton schools after both Carle and James Mancini, a compliance review officer with HEW's civil rights branch, advised it that local, voluntary action was preferable to federal or court intervention.

Mancini told the school board recently that a three-year study of school desegregation in Dayton showed evidence of segregation.

A pesky adversary of Dr. Carle is Mrs. Josephine Groff, an Indiana-born former teacher and one of the three conservative members of the school board.

Mrs. Groff accuses the superintendent of "selling out" Dayton schools for $70,000—the amount the district got from the federal government to help in ironing out desegregation problems.

"I believe in natural integration, not forced integration," says Mrs. Groff.

Mrs. Groff, as spokesman for SOS, backs the neighborhood school concept and open enrollment (freedom of choice as it was more often labeled in the South) for all students based on availability of space.

The freedom of enrollment policy, approved by the school board in 1969, provides that within certain limitations any student in the school system is eligible to attend any of its schools. The limitations include requirements that space be available in the requested school, that special courses be attainable only in the suggested school and that the pupil's presence in the school would improve racial balance in the institution. If the transfer request is approved, the student must provide his own transportation to the new school.

During the past two school years, 405 students, most of them black, transferred under the freedom of enrollment policy. During the first semester of last year when 168 transfers were approved, the major reason cited for disapproving transfers was a lack of classroom space. Failure to improve racial balance ran a close second.

Dr. Charles A. Glatt, an Ohio State University professor who is director of the Midwest Institute for Equal Educational Opportunities, believes that a recent U.S. Supreme Court ruling, involving Charlotte, N.C., schools, could well be applied to segregation in Dayton schools. The ruling, handed down in April, undercuts the neighborhood school concept and says free transportation must be provided, if necessary, to bring about racial balance in a school district.

Dr. Glatt, who has worked on a desegregation study of Dayton schools, noted that the Supreme Court in the Charlotte case held as unacceptable the assumption that a school is desegregated when it has as many as 10 per cent of a minority race in its student body.

In 1970–71, only eight of Dayton's 68 elementary schools had populations where the minority race was in excess of 10 per cent. Only four of the district's 11 high schools and student bodies where the minority race was more than 10 per cent.

What would happen if the Charlotte school ruling is invoked against Dayton schools and, as a consequence, there is widespread busing of pupils?

"There would be a riot," says Mrs. Groff.

Broomfield, whose Conflict Management Team has reportedly had great success in keeping the lid on racial disorders in the schools, believes the results of widespread busing would be traumatic to say the least and violent at most."

Mrs. Wanda Wiedman, a civic leader from East Dayton and a self-styled middle-of-the roader on the school issue, says, "busing is never going to be the answer here. Forced integration just won't work."

However, Mrs. Wiedman has high praise for Dr. Carle and favors desegregation moves at the high school level.

Mr. Carle and the majority of the board do not have the solid backing of the Negro community.

Page Gray, a black student at Central State University, says, "we're not as concerned with integration as we are with quality education."

"We don't feel we have to sit next to a white kid in order to learn," says Gray.

Gray works with the Center of Study of Student Citizenship Rights and Responsibilities, a legal ombudsman which tries to make certain the rights of students are properly observed.

Mrs. Naomi Finlay, a white mother, says she objects to moves to make schools "social issue" institutions. She says she took her second grader out of public school because of new approaches in teaching and curriculum.

"I believe organized, disciplined subject matter should be taught," she explained. "But, instead, they're more interested in creative exploration and such."

Frank Garnett, a 55-year-old white emigree from Kentucky and an organizer of the American Independent Party in Dayton is even blunter:

"We're wasting money on living art and motivation in the schools . . . Why should we spend money so kids can sit on the floor and look like a bunch of pigs and bang around on pieces of music that isn't music?

"Reading, writing and arithmetic should be taught," says Garnett. "The rest will come easy."

Garnett, a Masonry worker and the father of five children, says he has no objection to a "colored person" moving into his neighborhood—an attitude expressed by many members of the SOS.

"I believe in open housing," says Mrs. Finlay, whose husband is an SOS candidate for city commissioner. "I think it should be implemented. That means you move when you have the money."

Mrs. Groff, dismayed at the "racist" tag placed on the SOS by some Daytonians, notes that a black family recently bought a $57,000 home in her neighborhood and adds:

"I haven't any objection if they come in on their own."

DAYTON, OHIO, AT A GLANCE

City School Population: 33,600 (59 percent) white; 23,000 (41 percent) black.

Percentages of blacks in predominantly * Black schools: 77.8 per cent.

COLUMBIA, S.C., AT A GLANCE

City Public School Population: 19,400 (51 per cent) black; 18,600 (49 per cent) white.

Percentage of blacks in predominantly black schools: 53 per cent.

[From the Columbia (S.C.) State, July 17, 1971]

TRENTON SYSTEM PLAGUED BY FEAR

(By Lee Bandy)

NOTE.—How much have cities above the Mason-Dixon line desegregated their schools? To find the answers, The State sent a three-reporter team to ask wide-ranging questions: To what extent does the federal government enforce desegregation? How do school officials, teachers, parents and students feel? This fourth of a six-part series is by Washington Bureau chief Lee Bandy.

TRENTON, N.J.—The Trenton public school system is plagued by fear—fear of racial violence, fear of black dominance in some quarters, fear of social change, and fear of the unknown next September.

And while this highly explosive, tense situation is generally acknowledged by superintendents, school board members, teachers, parents and students alike, no one seems to have an immediate solution. Some even wonder whether there is one.

Regionalization, including busing on a massive scale across district lines, has been suggested. But no one apparently wants that except those charged with running the system and members of the so-called black establishment who historically have advocated racial balance.

Acting under pressure from the State Department of Education last October, the Trenton school board instituted a token busing plan involving only 155 elementary students out of a public school enrollment of some 17,000.

The proposal touched off a spate of bitter clashes between white and black gangs, massive white boycotting and the closing of all schools for two days.

The 55 white children who were to be bused to the predominantly black Parker Elementary School never showed up. In fact, 15 of them left the system, presumably to attend parochial or private schools in the area. Trenton has a heavy Catholic population.

Parents of black students being transported to the largely white Franklin and Washington Elementary Schools in Chambersburg—a tightly knit Italian-American community in the heart of Trenton—asked for protection of their children. White parents were preventing minority students from entering the schools by blocking the entrances.

State Education Commissioner Carl L. Marburger subsequently rescinded the forced busing plan and appealed to the New Jersey courts and legislature for regional solutions to achieve racial balance across district lines.

He acknowledged the "counter productivity" of mandatory busing "to correct racial imbalance in school districts with a majority of minority group children."

A voluntary busing plan followed but failed. Only 27 students participated.

Racial imbalance—lacking an exact definition in the state—is considered a violation of the law and of public policy of New Jersey.

The unofficial guideline says a school is out of balance if the black student population in a school goes above 25 per cent.

However, Marburger says this concept "must be questioned" for cities like Trenton where public school enrollment is 70 per cent black. The faculty is 70 per cent white.

The Rev. Kent L. Kiser, a school board member, says no matter how you slice it, Trenton will end up with a racial imbalance in any of the schools due to the largely black enrollment unless there is extensive busing.

Trenton, a northeastern industrial city located on the banks of the Delaware River, is surrounded by suburban townships that restrict its physical growth.

And like many cities of its size, it has suffered a population loss since 1950, dropping from about 128,900 to an estimated 104,000 now. The census verifies another trend—a white exodus to suburbia and black migration to the city.

Consequently, the once predominantly white school system has become largely black, and the fear among professionals is that unless something happens to prevent the population shift, Trenton, the state capital, will become a city with an all-black school system within the next 13 years.

It's pretty close to that now with six majority white schools out of 21. And one of these—Junior Two Elementary—is almost half and half.

Many white students—and several children from middle-income black families—have left the public schools system to attend private and parochial facilities in the area.

Latest statistics show that only about 32 per cent of white children attend public schools, compared with about 90 per cent of black students and other minorities.

This concerns the school board which feels obligated to do something next year but is inclined to do nothing in order to preserve an integrated system.

School Superintendent Dr. Ercell Watson, a precise and smooth-talking olive skinned black, has established a citizens committee to study various approaches to desegregation and to come up with recommendations for the school board.

He acknowledges the task is going to be difficult, if not impossible, because of the many shades of thinking and the racial composition of the schools.

"You always have a problem when the minority becomes the majority," he conceded.

Asked if regionalization is the answer, Watson emphatically responded: "There's no question."

He contended that busing per se is of no concern to the parents. "It's what happens at the other end," he added, noting that parents fear for their children's safety once they reach the school.

Regardless of what action, if any, is taken by the board before September, the superintendent eventually expects the white student population "to dwindle down to almost nothing," leaving only the hard-core who "will have their backs against the wall and nowhere else to go."

And while there are those who would like to see the whole thing die, Watson acknowledges, "we feel we have an obligation to work out a (racial balance) plan." But he added, "we're not going to try to knock down any walls like we did last year."

Pressure to achieve a racial balance has come entirely from the State Department of Education. The Health, Education and Welfare Department, which has concentrated its fire in the South, has consistently winked at the Trenton problem.

School Board President John F. Tesauro, a stocky labor consultant, wearing goggle-eye glasses with tinted lens and heavy sideburns, said he'd love to see HEW come in with a meat axe and force busing into white suburbia.

Board Vice Chairman James E. Mitchell, a Negro, agreed, saying "the blacks would clap their hands" if the federal government intervened. "I think HEW should come in and take over," he suggested.

Mitchell complained, "we have too many nice liberals up North talking out of both sides of their mouth. Some of these same people who rode to Mississippi to desegregate that state would move out if a black moved next door . . . Trenton is worse than any school district in the country in regard to racial balance."

Naido Funari, past vice president of People Against Busing and a member of the superintendent's citizens committee to come up with a solution, says Chambersburg residents "will never buy busing" if it involves their children.

He says the Italian-American community is proud of its neighborhood schools and wants to keep them. Funari insists in one breath that race is not involved but then in the next he admits color is a factor.

"As soon as there is racial busing," he predicts, "whites will leave because of fear." In fact, he predicts a drop in white student enrollment in September because parents "don't want their kids subjected to demonstration and harassment again."

Funari, who is opposed to busing, transports his daughter to Villa Victoria High, a Catholic school in the suburbs, out of fear of racial violence at Trenton Central High.

William D. Walker, an assistant to Superintendent Watson and former principal of Trenton High, admits there are serious problems at the only public high school in the city. He claims he saw more trouble there recently in two days than he observed in his whole tenure as principal.

Asked if it were racial, he replied, "Yes, I can't lie about that."

Walker, a WASP (White Anglo-Saxon Protestant) Republican, has held various positions in the Trenton school system for 32 years. And during that time has seen many changes take place within his city.

He lives in the same inner city neighborhood which has become predominantly black. But this doesn't alarm him. He says the conduct is good and "no one has thrown a rock through my window." However, Walker concedes if the area becomes a slum, he'll move.

The assistant superintendent says most whites who've fled to the suburbs have done so because of fear of crime, drugs and

---

* Between 80 and 100 per cent black.

violence. And consequently, he adds, community support and participation in the schools have declined considerably—especially since the riots following Martin Luther King's assassination in 1967.

Walker is very pessimistic about the future, claiming "there is no answer to the problem." He said he would welcome HEW pressure, but questioned whether it would be successful. While Trenton would probably buy regionalized busing, Walker expressed confidence the suburban townships wouldn't.

And he's apparently right. Superintendents in all three neighboring townships—Ewing, Lawrence and Hamilton—predict trouble "like you've never seen it before" if busing across district lines is forced upon them.

Ewing has adopted a racial balance plan for Setember, but black students population will not be more than 25 per cent in any school. All facilities will be largely white.

Ewing Superintendent David Brittain, who was principal of the Clinton, Tenn., high school in 1957 when the National Guard was called to quell riots resulting from integration, admitted this plan is about all the community is ready to accept. He predicted serious trouble if cross-town busing is imposed.

Residents in neighboring Hamilton township rejected a $7.5 million bond issue for school construction, presumably out of fear the new facilities would be located in so-called gray areas to permit more blacks and whites to go to school together.

And the Lawrence School Board produced a recent survey showing black and white parents opposed to busing.

Clyde E. Leib, special assistant to the state education commissioner, said studies have shown if black student population in a school exceeds 25 percent, "neighborhoods start to go down hill and there's a sudden outflow of whites."

Leib lives across the river in wealthy Bucks County, Pa., where he sends his children to predominantly white schools.

And this is true of many other state and city employes who reside either in nearby Pennsylvania or the Trenton suburbs.

Trenton Mayor Arthur J. Holland says white parents feel it's not safe to send their children to public schools here. "They are afraid their kids will be jumped or money demanded of them," he said, while pointing out "we already have 15 guards in Trenton High School and need them increasingly."

And then he added, "I don't care if it takes on an atmosphere of a prison. We've got to guarantee parents they can send their kids to school in safety . . . in the meantime, we should take out of the system those who are chronically disruptive."

Holland traced the city's "turning point" to the race riots in 1967 and last October. "This expedited the exodus of whites who took with them their purchasing power. Consequently, we're in a war for survival."

The former Rutgers University professor thinks regionalization through school busing, residential desegregation and assignment of welfare clients throughout the county would provide an answer.

"This would, at least, move us in the direction of a socio-economic balance and help cool racial tensions. Also, the ire of the people would be distributed. Here it's concentrated. I'm for distributing the problems."

As for Trenton's school problems, Holland said, "I can't understand why HEW doesn't intervene. Our de facto segregation is a result of more subtle forms of de jure segregation."

Albert "Bo" Robinson, director of United Progress, Inc.—a $5 million federally funded anti-poverty program—called Trenton the "up-South."

"We have a bunch of hypocrites here," charged the ghetto leader who claimed neither he nor the black children care that much about busing. "It doesn't mean beans. I don't like busing that much. But I'm for it because it's the law."

Wearing a moderate Afro hairdo and red plaid jacket with bright red pants, black boots and matching accessories, the light-tanned Negro leaned back in his chair, propped his legs upon his desk, and spoke in the ghetto brogue:

"Listen, man, the whole problem in Trenton is racial. I've been here; baby, for 35 years. I know. It's a fear of social change. And it's the deepest fear. Everybody is worried about his child going out with a black. That's what it is."

The anti-poverty director says that before the school situation improves in Trenton the system itself is going to have to change. And that's not going to come about he feels, until a transformation comes "within the home and people themselves."

Robinson added, "we know how to live with the white man. He's going to have to learn to live with us."

The black leader sends his children to private school because "education in Trenton is inferior."

Would he like to see HEW come in and force regionalized busing in the area?

"I'd enjoy the fireworks," smiled Robinson.

Leonard Spoto, a meatcutter and head of the White Citizens Reaction Committee in the Italian community of Chambersburg, warned, "we'd automatically shut down the schools and open private schools. We're prepared to do that now."

Kenneth Carolan, editor of the bi-weekly newspaper called "The Reactor," said regionalization is imposed on the community, "we'll sit back and smile. You'll see total chaos."

Spoto chimed in, "One of these days we're going to have another Revolutionary War if things continue the way they are. And that's from Spoto, the conservative."

Anthony Edwards, a sidewalk shoe-shine boy who attends Junior Elementary No. 3, called the Chambersburg area a "bad section." He said "my cousin went over there to a basketball game once and got beat up."

Pat Korp, a 24-year-old white teacher of neurologically-impaired students at Franklin elementary in the Italian-American community and a resident of Chambersburg, said she was called "nigger-lover" during the busing crisis because she had blacks over for dinner and parties.

"I had steak knives stuck in my back door with notes on them and my car had flat tires in the morning," she recalled.

Miss Nancy Kiley, a 28-year-old white fourth grade teacher in predominantly black Parker elementary and who is opposed to busing, thinks the school board would perform a service to the community by letting any racial balance plan ride for another year. "Otherwise, this city will be blown apart," she feared.

Miss Korp agreed, saying "the parents aren't ready for it."

Miss Christine Singleton, a 22-year-old Negro teacher at Junior High No. 1, said "busing to me suggests that blacks are incapable of maintaining competitive schools . . . Blacks tend to associate good education with the number of whites in a school."

She termed regionalized busing more ridiculous than busing within the city and commented, "the school is not the place to bring about racial balance. The purpose of a school is to educate a child."

And while she acknowledges there are discipline problems in the schools because children have no respect for authority, Miss Singleton strongly feels the students "are looking for someone to teach them something."

But she says if busing is the only solution, then the system is in serious trouble.

Mrs. Catherine Graham, president of the Trenton Urban League, believes busing to achieve a racial balance is beneficial in that it gives blacks and whites an opportunity to reach an understanding of each other.

But she doesn't think there's anything the school board can do for September, a feeling generally shared throughout the community.

Crosby Copeland, incoming principal for Junior High No. 1 and president of the local NAACP chapter, supports busing but thinks it best the school board let matters cool at least for another year.

"It probably would be the best thing," he said. "We (the NAACP) aren't pushing anything."

Copeland blamed the busing violence last October on "just pure racial hatred."

TRENTON, N.J., AT A GLANCE

City Public School Population: 11,900 (70 per cent) black; 5,100 (30 per cent) white.

[From the Columbia (S.C.) State, July 18, 1971]

BUFFALO RESIDENTS FIGHT CROSS-BUSING

(By Levona Page)

(NOTE.—How much have cities above the Mason-Dixon line desegregated their schools? To find the answers, The State sent a three-reporter team to ask wide-ranging questions: To what extent does the federal government enforce desegregation? How do school officials, teachers, parents and students feel? This fifth of a six-part series is by governmental affairs staff writer Levona Page.)

BUFFALO, N.Y.—School officials here make no effort to pretend they have a desegregated school system. The statistics won't let them.

"So long as people live where they do, we will have segregated schools," said Buffalo Superintendent Dr. Joseph Manch, a rabbi's son who says he has been frustrated in his personal efforts to bring about desegregation.

In September 1967—three years after Columbia began its freedom of choice desegregation plan allowing blacks to transfer to white schools—Buffalo began a similar program. By the fall of 1970, about 3,200 black students from center city schools were being bused to predominantly white schools on the outskirts. There has been no requests from whites to transfer to predominantly black schools.

Donald S. Laing, director of Buffalo's Office of School Integration, told the school board in January that integration had gone as far as it could under present policies. Laing's report prompted president, Dr. George E. Blackman, a Negro, to call for a study of "cross-busing" whereby whites would be sent to predominantly black schools. His motion wasn't seconded.

However, Feb. 25, the same day that the federal government announced plans to investigate desegregation in the Buffalo schools, the board reversed itself on the cross-busing study.

More plans to undertake a study on cross-busing set off waves of criticism throughout the city.

"Cross-busing isn't the answer," wrote the editors of Buffalo's largest newspaper, which earlier that same month carried an editorial condemning suburban schools for maintaining systems that were "whiter-white than Ivory soap's famous '99.44 per cent pure.' "

The school board's outspoken conservative, Buffalo attorney Carmelo A. Parlato, contends that cross-busing is itself a form of racial discrimination.

"An integrated system to me is one that doesn't count racial distinctions," Parlato said. "I put quotas for racial balance on the same basis as segregation—it's based on race and therefore it is discriminating."

At the end of the 1970-71 school year, a nationwide federal study revealed that 59.7 per cent of Buffalo's Negro pupils were enrolled in schools that were 80 to 100 per cent black. This compares to six-tenths of one per cent in Greenville, 59.9 per cent in Charleston and 53 per cent in Columbia. Buffalo's

total school population last year was 41.7 per cent black.

While Columbia and other Southern cities were being asked this spring to increase the racial mixing that federal desegregation enforcement officers required of them last fall, the U.S. Department of Health, Education, and Welfare (HEW) was taking its first chary look at segregation in Buffalo, New York's second largest metropolitan area.

The HEW investigators said it would be several months before a report is made on the Buffalo review. The team sought evidence—or lack of it—on "gerrymandering in school district zones to implement segregation, matching of black teachers and students in black schools, any decision-making patterns based on race or national origin, an imbalance of educational background or experience in black and white or unequal educational opportunities in school curriculum or facilities."

Parlato said he would not be surprised if HEW finds the district to be out of compliance according to its definition, the Civil Rights Act. He said he would favor going to court to try to block a cutoff of the district's $13.6 million in federal and state funds for programs for disadvantaged children.

"HEW's idea of what is the proper race quota in the schools is no better than anybody else's. I'm disappointed with the U.S. Supreme Court because I see nothing in their 1954 decision (the first one outlawing segregated schools) which now gives them the right to impose quotas," Parlato told the State.

Richard Fisher, an executive committee member of the Buffalo Teachers Association, said he is hopeful that HEW will bring action against Buffalo "because if we continue to drift the way we are now, the schools will soon be all black."

Fisher was instrumental last year in having the zone around Bennett High, where he teaches, redrawn to provide for a 60–40 racial balance because its black enrollment was creeping up and he feared that more whites would withdraw. He asked that zones throughout the city be redrawn, but the school board turned that down.

Fisher said he believes Superintendent Manch has been sincere in his desegregation efforts, but that he has been hampered by an unwilling school board, city council and the community in general.

"A court order is the best way to achieve desegregation here," Fisher said. "I personally would like to see the Supreme Court institute the same integration policies all over the nation rather than just concentrating on de jure segregation in the South."

In fact, Fisher added, there are some Buffalo citizens who believe HEW would not have to look hard to find examples of de jure segregation (segregation by law) in this northern city. He cited the zoning around Woodlawn Junior High, which was in 1965 built in a black community and which now has an enrollment of 99.8 per cent black.

Manch related, "I made the statement that as far as I was concerned, the Woodlawn school would be integrated. But we could not get the board to vote for any plan that would integrate the new school.

Parlato contends that, even so, the board was guilty of discrimination for merely considering five plans that would create a racial balance in the schools before rejecting them for a zoning plan that left it nearly all black. "I tried to get them to put the racial figures aside, but they did not," Parlato said. He added that the plans calling for a racial balance were unfair to blacks because "children that were two blocks away would have been excluded, while children living more than a mile and a half away would have been attending simply because they were white."

The board's reluctance to force integration was backed up, until two months ago, by a New York state law affecting only a handful of school boards. The law stated that no appointed board, such as Buffalo's, could assign students to schools without the parents' permission.

After passage of the New York state law, South Carolina took the attitude that what's good for the goose is good for the gander and passed an identical law in 1970. But S.C. Atty. Gen. Daniel R. McLeod candidly admitted that the action was a futile gesture and the law in the face of federal pressure was forgotten as school systems in South Carolina undertook massive shuffling of students last year.

The New York law was ultimately overturned by the State Supreme Court after the NAACP brought suit.

With the exception of that suit, there has been little effort on the part of blacks in Buffalo to push desegregation. Clyde Giles, an executive vice president of the black action group, BUILD (Build Unity, Independence, Liberty and Dignity), commented, "We haven't really been that concerned about the pace of desegregation, and it is my judgment that the black community as a whole has not pushed for it. One reason is that when blacks have been bused to white schools, they have been met with hostile attitudes."

Giles continued, "The stage blacks are in now is that it is not important for a black child to be bused out to a white school. If adequate facilities, faculty, supplies and so on are provided at the black school, the quality of education can be just as good there as it is at the white school.

"What we are saying now is that we are putting the burden on the school people and are holding them accountable, because black schools have never gotten the attention from the white officials."

School Supt. Manch said he cannot disagree with blacks who accuse the North of subtle racial prejudice. He commented, "I think an example of that is what happened in Williamsville."

An exclusive suburb on the outskirts of Buffalo, the Williamsville school board was asked by its superintendent to allow about 100 black students from Buffalo schools to attend school with the 11,000 white students of that community. The idea was flatly rejected by the school board.

Manch commented, "That is an affluent community where many people call themselves liberal, but when it came to school desegregation, they blocked it."

He continued, "we have a great many bigots in the North. To be fair, I must say that this feeling has developed a counter feeling which is not healthful. Black people have gone to the other extreme of 'hate whitey.' This kind of arrogance has turned off a great many white people."

He added, "When people say 'Black Is Beautiful,' does that mean white is ugly? I saw a sign in one of the schools the other day that said 'People Are Beautiful.' I liked that and I took a picture of it."

An affable man who writes poetry in his spare time, Manch has been espousing school integration for at least half of the 14 years he has been in office but has not gotten much of an audience from city officals.

Citing things done by the city council to block integration moves, Manch mentioned the passage of a local ordinance which prohibited expansion of school buildings unless the addition was of the same racial composition as the original building.

Manch explained, "We had determined to use portable classrooms in order to make room for more blacks at white schools, and the ordinance prevented that. I recommended to the board that we take it to court. We won in court and have been using portables for 18 months now."

Naming still another effort to block integration, Manch said the school system was building a new middle school which was to have a racially balanced enrollment. "When the school was two-thirds finished and we needed another bond issue to complete it, the council said it would not approve the issue unless the school was designated as a regular junior high. The mayor spoke in our behalf and after a few weeks the issue was approved."

In an effort to create integrated schools where housing is segregated, Manch has proposed "educational parks" which would involve both city and suburban school administrations. He has been talking the idea for nearly five years, with no significant backing from the community.

Meanwhile, the white student population has continued to decline, dropping 12 per cent since 1966, while the Negro enrollment has increased 10.8 per cent and the Spanish-surnamed student population has mushroomed by 62.8 per cent.

Manch fears if this trend continues, there will be no whites in the city to integrate the schools.

BUFFALO, N.Y., AT A GLANCE

City School Population: 70,300 students, (27,100 Negroes).

Total non-white population including Spanish-surnamed students: 41 per cent.

Percentage of blacks in predominantly* black schools: 59.7 per cent.

[From the Columbia (S.C.) State, July 19, 1971]

OK IN COLUMBUS; NOT IN COLUMBIA

(By Kent Krell)

NOTE.—How much have cities above the Mason-Dixon line desegregated their schools? To find the answers, The State sent a three-reporter team to ask wide-ranging questions: To what extent does the federal government enforce desegregation? How do school officials, teachers, parents and students feel? This last of a six-part series is by special assignments writer Kent Krell.)

COLUMBUS, OHIO.—The neighborhood school concept and freedom of choice desegregation policies generally held to be invalid in the South function in somewhat fitful fashion in the capital city of Ohio—with the apparent blessing of the federal government.

"We submit annual reports to HEW (U.S. Department of Health, Education and Welfare) and there have been no queries," says Joseph L. Davis, assistant superintendent for special services for the Columbus schools.

There have been complaints, however, from teachers and parents as a result of numerous disruptions which forced the shutdown of some schools during the past year and the assignment of policemen to school hallways.

"I think we're in for three very rough years," says Davis. "During that time all the problem areas will be felt with greater intensity.

"That's because there is such a constellation of problems which feed upon the others—finances, staff militancy, student unrest and a general breakdown of confidence in the school board.

"When people have lived in isolation and suddenly there is a clash of cultures some problems are to be expected," says the balding, bespectacled administrator.

Of the nearly 110,000 children in the Columbus school district, 26.9 per cent or 29,400 are black. Fifty-three per cent of all Negro students are in schools with populations 80 to 100 per cent black. This is the same percentage which prevailed last year in Columbia, S.C., where the neighborhood school concept is generally conceded to be invalid and where there was some busing to bring about racial balance.

Robert W. Carter, executive director of administration for the Columbus schools, says the fact that six of the city's 13 senior

*Between 80 and 100 per cent black.

high schools had blacks in excess of 26.9 per cent is evidence that the district is meeting the spirit of federal law and the courts on desegregation.

Disagreement is registered, however, by Mrs. Mary Craig, black chairman of the education committee of the local chapter of the National Association for the Advancement of Colored People.

"Columbus runs one of the most racist school systems in the country," she claims.

She scoffs at the legitimacy of the neighborhood school concept and the administration of the open enrollment policy.

"We're in the process of filing a suit to tie up funds to Columbus schools and possibly even at the state level," says Mrs. Craig.

She stresses racial isolation in the elementary schools and contends the school board has gerrymandered boundary lines to maintain a pattern of segregation in the lower grades.

Figures show only 14 of the district's 124 elementary schools with a black population greater than the norm of 27 per cent during the school year.

The guidelines for the open enrolment policy at the Columbus schools are similar to those followed in other Ohio communities: there must be space available; the transfer must bring about a better ethnic distribution of students; and the transferee must supply his own transportation.

Mrs. Craig says her seven children are now in heavily black schools within walking distance of her home.

"At one time I attempted to get them transferred to a majority white school but I was told it couldn't be done," she says. "No reason was given. I didn't press it too much because I didn't have the time to drive back and forth all over town."

Civil rights leaders are generally pleased with the retirement of long-time district superintendent Harold Eibling. However, Davis contends that Dr. Eibling has been made the unfair scapegoat of Columbus' school problems. "Given the circumstances" says Davis, "he performed remarkably well despite being the target of legitimate frustrations and anxieties."

Militancy is not the forte of civil rights groups in Columbus. This is partly due to a diffusion of black neighborhoods and a consequent lack of organization among Negroes.

"This is a conservative community which makes the blacks conservative too," says Mrs. Dorothy Lenart, education director for the Columbus Urban League.

"The people of Ohio are just not issue-oriented," says Anne Bingle, research director for Democratic Gov. John J. Gilligan.

A lack of statewide interest in school desegregation, at least, is reflected in the fact that Gilligan prepared a public statement on the issue during the 1970 gubernatorial campaign, but never issued it. He was never asked about it.

However, since taking office, the governor is pushing for the consolidation of Ohio's 600-plus school districts. This could bring about a more meaningful racial balance and preclude some large suburban school districts from perpetuating themselves as white havens.

There is a widespread feeling among educators here that a massive infusion of state funds into education will solve many of the internal problems which beset the Columbus schools during 1970–1971. The state underwrites only 25 per cent of the cost of running Columbus' public schools. The total cost per pupil is $728 a year.

Because of the refusal of the voters to approve the last two proposed tax levies, the district is launching a retrenchment program which would force the dropping of 335 teachers next year.

A tax referendum in 1969, supported by the NAACP, was defeated. A similar referendum last year, this time without NAACP support, met a similar fate.

Mrs. Barbara Levinson, a graduate of the University of Alabama and chairman of the school board, said a one-year moratorium on the tax issue may serve to stabilize attitudes and emotions.

"I really believe," says Mrs. Levinson, "that open housing is the only way to solve integration. Given five years, these problems will be answered. By that time the people will have freedom of choice in where they want to live."

She believes that elimination of discrimination in house sales and rentals will legitimatize the neighborhood school concept.

Mrs. Craig said NAACP backing was withheld in the 1970 tax referendum because "the money was going to be used for schools in suburban areas. The land sites were already purchased. This would have perpetuated dual schools."

In Davis' opinion the last two tax levies were beaten "because the voters are impatient—very tired and frustrated with lawlessness and threats to the established order.

"They take a simplistic attitude: 'Don't ask us for more when you can't use what you've had already."

Public impatience and frustration, cited by the school administrator, were largely spawned during school disorders, many of them of racial origin.

When chronicled, last year's incidents have an overall tone of black awareness and hardline policies by school authorities.

One school official who asked not to be identified said, "We may have bent over backwards too far to listen to student complaints."

Several black students were expelled for striking white teachers and others were suspended. The expulsions for the remainder of the school year were the first in more than 40 years.

One high school, Linden-McKinley, which was 62.3 per cent black, closed three weeks before the end of the year because of disorders.

Vandalism and the cost of hiring policemen to patrol in the schools ran in excess of $42,000.

Mrs. Pat Worrell, who is white, said her experience as a teacher at Linden-McKinley "made me very wary of blacks.

"There was the time," said Mrs. Worrell, "when a black girl called me a bitch and about that time I decided I'd about had it."

"She said it in such a loud voice I couldn't ignore her. So I took it up with an administrator and all I was asked was: 'Well, Mrs. Worrell, what did you do to provoke the situation?' Nothing was done about it."

In contrast to the disruptions she encountered at Linden-McKinley, Mrs. Worrell said discipline at Roosevelt Junior High School where she taught the previous year was "beautiful." Roosevelt is also predominantly black.

Mrs. Worrell, the mother of four-year-old twins, says the problems stem "not so much from racial balance or imbalance . . . as they do from a bunch of hep people preaching open revolution."

She adds that she is prepared to tutor her children at home rather than send them to the Columbus public schools.

Mrs. Craig and Otho Ray Ball, president of the local NAACP, blame the disruptions on racism.

They criticize school administrators of foot-dragging in resolving the grievances of black students.

They cite discrimination against blacks in class elections at schools where they are in a substantial minority, and refusal to honor requests of Negro students to fly the black national flag or play the black national anthem on a regular basis. The latter in this case was "Lift Every Voice and Sing," a tune which has been played in Negro churches since the early 1900's.

A hard-line approach on discipline was advocated by the conservative Columbus Dispatch. In an analysis-type story at the height of the disorders, the newspaper's education writer, Graydon Hambrick, wrote:

"School administrators deserve the moral support of citizens for having to deal with the usually unreasonably disruptive student. Yet, one's sympathy is haltingly given, for most officials in dealing with violent student dissenters seem to fear the big stick theory enunciated at the turn of the century by Theodore Roosevelt . . .

"The second chance philosophy to which most Columbus administrators seem to subscribe is valid only in theory, and certainly not in disruptive cases."

COLUMBUS, OHIO, AT A GLANCE

City Public School Population:
79,500 students (73.1 percent) white.
29,400 students (26.9 percent) black.
Percentage of blacks in predominantly black* schools: 53 percent.

[From the Columbia (S.C.) State, July 18, 1971]

HEW AND THE SCHOOLS: AN IN-DEPTH LOOK—INTERVIEW WITH J. STANLEY POTTINGER

J. Stanley Pottinger, 31, became director of the Civil Rights Division of the U.S. Department of Health, Education, and Welfare in March, 1970.

In his job, Pottinger is responsible for the enforcement of Constitutional and statutory law and administrative guidelines relating to civil rights in the general areas of health, education and welfare. He coordinated those activities within the Office of Education, Public Health Service, Food and Drug Administration, the Welfare Administration, Social Security Administration and the Vocational Rehabilitation Administration.

Pottinger, a native of Dayton, Ohio, joined HEW in July of 1969, serving as consultant to the Department until he became regional attorney in San Francisco, Calif.

A resident of San Francisco since 1963, Pottinger is a cum laude graduate of Harvard College. He received his law degree from the Harvard Law school in 1965.

Prior to joining HEW, Pottinger was active in California Republican Party activities, holding various posts on the state GOP Central Committee there.

Q: Mr. Pottinger, I would like to open the discussion with some general questions, which may resolve themselves into specifics later on. But for example, in your capacity, what do you interpret the mission of HEW and of your own particular office to be with regard to education and more specifically desegregation of schools—the end result that you're shooting for?

A: I can't recall the precise words at this moment but I think that some careful thought went into the . . . President's March 24 statement of 1970 . . . But I think that there is a profound concern on the part of this office and on the part of the department and I believe on the part of the administration as a whole to do two things. One is to provide equal educational opportunity for all the children of the country as a whole and second to do it in a context where the quality of their education is not only preserved but improved. I also think that there is a profound conviction on the part of the department that these two related objectives are not inconsistent with each other. There are stresses that grow from trying to reconcile them, but they have been reconciled historically. They have and I think that we are on the track of doing that at this time.

Q: You referred a moment ago . . . to the President's March 24 statement of last year. In the light of subsequent Supreme Court decisions, most particularly the Swann case, there necessarily would be consider-

*Between 80 and 100 percent black.

able modification of what the President had hoped his policy would be and what it can be in the light of the Swann decision and others. My question growing out of that is this: Do you now consider your office to be in terms of present policy still an extension, an agency of the Administration or an agency of the Judiciary in bringing about the compliance with what now is the Swann decision?

A: We are very definitely an agency of the Administration. We are part of the executive branch. I am responsible to the Secretary and he himself derives his power as a Cabinet officer from the President . . . It's clear that where the Supreme Court speaks on a constitutional principle and is the arbiter of constitutional issues, the Congress and the executive branches are bound. The President has said that . . . he would have come to somewhat different conclusions about the issues that are raised in the Swann decision and . . . , in fact, he did set forth a very comprehensive and, I think, clear policy in March of last year. To the extent that the Supreme Court has spoken and to the extent that what it has said in any way conflicts with the President's guidelines, then, as a constitutional principle, we in the executive branch are bound. Therefore, we are trying our best to faithfully execute or implement the law as the Supreme Court has set it, while at the same time where the law is unclear or where it is subject to interpretation, that interpreation comes from the executive branch. It is a combination.

Q: In the Swann decision the court nevertheless indicated that they were at the same time trying to enunciate guidelines. Out of that comes this question: What is the position of HEW with respect to allowing other cases—other situations—to develop by way of court tests?

A: I think I follow you . . . Title VI of the Civil Rights Act of 1964 mandated the federal government to deny federal funds to any program where there was discrimination or a denial of the benefits of the program on grounds of race, color or national origin. The Congress required the executive branch of government to set up a mechanism for implementing and seeing that that Title was carried out. Actually, it set up several mechanisms, although a great deal of focus happens to be on HEW because of the schools issue. Almost every executive agency does have a Title VI compliance agency in it.

The question then is that given . . . a law requiring the executive branch to determine or identify whether there is a violation of Title VI and to take appropriate compliance activity, what standards does that executive agency look to in order to determine what constitutes non-compliance? What constitutes a form of discrimination and how does that executive agency go about identifying it? It is clear from the legislative history behind the Civil Rights Act of 1964 and from judicial decisions that interpret that act that . . . you must look to the set of laws that is made under the fourteenth Amendment of the Constitution. In other words, the executive branch which is mandated to enforce the Civil Rights Act is also guided . . . by the same judicial decisions that tell individual school districts and individual litigants what they must do: to eliminate a denial of equal protection of the laws under the Constitution. That means that we, on the one hand, and the Justice Department and private litigants, on the other hand, and school boards all together and anyone who receives federal funds are all bound by the same set of laws . . . That means that we are presently looking to the law that is made by the judiciary to determine how to enforce Title VI of the Civil Rights Act. It means that we look to the Supreme Court to give us guidance on what constitutes 'discrimination' under Title VI of the Civil Rights Act. And when that act compels us to identify and take affirmative action to try to eliminate a condition of non-compliance, unless we had a wholly separate set of guidelines, we would and we do look to the court-made law. That's how the court-made law is incorporated into our operation.

Q: You're making . . . quasi-judicial decisions as to the applicability of the Swann decision to other circumstances . . . in the absence of litigation in these other circumstances?

A: It's not quasi-judicial precisely because even under Title VI it's very clear that a school board has a right either to litigate the issue as it would in court or to take it before a hearing examiner. . . . Sometimes we tend to forget that . . . we try our best to negotiate compliance on what we call a voluntary basis without the necessity of going to court . . . But anytime a school board believes the plaintiff in a law suit was incorrect, the plaintiff has recourse to courts . . . If the Justice Department were to say that . . . the court has actually required a desegregation of schools by virtue of its guidelines in Swann . . . and the school board were to say "No, we don't agree." then the Justice Department would have taken steps to try to achieve compliance short of a hearing. . . . The same is also true under the Civil Rights Act of 1964. . . . The same is precisely true here. . . . We would go to the school board and say, much as a litigant would or the Justice Department would, (that) it would appear to us that the case law that is applied under Title VI applies to you and therefore we try to take steps to resolve it. But if we can't agree, and ordinarily the disagreement are good faith disagreements, you have a right to a hearing or you have a right to have it referred to the Department of Justice for a lawsuit.

Q. Well, the reason I made the point of quasi-judicial is that you are applying HEW interpretation of a ruling affecting one set of circumstances to other sets of circumstances. Although we read into the Swann case, in the court's own language, that it is not necessary in all instances to make these subsequent changes once a plan has been accepted. Now we get down to the specifics of the Columbia situation, in which a compliance was agreed to and in which it was understood to be a different set of circumstances in that the Columbia school board was not in default, as had been the case in Charlotte. The plan had been accepted by HEW, but on the basis of circumstances which existed in Charlotte . . . a requirement of change is being imposed on Columbia; and this is why I say it appears to me that HEW is making some judicial determination on its own motion—which is borne out . . . by a recent editorial in the Washington Post, which said that HEW of its own volition had undertaken to apply Swann throughout much of the country.

A. Last year, the Columbia school officials recognized at that time that there was at least some vestige of the dual system remaining in Columbia. They saw it and with, I thought, very good expertise on the part of the staff and with good legal advice and with good faith tried to resolve those issues voluntarily. They had as you recall . . . already been through a termination procedure stemming from a plan that was attempted or at least negotiated two years before. . . . And let me, for clarification, go into some of the dynamics of negotiation for school boards. I don't think this is a breach of what happens in private. I think that everybody is entitled to know how these things work. . . . What I am about to say now may apply more or less to Columbia. It applies generally speaking. School officials, when they understand that there is a problem, ordinarily do try to resolve it. I think in the vast majority of cases school officials try. It's a very difficult thing to do, as you know. It has a very widespread impact on a community. But they try.

When your school officials tried in Columbia, we discussed what it was that the state of the law at that time and the President's guidelines that filled in unclear parts of the law might require in Columbia. We came to a plan we believed and school officials believed did constitute compliance. Obviously, we believed it or we wouldn't have accepted it. At the time we were doing it . . . we understood that a great many all-black schools— . . . would be left intact. The question therefore arose, have we, the school board, or the school officials disestablished the dual system? We recognized that some all-black schools were created under the dual system; we recognized that they are now the vestiges of the dual system; we recognized the court . . . said that you've got to offer not black schools or white schools, but just schools. We also recognize that many of the schools will remain black even if every child goes to the school to which he is assigned under the plan.

Have we, therefore, truly disestablished the dual system? We looked, in the absence of clear language of the Supreme Court to what guidelines we could find, and the foremost guidelines was the President's statement. As an operating matter, a preference was stated for neighborhood schools to the extent that they could be preserved consistent with Supreme Court dictum. And because the Supreme Court dictum was unclear . . . as to what method a school board must use to try to disestablish a dual school system, we believed that the system was in compliance at that time. I might also add that we understood that there would be litigation on this very issue. All of the school districts in the South of great size, such as Columbia, were faced with the same issue because of the geographical and demographical complexity of the large system. Many of them found that there were neighborhoods that were residentially populated by black families in one area and white families in another in such a way that it would be difficult through the neighborhood process to . . . implement a series of plans that desegregated all of the all-black schools. Now, at that time we also understood that there would be litigation, and we talked about it.

The school officials raised a question: Would we be better off, for instance, to go further than we did and anticipate what it is that the Constitution presently requires but what the court hasn't yet told us it requires? Or are we better off to do our best to read it as it is now and wait and see what the constitutional decision would be in the area? . . . As it turned out the anticipation . . . that there would be litigation did come to pass. There was litigation. It happened to be in Charlotte-Mecklenburg, and the Supreme Court set forth, as you know, a statement on the issue of urban desegregation, and really that's what Swann is directed to most acutely: the issue of large-city segregation. It was at that time that the court said that the methods that are available must be several, not just one. A school system in trying to disestablish the dual system must consider the use of not only the walk-in school . . . but other traditional kinds of methods, and it was for that reason Columbia, as other systems, has had to reexamine what was done before to determine whether additional methods that the court now says are constitutional could be employed. . . .

Q: Can the Swann decision of Charlotte be used now as the appropriate legal vehicle to go after de facto segregation in the Northern states?

A: The answer to that is "no." But I think it is important to explain why the court refuses to do that. The court said that (de

facto segregation) resulted from either private action or official action other than a school board's action. By that I think it meant that where zoning ordinances or federal housing programs or purely private decision-making based on one's economic wherewithal were the causes of what we call de facto segregation—other than school board segregation—then the court would not address itself to that issue. It specifically cut out that issue. Whether it will choose to deal with that in subsequent cases or not is a matter of common speculation by attorneys involved in constitutional law.

Q: In effect this ruling means that you are concerned with segregation only in the South, does it not?

A: No, it doesn't, for this reason: there are a number of school systems in Northern communities that have engaged in official practices that have had the intent or effect of segregating children on a basis of race, color or national origin. Where that happens, that school system is under precisely the same obligation to eliminate that action as is any Southern school system. The distinction that exists is that in most, if not all, of the 17 Southern and Border states, the official action that is taken by school officials or by the state to segregate children was set forth by statute books. It was set forth as a matter of law. It was clear. It may have been wrong, but it was honest. In the other cities, there was no legal statute to segregate children on account of race.

Therefore, in most Southern districts where there was a dual system . . . it was easy for the government or for private litigants to show that after the Brown case, and after Green and after Swann there had been an official establishment of the dual system. The only questions that remained and the only ones that were dealt with in the Swann case, was what do you do about it.

When it comes to official action that segregates children in the North because there is no statute or no official display of the actions that were taken, it is necessary for the moving party, whether a private litigant or the government, to show . . . there was official action to segregate children. . . . That is typically a very difficult thing to do because it's not overt. It means going into 25 years of school board minutes. It means walking school boundary lines. It means looking at housing patterns and demographic information that is gathering dust in files of city officials. It means going through a whole discovery and evidentiary process simply to establish a case that many, if not most, Southern communities established openly on the statute books years ago.

As a consequence, we find that, to the surprise of many Southern communities, this office actually has more manpower and more resources committed to the North than it does outside of the South. In other words, we have more people and more of our budget supporting our compliance effort in the 33 states outside of the South than we do in the 17 Southern and Border states.

Q: Can you not move administratively against these people in compliance with the Nixon doctrine of March 1970 in which he says that the law would be uniformly applied throughout the country? Is it not a matter of policy that . . . where you have segregated schools, irrespective of how that came about, the situation exists of segregation and you could move administratively against them?

A: Unfortunately, from the viewpoint of ease of administration, the answer to your question is "no." . . . Historically well before the school desegregation issue arose before 1954, the Supreme Court and the legislative history indicated that in order for a denial of equal protection to be shown one must show official action. That's why results cannot be the sole determination. Because if you have simply the results you're looking at—namely black schools here and white schools over here in any given community—the community can argue that those results stem not from official action but from private decisions.

Q: You indicate that distinction here is made between communities that have a dual system by virtue of past law and those where it has just come about. Many people in the South feel . . . that since the 1954 decision . . . the special enforcement that occurs in the South now amounts to a punitive or special action on the part of HEW. Would you like to address yourself to that point?

A: Well, I have to disagree with it . . . I think that because the South has generally taken already the extensive steps that it has taken in this area to comply with the Brown decision and subsequent decisions . . . the greater the degree of compliance, the more puzzling the issue of additional compliance will be to most Southern communities—At least, the more puzzling unless it is explained . . . I think you'll find that the Civil Rights Act itself and the court decisions that have dealt with the issue of the dual system generally arisen in the context of a Southern setting . . . Because that classic dual system existed in the South there has been a greater impact of those decisions in the South.

This may not be terribly helpful in explaining it to a Southern community, black or white. But if you had found that . . . any Northern state (some years ago) had decided to have dual system, I think you would find that the enforcement effort and the impact of the Supreme Court decisions would indeed fall just as proportionately on that community as it happens to fall on the Southern community . . . At some point when those states that have dual systems have dealt with the issue and dealt with it effectively with honest results and in good faith, as I believe they are now, there will be an equalization of the conditions that exist North and South in such a manner that you will have—rightly—the need for a uniform application of results, not just effort . . .

Q: As I understand it, you can't move in the North until you prove that its de facto segregation is actually de jure, correct?

A: That's correct.

Q: All right. If a Southern school district complies with the federal courts and with HEW and resegregation results, is that school district going to have to continue to file plan after plan, year after year?

A: If the school district has actually achieved a desegregated status and then becomes neutral on the issue . . . and private decision making occurs so that resegregation occurs: no, I don't believe that that community—whether it's North or South—is in any different condition whatsoever. . . . By the same token, the vast majority of Southern districts are not only in compliance now, but have been in compliance and are essentially in the same position as those districts that are of like size and quality in Northern states. There are some 4,380 school districts in the 17 Southern border states. Out of those 4,000-plus districts, we're now talking with a mere handful. . . .

Q: But if I understand the point you made earlier, they still stand in the status in which they're subject to further control and change before most Northern communities, due to the fact that in years past they had dual systems.

A: But very few of them. Very few. We have probably, out of the 4,400 districts in the South, notified something on the order of 60 to 70, that's all.

Q: Why Columbia?

A: Well for the reasons that I gave earlier: because Columbia—as with other school districts—by everyone's admission does have a number of schools that are still the results of the dual system. That's not to say that it's clear what must be done with them; we don't know that. . . .

Q: You have found in the North that you have concentrations of blacks and-or whites without regard to having had a dual school system and yet in the South when you have the concentration of blacks or whites the presumption is that it is due to the previous dual system.

A: That is almost precisely what the U.S. Supreme Court said in Swann.

Q. Without regard to general housing patterns that prevail where this system never occurred?

A. That is right, but let's underline the word presumption. It is not conclusive. It is rebuttable. What has happened is that the court said . . . that where a system did have a dual structure and where the schools are still black as a result of that dual structure, there is a presumption that we are dealing with the vestiges of the system and that those vestiges have never been disestablished. However, it also said that there may be occasions where all the racially identifiable schools—the black schools or disproportionately black schools—are the result of private decision-making rather than dual system. But if that is the case, said the Supreme Court, the burden rests with the school system to come forward and show that that is the case. . . .

Q. Burger (Chief Justice Warren Burger) wrote that into his opinion, did he not?

A. Yes, he did. This is not an administrative guideline. This is a paraphrase of the Supreme Court's language.

Q. In some cases, then, litigation would be the more favorable than anything else in the school plan.

A. Precisely.

Q. In Columbia . . . we've had a great deal of white flight. Columbia has become a majority black district. In that situation, would you still say people ought to submit a plan and avoid litigation?

A. Well, that's a tough question. You've posed a question that probably should be posed to your school board attorneys and officials. I think that the option still is with them. . . . Let's talk about white flight for a minute. I think that's a matter of real concern and sensitivity in this office even though it may not appear to be. I would like to say this conclusively. . . . No matter what your view of the desegregation process is—whether you happen to be for it or against it, no one likes to see a community turned upside down and disrupted for any reason.

Obviously, to have a desegregated school system there must be people of both races participating in that system. If it's of one race, by definition, it's not an integrated system. Conversely, if white flight occurs in a substantial degree, not only is a stable educational system threatened, in terms of its racial composition, but education is as well. Tax-wise, it is. The system becomes poor. Nobody's interests are served when the wealth of the community leaves. I could go on and list a host of other reasons that white flight, as we call it, is a real concern and why it is important a system do what it can and why the Federal government do what it can to deter it. I think we are trying to deter it.

First of all, we are doing our utmost to be sure that the compliance judgments are made in light of prevailing Supreme Court decisions and are not made whimsically and are not made without careful thought as to what the honest obligation of that district is. But in many cases where an obligation still arises, the issue of white flight will also arise. Even if we could all sit here and agree on any given case—and I would hope that we might agree on Columbia—that some steps have to be taken, then the issue will arise. Now when that happens, the government has an obligation to see what it is that causes

and what can happen to deter it. I think that both the Emergency School Assistance Program and the administration's request for an omnibus bill to deal with the issue of quality education to preserve good education and deliver good education to all the children in the community is the major answer to the question.

Q: A lot of members of Congress are opposing that bill for fear that the bulk of the money will be used to finance busing.

A: That's a myth that we've got to dispel because it is flatly incorrect. If anyone will take the time to read either the Emergency School Assistance Program or that bill in its two versions, one in the House and one in the Senate, it will be readily seen that what those bills are attempting to achieve is a good educational system that is designed to meet the needs that . . . the children have regardless of race. It's very clearly designed to deal with the issue of teacher training of curriculum revision . . . of construction problems . . .

Q: You're speaking of quality education, which is the point we started out on. Now, to what degree does HEW give credence to the findings of HEW and of the civil rights report which indicated that the quality of education of children deteriorates where there is a majority of blacks in schools? And I cite the Coleman Report and the Civil Rights (Commission) Report of 1967. Now do you take any position at all with respect to that?

A: Well, we don't have conclusive data on that issue. As a legal matter, the court has based its decision in the Brown case on a finding that there were intangible as well as tangible benefits that flow from an equalization of educational opportunity regardless of race. They did not specify in that decision nor have I seen any court specify a kind of ratio at which the court believes that the racial composition of a school can become such that those intangible benefits which were the very purpose of Brown are lost. I've never seen it litigated. I've never seen the court recognize it. Now it may or may not be the case. Regardless of what flows from a particular racial composition of a school, the administration and, I hope, Congress believe that resources have got to be devoted to that school to help improve the quality of education there, again regardless of the composition . . . I don't think that the courts or Title VI have ever said the Constitutional obligation to desegregate is hinged upon a particular ratio or should be deterred upon a particular ratio.

Q: No, that's not in any court decision, but it is in the Coleman Report. It is set forth there that the educational performance of Negro students is best served when they are in a situation with a majority of white students. Now a number of court decisions do refer to the right of Negroes to move into majority white situations. But by application of the court decisions themselves and of some HEW decisions, the resulting school situation is loaded with Negro students so that there is to be, based on Coleman, a deterioration of the quality education of both persons which is also accompanied by the white flight. Witness the fact in Clarendon County and Cameron school district of South Carolina where the magnitude of Negro attendance of schools is such that all whites have gotten out. So we've got a public school system which has run the entire gamut, is back to segregated, is completely public and presumably is in compliance. But the point that I'm making is: is it a matter of concern in the goal of quality of education if some of the steps that are being taken not just by HEW but by the courts themselves are in effect defeating the purpose of quality education in which they set out to perform?

A: I think that it is very definitely a matter of concern and it also is clear that not even the Federal government, regarded as it is as having a great deal of power and authority, can control that situation.

Q: Is this a vague, general concern or does it affect HEW's actions in specific cases?

A: No, I think that you'll find that the issue of sensitivity to the needs of the children in desegregated schools becomes as specific and as pointed as it can be from the distance that we have to operate. You'll find that school authorities have frequently pointed out that they have special programs and special concerns in a desegregated setting . . . that they believe are making progress, and we take account and encourage and sanction them to the best we can. . . .

Q: Once you approve a plan for Columbia for this fall, will Columbia then be on the de facto side of segregation?

A: From our viewpoint, if a plan is reached, and agreement is made and we and the Office of General Counsel believe it is in compliance with Supreme Court decisions and that plan is implemented as faithfully as possible by school authorities, the answer is yes.

Q: Then that would be it for Columbia under the present court rule?

A: Yes, if those steps are taken that I've just outlined.

Q: You do not anticipate any further HEW guidelines?

A: No we don't. Not on the issue of school desegregation. There are HEW attempts to improve the educational quality of the schools throughout the country. I don't want to be misread that HEW will turn its back on the school systems; I hope they will continue as cooperative as possible with the school systems. But on the issue of desegregation, I wouldn't expect it.

Q: One other question on that. Do you anticipate any court action or court decision on de facto segregation?

A: I have no . . . way to speculate on that. I just don't have any idea if the court will decide to take that issue up. It has been the subject of strenuous and great debate in Congress. . . . It has also arisen in cases in the North, but to my knowledge the Supreme Court has never ruled on that issue. Beyond that I don't know when either the Congress or the court will decide to take it up, if at all.

Q: There is a possibility of neighborhood schools in Columbia after we've submitted a plan that would still be 90 per cent or more black because there was documented proof that they could not be desegregated within reasonable bounds. Would this be de facto rather than de jure segregation?

A: If that were to be the case, if the evidence indicated that that's the plan the Columbia system proposed, and it was in compliance with the Supreme Court's guidelines, then the answer to that would be "yes" from HEW's viewpoint. I ought to caution you that that does not stop private litigants from suing the system . . . to test that issue . . . we have no control over that (private litigation), but our position would be that no plan will be accepted by this office nor approved nor sanctioned after it's implemented, unless that plan meets current Supreme Court standards. Then it has done what it has to do. There would not be another initiation of inquiry on our part as to what needs to be done to meet a new set of standards.

Q: What criteria do you use in determining when a school system is unitary?

A: Let me start with what we don't use. We don't use recial balance as a criterion. Let me make a couple of comments on racial balance then . . . get to what we do. Racial balance means a lot of different things to different people and it's a term that I would really like to see somehow eliminated from the vocabulary. I really believe that the term itself has gotten to the point where it creates more confusion in myth than it is helpful . . . The Supreme Court set that issue to rest when it said . . . that racial balance is not what the court is requiring. . . . The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole. That's pretty clear. Then you ask "what is it." It's clear that we're not using racial balance, either in the classic sense that it is defined here or for that matter in any of the unoperable other senses.

Ideally, I think that if a school system were operating in the following way, it would be a truly unitary system in every regard: If you were able to go into all of the schools in the system, and let's say there were delegations of white and delegations of black citizens with you composed of reasonable men of good faith and good will without racial prejudices and you were to look at everything in all of those schools.

If you were to look at the racial composition of the students, the racial composition of the teachers, the facilities, how they were constructed and where they were located—in good or bad areas in the sense—whether the facilities are falling apart or not. If you were to look at how the teachers handle the students, at how the officials handle the teachers, at the athletic systems as a whole and the extra curricular activities. . . . If you were to look, in other words, at every aspect of how that school is maintained and operated by officials. And having looked at all of the schools in the system, you were able to come away and re-group and you were to say to each other. "Look, there are a lot of differences in the system. That school has a bigger proportion of black kids than that one, that one has a bigger portion of white kids, that school is located obviously there and therefore it is a little bit different from this one here. There are differences in this regard and differences in that regard."

But in spite all of the differences, we could conclude as reasonable people that none of these schools is operated on a racial basis, none of them is operated to perpetuate the dual system, none of them is operated to preclude school children from activities or curriculum because of their race and, all of them are operating without regard to race, you've got a unitary system. That in my view is as ideal as you can ever get. That means that you are going to have differences in the system. You're going to have differences in people composition. You're going to have differences in teacher composition. You'll have differences in location of facilities and the like. But none of this should be racially identifiable in the sense that we discussed. The next question you should ask, is how far could these differences go—how much difference? And at that point there is no way to generalize, other than to say that men of goodwill and reasonable people would probably define some broad boundaries and within those boundaries good faith differences will occur. But as long as you're inside those boundaries I think you've got a unitarian system.

Q. Let me take you to Montgomery County, Ohio, where there are 16 districts. Six of them don't have any black kids in them at all . . . Taking the county as a whole, a very definite dual school system exists although individual districts may have unitarian school systems. What is the authority . . . of the Federal Government . . . to work toward consolidation of districts to bring about a more meaningful integration pattern?

A. Well, in a few cases it can be shown that districts have been carved up within a given geographical area in order to exclude children from schools on account of their race. This happens rarely, but it does happen. In those cases the Justice Department has requested of the federal court an order by which we consolidate or somehow regerrymander the zone lines to eliminate that kind

of a racially noted thing. Those things are very rare . . . ordinarily school districts are drawn to a terminus with the city limits, for example.

Q. Does HEW ever impose on local school boards or suggest to local school boards that meetings be closed if one of their representatives is present?

A: At a local meeting? Yes, we have done that. I'll tell you why we have done it. I don't think that it happens frequently because most often we don't go to public school board meetings. We have asked that a negotiations session be closed simply because the glare of publicity ordinarily prompts people to make speeches. We're all subject to that. I don't mean that it happens on the part of school officials any more than government officials. And ordinarily when we have had the press present at a few occasions . . . and we've had them present at negotiations sessions, nothing is achieved. No results are achieved. I wouldn't say nothing is achieved because some pretty good speeches are made.

Q: Don't you think that if the same reasoning were followed by all public bodies that all meetings would be closed?

A: I don't think all meetings should be closed and I guess I should distinguish the negotiation session from your point which is about an HEW person attending a public school board meeting. . . .

Q: Let's get away from the school board meeting and talk about HEW negotiating sessions. Do you require that these be closed to the press? Or do you feel that it is beneficial for the people generally to not know what is taking place in the session?

A: Oh, I think it's absolutely critical that people understand what takes place.

Q: Then why shouldn't the meetings be open?

A: The only reason is one of scheduling and . . . the pressure on the participants to believe that they will end up in the funny papers and therefore there are inhibitions on the one hand and there is speech-making on the other. I don't think that that is a very happy result. But we have found that that is the case. We could try it the other way. It takes an immense amount of time and energy because I would say it takes up to five times the amount of time to get to the same conclusions. You will also find that more often than not it's the local school officials who don't want to feel the inhibitions of the exposure, not HEW.

Q: Could you speak specifically to the Columbia situation as to who there prefers these meetings to be closed?

A: No, I can't. I don't know that we have ever raised the issue. I don't recall that. It may have come up last year. We haven't negotiated this year. So I'm not directing these comments to Columbia.

Q: How about if they're going to close the the sessions that they have now. . . . What would HEW do about this? . . .

A: Okay, do we believe that school board meetings should be open? I think it would be gratuitous for me to give an opinion on it. Our opinion is that—I mean our feeling is that—that is the business of the school board in that community and the press in the community. We have no guidelines that say that school board meetings should be closed or open or on Sundays or Saturdays or any other time or under any other conditions. And I think that that is a matter that will have to be resolved between you and the press and your school board. As for whether or not we would be upset if the school officials chose to publicize the different plans that are being drawn—and it's news to me that any plans are being drawn. . . . No, we wouldn't be upset. That's equally the business of the school board. And if the community decides that its elected school board members should divulge what is going on it seems to me that that is the community's business.

Q: Would HEW refuse to participate in a negotiating session, in earnest—actually going through the real mechanics of the session—if the press were present?

A: I'd like to say that I'm not sure, at this point, although I take it that you're leading up to such a request and if so we would certainly have to consider it very carefully.

Q: This would seem to be somewhat less weighty than the Pentagon papers.

A: It depends on whose back that weight rests. And I have the scars to prove it. I would say this: that the only inhibition to an earnest working negotiating session—not a board of directors window dressing session—is the one that I mentioned before. And that is whether or not it can take place and personal feelings and opinions are floated and tested with impunity. If they are not, I suspect that your school officials will be very troubled by it. If they are not troubled by it, I would have to examine whether we would be troubled by it. I think that you would find less of the problem on our part than theirs. I would like to say one gratuitous thing in advance or in addition. I think that our position in HEW is, generally speaking, served by more exposure. . . . We live in a goldfish bowl in this business anyway. While we're in a goldfish bowl and everyone is looking at us, I think it is to our advantage to be as forthright and candid about what we are doing as we can be.

Q: If you had a community in the south where there had been a history of de jure segregation, but in which both a majority of the white citizens and patrons and of the black patrons and citizenry agreed on a pattern of school desegregation . . . that did not measure up to what would be considered to be the unitary system, would something of that sort be acceptable to HEW? Or you would have to say "no," the community's wishes cannot be observed here?

A: It's almost impossible to answer as you pose this. Let me take it in two parts. If the black and white community in that hypothetical district were to agree on a plan in every instance . . . I think . . . the plan would in fact fall within the broad boundaries of what the courts have required. We would take very seriously, very seriously a consensus—an honest consensus of the black and white community in Columbia and in other cities, just as we have in other cases . . . We would be delighted to hear that a biracial committee or any sort of a biracial effort has been undertaken in Columbia to say—"Look this is our problem, these are our schools, these are our children and it's our plan drawn by our people." That is of primary concern to us. If we had an indication that that was happening we would be very hard pressed, very hard pressed to say "no" to that plan. I guarantee that.

Q: Even if that group came up with, say, the neighborhood school concept coupled with freedom of choice?

A: All right, if that occurred in a sense that no movement was made or would be made to deal with the black schools in the community I think it would be a problem, yes. . .

Q: Suppose it is the desire of the black and white community in collusion to preserve that which they now have?

A: Well I think that it is possible—I think it is possible for collusion of that kind to occur. That would be unacceptable. I think it is possible. None of us have the right, despite our wishes, to flaunt constitutional standards that are set by the Supreme Court. . . . I don't think we have a right to say to hell with the Supreme Court standards or that we are going to evade the law. . .

Q: Let me ask about this question of freedom of choice. The courts have virtually ruled freedom of choice invalid in most southern districts. Now with that historical background, you have what they call freedom of enrollment in a number of northern states. But it is restricted to the point where children who want to transfer . . . have to get their own transportation—no free busing for them as the Swann decision indicated should be the case. Now is there any way that you can look upon that as a de jure segregation practice by a school board?

A: It becomes a complicated question. I might add that it is one that has been under review for some months in the city of Boston both by state authorities and by Federal authorities and it becomes somewhat complicated. But it is possible that abuses of that kind can be such that they are in the nature of an illegal freedom-of-choice arrangement. And in such a case, we will put an end to it.

Q: What about when a school board has drawn attendance zones so that the school ends up being segregated. Is that considered de jure segregation and would that be taken into consideration in the North?

A: Yes, if the zones were drawn so as to create segregated schools, that is de jure and that is why you can impose a remedy equivalent to that that is opposed in a former de jure dual system. That and similar kinds of subtle forms of gerrymandering and the like led to a number of orders in the Northern districts. . . .

Q: We have been talking all the way through about the white community and white community reactions. What do you think is the answer to the black community that says we want to keep our black integrity, we want to keep our black identity. We do not want to rename our schools, we do not want to carry our children all over the place.

A. I'm glad you brought up the question about what is in the interest of the black community and the black children. I think the answer to the question very specifically is that in almost all of those instances, unless there is a clear racial intent to deny a school something on account of race, that is a local problem. . . .

SUGAR ACT AMENDMENTS—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I have been authorized by the majority leader to make the following unanimous consent request, after its having been cleared with the minority leadership with the distinguished manager of the bill, the Senator from Louisiana (Mr. LONG), the distinguished ranking minority member of the Committee on Finance, the Senator from Utah (Mr. BENNETT), the distinguished Senator from Massachusetts (Mr. KENNEDY), the distinguished Senator from Oklahoma (Mr. HARRIS), and other principal parties.

I ask unanimous consent that at such time as the Senate proceeds to the consideration of Calendar Order No. 296, H.R. 8866—an act to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes—there be a limitation of 1 hour to be equally divided on the bill, with the time to be controlled by the distinguished Senator from Louisiana (Mr. LONG) and the distinguished Senator from Utah (Mr. BENNETT);

That the time on any amendment be limited to 30 minutes, to be equally divided between the mover of such amendment and the manager of the bill (Mr. LONG), with the exceptions that—as to time—on the so-called South African amendment, there be 3 hours; and on the

so-called confiscation amendment, there be 2 hours;

That no amendment not germane be received; and that Senators in control of the time on the bill may yield therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

The PRESIDING OFFICER. Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object, I contemplate offering an amendment. I wonder if the Senator would include in his request an hour's time which I may want to use on an amendment.

Mr. BYRD of West Virginia. Mr. President, with respect to the amendment which would be offered by the Senator from Arkansas (Mr. FULBRIGHT), I ask unanimous consent—with the approval of the majority leader—that time on that amendment be limited to 1 hour, to be equally divided between the Senator from Arkansas (Mr. FULBRIGHT) and the manager of the bill (Mr. LONG).

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. Mr. President, reserving the right to object, I am a little bit in the dark. Is the amendment which the Senator from Arkansas proposes to offer, on which he wants agreed time, to the pending business or to the proposed sugar bill?

Mr. FULBRIGHT. To the sugar bill. I thought that was what the Senator was asking about.

Mr. BYRD of West Virginia. Yes.

Mr. BENNETT. I wanted to be sure.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and the order is entered.

The unanimous-consent agreement reads as follows:

Ordered, That not later than 2 p.m. on Tuesday, July 27, 1971, the Senate proceed to the consideration of H.R. 8866, an act to amend and extend the provisions of the Sugar Act of 1948 as amended, and for other purposes, and that there be 1 hour of debate on passage of the bill to be equally divided and controlled by the Senator from Louisiana (Mr. Long) and the Senator from Utah (Mr. Bennett). *Provided,* That debate on any amendment, except the amendments listed below, be limited to 30 minutes to be equally divided and controlled between the mover and the manager (Mr. Long): a so-called South Africa amendment—3 hours; a so-called confiscation amendment—2 hours; and an amendment to be offered by the Senator from Arkansas (Mr. Fulbright)—1 hour.

Provided further, That no amendment not germane shall be received, and that time for debate of the bill may be yielded on any pending amendment, motion or appeal, except a motion to table. (July 26, 1971)

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, after having discussed the matter with the distinguished majority leader, that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at no later than 2 p.m. tomorrow, the Senate temporarily lay aside the pending business and proceed to the consideration of the so-called Sugar Act, Calendar No. 296.

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

ORDER FOR RECOGNITION OF SENATORS ON THURSDAY, JULY 29, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday, the following Senators be recognized, each for not to exceed 10 minutes and in the order stated—immediately after recognition of the two leaders under the standing order: Senators DOMINICK, BROCK, BUCKLEY, BYRD of Virginia, CURTIS, GURNEY, and THURMOND.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday, following the remarks of the Senators just named, each of whom is to speak for not to exceed 10 minutes, the distinguished Senator from Indiana (Mr. HARTKE) be recognized for not to exceed 15 minutes.

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

EMERGENCY LOAN GUARANTEE ACT

The Senate continued with the consideration of the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

AMENDMENT NO. 317

Mr. STEVENSON. Mr. President, I call up amendment No. 317 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 10, line 11, strike "after October 1, 1971,".

Mr. STEVENSON. Mr. President, what started as a proposal for the relief of the Lockheed Aircraft Corp. now purports to be a generic bill. It does create a Board with authority to guarantee loans up to a total of $2 billion. But it is no coincidence that the bill in its present form would prohibit any loans in excess of $250 million. In this and other ways, the bill is tailor-made to fit the Lockheed situation.

Mr. Charls Walker, in his testimony before the Committee on Banking, Housing and Urban Affairs, made it perfectly clear that, no matter what final form the legislation took, the Treasury Department would regard it as a congressional endorsement of the guaranteed loan for the Lockheed Corp.

In its present form, it is neither a generic bill nor a private bill; it is a hybrid. What does seem clear from the form of this bill is that the Senate will be deprived of a clean up or down vote on either the generic question or, the Lockheed guarantee. They are both important questions, and they are separate questions.

This amendment gives the Senate a chance to work its will on each of these issues.

One provision of the bill affords Congress an opportunity to disapprove guarantees of loans made by the Board. Approximately a year ago, Congress incorporated very much the same provisions in the Defense Production Act for *V* loan guarantees in excess of $20 million, to afford Congress an opportunity to pass on such loans. This bill does the same for all applicants except Lockheed. This amendment simply would eliminate that exemption. It would afford Congress a right, within a limited period of time, to disapprove the loan guarantees for all corporations, including Lockheed. Lockheed would not receive special treatment. It would be considered like any other corporation in distress seeking the help of the Federal Government.

Without this amendment which I am offering, Mr. President, Congress would effectively approve a loan guarantee before all the details have been hammered out by the banks, by Lockheed, or by the board which this legislation establishes.

Congress is operating in the dark. If Congress were to pass the legislation in its present form, it could safely assume that shortly afterward the banks, the Board, and Lockheed would get together to hammer out questions such as the future management of Lockheed, the right to counsel, the right to declare dividends, and the extent of the collateral, and many others. How can we approve before we know what sort of contractual arrangement the parties will work out?

Mr. President, there is no such blanket approval provided in the Defense Production Act. I submit that there is no reason for it here. If my amendment is adopted, the bill would set forth an expeditious procedure for approval or disapproval by Congress, after notification to Congress of the intended loan guarantee, and Congress would have 20 days in session in which to disapprove. If it did not disapprove, then the loan guarantee could be made.

I realize that Congress will be in recess beginning early in August and, therefore, that it could not act to disapprove a proposed loan guarantee before September. That need not adversely affect Lockheed. By September, it has been estimated that Lockheed would only need, by its own figures, about $25 million of the $250 million proposed for this financing. That relatively small figure could be provided in numerous ways, if necessary, to keep Lockheed going. It could be provided by the banks on a

short-term credit basis. It could also be provided by the Federal Reserve Board under its existing statutory authority—section 13–3 of the Federal Reserve Act.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield?

Mr. STEVENSON. I gladly yield to the distinguished Senator from New York.

Mr. JAVITS. I have already expressed myself on this amendment. I believe that it is in harmony with the purposes of the bill. I am a supporter of the bill. I think the bill would be better served if everyone were in the same class, that is, included as Lockheed would be. I believe that we need the bill as a generic piece of legislation on the books, and for that reason I expect to support the Senator's amendment.

Mr. STEVENSON. I am very grateful to the Senator from New York for his comments.

Mr. President, I recognize that regardless of the merits of the Lockheed claim in this case, Lockheed would not be adversely affected by my amendment but would be treated as all other corporations would be.

In the absence of any extenuating circumstances, I cannot see any justification for discriminating in favor of the Lockheed Corp.

It would also, of course, give Congress the opportunity, in this case, to vote on two separable and two very important questions. One is the generic issue and the other is the merits of the proposed loan to Lockheed.

I might add, Mr. President, that the procedure established for a congressional vote on loan guarantees is not only incorporated in the Defense Production Act, even though in that act it is intended to assure that defense producers and corporations which are vital to our national defense will maintain their continued operations against financial adversity. If Congress is willing to grant loan guarantees in such a case, with its right to review in defense-related industries, it is very hard to understand why it should not do so for commercial projects. That is what we are faced with in this case.

It has been made clear in testimony before the Banking, Housing and Urban Affairs Committee, that the welfare of Lockheed as a defense producer and manufacturer is not at stake in this case. That is not the issue. The Pentagon has made that clear. With or without bankruptcy, with or without reorganization, Lockheed would continue meeting its obligations to the Pentagon. But at stake in this case is a commercial product, the survival of the Tri-Star. If Congress reserves its right to disapprove loan guarantees for defense-related industries or products, what conceivable justification can there be for failing to exercise the same rights in the case of a commercial product where there is no issue or question of national security involved?

Mr. President, it is unusual even to consider legislation such as this, legislation for the relief of corporations in financial difficulties simply because they are big and because their failure could have adverse effect on their employees.

It has been a matter of some controversy, and perhaps of doubtful wisdom, to legislate in this case for a particular corporation; but if we are going to do it, why should be sanction the deal before we even know what it is? In this case, we do not know what it is. The arrangements have not been worked out between Lockheed and the banks, or between Lockheed and the Board.

If this amendment were adopted, Congress would, to a greater extent, then have the opportunity to debate and vote up or down on the generic issue. Then later on, if legislation is passed, it would have another opportunity to vote up or down on the Lockheed issue. It would have an opportunity to evaluate the underlying assumption that a $250 million loan is enough to tide Lockheed over—bail it out, as has been stated, and that a sufficient market exists for the Tri-Star to justify the Federal guarantee of a $250 million loan to this large corporation.

I would hope, Mr. President, that this amendment could be acted upon in the Senate soon. I would be glad to enter into a time limitation agreement if the other parties are so disposed.

Mr. TAFT. Mr. President, will the distinguished Senator from Illinois yield?

Mr. STEVENSON. I yield.

Mr. TAFT. I commend the distinguished Senator from Illinois for introducing this amendment. I think it will improve the bill considerably. However, it points out one of the principal factors in regard to the entire matter that disturbs me deeply.

The pending bill is a so-called generic bill. It does not relate solely to Lockheed but to any corporation or any business that comes in and makes an application for a Government loan guarantee. When that happens, under the legislation, the Board is charged with making an assessment of the factors involved in the loan, measuring them against the criteria that will be in this measure in its final form.

The point I would like to make is that if these officials, who would serve on the Board if the act were passed, were to be the Secretary of the Treasury, the Chairman of the Federal Reserve Board, and the president of the Federal Reserve Bank of the district involved in the loan, that suggests the tremendous political pressure when the economic well-being of the Nation is in the hands of the administration in power, the Secretary of the Treasury is, at least, an appointed official of the President—confirmed by the Senate, it is true. Nevertheless, he is an arm of the President.

The Chairman of the Reserve Board in many instances will be a gentleman appointed by the President of the United States. The same thing would be true with respect to the Chairman of the Federal Reserve Bank of the district involved.

I believe there is a philosophical matter involved here. We have a most serious question before us as to the size and kind of pressures that are bound to be involved in a case in which millions of dollars and perhaps billions of dollars are involved.

They are the sort of questions that ought not to be handled without a thorough, on-going review. In fact, I have a philosophical question in my mind as to whether we should ever approve of a public body of officials having guarantee authority where competition is involved between companies in the industries in question. There is a very deep philosophical question.

However, I would like to point out that at the same time it helps to provide additional safeguards, possibly a combination of several philosophical difficulties which would expose the executive branch as well as Congress itself to the same kind of economic pressures.

I do not think that Congress should be called upon to take a position in favor of one company or against another. We should review this matter and recognize its existence. They are involved in the system of checks and balances.

It is true that if the actions of both the executive branch and the Congress are involved, the danger to the public interest would be less. For that reason, I favor the amendment. However, I feel it does still leave the bill serious and, I think, almost prevailing difficulties which would militate against supporting such a measure. If we are to support the position taken by the Senator from Illinois, which I think is extremely well taken, I see no reason for any distinction between the Lockheed case and any other case, while we have examined the Lockheed case. The circumstances change every day with regard to the Lockheed case.

One of the things I have complained about and one of the things that worries me the most is that during this period of time since the bankruptcy at Rolls-Royce, there has been a continuation of the British Government financing daily the operation in Great Britain, without financing through private sources and without hope of a private guarantee to the aircraft manufacturer involved, Lockheed.

There has been a continual buildup of inventory. I am told that there is $1.1 billion, almost $1.2 billion in inventory. I do not think that would be totally lost, because every day they build up the inventory and if the company were to go into bankruptcy under chapter X of the Bankruptcy Act, the trustee would have prevailing economic factors to lead him to a judgment so far as those items already in inventory are concerned. He could go ahead and produce airplanes without the lost jobs which we have heard so much about before.

We have to recognize that there is this serious difficulty in justifying the parts and inventory such as has been built up, the amount of which I have mentioned. It indicates what appeal such a measure would have.

If we once break down this wall, we are in great trouble. With regard to striking out the date, it would at least put Lockheed in the same position as most everyone else would be, if we got their applications in time. They would have to come back to Congress with whatever deal had been worked out, with whatever board would be set up, and

establish the details of the arrangements and give us a chance to review those details and establish some precedents and criteria and ideas of our own.

I hope that we would have a chance to review the entire process and determine whether we should continue with the $2 billion guarantee if that turns out to be unwise and the problems indicate that it is unwise with respect to Lockheed. We could then take another look at it and reject whatever guarantee had been given better than if we had a broad generic bill. I think the pending amendment is a step in that direction.

Mr. STEVENSON. Mr. President, I thank the Senator from Ohio for his perceptive comments. I commend him for the diligence with which he has attended to this matter both in the committee and on the floor.

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

Mr. STEVENSON. I yield.

Mr. BROCK. Mr. President, the Senator from Ohio raised the question of pressure. I ask if it is not true that pressure can be applied from both sides. Is there, for example, no communication between the management of General Electric and a competitive management, or McDonald Douglas?

I ask the Senator from Ohio or the Senator from Illinois what they call the stated price increase of General Electric that is to be effective 4 days after the August recess begins, on the 10th of August. Is that not ultimate pressure on the part of competitive airline purchasers to revoke their support of Lockheed and the airplanes they have placed orders with Lockheed to purchase?

It seems to me that if we are going to discuss pressure, we should consider the pressure on both sides of the street. We have to recognize that pressure is something that each Senator must evaluate within his own conscience. We must accept the fact that the amendment is in a sense a response to pressure. It is a response to pressure to cancel the manufacture of the plane at Lockheed. The effect of the amendment is particularly to eliminate totally purchase from Lockheed that might make a sound project of this aircraft.

There could be no possibility of that if the pending amendment were agreed to, and Lockheed has to continue its production to the period that the Senate would envision with the passage of his amendment, 20 legislative days following the return of the Senate, following the August recess.

So we are talking about a date extending into October. The Senator knows full well that Lockheed Corp. is not in a position at all to do this.

The Senator from Ohio indicates that he would supply a bare Lockheed loan. The fact is that we could not do it. The Senator's amendment would eliminate the prospects of a Lockheed loan so that they could not keep the guarantee. Is that not correct?

Mr. TAFT. Mr. President, would the Senator yield?

Mr. STEVENSON. I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, I would like to answer the question of the Senator. I do not think that is so. Going to the first point he made, with regard to the question of whether Lockheed would be eliminated by the passage of this amendment, I find that there would be very little difference than if we were to pass this entire bill as is. There has been testimony before the committee that it would probably take a considerable period of time in which to work out the final details of any loan arrangement that might come about.

The deadline here, and we should understand it, is not one proposed by the bank, but proposed by the British Government, which says that after August 8 it will no longer conduct its daily financing in the $1 million category to the Rolls Royce plant, which they have not taken over.

I think that is the factor involved. All we have to do to extend this deadline is to give the British Government some way to get off the hook.

In the last analysis, as has been commented on by one Senator, there is a good chance if we do not go ahead with this the British Government will go ahead with it anyway, considering the amount of money they put in.

No, I do not think because we fail to act finally before August 8 the company will fail. If we authorize generally, the position of the British Government will probably be met, although I do not know what position they will take. That will be up to them. But I do not think the fact that we have a final yes or no would prevent them from extending their credit. So much for the first point.

With respect to the second point, I would like to borrow from the advertising spokesman and say it seems to me the Senator helped in the argument he made rather than hurt. In effect, he said "Double action, double the fund." Just because the pressures on one side may be bad does not mean they will not be worse from both sides. If you get double pressures on the Government, the possibility of sound decisions being made are not necessarily helped.

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

Mr. STEVENSON. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

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

Mr. STEVENSON. I yield.

Mr. BYRD of West Virginia. It is my understanding that a motion to table the pending amendment may be presented. I ask unanimous consent that it may be in order to order now the yeas and nays to occur on such a tabling motion if and when it is made.

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

Mr. BYRD of West Virginia. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. I thank the Senator for yielding.

Mr. STEVENSON. Mr. President, I would point out to the Senator from Tennessee that while this proposal contemplates a $250 million loan, it has not been suggested by anyone, to the best of my knowledge, that Lockheed would by October need $250 million. It is my impression from the Lockheed cash-flow statements that it might need as much as $25 million. That being the case, and the interest of the banks and the continued economic health of Lockheed being considered, it should not be very difficult for Lockheed to arrange short-term financing on the order of $25 million. Surely there would be enough collateral to protect the banks against any risk of loss for that short a period of time. If Lockheed has enough collateral to protect the Government's interest in $250 million, it should have enough collateral to protect the Government's interest for a $25 million loan.

I would also point out that if, as the supporters of this proposal contend, this financing is important to the national interest, that the Federal Reserve Board has statutory authority right now under section 13–3 of the Federal Reserve Act to make short-term credit available to Lockheed. It could provide the $25 million to Lockheed.

The Senator also raises the specter of the adverse effect upon competition in the airframe industry. Well, if one thing has been made clear in the testimony before the Committee on Banking, Housing, and Urban Affairs it is that the airframe industry suffers from a surfeit of competition. In this case we are not talking about competition between domestic airline manufacturers. We are talking about competition for just one airplane, the wide-bodied trijet. Surely other manufacturers that have been very successful in the world would enter that market in competition with McDonnell Douglas. Already there is competition which could have a healthy effect on the price of these aircraft from European competitors. The Europeans manufacture a very similiar aircraft.

I think the Senator from Ohio has very commendably pointed with concern at the pressures that would be brought to bear upon the Board—economic pressures, political pressures—and there would not be a bank in this country that would not come to the Board seeking a loan for one purpose or another, one corporation or another; it would be almost under a duty to do so, to shift the risk from stockholders and depositors to the taxpayers.

This amendment would not eliminate Lockheed. It would simply require Lockheed be treated as all other corporations and banks would be treated under this bill. It would reduce some of those pressures on the Board. It would have a therapeutic effect on the Board in the conduct of its business.

It would give the elected representatives of the people in their Congress a chance to be represented in these determinations, a chance for Congress to finally disapprove a nonmeritorious loan guarantee.

If Lockheed's need is so great and if the guarantee is in the public interest, the Board would approve and so would Congress, and in plenty of time to tide Lockheed over.

The Senator acknowledges it would not take longer than October. Under procedures established in this bill Congress is given only 20 days in session in which to disapprove. That is not very long. It might delay as long as some time in October, perhaps as early as September. Surely, in that short period of time Lockheed could keep going either with its own resources or short-term financing which could be arranged either from the banks or from the Federal Reserve Board, and perhaps there are other sources of short-term finances available.

I might ask the Senator from Tennessee if he has heard of or received any information to indicate that more than $25 million would be required or that $25 million interim financing would not be available either from the banks or the Federal Reserve Board.

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

Mr. STEVENSON. I yield.

Mr. BROCK. We had very extensive information from the banks that they are in no position to proceed with further loans to this corporation without additional security. There is none other than the prospect of a loan guarantee. They make their judgment based upon the hope that some approval may be forthcoming from Congress, when Congress is in doubt.

If the Senator from Illinois is indicating that support would not be forthcoming then I think any bank manager who made such a loan would be subject to being fired by his board of directors, and I would understand if they took that action.

In terms of cash flow, yes, there is a need for more than $25 million. Presently there are 14,000 men and women unemployed as a result of this hiatus in production.

In order for the appropriation to move rapidly to put people back on the payroll, to proceed to full production, to proceed with their sales contracts, there is a reasonably large amount of money planned to be spent for the calendar year.

I again restate my earlier comment that, under the best of circumstances, the amendment of the Senator from Illinois would have the effect of precluding from the application of this bill those people who are now unemployed or who will be unemployed from Lockheed Corp. I see no alternative to that statement, and I cannot for the life of me see how the Senator would rationalize any alternative assumption.

Mr. STEVENSON. Does the Senator suggest that it would be improvident for the banks to extend credit during this interim period—according to my figure, $25 million at most would be required—because the risk is too great? That, of course, is the purpose of this legislation—to transfer the risk in the loan of the $250 million from the banks, to the taxpayers. In this case we are talking about perhaps $25 million of interim credit. It has been represented to us time and time again that the loan guarantee of $250 million would be fully collateralized; the Government could not lose a thing. I ask the Senator, if that is the case, how could it be that Lockheed would not have enough collateral to cover the banks for a very short period of time, perhaps 2 months?

Mr. BROCK. The Senator obviously is posing a rhetorical question, to which he knows the answer. The fact of the matter is that the banks are collateralizing today. If the loan guarantee is accepted, as it has been presented to our committee—the Senator was a diligent attender at those hearings—the Federal Government takes precedence. It takes precedence on those assets, but not until the loan guarantee. We take precedence. The Federal Government takes precedence at least to the extent of $250 million. It is hopeful that there will be something less than $250 million in prior claims. Certainly there is a lack of assets, because the assets are now guaranteeing existing loans. But to say that there are assets to guarantee an additional $250 million is something else entirely.

Let me respond to the earlier question of the Senator and his comment that, not $20 million, but $25 million would be adequate. From our hearings, the chairman of Lockheed placed in the record of hearings on page 13 the corporation's financing plan and borrowing requirements, which show that by December of this year slightly in excess of $100 million would be required to place in full employment those who would be laid off, an amount which is considerably more than the $25 million that the Senator mentioned.

Mr. STEVENSON. I thank the Senator from Tennessee. I have seen the Secretary's testimony in the record, including a chart which sets forth the requirements of Lockheed. If I am not mistaken, by October it indicates a need of about $25 million. That information is corroborated in a separate statement that was furnished by Lockheed to the Committee on Banking, Housing, and Urban Affairs.

If the banks and Lockheed are willing to give the Government priority on all its collateral for a $250 million loan, it seems to me they would also give such a priority to the Federal Reserve Board if the Federal Reserve Board did make the $25 million available in short-term interim financing.

I think this argument today demonstrates one of my earlier points. There are two very important issues involved that become confused in the consideration of the bill and in the debate. One is on the whole question, addressed earlier by the Senator from Ohio, of the propriety of the Government's interfering in the marketplace in the free enterprise system to effectively bail out a large corporation in failing circumstances. And why? Simply because it is a large corporation and its failure could have adverse effects on the economy, employers, creditors, investors, and suppliers.

I might add in passing that it is possible that were this loan not made, and consequently $250 million of credit contemplated here was allocated according to the free play of the forces in the marketplace, it might do far more good toward promoting human welfare and a healthy economy and jobs. $250 million favorably put in the marketplace to banks, to corporations, big corporations and small corporations, the public sector and the private sector, corporations in all parts of our country, profitable corporations employing people, paying taxes, might do far more for the economy than spending $250 million for a corporation in failing circumstances and with virtual assurance that that $250 million will not be enough.

That is one of the issues.

The other involves the particular claim of Lockheed for this support from the Federal Government. We cannot debate that issue properly without even knowing what arrangements are going to be made between the banks, Lockheed, and the board. We do not know what the circumstances of the airframe market will be within the time that this loan guarantee is carried out. There is evidence indicating that the market for these aircraft is softening all the time.

This amendment, if adopted, would now give Congress an opportunity for debate and a clean vote on the first issue, really the most important and most far-reaching question, the generic question. It would also, when the facts are in and the deal is made, give the Congress a chance to evaluate and vote cleanly on the Lockheed guarantee.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. 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. WEICKER. Mr. President, I commend the Senator from Illinois (Mr. STEVENSON) for his amendment. It really brings into very sharp focus one of the principal bones of contention between the opponents and the proponents of the bill.

Were this amendment to be accepted by the Senate, we would take away from the proposed legislation one of the present doubts that is hanging over us; namely, that the bill is being presented as generic legislation when, in fact, it is specifically for Lockheed.

One of the clouds that has been hanging over the debate, both in the hearings and on the Senate floor, is the special treatment that is accorded to Lockheed. What the Senator from Illinois has done, as I understand him, is simply to say that the provisions of the bill, all of which have been drafted by the committee, will apply to Lockheed as they will apply to any other corporation that makes application for a loan. It is as simple as that; there are no exceptions.

As I have pointed out, under the bill as now written, it would be possible not only for Lockheed but also for any other business entity to go to a three-man panel and make a request for a loan and have it granted out of hand without hav-

ing any of the provisions for congressional approval in the legislation applied.

The legislation as presently drafted says that after October 1, 1971, any applicant that comes before the Board—let me be specific. The heading reads "Congressional Review."

That is very significant, I think, because I think the committee honestly intended to restore to Congress this power of review. As I have mentioned many times during the debate, we have delegated great power to the Executive, and only now, with a great effort, are we bringing it back within our own fold.

But right off the top, what do we do? We go ahead and try to pass legislation which again takes power away from the legislative branch of Government and gives it to the Executive or to a board that is dominated by the executive.

The committee sensed this when they drafted the legislation, and entitled the section "Congressional Review" so that Congress would make sure that none of these loans would go out without the legislative branch having the opportunity to take a careful look at the loan in all of its terms and conditions, much as the loan committee in a bank would do, which is proper, since we are the loan committee dealing with the taxpayers' money.

So they put in a section entitled "Congressional Review."

If the amendment of the Senator from Illinois is agreed to, the section will read:

> The Board shall not guarantee or make a commitment to guarantee any loan unless—
>
> (1) at least twenty calendar days prior to making such guarantee, the Board transmits to the Congress a notification of its intention to make such guarantee together with a detailed justification therefor; and
>
> (2) a period of twenty calendar days of continuous session of the Congress following the date on which the notification is transmitted elapses, and during such period there is not passed by either the Senate or the House of Representatives a resolution stating in substance that the Senate or the House of Representatives, as the case may be, does not approve the proposed guarantee.

If the amendment is not accepted, then the language will read, as proposed to the Senate:

> The Board shall not guarantee or make a commitment to guarantee any loan after October 1, 1971, unless—

and then lists the conditions after October 1, 1971.

I think we will find that the members of the committee will quite frankly admit, "We do not want these conditions to be in there for Lockheed. We do not want them for Lockheed."

Then, of course, we go all around the merry-go-round again: Is it a generic and an overall bill, or a Lockheed bill?

Is there anything so wrong that maybe the Senate of the United States cannot stand up on its own two feet and reject an ultimatum of August 8, and maybe not even go ahead and guarantee a loan by September or October? Can we not go ahead and set the date? Can we not have the review that is called for, as a matter of principle, by the drafters of the bill?

I do not think any particular honor is accorded the body by the committee when they go ahead and ostensibly draft generic legislation, which has not even been passed by the Senate, without already making an exception before the bill is passed. You know, really, we strain the credibility of the American people with that kind of maneuvering, and that is all it is.

What the Senator from Illinois has done is just eliminate this cloud that hangs over all the proceedings and all the legislation, this cloud which says that Lockheed is being given special treatment, because as the bill now reads there can be no question of the fact that Lockheed is being given special treatment. As I indicated in the comments prior to the cloture vote, the step which is being requested here is rather monumental, both as it applies to our traditional concepts of Government assistance and as it applies to our whole free enterprise system.

During the course of the debate, we have heard read a letter from the President of the United States urging the Senate to pass with deliberate speed this particular measure. I believe the administration has been heard from loud and clear on this legislation. They have had their people going over it for months on end.

What is our contribution going to be, as 100 responsible men, in formulating this precedent-shattering legislation? Is it going to be just to go ahead and rubber stamp an administration bill, without any original thinking on our part at all?

I think the original thinking comes down to rather a bare minimum, when the only amendment that so far is before us simply eliminates the date October 1, 1971, but I think it does the trick insofar as flushing out the intent with which the legislation as presented is concerned.

I think it is extremely important that we do have congressional review, not only with respect to this matter but many others. There comes to mind the bill I cosponsored with the Senator from New York, the so-called war power bills, which limits the conditions under which the President can commit troops, and makes such commitment subject, within 30 days, to approval by Congress. There is no real difference. This is an economic situation that has come to pass, in which we are giving enormous power, again, to a board, not at all designated by Congress, but with the imprimatur being to take an administration bill and say that we should have congressional review.

I commend very sincerely the Senator from Illinois. I think he is doing a great service to this body to clear the air here and to make it specific that there are no exceptions. It is the exceptions that get us into trouble around this place. One rule for everybody. If that encompasses congressional review, then that should apply to everybody. For heaven's sake, let us not do business the way Lockheed does. Otherwise, we will be having somebody bail out the U.S. Senate before it is all over.

Does the Senator from Illinois care to ask a question?

Mr. STEVENSON. I want to thank the Senator for his comments and for the sensitivity he has expressed toward the public confidence in our whole legislative process, public confidence which he feels—and I believe rightly—would be impaired by the special treatment contemplated in the proposed legislation for one corporation, and for one corporation because it is a big corporation.

I thought, too, that I might point out that it was only approximately a year ago that the Defense Production Act was changed to permit Congress to approve the V-loan guarantees for the support of defense projects. If Congress is going to reserve to itself the right to approve guarantees of loans for defense projects, as it already has, should it not do so in the case of commercial projects? What makes this particular commercial project so much more important? There is no satisfactory answer to that question.

Mr. WEICKER. Will the Senator yield for a comment?

Mr. STEVENSON. I am glad to yield.

Mr. WEICKER. I will tell the Senator what I think it is.

Mr. TOWER. Mr. President, who has the floor?

The PRESIDING OFFICER. The junior Senator from Connecticut has the floor.

Mr. WEICKER. I will tell the Senator what I think it is, at this point in time: Pride of authorship. Anyone who has been a proponent of the bill says it has to be done this way, by this date, and we cannot deviate on it. So far as I am concerned, pride of authorship does not stand very tall next to the great principles that are being argued in this bill. Certainly, if there is a little deviation in the date, it might be the healthiest thing that ever happened for this legislation.

Mr. STEVENSON. Mr. President, will the Senator yield for a question?

Mr. WEICKER. I yield to the Senator from Illinois.

Mr. STEVENSON. Assuming, for the sake of debate, that this was a meritorious loan guarantee for Lockheed, does the Senator know of any reason why—whether it takes 60 days or 90 days, or whatever, for congressional disapproval or approval, as the case may be—the banks could not make that temporary financing available? According to the cash-flow figures that have been given us by the Lockheed Corp., as the Senator knows, it would require only $25 million during that period.

Does the Senator know of any reason why Lockheed could not arrange interim financing, fully collateralized, with those banks for $25 million, and why it could not obtain it, if it is so important for the public interest, from the Federal Reserve Board, which, as the Senator knows, has the authority, under existing statutes, to make such short-term credit available?

Mr. WEICKER. I am not going to speak for the bank. All I am saying is that a little extra time on behalf of the American people—on behalf of the American people—to make sure that it has been given the most thorough type of scrutiny, certainly should not upset anybody unless—unless the lid on the garbage can only hold the smell back for so long. That is the only reason I can

figure out. Certainly, the additional time provisions called for in the bill are not going to make that much difference, unless somebody wants to run one through fast. That is exactly why we are here now. Fortunately, a majority of our colleagues felt additional debate was necessary on this particular motion.

I think this is a superb and an absolutely necessary amendment. I am not one to give advice to the proponents of the bill as to tactics to use to get it through, but I think it would go a long way to convince much of the Senate that everything is on the up and up so far as this legislation is concerned, were it accepted by the committee.

I would hope that the Senator from Illinois has had discussions with the committee, and that they have shown interest in supporting this amendment.

Mr. STEVENSON. I thank the Senator.

Mr. WEICKER. The point that I started to make a few minutes ago was as to the administration's support of this legislation and the fact that differences have been aired and persons within the administration have said that they are or they are not for this type of legislation.

I want to make one thing very clear and put it on the RECORD. I think there is a definite difference of opinion within the administration, and I do not think it is anything that has to be covered up by anybody. I think it is one of the most refreshing things I have seen since I have been in Congress, and I think it stands to the great credit of the administration that such differences exist. Really, we are not all schoolboys around here, to have a group of letters rushed in the next day to make it look as though everything is all right again. It just makes one sniff a little bit harder as far as the bill is concerned.

This really answers the question as to what the committee is trying to do with this particular amendment. We will get the answer from the committee and the position they take should make the situation clear.

If, in fact, the committee opposes the amendment of the Senator from Illinois, then clearly they are saying Lockheed is an exception to the legislation which they are requesting the Senate to pass. There cannot be any variation of that whatsoever. Lockheed is an exception—we admit—to this proposal, to the original bill.

Again, before sitting down and yielding the floor to my colleague from Texas, I repeat the statement made earlier that this cannot blithely be explained away as only being a guarantee of $250 million, that it really does not come out of the pocket of the taxpayer, and that if everything goes wrong, we have sufficient assets to collateralize this loan so that really there will not be that much of a loss. We are setting aside $250 million in case the worse does happen, so to that extent it is the taxpayers' credit that is being pledged.

Point No. 2, even more frightening to me, is that we now have an interest in Lockheed. More particularly, we have an interest in the assets of Lockheed. The Government, once it takes this position, cannot afford to see those assets depleted unless they are willing to reduce the security of the loan.

Where does that leave me, or any of us in the Senate, when the Lockheed Corp. is in competition with United Aircraft for a Government contract, or with General Electric, or with North American Rockwell, or with Fairchild-Hiller, or with Boeing? I can go right down the list. Where does it leave the Government? It leaves them with the fact that it is to the Government's financial interest to see that Lockheed gets the business so that the assets will not be depleted. That is the whole trouble with the Government's getting into private enterprise. It comes down to being a matter for the public good to boost Lockheed even more. One of the great difficulties here with the step we are being asked to take is that if we are going to make that first step let us have the question go out of the Senate smelling clean, with no exceptions. That is why I support the amendment of the Senator from Illinois, because I think that what he has done is to say to the American people that if circumstances have so changed that the Government has to assume this new role, at least let us assume it from the outset with integrity and not in a slipshod, mediocre, around-the-corner, type of way. That way belongs to Lockheed. That is why we are here today. For heaven's sake, let us not have it assumed by the Senate.

Mr. TOWER. Mr. President, I oppose the amendment offered by the junior Senator from Illinois. My opposition is not because I want any special treatment for the Lockheed Aircraft Corp. as has been suggested by some as the purpose of the October 1, 1971, date being included in our committee bill. I oppose it because I believe that the conditions of the bill should not require a much greater burden on Lockheed than would be imposed on any other company that may apply for a loan guarantee.

Mr. President, section 12 of the pending bill states that the Emergency Loan Guarantee Board shall not guarantee or make a commitment to guarantee any loan after October 1, 1971, unless:

(1) at least twenty calendar days prior to making such guarantee, the Board transmits to the Congress a notification of its intention to make such guarantee together with a detailed justification therefor; and

(2) a period of twenty calendar days of continuous session of the Congress following the date on which the notification is transmitted elapses, and during such period there is not passed by either the Senate or the House of Representatives a resolution stating in substance that the Senate or the House of Representatives, as the case may be, does not approve the proposed guarantee. For the purposes of this paragraph, in the computation of the twenty-day period there shall be excluded the days on which either the Senate or the House of Representatives is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die.

Mr. President, this is the only provision in the entire bill which was, according to my recollection, included as a result of a unanimous rollcall vote in the committee. I have carefully reviewed the transcript of our executive session on this matter and find that it was not a vote on which any of the members of the committee were in doubt. It was discussed thoroughly as is shown from 23 pages of the transcript. Alternatives were offered and this measure was the final, unanimous decision of the committee.

In discussing the congressional review issue, there was no doubt that additional congressional review would not be involved so far as a Lockheed loan guarantee might be concerned. I do not wish to quote from our executive session, but I can say that it was stated on several occasions that none of the measures on which we were voting would apply to a Lockheed loan guarantee because the language of the amendments said that congressional review would not apply to any loan, a commitment of which was made before October 1, 1971. Members of the committee knew that there would be no way for the congressional review requirement to apply reasonably if we were to give Lockheed a chance to be helped under the legislation because of the rapidly approaching time when the various suppliers and purchasers involved in the Lockheed issue had said that they could not afford to go beyond without a decision on the matter.

The fact is that millions of dollars are being invested every week, and to withhold a decision on Lockheed as would be required if the amendment were to be approved by the Senate puts all of the small suppliers as well as Lockheed in the unacceptable position of spending millions of dollars, all during our recess, which may in fact be wasted. I cannot believe that any Member of the Senate desires this.

Mr. President, I have shown that the committee fully realized that it was excluding Lockheed from this additional congressional review before it ever voted on the issues in the committee. I have also shown that the proposal included in the bill received a unanimous vote from the committee's 15 members. The rationale of excluding Lockheed is very simple. As the Senator from Wisconsin and others have amply demonstrated, Lockheed has already been the subject of congressional review for a much longer period than is required by the language in the bill. The administration transmitted a draft bill providing for legislation under which the Lockheed Aircraft Corp. could obtain a loan guarantee. A few days later, May 18, 1971, S. 1891 was introduced by the senior Senator from Alabama, the chairman of our committee. There has been no question that the purpose of that legislation was to make it possible for the Lockheed Aircraft Corp. to obtain private financing with a Federal Government guarantee.

Since the legislation was introduced, 70 calendar days have elapsed, and the Senate has been in session for 42 days, including today, July 26. This has certainly given Congress ample opportunity to consider the Lockheed guarantee. As the Senator from Wisconsin has stated, everyone expects the Board to grant the guarantee if the legislation is enacted even though the final decision is to be made by the Board. If Congress approves

this legislation, it is in effect saying that it does not desire to veto the decision of the Emergency Guarantee Board in the Lockheed case.

If we were to apply the 20-day congressional review period contained in the bill for all decisions made after October 1, 1971, to the Lockheed case, we would in fact be requiring an unacceptable delay. We all know that the moment of truth on the Lockheed issue is August 6, just less than 2 weeks from now. That is the important date, not because the British Government has set it or because the airlines find delay beyond that date unacceptable, but because the Congress of the United States goes on recess that day and does not intend to return until September 8. Even though we complete action on this bill by August 6, which I feel sure we will, the 20-day congressional review period would not begin until we come back on September 8. The need for cash to meet the requirements of the Lockheed Aircraft Corp. must be met before that time or the alternative is bankruptcy for the corporation.

Mr. President, if we approve this amendment, it would be very unlikely for a loan guarantee commitment to be possible for the Lockheed Aircraft Corp. before the middle of October, or a good 60 days after the time when the decision is necessary, and 5 months after the issue first received congressional attention. In summary, let me say that a vote for this amendment is a vote to deny the Lockheed Aircraft Corp. access to the procedure which we are setting up to assist major businesses in critical periods. If that is what the Congress desires to do, the Members should support the amendment. If, in fact, we want to give Lockheed at least a chance, the amendment should be defeated.

Mr. President, we have debated the substance of this issue ad infinitum and I therefore move to table the amendment of the Senator from——

Mr. PROXMIRE. Mr. President, will the Senator yield before he does that?

The PRESIDING OFFICER (Mr. TUNNEY). The motion has been made. The motion is not debatable.

Mr. PROXMIRE. I just asked the Senator to withhold——

Mr. TOWER. For how long?

Mr. PROXMIRE. For a minute or two, I want to clarify the——

Mr. TOWER. I will withdraw my motion and yield to the Senator from Wisconsin (Mr. PROXMIRE) for a question, with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered, and the motion is withdrawn.

Mr. PROXMIRE. I want to clarify at least one question, because I do think that many of us are confused about this amendment. It came suddenly. It is an important amendment. Is it true, I ask the Senator from Texas, that the bill as now drafted provides that after October 1, any guarantee made by the Emergency Guarantee Board must come before the Congress—before either Senate or House?

Mr. TOWER. That is correct.

Mr. PROXMIRE. For an action—a negative action?

Mr. TOWER. It must. It must.

Mr. PROXMIRE. It must. On the other hand, a guarantee made before October 1 is not subject to that kind of negative action by either House or Senate, is that correct?

Mr. TOWER. That is correct.

Mr. PROXMIRE. What this means, then, is that if we table the Stevenson amendment and then pass the bill, Lockheed would not be subject to any kind of Senate or House action—negative action; is that correct?

Mr. TOWER. That is correct.

Mr. President, I move to table the amendment of the Senator from Illinois (Mr. STEVENSON).

The PRESIDING OFFICER (Mr. TUNNEY). The question is on agreeing to the motion to table the amendment of the Senator from Illinois.

On this question and yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. DOLE) is necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

The result was announced—yeas 38, nays 45, as follows:

[No. 164 Leg.]

YEAS—38

Allen	Curtis	Packwood
Bellmon	Dominick	Pearson
Bennett	Ellender	Prouty
Bentsen	Fannin	Roth
Boggs	Fong	Scott
Brock	Gambrell	Smith
Buckley	Goldwater	Sparkman
Cannon	Griffin	Stennis
Case	Gurney	Talmadge
Cook	Hansen	Thurmond
Cooper	Hollings	Tower
Cotton	Mathias	Tunney
Cranston	Miller	

NAYS—45

Aiken	Church	Hughes
Anderson	Eagleton	Jackson
Beall	Ervin	Javits
Bible	Fulbright	Jordan, N.C.
Brooke	Gravel	Jordan, Idaho
Burdick	Harris	Kennedy
Byrd, Va.	Hart	Magnuson
Byrd, W. Va.	Hartke	Mansfield
Chiles	Hatfield	McClellan
McGee	Percy	Spong
Metcalf	Proxmire	Stevens
Mondale	Randolph	Stevenson
Montoya	Ribicoff	Taft
Nelson	Saxbe	Weicker
Pastore	Schweiker	Williams

NOT VOTING—17

Allott	Humphrey	Mundt
Baker	Inouye	Muskie
Bayh	Long	Pell
Dole	McGovern	Symington
Eastland	McIntyre	Young
Hruska	Moss	

So Mr. TOWER'S motion to table Mr. STEVENSON'S amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Illinois.

Mr. TOWER. Mr. President, a great deal has been said about the pressure being put on us by the Lockheed lobby. Of course, nothing is said about the General Electric lobby, and I believe General Electric, from the standpoint of total assets, is a much larger corporation. It does three times the annual volume in business. But it might be worthwhile for Senators to know what happens if there is not going to be competition.

In very recent weeks, the Trans World Airlines Co. received separate notices from the McDonnell Douglas Co., the manufacturer of the DC–10, and from the General Electric Co., the manufacturer of the engines for the DC–10. The McDonnell Douglas notice indicated that the DC–10 would be available to TWA, and other potential purchasers, with GE engine prices at the current level if orders were made by August 10, 1971.

Now, what kind of pressure are we talking about here? What they are saying is, "You had better make your orders with us before August 10 or the price is going to go up." Of course, if we do not act, there will not be any competition in the field after August 10.

The GE Co. notified TWA that any orders for engine spares made after August 15, 1971, would be subject to increased prices.

Now what is the pressure we are talking about?

Charles C. Tillinghast, TWA board chairman, said these two notices indicated that there would be a $12 million price increase after these dates on a quantity of 20 DC–10's TWA is considering in the event that Lockheed L–1011 is canceled.

Eastern Airlines, one of the other major L–1011 customers, received similar notices in recent weeks from McDonnell Douglas and General Electric. Eastern has stated that the price increase effects on DC–10 orders after August 10, 1971, for Eastern would be comparable to the effect on TWA.

Mr. President, the timing and the amount of these price increases by McDonnell Douglas and General Electric places enormous economic pressure on TWA and Eastern to cancel their Tri-Star orders and shift to the DC–10, unless the Congress has completed its action on this legislation before the August recess.

I am not suggesting that the timing on these price increases was deliberately chosen to complicate matters for TWA and Eastern. Nor is it really necessary to inquire into the motivation for these

actions. But we in the Senate cannot ignore the plain, hard economic implications of these decisions by GE and McDonnell Douglas. I believe that faced with these facts we have no choice but to make final disposition of this issue—either up or down—before the August recess.

The amendment proposed by the Senator from Illinois would, of course, if it carries, result in the L–1011 going down the drain, Lockheed going down the drain, and as a result McDonnell Douglas being able to jack prices up as high as they want to.

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

Mr. TOWER. I yield.

Mr. GAMBRELL. I would like to say, in further reference to the point the Senator has made, that much has been said about the discipline of the free enterprise system, and very little has been said about the windfalls and bonanzas that occur in this type of free enterprise system.

If the L–1011 program fails, as it will fail if this loan guarantee is not provided, McDonnell Douglas will get a windfall amounting to $1.4 billion in investment because they will inherit the business that Lockheed Corp. has gotten or would have gotten in this program.

I suggest that the winners then will be not only McDonnell Douglas but those people who are wise enough to go out and buy McDonnell Douglas stock and participate in the windfall that will naturally occur from the failure of this Congress to support the L–1011 program, not with money or loans or dollars out of the Treasury, but with a guarantee of loans to be made by banks.

We have talked about the disciplines of the free enterprise system enough; we need to reflect on some of the windfalls which may occur.

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

Mr. GAMBRELL. I yield.

Mr. TAFT. I would like to propose a question to the Senator. I would like to have him explain how something is a windfall when the Government is not in it at all, when we are allowing the private market to make the determination, when we do not know as a certainty that Lockheed will fail, when we have evidence that a referee in bankruptcy will see that that program is carried on, which he probably will do.

When the windfall backed by the British Government was being proposed in 1968, I revealed a memorandum indicating that certain officials in our Government would look with favor to replacing all our airbus engines at that time with the Rolls-Royce engine. That was stopped. We got denials from the Secretary of Transportation; he backed away from that.

But the pressures we are talking about are pressures upon the Government. The pressures of private industry that the Senator is talking about here may or may not be accepted by the other party, but the pressures being put on Congress are the deadlines set by whom? The British Government itself.

Mr. GAMBRELL. That is not accurate. The deadline set here is set by the banks, because they are the ones being asked to lend the money on the L–1011. Yes, they can take into account what the airlines have said. Yes, they can take into account what the British Government has said, because they are the other participants with Lockheed in this project. But the banks have it within their control to say, "No, we are not feeding this any longer. Nobody wants competition"——

Mr. TAFT. If the Senator will yield, they are not going to be able to make further loans without our Government's guarantee. They are not going to ask the Government to make a guarantee unless they have a guarantee from the British Government to go ahead with the engine, with the guarantee of the British Government.

Mr. GAMBRELL. The British Government fixed a deadline in February, and they have been putting in their own cash money. The United States will not put in any of it until, apparently, $1.4 billion has gone down the drain.

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

Mr. GAMBRELL. I yield.

Mr. BROCK. I would personally object to any corporation or any nation's deadline, but I wonder sometimes if those who talk about pressures on Congress have seen bodies of Congress vote out defense authorization bills of $20 billion in less than 1 hour. Now we seem to be reacting adversely to excessive pressure.

The deadline is the deadline of payments being made on homes, refrigerators, and automobiles, by 14,000 already out of work, and another 16,000 who would be out of work and on the welfare rolls, just in direct jobs, not counting 30,000 additional people who would be put out of work if this amendment is adopted and Congress fails to act. That is the deadline we should consider, not the deadline of Rolls-Royce or some other manufacturer. I am talking about the deadline of the people who have to make payments.

Mr. GAMBRELL. I could not agree with the Senator more. We are not talking about a deadline of which we knew nothing. We have known about this deadline since February. Ever since I came to the Senate we have known that Lockheed was going to ask for such a guarantee. We have known of that issue all along. Anybody who wanted to know about it has had the opportunity, because it has been in the front pages. We have had full knowledge of it.

There is no question of further Congressional consideration of this loan guarantee after the August recess. I hope by the time we go home for the August recess the issue is behind us. I have heard as much as I would like to hear. When the committee hearings were had, the Senator was present when we said, "Let us not go through all the agony of this hearing if we are not going to deal with the problem up or down before August 6 or 8."

The members of the committee who are here, including both the Senator from Ohio and the Senator from Illinois, were present. They had an adequate opportunity to review this question, and I think they would agree that they have had the matter under consideration long enough to have the matter reviewed by both Houses.

Mr. BROCK. I think it is most interesting that it seems as though the proponents of this amendment and the opponents of the bill want to have their cake and eat it, too. They propose an amendment which would take Lockheed out of the bill, and say we should consider only generic legislation, but when we propose some so-called generic legislation, they say, "You are getting away from the basic problem, the problem of Lockheed; we ought to just consider that."

I question the sincerity of their position. The proposed amendment would have the pure and simple effect of eliminating the possibility of reinstating those people who have lost their jobs and giving them the opportunity to maintain productive employment.

Mr. GAMBRELL. I much appreciate the comments the Senator is making with reference to deadlines on payments on houses, automobiles, air conditioning, and refrigerators. We were entertained with a colloquy the other day between the Senator from Wisconsin and the Senator from Louisiana about, I believe it was, Bob and Jake's Restaurant in Baton Rouge, La., and what they would have to say about Congress granting loans to big corporations and not to small businesses.

There are a lot of small people who are affected vitally by this issue, and need to have it settled. That is the deadlines we are talking about. We are not talking about the sort of deadlines on the bill before us, where for 6 months, we have been talking about emergency legislation. Mr. President, if we cannot act on emergencies within 6 months, we might as well outlaw any emergency legislation in this Congress, because we are unable to deal with emergencies.

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

Mr. GAMBRELL. I yield to the Senator from Ohio for a question.

Mr. TAFT. I would like to present this question for the Senator's consideration: Is it not true that the General Electric Co. has already laid off 7,000 men, and that those men are already off work, and that many of them were laid off in connection with further engine production? They are at least as far behind with their payments, I am sure, as any employees laid off at Lockheed. As a matter of fact, Lockheed's layoff presumably has not yet occurred; they seem to be maintaining a force to complete this program.

But if we are going to talk about jobs in this situation, I am ready to talk about them, because there cannot be any argument that through the manufacture of DC–10's with U.S. engines we are going to have more American jobs and more people on payrolls in the United States than if we go ahead with a plane with the engine production in Great Britain, and leave the jobs there.

I am sorry about those men who may be laid off, too. But if we have a choice, I think our responsibility is to be concerned with jobs in the United States. I covered this thoroughly the other day.

The likelihood of loss of jobs here is something we can only speculate on. Maybe the trustee in bankruptcy would decide it was the part of wisdom to direct the use of U.S. engines on the L–1011.

There is over $200 million, I believe, in inventory with regard to the L–1011 airframes and engines. I cannot conceive of a trustee in bankruptcy not attempting to reorganize and go ahead with the program.

Mr. GAMBRELL. I would anticipate, since the Senator continues to make the suggestion that a trustee in bankruptcy may go forward with this program, that the testimony has universally been that the trustee in bankruptcy would not be able to go ahead, and this would be a washout.

Speaking personally from experience, I would anticipate that the trustee's first move would be to come to the U.S. Government and say, "If you can get my loan guaranteed at 24 banks, we can go on with this program, otherwise we cannot."

Mr. TAFT. Mr. President, will the Senator yield on that point?

Mr. GAMBRELL. I yield for a question.

Mr. TAFT. I have introduced a bill that would enable the Government to do exactly that. I intend to offer an amendment to this measure to do exactly that, but only after a chapter X reorganization has been filed, or chapter 77 in the case of loans.

Under those circumstances, you do not have to say it is a failure situation. You go ahead and try to reorganize the company, to keep the men employed and to protect all other interested parties. But the entire situation would remain before Congress on the basis of an ongoing enterprise.

Mr. GRIFFIN. That same trustee in bankruptcy would have a privilege that Lockheed does not have, and that is to renegotiate contracts for defense procurement.

Mr. TAFT. Mr. President, will the Senator yield on that point? I believe the Senator is in error.

Several Senators addressed the Chair.

Mr. TOWER. Mr. President, will Senators forbear for just a moment, and let me address the distinguished acting majority leader on the program for the remainder of the day?

Mr. BYRD of West Virginia. Mr. President, in response to the Senator's question, there will be no more rollcall votes today. I have discussed the pending amendment with parties on both sides of the question, and it is obvious to me that there will be no final disposition of that amendment today.

Mr. TOWER. What time does the Senator anticipate the Senate will convene tomorrow?

Mr. BYRD of West Virginia. The Senate will stand in recess, upon the completion of business today, until 10 a.m. tomorrow.

Mr. TOWER. I thank the Senator.

Mr. TAFT. Mr. President, will the Senator from Georgia yield?

Mr. GAMBRELL. I yield for a question.

Mr. TAFT. I would like to ask the Senator if he is sure he is correct in the statement he has just made. I have just today reviewed the law on this subject, and I find that trustees in bankruptcy, or the limitations on the powers of the court to approve the recommendations of trustees in bankruptcy, have a specific exception, which provides that the trustee may not void contracts involving the U.S. Government. There is a specific exception in the law in this regard. So I think the Senator is in error.

Mr. GAMBRELL. I am talking about as a practical matter, on the basis of my experience. As a practical matter, the trustee in bankruptcy says:

> I can go forward under these conditions, otherwise I cannot, and the government and everybody else will have to accede to it.

So that beautiful provision of the law just does not work in practice, and that is why it is absolutely foolish to put this company into bankruptcy, to go back and do over just exactly the thing we are talking about doing now.

Someone asked one of these law professors, "What would you do if you were the trustee in bankruptcy for this company," and he said, "Well, first I would go back and see if I could get an advance, then I would go to Rolls-Royce and see if they could build the engines, and then I would go to the airlines and see if they wanted to retain the orders."

I thought to myself, this is exactly what Mr. Haughton has been doing for the last 3 or 4 months; why should we send it to bankruptcy court, to go through the exact same business transactions, and have the trustee in bankruptcy come back to Congress with exactly the same package?

If the people who have the most at stake in this program have said we ought to go forward with it, the airlines, the subcontractors, the suppliers, the banks, all of those who have a billion and a half dollars to lose in this thing before the Government loses a dollar, if they all say we ought to go forward with it, it seems to me the best possible judgment at this point would be to go forward, and not to say, "No, go down to the bankruptcy court and go through the same routine and come back with the trustee in bankruptcy." It does not make practical sense to me at all.

Mr. TAFT. Mr. President, I would not want the Senate to have the misimpression that we are talking about public contracts here. We are talking about private contracts. However, Lockheed has many public contracts, many of them with sizable, ongoing, profitable subsidiaries of Lockheed Aircraft Corp.

Under those circumstances, to say that the trustee in bankruptcy would somehow have to void or say he had to void, or ask for voiding, unless the U.S. Government goes along, of a good contract, I think speaks for itself as being fallacious.

Mr. PROXMIRE Mr. President, will the Senator from Georgia yield to me for a question?

Mr. GAMBRELL. I yield to the Senator from Wisconsin for a question.

Mr. PROXMIRE. Did the Senator from Georgia understand the acting majority leader to indicate there would be no vote tonight, because of objections from people on both sides of the question, or objection from some of the Senators concerned?

Mr. BYRD of West Virginia. Mr. President, let me answer that, if I may.

I indicated that, having discussed the matter with parties on both sides of the question, there appeared to me to be no inclination to dispose of this amendment tonight.

Mr. PROXMIRE. May I further ask the Senator——

Mr. BYRD of West Virginia. Mr. President, let me make the record clear, inasmuch as the Senator has referred to the acting majority leader.

I did not mean to imply, in having said that, that there was opposition on both sides of the question to a vote tonight.

Mr. PROXMIRE. Is it not true that no one on the side of the question who supports the Senator from Illinois (Mr. STEVENSON) objected?

Mr. BYRD of West Virginia. I do not know whether that is true or not.

Mr. PROXMIRE. Did anyone object to the acting majority leader?

Mr. BYRD of West Virginia. I can only state that no one on that side of the question indicated opposition to a vote tonight.

Mr. PROXMIRE. It is my understanding that those who are delaying a vote now are those who are on the side of the bill. Those of us who have been in favor of the position taken by the Senator from Illinois in this case, and some of the rest of us, are anxious to have a vote. We would be delighted to have a vote tonight. The acting majority leader has announced that there will not be a vote tonight, so I am not going to press it.

I hope I am not going to be put in the position where I have to start organizing a cloture motion so that we can get a vote on the pending Stevenson amendment.

I hope the Senator from Georgia does not intend to filibuster this amendment. If he does, I think it would be interesting to have notice of it.

Mr. BYRD of West Virginia. May I state that, so far as the junior Senator from West Virginia is concerned, I have no objection to having a vote tonight. I can vote at any time and would be glad to vote at any time on the pending question. But the question was asked by the able Senator from Texas as to what the program was for the rest of the day, and I think I stated the situation factually when I indicated that, in my judgment, there would be no more rollcall votes today. That was based on discussions I had had with Senators. Of course, any Senator who wishes to talk on the matter late into the evening may do so and thus delay a rollcall vote until tomorrow. There is no inclination on my part, certainly, to delay a vote.

Mr. PROXMIRE. I understand. I simply want to say to the acting majority leader—the Senator from Illinois is in the Chamber, and he can correct me if I am wrong—that those who are delaying the Senate's progress on the bill are those who favor the Lockheed guarantee and favor going ahead with it. They are now, for some reason, delaying us from coming to an early vote.

Mr. GAMBRELL. My understanding of the opposition to the tabling motion was that some thought it ought to be debated further; so I thought we were going on with what the opponents of the tabling wanted to do. Perhaps they have changed their minds as to what they would like to do.

Mr. STEVENS. Mr. President, will the Senator yield for a question?

Mr. GAMBRELL. I yield.

Mr. STEVENS. I should like to ask a question about the date in controversy and whether the amendment of the Senator from Illinois is opposed because of the provision on page 10, line 24, that suspends the 20-day period while the Senate and the House are not in session for more than 3 days. Does the opposition to this date come about because of the August recess?

Mr. GAMBRELL. I have to get the language of the bill.

I wonder whether the Senator from Illinois would care to respond to that, as to the effect of his amendment.

Mr. STEVENSON. I cannot say what reason the opposition has. The Senator from Alaska has the proper interpretation of the bill. It would give either House of Congress 20 session-days in which to disapprove. This means that, with the August recess intervening, Congress could not act until some time in September or October.

I might add, however, that, according to the cash flow charts of the Lockheed Corp., by October 1 it would need only $25 million to tide it over. There are many ways—including secured, short-term credit agreements or loans by the Federal Reserve Board—by which it could acquire that short-term financing.

Mr. STEVENS. Why have this provision for a 20-day period if the October 1 date comes out?

Mr. GAMBRELL. The October 1 date was put in along with the entire congressional review provision. In other words, the committee felt that there should be provision for congressional review of loan guarantees of this type. However, it was felt that Lockheed had been more than adequately reviewed so far as Congress was concerned, or would be by the time the bill was voted on, if it was approved, and that it should not be necessary for Lockheed not only to have to go to the new board but also to come back for further review, particularly in view of the fact that it had been stated pretty plainly by the bankers, by the British Government, by the airlines, and by all concerned, that Lockheed could not wait until after the August recess, plus 20 days after that. They would be in bankruptcy.

Mr. STEVENS. That is my question. Why impose the 20 days on the Lockheed loan if that is the real problem? I wonder why we cannot make an exception for the August recess in a subsequent provision of the bill and not deal with a special provision for Lockheed. Lockheed only needs a special provision in here because we are going to take a month off in August. Is that correct?

Mr. GAMBRELL. Lockheed does not have a special provision. The way the bill is written now, if the board approves their loan guarantee now, it will be approved for the 1st of October, and it will not have to come back to Congress for review.

Mr. WEICKER. Mr. President, will the Senator yield for a question?

Mr. GAMBRELL. I yield for a question.

Mr. WEICKER. Is it not true that the October 1, 1971, date was put in there for Lockheed?

Mr. GAMBRELL. Yes. There is no doubt about that. No one ever questioned it. The Senator from Connecticut has treated it as though he discovered a nugget in the midst of all this, and we put it in there.

Mr. WEICKER. I am trying to clarify the question raised by the Senator from Alaska.

Point No. 2 is that, since we have not passed the bill, the Board has not been set up—the Board consisting of the Secretary of the Treasury, the Chairman of the Federal Reserve Board, and the president of the board in the district—so they have not set up any criteria in the evaluation of any loan request. Does the Senator from Georgia know that the Chairman of this Board will be Arthur Burns, since he is the Chairman of the Federal Reserve Board? Does the Senator know that Mr. Burns said in his testimony:

> Let me say that I have not studied the Lockheed finances sufficiently. The President assigned this task to the Secretary of the Treasury some time ago. He has worked at it. In these circumstances, I did not consider it my duty or responsibility to involve myself in the details of Lockheed finances.

This is the man who is going to head the Board that is automatically going to put its stamp of approval on the loan guarantee.

Mr. TOWER. Mr. President, will the Senator yield? He is not——

Mr. WEICKER. I do not yield.

Mr. TOWER. The Senator is incorrect.

Mr. WEICKER. He has not involved himself as a member of the Board, has he?

Mr. GAMBRELL. All we are talking about is whether they have to come back to Congress, not whether they have to go before the Board.

Mr. WEICKER. The Senator not only is trying to eliminate congressional review, but also, he is saying to this Board that the Board is automatically going to recommend the Lockheed loan, when the members of the Board, themselves, say they know nothing about the finances of Lockheed.

Mr. GAMBRELL. This is a conclusion that the Senator would like everyone to jump to.

All this provision of the bill says—and if the Senator reads it honestly and with an open mind and a fair mind and a nonrhetorical approach to the matter, he will see it—is that Lockheed, prior to October 1, can go to this Board and can ask for a loan guarantee.

If they do not get it, they are just out of luck. That is all there is to it. But if they do get the approval of the Board, they do not have to come back to Congress, and we do not have to go through all this again. Once this bill has been passed, a majority of the Senate would have said, "We are going to let Lockheed get their loan guaranteed if the Board agrees to it." It seems to me eminently reasonable.

We have passed billions and billions of dollars in appropriations by unanimous consent, and we have spent 2 months arguing about whether we are going to grant a very minimal risk of the possibility of losing a quarter of a billion dollars in a loan guarantee which will follow, a dollar of which will not be spent until a million and a half dollars of private investment has gone down the drain.

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

Mr. GAMBRELL. I yield for a question.

Mr. STEVENSON. Mr. President, I think this matter has received lengthy debate. I do not want to be party to an extended debate on my amendment. I do not want to be party to a filibuster. I think the Senate should be permitted an early vote on this amendment and also on the underlying legislation.

Therefore, I ask unanimous consent that 1 hour be set aside tomorrow for debate on this amendment, with the time to be equally divided between the two sides.

Mr. TOWER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GAMBRELL. I might say, Mr. President, that I understood that those who objected to tabling the motion were interested in further debate, and the more I hear from the Senator from Connecticut, the more I think maybe the amendment does need more debate and discussion in order to be clearly understood. I am not seeking to conduct a filibuster on the matter, but I think that the Senator had asked for a discussion of the matter. They have demonstrated the need for discussion of the matter so that the issue becomes clearer on what we are talking about; namely, have we reviewed the matter, or will we review it by the time we vote on it, or will we not have done so? It seems to me that we will have reviewed it.

Mr. PROXMIRE. Mr. President, will the Senator from Georgia yield?

Mr. GAMBRELL. I yield for a question.

Mr. PROXMIRE. I believe that the Senator from Georgia is making a great deal of sense in this regard. I would agree that there should be more debate on this amendment, but I hope that the Senator from Georgia will recognize that this is only one of a series of amendments that need this same kind of comprehensive and full debate. This is a complicated bill. There are all kinds of things in it which should be explained, challenged, examined, and so forth. If we will do that, we will have a much better bill.

It will be hard to do that under the limitations of cloture. In fact, it will be impossible. The distinguished Senator from Georgia who has spent a lot of his time discussing the bill, the Senator from Texas from whom we have heard on the bill, and the Senator from Tennessee, have all been discussing the principles behind the bill. I think that the Senate would be enlightened to hear the wisdom

of the Senator from Georgia, the Senator from Tennessee, and the Senator from Texas, and many other Senators, on other amendments that we wish to discuss. The Senator from Georgia is fighting a good fight in a cause in which he believes, and we should have considerably more debate on this amendment and, I think, on others.

Mr. GAMBRELL. I should like to point out that on the motion to table there were 17 absentees. I think it is important that we have the presence of all Senators voting on an amendment of this kind. According to the entire record, it will be the end of the Lockheed Corp. itself if the amendment is adopted, on a matter which has been before us on an urgent basis for 2 months now. The only reason we are discussing it today is due to the urgency of the Lockheed situation, and we are entitled to have a vote on it.

Mr. STEVENS. Mr. President, will the Senator from Georgia yield?

Mr. GAMBRELL. I yield to the Senator from Alaska for a question.

Mr. STEVENS. I would merely ask my colleagues to take a good look at the vote, at the bill, and at the provisions of the bill. It seems to me the October 1 date—and correct me if I am wrong—is there as a special provision for Lockheed. There are many who believe that a general bill may not be bad but that a special bill, clothed in the cloak of a general bill, would be bad.

I made the point, and I still think it is valid, that all we need to do is not make the recess period of August count toward the 20-day period, but make it come up on the first day when we come back.

Even with the amendment of the Senator from Illinois in the bill, we still do not have a special provision in here for one company. Many of us have objected to a special bill or a general bill. We have a general bill and we find out that it is not a general bill because of the provision that makes it very special for Lockheed. I, for one, would very much like to see a vote come up on what the board has done on the Lockheed loan on the first day after the recess, because many colleagues might come back on the first day after the recess, if that happens. There is no problem about the amendment of the Senator from Illinois. We should make the provision run from the first day we come back. That is what gives us all this trouble. Let us suspend the provision, and we will vote on it the first day we come back, if they act that fast, and I do not see any reason why Lockheed should not come back here, if the Board gives them the loan.

Mr. GAMBRELL. I yield to the Senator from Texas for the purpose of responding to those comments.

Mr. TOWER. Mr. President, any company that comes in before October 1, not just Lockheed—if there be others, and I do not know of any others—but should there be any, any company would qualify that came in before October 1 for the immunity for the congressional approval. But the fact is, this is so urgent with Lockheed, they will go down the drain if we do not keep it in there. Let us be candid about it, that is what will happen. What the Senator proposes does not obviate the problem any. The airlines have to decide whether to stick to Tri-Star, and they have to do that very soon, made necessary by the jacked-up prices which involves the aircraft of McDonnell Douglas and GE who seized on the opportunity to raise their prices.

Mr. GAMBRELL. I might say, if the Senator from Alaska will permit me, that I hope the amendment of the Senator will allow the committee some credit for having evaluated the considerations being raised here. This particular proposal was put in as part of the congressional review procedure. It was done in a very deliberate and careful way by the committee. The consideration that the Senator urges right now was put forth in the committee, that if it is to be a general bill, let it be a general bill, but they recognize that Congress should not play cat and mouse with Lockheed, that if Lockheed has a crisis to be dealt with, we have to deal with it and face it.

No one is trying to cover up the situation at all. All that has been said in reference to a general or generic bill is that there may be other situations we do not want to have to dispose of every 2 months on every one of these things that come up.

If there was a special exception made for Lockheed it has been because Congress felt there was a particular need by many people who are poorly informed on the subject. This is the importance of having a board review the matter and come back with an expert opinion on what should be done. In this case, they may look at this thing and turn it down. We do not know. I am simply saying that we do not want to bring Lockheed back before the Congress recesses—for goodness sake, we have heard about enough.

Mr. STEVENS. May I ask a question right there: Why not? We do not know what the terms of the legislation, we do not know what the conditions of the loan will be. I do not see how we can pass special legislation under the guise of general legislation. The Senator is giving, no matter what he is saying, intentionally giving to Lockheed an exception under the terms of a general provision. That is the real problem.

If I were to vote on a strict Lockheed vote, I would want to know that I am voting on a strict Lockheed vote and not have to go home and tell my constituents that I voted on a Lockheed bill but that what Lockheed got was in a general bill, through the back-door approach.

Mr. GAMBRELL. The only question is whether we are going to guarantee the loan that the banks will be making.

Mr. STEVENS. There is nothing in the bill that says we are approving those conditions, that they have to go by those conditions. They can change them, and if they do, they do not have to come back here, if they do not accept the amendment.

Mr. BROCK. Mr. President, if the Senator from Georgia will yield, I do not argue the intent of his question on what he is trying to achieve, but I think the point I make is twofold. First, the thrust of my amendment which is incorporated in the bill to which the Senator is now addressing himself, was to require congressional review just for the purpose that the Senator from Alaska mentions. But I think the Senator would have to recognize, as the Senator from Wisconsin (Mr. PROXMIRE) has diligently pointed out a dozen times or more during the course of this debate, that most of the hearings were on Lockheed—6 weeks of them. We heard every witness that the Senator from Wisconsin wanted to call, at least those who said they would come because they were against the bill.

The hearings have been exhaustive on the subject. The loan contract was submitted to the committee. The details of the commitment were made fully within the awareness of the committee. So, when we bring the bill to the floor of the Senate, as the Senator from Georgia has pointed out, it is not in a totally generic sense but with the full knowledge that Lockheed will get the first loan. We think that it should be one of the sections in the bill, with its approval on a generic approach, with a 2-year life.

One such question I heard the Senator state was, how can we have that in the bill. Whatever that says in the bill, if we followed the terms and conditions that were before the committee, it was a loan brought before the committee.

Mr. STEVENS. As I read the bill, does it not say that the board is going to do that and that the board has the leeway and the discretion to change it and can do something different than they brought before the committee. Is that not correct?

Mr. BROCK. Mr. President, if the Senator from Georgia would yield, the bill is very carefully drawn to take into account the criteria voted by the committee. With Lockheed they had to get very specific criteria. And the criteria do not go for Lockheed. They are in the bill, but they go for all corporations.

The Senator's point on congressional review would be valid if we could vote this bill up or down on the floor on the first day that the Senate returned from its recess.

I would think in all candor this would be something that could get this bill moving. But that is not what the Senator from Illinois suggests at all. His amendment would put it into October at best. And that is a totally destructive amendment, in effect.

Mr. STEVENS. Mr. President, may I ask one other question?

Mr. GAMBRELL. Mr. President, is it the proposal of the Senator from Alaska that the bill could not be amended as the Senator from Illinois has suggested. But if the bill passes before the recess, after the recess the bill could be reviewed. Is that in effect the proposal?

Mr. STEVENS. Mr. President, my suggestion would be to take the amendment of the Senator from Illinois and state that the time that we are in recess does not run against the time we are in recess.

Mr. GAMBRELL. In other words, the Senator is offering an amendment to his amendment to eliminate the 20-day waiting period.

Mr. STEVENS. I make the suggestion. I see nothing wrong with his amendment in either event, as far as I am

concerned. But from the point of view of the Senator from Georgia, his argument is that he cannot stand that delay after we get back and start the 20 days running then. I do not see why it should not start running now.

Mr. GAMBRELL. We have no evidence that if it is not concluded by August 6, it is over with. As the Senator from Texas pointed out, the price of competing airplanes keeps going up and a lot of other things take place at that point. I would think that if the economic facts show we can wait until the 8th of September, we could probably wait until the 15th of October. I do not know. I am just going on the record that we had before us that the situation would not stand a delay. It is not as if there had not been a delay. The matter has been before the Senate for over 2 months. It has been all over the newspapers for 6 months. It is not something on which the Senate is not going to negotiate the terms of a loan. It is a question of whether Lockheed will be saved from bankruptcy.

Mr. WEICKER. Mr. President, will the Senator from Georgia yield so that I may ask a question?

Mr. GAMBRELL. I yield.

Mr. WEICKER. Mr. President, the Senator from Tennessee commented that it is the proponents of the bill that want to have their cake and eat it, too. Yet, is not this particular difficulty we are being confronted with here that it is the proponents who, in effect, have pushed out a Lockheed bill under a generic cloak. The proponents of the bill want to have their cake and eat it, too. I cannot understand the accusations of the proponents along that line.

The difficulty that the Senator from Alaska has and that I have is that the bill on the floor is a generic bill. The admission of the Senator from Georgia is that there are exceptions in it specifically for Lockheed. Therefore, it is not generic. It is Lockheed.

The Senator from Tennessee and the Senator from Georgia say that hearings were held and testimony was taken. Testimony was taken on Lockheed. Testimony was taken for Lockheed and not on generic legislation.

Mr. GAMBRELL. Mr. President, this is the mistaken impression that has been repeated and repeated. I would like to clear it up for the Senator now, because I was at almost every meeting that took place.

Mr. WEICKER. Other corporations were asked to come and testify.

Mr. GAMBRELL. There was plenty of testimony on generic bills, yes, and other corporations came and testified, the point being that we started off with a bill that would have been limited to Lockheed. The Senator is correct. If I recall correctly, the Senator from New York (Mr. JAVITS) came in and said he would support the bill if, along with it, came the generic bill. He said that this was a generic problem in our economy and that we ought to consider the broader situation. We were willing to go into that. We extended the testimony for 4 or 5 days in order to take testimony on four or five generic bills that we had in front of us. It is not correct to say that we never heard anything on a generic bill.

Mr. WEICKER. Would it be fair to say on the basis of the committee effort that what we have is both a generic bill and a Lockheed bill?

Mr. GAMBRELL. That is a lot fairer than what has been said.

Mr. STEVENS. Mr. President, would the Senator yield?

Mr. GAMBRELL. I yield.

Mr. STEVENS. Mr. President, I would think many of us would have supported a generic bill that included the whole bankrupt spectrum and not just major enterprises. I have an amendment in for small business enterprises. The Senator from South Dakota has an amendment in for the farmers also.

The problem we have with the bill is that having made the suggestion—and I believe many Senators have made suggestions, that we would support a generic bill—we find that we have a generic bill wrapped around a very specific bill which has very specific guidelines and protections for one company which will not have to live up to the general criteria.

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

Mr. GAMBRELL. Mr. President, I will yield to the Senator in a minute to respond to that. We have to deal with a time limitation. As the Senator will recall from the hearings and from the procedures before the Committee on Banking and Currency, the committee concerned itself from the first day that I attended to committee sessions, with small business, with housing business, with farmers, and with people engaged in small business. It is just not so. I hate to hear that the Senators have fallen into the trap of believing that the committee is not concerning itself with individuals and small business.

We have been talking with Dr. Burns ever since I was there about developing legislation to do just this thing for small business.

The Senator from South Dakota is not the first person to suggest legislation of that type. We had legislation suggested by the Senator from Wisconsin.

The Senator's bill is not the first bill that has been suggested. What we are talking about is the emergency that was precipitated by the Lockheed Corp. Anyone who reads the newspapers knows that Lockheed is the thing staring us right in the face.

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

Mr. GAMBRELL. I yield.

Mr. BROCK. Yes, it is a generic bill with provisions in it that would allow a loan to Lockheed.

I want to make it clear that this is a guarantee of a loan, and not a loan. That seems to creep into the question once in a while, but the point is that the criteria in the bill are the same criteria that are needed, that are committed—and it is a firm commitment—to the Lockheed Corp. by the banks and by the Treasury. So, those are the criteria.

Let me take it one step further. It is not only the Senator from Alaska who is suggesting the generic approach. It is the interference of Lockheed that brought us over to the generic approach.

This is not something that is unique and will happen only once in a lifetime.

We went to the generic approach because we felt the Lockheed situation demonstrates a need, a problem, that requires addressing the Congress of the United States.

We considered that. The fact of the matter is that the very problem that brought us to focus on this whole range of problems on the generic approach is now going to be at the stroke of a pen eliminated from consideration by those who cry for small business or small corporations.

I do not accept the Senator's argument on small or big corporations. People work for the corporations. People are all the same size. That is what concerns me. I think we ought to talk more about that than taking the easy route and slapping a political finger in the face of giant corporations or whomever they happen to be. As far as I am concerned, they are simple human beings who have wants and needs the same as the rest of us.

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

Mr. GAMBRELL. I yield.

Mr. STEVENS. Mr. President, I want to make one last comment. I am too tired to take umbrage at the remarks just made by the Senator, frankly, because I do not think anyone has claimed to be the primary author of anything around here.

I do believe that both Senators are missing the point. We have strikes all over the country—longshoremen strikes, railroad strikes. In my State, we have small businesses that have extended themselves to the end of their credit. If they do not get their supplies they will fail this summer. We have no mechanism for a post-crisis loan in the Government today. Here is a vehicle to help us solve that problem. With respect to those Senators who have a proprietary interest, we do not mind helping them solve their problems but we would like to get a solution to ours. I do not think we will get those problems solved if we just solve the problems of big business.

Mr. GAMBRELL. I did not mean to say anything to which the Senator would take umbrage. I have no objection to adding others that can be fitted into the framework of the bill. We are talking about whether to agree to the amendment of the Senator from Illinois and throw Lockheed out of the bill, when they brought it to the fore.

Mr. STEVENS. Precisely. We are asking for a bill to govern business, and it will pass.

Mr. BROCK. The chairman introduced generic legislation also. I simply question whether or not you want to do it in this particular bill, in this particular framework.

Mr. GAMBRELL. What concerns me is the fact that we are spending hours engaged in extended debate over this problem, which is just one of many, as

the Senator from Alaska pointed out. I would like to have a vote up or down on this matter and get on to the solution of the problems of small business. Ever since I came to Congress I have been asking Dr. Burns what we can do to help small business.

Mr. President, I yield the floor.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR AMENDMENT NO. 334 TO FOLLOW AMENDMENT NO. 317

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the pending amendment by the Senator from Illinois (Mr. STEVENSON), amendment No. 334 by the Senator from Indiana (Mr. BAYH) be made the pending question, insofar as the pending business is concerned.

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

Mr. BYRD of West Virginia. I yield.

Mr. PROXMIRE. The Senator from West Virginia is not removing the Stevenson amendment, is he?

Mr. BYRD of West Virginia. No.

Mr. PROXMIRE. The Senator means after we dispose of the Stevenson amendment the Bayh amendment will come up. Is that correct?

Mr. BYRD of West Virginia. Exactly.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business now be temporarily laid aside until the disposition of an unobjected-to item on the calendar.

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

EGG PRODUCTS INSPECTION ACT EXEMPTION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 277, H.R. 9020.

Mr. GRIFFIN. Mr. President, reserving the right to object——

Mr. BYRD of West Virginia. This matter has been cleared on both sides, I may say to the able Senator from Michigan.

Mr. GRIFFIN. I withdraw my objection.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 9020) to amend the Egg Products Inspection Act, to provide that certain plants which process egg products shall be exempt from such act for a certain period of time.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Mr. BYRD of West Virginia. Mr. President, at the request of the junior Senator from Alabama (Mr. ALLEN), I move that all after the enacting clause of H.R. 9020 be stricken, and that the text of S. 2072—which is also on the calendar—be substituted in lieu thereof, as reported by the Committee on Agriculture and Forestry with an amendment.

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

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

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

The bill (H.R. 9020) was read a third time and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-282), explaining the purposes of the measure.

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

This bill, with the committee amendment, would require the Secretary of Agriculture to exempt from specific provisions of the Egg Productions Inspection Act any plant located in the noncontiguous areas of the United States where, despite good faith efforts, the owner had been unable to bring the plant into full compliance with the act. Such exempted plants would, however, be subject to continuous inspection to assure that they are operated in a sanitary manner. No exemption could continue beyond December 31, 1971.

The act went into effect July 1. Plants located in Hawaii and Puerto Rico have been unable to obtain the equipment necessary to comply with the act, although they have diligently tried to do so. The committee understands that the needed equipment has been ordered, but delivery has not yet been effected.

The committee amendment is identical to the text of H.R. 9020, as passed by the House, except that it omits a requirement of the House bill that the exempted plant must comply with all provisions of the act not related to pasteurization of egg products. The Department of Agriculture advised the committee that other equipment besides pasteurization eqiupment has not been obtainable, and consequently, inclusion of this requirement would tend to defeat the purpose of the bill. There is no less reason for exempting a plant that has been unable to obtain other essential equipment than there is for exempting a plant that has been unable to obtain pasteurization equipment. The bill as introduced was restricted to cases where pasteurization equipment could not be obtained, and the Department proposed an amendment to broaden it to other cases where the plan had been unable to come into compliance. The committee amendment contains all of the substance of the Department's recommendation.

COST

The committee estimates that no costs would be incurred in carrying out the bill in the current fiscal year or any of the five succeeding fiscal years. The Department of Agriculture advises, as shown in its report that it would reduce costs in the current fiscal year by about $30,000, and the committee agrees with that estimate.

Mr. BYRD of West Virginia. Mr. President, I now ask unanimous consent that S. 2072, which is a companion bill on the calendar, be indefinitely postponed.

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

THE SUGAR ACT—MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, earlier today a time agreement was entered with respect to the so-called sugar quota bill, and that time agreement encompassed certain specified amendments, one of which may or may not be germane.

I ask unanimous consent that the amendments enumerated in the agreement shall be in order.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the last quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT FROM TUESDAY UNTIL WEDNESDAY AT 10:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 10:30 a.m. on Wednesday.

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

ORDER FOR 1 HOUR OF DEBATE UNDER RULE XXII TO COMMENCE AT 11 A.M. ON WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding the requirements of rule XXII dealing with cloture, the 1 hour which immediately precedes the mandatory quorum call under the rule not start running until 11 a.m. on Wednesday next.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the controlled time during that 1 hour on Wednesday be equally divided between the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) and the distinguished senior Senator from Texas (Mr. TOWER).

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

ORDER FOR ADJOURNMENT FROM WEDNESDAY UNTIL 9 A.M. ON THURSDAY, JULY 29

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Wednesday, it stand in adjournment until 9 a.m. on Thursday.

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 following the recognition of the two leaders under the standing order, the Senate will resume its consideration of the pending business, the so-called Lockheed bill, and the pending question will be the amendment offered by the distinguished Senator from Illinois (Mr. STEVENSON). Because the Senate will be reconvening following a recess, there will be no morning business. The Senate will resume consideration of the Stevenson amendment immediately following the standard recognition of the two leaders.

At such time as the Stevenson amendment is disposed of, the Senate will then proceed to the consideration of amendment No. 334 to S. 2308, proposed by the Senator from Indiana (Mr. BAYH).

At not later than 2 p.m. tomorrow—in other words, possibly before 2 p.m.—the Senate will temporarily lay aside the pending business, and will proceed to the consideration of Calendar Order No. 296, H.R. 8866—an act to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes.

A time limitation agreement has been entered into with respect to the so-called sugar quota bill, under which agreement there will be 1 hour to be equally divided on the bill; and there will be 30 minutes to be equally divided on amendments, with the exceptions, as to time, of the so-called South African amendment, on which there will be 3 hours, the so-called confiscation amendment, on which there will be 2 hours, and an amendment to be offered by the Senator from Arkansas (Mr. FULBRIGHT), on which there will be 1 hour.

It is anticipated, Mr. President, that there will be a number of rollcall votes tomorrow. There will be a vote, certainly, on the amendment offered by the Senator from Illinois (Mr. STEVENSON), when debate is completed thereon. There presently is no time limitation agreement with respect to debate on that amendment. Moreover, there will surely be rollcall votes on various amendments to the sugar quota bill.

It is anticipated that action will be completed on the sugar quota bill tomorrow, which would mean that the Senate would likely stay in session until a reasonably late hour. Undoubtedly there will be a rollcall vote on passage of the sugar quota bill.

A motion to invoke cloture on the pending business was entered today, and a rollcall vote on that motion will occur on Wednesday immediately following the mandatory quorum call, which means that the vote would occur at about 12:15 p.m. on Wednesday.

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 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 47 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, July 27, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 26, 1971:

U.S. DISTRICT COURTS

William Brevard Hand, of Alabama, to be a U.S. district judge for the southern district of Alabama, vice Daniel H. Thomas, retiring.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary apopintment to the grade of brigadier general:

William L. McCulloch	Robert L. Nichols
Robert W. Taylor	Clyde R. Mann
Adolph G. Schwenk	Albert C. Pommerenk
William H. Lanagan, Jr.	Herbert L. Wilkerson
	Manning T. Jannell
Francis W. Vaught	Ernest R. Reid, Jr.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 26, 1971:

DEPARTMENT OF DEFENSE

Frank P. Sanders, of Maryland, to be an Assistant Secretary of the Navy.

HOUSE OF REPRESENTATIVES—*Monday, July 26, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Fear not, for I am with thee: Be not dismayed, for I am Thy God. I will strengthen thee, yea I will help thee.
—Isaiah 41: 10.

Eternal Father of our spirits, at the altar of prayer we bow praying that we may receive wisdom for the facing of these hours, courage for the living of these days, and strength that in the fight to set men free we may not fail man nor Thee.

We are disturbed by the troubles of these times, worn out by many worries, disheartened by the difficulties which beset us, and tempted at times to give up wondering if the struggle is worthwhile. Now we bring our worries and our difficulties to Thee, not to run away from them, but praying for strength and courage that we may do our work with a new spirit and a new confidence because we know Thou art with us.

Bless our astronauts and grant them a safe journey to and from the moon. May their endeavor add to the sum of our human knowledge and benefit the whole human race.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1892. An act for the relief of Stephen C. Yednock;

H.R. 1907. An act for the relief of Arnold D. Smith;

H.R. 2110. An act for the relief of the estate of Julius L. Goeppinger;

H.R. 2246. An act for the relief of Charles C. Smith;

H.R. 3344. An act to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code;

H.R. 3753. An act for the relief of Sgt. Ernie D. Bethea, U.S. Marine Corps, retired;

H.R. 6217. An act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938; and

H.R. 7271. An act to authorize appropriations for the Commission on Civil Rights.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4263. An act to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order; and

H.R. 5208. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard.

The message also announced that the Senate had passed bills, joint and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 389. An act for the relief of Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender;

S. 733. An act to create an additional judicial district in the State of Louisiana, and for other purposes;

S. 1866. An act for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and DeWitt John;

S. 2317. An act to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965;

S.J. Res. 105. Joint resolution authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups";

S.J. Res. 132. Joint Resolution extending the duration of copyright protection in certain cases; and

S. Con. Res. 35. Concurrent resolution favoring the suspension of deportation of certain aliens.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
July 22, 1971.

The Honorable the SPEAKER,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:40 p.m. on Friday, July 23, 1971, said to contain a message from the President entitled "A Report on Rural Financial Assistance."

With kind regards, I am,
Sincerely,

W. PAT JENNING, *Clerk,*
By W. RAYMOND COLLEY.

FIRST ANNUAL REPORT ON FINANCIAL ASSISTANCE TO RURAL AREAS — MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–147)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Agriculture and ordered to be printed:

To the Congress of the United States:

I am transmitting today the first annual report on financial assistance to rural areas, as called for by Title 9 of the Agricultural Act of 1970.

The revitalization of rural America is one of the important objectives of my administration. For I am convinced that the growth which this Nation will inevitably experience in the coming decades will be *healthy* growth only if it is *balanced* growth—and this means growth which is distributed among both urban and rural areas. The recent trend of diminishing population and diminishing prosperity in many rural areas must be actively resisted. This report tells about some of the steps we have taken in this direction—and about some of the conclusions we have reached concerning future steps.

As the report points out, financial assistance is now available from public and private sources for agriculture, industrial development, housing, community development and other economic activities in rural areas. This document describes some of the things this administration is doing to correct deficiencies in these programs. It also provides detailed financial data for selected Federal programs for Fiscal Year 1970, most of them Federal direct and insured loan programs.

Perhaps the most important element of the report, however, is its conclusion that the most critical financial needs for achieving greater rural development are those of State and local governments. My General and Special Revenue Sharing proposals are geared to meet these needs. These proposals recognize both the steadily increasing demand for service being placed on State and local governments and the severe limitations on new and existing sources of revenue at these governmental levels.

These proposed revenue sharing funds could be used for specific services presently provided by State and local governments, or to finance new programs and services tailored to particular needs of States and localities, including rural development. One of my six Special Revenue Sharing programs, in fact, is earmarked specifically for Rural Community Development and it alone would provide a total of $1.1 billion annually for rural programs and services administered at the State and local levels. In addition, substantial portions of my revenue sharing proposals for transportation, education, urban community development, manpower training, and law enforcement assistance would directly benefit rural residents. And my General Revenue Sharing proposal would provide additional funds which could be used to augment various rural efforts.

I would emphasize that revenue sharing monies could be used not only to pay for direct governmental services but also to give credit assistance for accelerating the expansion of commercial and industrial development through locally sponsored institutions. Such institutions can be particularly useful in those specific areas where there are shortages of private investment capital, and where even the removal of existing barriers to the free movement of private capital may not entirely meet local needs.

I strongly believe that it would be better to establish a series of State and local special credit institutions than to create a nationwide federally sponsored community bank, since the former course places responsibility for decision making and action closer to the people who require assistance—and is more likely to produce decisions which are truly responsive to their needs.

This report also highlights the problems caused by the excessive proliferation and fragmentation of Federal assistance programs. Too often, the result has been an uncoordinated and piecemeal approach to rural development. Merely to increase the level of rural assistance without making basic reforms in the delivery systems will not enable us to solve the problems of rural communities.

This is why it is so important that my proposals for reorganizing the executive branch be enacted by the Congress. For only a thoroughgoing restructuring of the organizational framework can bring about a true consolidation and coordination of numerous Federal programs and with it the more effective and efficient delivery of Federal assistance. The proposed new Departments of Community Development and Economic Affairs would have particular responsibility in the rural development area.

As the report indicates, many families are presently excluded from eligibility for Federal credit assistance because of their low income. Traditional development programs can do little to give them the direct aid they need. This is another reason why I believe so strongly that my proposed family assistance program could have a major impact on the quality of life in rural America. Not only would it immediately help poor families raise their standard of living, but it would also enable many of them to take advantage of Federal credit assistance which is presently beyond their reach. Coupled with more effective delivery of federally assisted housing services, the family assistance plan would permit great strides in improving the quality of rural housing.

The problems of agricultural credit and farm debt are also taken up in this report. While the credit requirements of commercial farmers appear to have been adequately funded during the last 20 years—primarily by private lenders—the recent trend of increasing farm debt is likely to continue throughout this decade. Fortunately, the federally sponsored farm credit lending institutions—which are now entirely member-owned—have been playing an increasing role in meeting the credit needs of farmers. If private lenders and the Farm Credit System continue to expand their credit assistance at the same rate as during the 1960's, there should be adequate credit available to meet the needs of commercial agriculture during the 1970's.

For those farmers who are unable to qualify for credit from private lenders and the Farm Credit System, recently strengthened Federal credit programs administered by the Farmers Home Administration are available to meet additional needs. In my "Salute to Agriculture" speech this past May, I announced plans to increase the farm operating and farm ownership loan programs by $215 million over the level originally budgeted for 1972—an increase of nearly 50% in available loan funds. I pledge that my administration will continue to be responsive to the needs of those farmers who are unable to qualify for private credit. I also believe, however, that we should continue to rely primarily on private lenders to meet the general credit needs of commercial agriculture, and I would point to various measures which are recommended in this report for improving the flow of private credit to agricultural borrowers.

In addition to all of these decisions and recommendations, I have also supported enactment of legislation to create a Rural Telephone Bank which will soon be able to provide substantially increased credit assistance to small rural telephone companies and cooperatives. This will mean better telephone service for our rural citizens. I have recently sent to the Congress a budget amendment requesting $30 million for the initial purchase of capital stock in this Bank. My speech last May also announced increased lending for rural sewer and water projects in both 1971 (an additional $100 million)

and 1972 (an additional $111 million)—a nearly 60% increase over the level budgeted for the 1972 fiscal year.

I am confident that the actions already taken by this administration—in conjunction with the new programs which I have recommended to the Congress—can do a great deal to bring about the renewal of rural America. The achievement of this goal is essential if the growth we experience in the years ahead is to be for us not a curse but a blessing. All Americans have a high stake in the success of rural development.

RICHARD NIXON.

THE WHITE HOUSE, *July 23, 1971.*

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the public works and atomic energy appropriation bill for 1972.

Mr. RHODES reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CONFERENCE REPORT ON H.R. 9382, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1972

Mr. BOLAND submitted the following conference report and statement on 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:

CONFERENCE REPORT (H. REPT. No. 92–377)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 1, 6, 12, 14, 15, 16, 23, 24, 30, 32, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 8, 10, 11, 18, 20, 26, 28, 29, 33, 37, 38, 39, 40, and 44 and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$170,000,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$200,000,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,000,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert $3,250,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with amendment, as follows: In lieu of the matter proposed by said amendment insert "section 718 of the Housing and Urban Development Act of 1970 (84 Stat. 1799), and for special planning assistance grants as authorized by section 720 of the Housing and Urban Development Act of 1970 (84 Stat. 1800),"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,250,000,000;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: ": *Provided,* That no part of this appropriation may be used for financing a grant in excess of 50 per centum of the cost of any activity or project, except that grants made pursuant to section 706 of the Housing Act of 1961, as amended (84 Stat. 1783), may be made in an amount not to exceed 75 per centum."; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$45,000,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$8,250,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,096,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,522,700,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$52,700,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert "$13,000,000 for space shuttle main engine test facilities and $5,500,000 for space shuttle thermal protection facilities,"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"Not to exceed 2 per centum of any appropriation made available to the National Aeronautics and Space Administration by this Act may be transferred to any other such appropriation, but no transfers shall be made to the appropriation "Research and Program Management."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$24,225,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$619,000,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,307,700,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$68,707,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$62,500,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$8,123,500"; and the Senate agree to the same.

EDWARD P. BOLAND,
JOE L. EVINS,
GEORGE E. SHIPLEY,
ROBERT N. GIAIMO,
DAVID PRYOR,
J. EDWARD ROUSH,
GEORGE MAHON,
CHARLES R. JONAS,
JOSEPH M. MCDADE,
Managers on the Part of the House.
JOHN O. PASTORE,
WARREN G. MAGNUSON,
ALLEN J. ELLENDER,
JOHN STENNIS,
CLINTON P. ANDERSON,
GORDON ALLOTT,
MARGARET CHASE SMITH,
ROMAN L. HRUSKA,
MILTON R. YOUNG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I

Department of Housing and Urban Development

Amendment No. 1: Provides an increase of $55,000,000 in annual contract authority for the rent supplement program as proposed by the House, instead of $60,000,000 as proposed by the Senate.

Amendment No. 2: Provides an increase of $170,000,000 in annual contract authority for the homeownership assistance program (sec. 235), instead of $165,000,000 as proposed by the House and $200,000,000 as proposed by the Senate.

Amendment No. 3: Provides an increase of $200,000,000 in annual contract authority for the rental housing assistance program (sec. 236), instead of $165,000,000 as proposed by the House and $225,000,000 as proposed by the Senate. The managers agree that $35,000,000 of the amount provided should be used for housing for the elderly.

Amendment Nos. 4, 5 and 6: Amend the language for the low and moderate income sponsor fund to provide for both grants and loans under sections 106 (a) and (b) of the Housing and Urban Development Act of 1968, as amended, as proposed by the Senate, instead of loans as proposed by the House; appropriate $4,000,000 instead of $3,000,000 as proposed by the House and $5,000,000 as proposed by the Senate; and delete language proposed by the Senate to make the funds available until expended.

Amendment No. 7: Appropriate $3,250,000 for counseling services, instead of $3,000,000 as proposed by the House and $4,000,000 as proposed by the Senate.

Amendment No. 8: Appropriates $16,500,000 for salaries and expenses of housing management programs as proposed by the Senate, instead of $16,000,000 as proposed by the House.

Amendment Nos. 9, 10 and 11: Delete language proposed by the Senate, and the House language as proposed by the Senate, and in lieu of the Senate language insert perfecting language; and appropriate $10,000,000 for new community assistance grants as proposed by the Senate, instead of $5,000,000 as proposed by the House.

Amendment Nos. 12, 14, 15, and 16: Delete provisions proposed by the Senate to include language in the bill to authorize the transfer of funds to new programs in the event of enactment of special revenue sharing or other legislation superseding the Model cities, Urban renewal, Rehabilitation loan fund, and Grants for neighborhood facilities. If special revenue sharing or some other new program should be approved at an early date to supersede or replace these programs, the necessary funding can be considered at that time, including any request for an appropriate transfer of funds.

Amendment No. 13: Appropriates $1,250,000,000 for urban renewal programs, instead of $1,200,000,000 as proposed by the House and $1,500,000,000 as proposed by the Senate.

Amendment No. 17: Restores House language requiring that funds for open space land programs generally be used to finance not in excess of 50 percent of the cost of any activity or project, and adds language making an exception for grants made pursuant to section 706 of the Housing Act of 1961, as amended, where not to exceed 75 percent grants are authorized.

Amendment No. 18: Appropriates $22,750,000 for salaries and expenses, community development programs as proposed by the Senate, instead of $21,500,000 as proposed by the House.

Amendment No. 19: Appropriates $45,000,000 for research and technology, instead of $35,000,000 as proposed by the House and $50,000,000 as proposed by the Senate.

Amendment No. 20: Authorizes $3,771,000 for administrative expenses for research and technology as proposed by the Senate, instead of $2,950,000 as proposed by the House.

Amendment No. 21: Appropriates $8,250,000 for fair housing and equal opportunity, instead of $8,000,000 as proposed by the House and $8,500,000 as proposed by the Senate.

Amendment No. 22: Appropriates $16,096,000 for administration and staff services, instead of $15,846,000 as proposed by the House and $16,346,000 as proposed by the Senate.

Amendment No. 23: Deletes the item proposed by the Senate for a $250,000 contribution to the National Homeownership Foundation.

TITLE II

Space, science, veterans and certain other independent agencies

Office of Science and Technology

Amendment No. 24: Appropriates $2,300,000 for salaries and expenses, instead of $2,330,000 as proposed by the Senate. The sum provided includes necessary funds for the responsibilities that formerly were performed by the National Marine Science Council.

National Aeronautics and Space Administration

Amendment No. 25: Appropriates $2,522,700,000 for research and development, instead of $2,517,700,000 as proposed by the House and $2,541,700,000 as proposed by the Senate.

Amendment No. 26: Earmarks $39,000,000 for the NERVA program as proposed by the Senate.

Amendment No. 27: Appropriates $52,700,000 for construction of facilities, instead of $33,800,000 as proposed by the House and $56,300,000 as proposed by the Senate.

Amendment No. 28: Authorizes $7,900,000 for rehabilitation and modification of facilities as proposed by the Senate, instead of $7,500,000 as proposed by the House.

Amendment No. 29: Deletes the word "and" as proposed by the Senate.

Amendment No. 30: Deletes the $2,100,000 proposed by the Senate for the expansion of the Visitor's Information Center at the Kennedy Space Center.

Amendment No. 31: Provides that $13,000,000 be authorized for space shuttle main engine test facilities and $5,500,000 for space shuttle thermal protection facilities, instead of $20,000,000 for space shuttle facilities, as proposed by the Senate.

Amendment No. 32: Provides that construction of facilities funds shall remain available through June 30, 1974, as proposed by the House, instead of until expended as proposed by the Senate.

Amendment No. 33: Appropriates $722,635,000 for research and program management as proposed by the Senate, instead of $720,000,000 as proposed by the House.

Amendment No. 34: Authorizes transfers not to exceed two percent between the appropriations of the National Aeronautics and Space Administration, but no transfers shall be made to the appropriation Research and Program Management, instead of five percent transfer authority between appropriations as proposed by the Senate.

National Science Foundation

Amendment No. 35: Authorizes $24,225,000 for expenses of program development and management, instead of $23,000,000 as proposed by the House and $25,450,000 as proposed by the Senate.

Amendment No. 36: Appropriates $619,000,000 for the National Science Foundation, instead of $582,000,000 as proposed by the House and $645,150,000 as proposed by the Senate. The House bill provided at least $40,000,000 to assume support of basic research projects dropped by other departments and agencies. The managers are of the opinion that an increased amount over and above the sum recommended by the House should be provided as the result of conference action.

Amendments Nos. 37 and 38: Earmark $26,800,000 for summer institutes and other programs of training for secondary school science and mathematics teachers as proposed by the Senate, instead of $23,300,000 for the summer institutes program as proposed by the House.

Amendment No. 39: Earmarks not less than $28,800,000 for institutional support of science as proposed by the Senate.

Amendment No. 40: Earmarks not less than $99,300,000 for science education support as proposed by the Senate.

Amendment No. 41: Deletes language proposed by the Senate to make funds for scientific activities financed with special foreign currencies available until expended.

Veterans Administration

Amendment No. 42: Appropriates $2,307,700,000 for medical care, instead of $2,244,700,000 as proposed by the House and $2,333,700,000 as proposed by the Senate. The Managers agree that both objectives, the minimum of 97,500 operating beds and the average daily patient load of 85,500, must be met and funds are to be apportioned accordingly.

Amendment No. 43: Appropriates $68,707,000 for medical and prosthetic research, instead of $64,707,000 as proposed by the House and $72,707,000 as proposed by the Senate.

Amendment No. 44: Appropriates $93,418,000 for construction of hospital and domiciliary facilities as proposed by the Senate, instead of $90,418,000 as proposed by the House.

TITLE III

Corporations

Federal Home Loan Bank Board

Amendment No. 45: Appropriates $62,500,000 for interest adjustment payments, instead of $40,000,000 as proposed by the House and $85,000,000 as proposed by the Senate.

Amendment No. 46: Authorizes $8,123,500 for Administrative expenses, instead of $8,000,000 as proposed by the House and $8,247,000 as proposed by the Senate.

Conference total—with comparisons

The total new budget (obligational) authority for the fiscal year 1972 recommended by the committee of conference, with comparisons to the fiscal year 1971 amount, to the 1972 budget estimate, and to the House and Senate bills for 1972 follows:

	Amounts
New budget (obligational) authority, fiscal year 1971	$16,996,888,000
Budget estimates of new (obligational) authority (as amended), fiscal year 1972	17,457,017,000
House bill, fiscal year 1972	18,115,203,000
Senate bill, fiscal year 1972	18,698,518,000
Conference agreement, fiscal year 1972	18,339,738,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1971	+1,342,850,000
Budget estimate of new budget (obligational) authority (as amended), fiscal year 1972	[1] +882,721,000
House bill, fiscal year 1972	+224,535,000
Senate bill, fiscal year 1972	−358,780,000

[1] Taking into account $850,000,000 in the budget as a proposed supplemental for special revenue sharing, or ½ year funding in certain housing and urban development programs, the bill is $32,721,000 over the budget estimates.

EDWARD P. BOLAND,
JOE L. EVINS,
GEORGE E. SHIPLEY,
ROBERT N. GIAIMO,
DAVID PRYOR,
J. EDWARD ROUSH,
GEORGE MAHON,
CHARLES R. JONAS,
JOSEPH M. McDADE,
Managers on the Part of the House.
JOHN O. PASTORE,
WARREN G. MAGNUSON,
ALLEN J. ELLENDER,
JOHN STENNIS,
CLINTON P. ANDERSON,
GORDON ALLOTT,
MARGARET CHASE SMITH,
ROMAN L. HRUSKA,
MILTON R. YOUNG,
Managers on the Part of the Senate.

PERMISSION TO FILE A CONFERENCE REPORT ON H.R. 9667, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. BOLAND. Mr. Speaker, on behalf of the gentleman from California (Mr. McFALL) I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 9667) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 92-382)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9667) "making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 20, 32, 36, 37, 38, 41, 42, 43, 45, 46, 47, and 48.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 7, 9, 10, 11, 13, 18, and 19; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$21,592,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$26,000,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$14,500,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,129,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$93,037,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$15,087,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,662,093,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$69,337,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$25,750,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,205,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$10,350,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,631,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$65,000,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$62,000,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: Omit the matter stricken by said amendment and delete the matter proposed by said amendment; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$40,000,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"SEC. 305. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $80,000,000 in fiscal year 1972 for 'State and Community Highway Safety' and 'Highway Related Safety Grants'."

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$900,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 5, 6, 14, 22, 23, 24, 30, 31, and 49.

JOHN J. McFALL,
EDWARD P. BOLAND,
SIDNEY R. YATES,
TOM STEED,
GEORGE MAHON,
SILVIO O. CONTE,
WILLIAM E. MINSHALL,
JACK EDWARDS,
FRANK T. BOW,
Managers on the Part of the House.
ROBERT C. BYRD,
JOHN STENNIS,
WARREN G. MAGNUSON,
JOHN O. PASTORE,
ALAN BIBLE,
ALLEN J. ELLENDER,
CLIFFORD P. CHASE,
MARGARET CHASE SMITH,
GORDON ALLOTT,
MILTON R. YOUNG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9667) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Amendment No. 1: Appropriates $21,592,000 for salaries and expenses instead of $21,342,000 as proposed by the House and $22,342,000 as proposed by the Senate.

The conference agreement includes 15 positions in addition to those provided by the House. The managers are in agreement, however, that none of these positions shall be allocated to the office of consumer affairs or to the regional representative program.

Amendment No. 2: Appropriates $26,000,000 for transportation planning, research, and development instead of $24,000,000 as proposed by the House and $31,100,000 as proposed by the Senate.

The amount recommended includes the full $4,755,000 requested for upper atmosphere climatic impact assessment research.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with with an amendment to appropriate $750,000

for grants-in-aid for natural gas pipeline safety instead of $500,000 as proposed by the House and $1,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 4: Appropriates $1,760,000 for consolidation of departmental headquarters as proposed by the Senate instead of $1,500,000 as proposed by the House.

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate an amendment which reads as follows:

"CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT TERMINATION

"For payment of the airlines contribution toward the development of the Civil Supersonic Aircraft, $58,500,000, to remain available until expended."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Coast Guard

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $97,682,000 for acquisition, construction, and improvements instead of $96,682,000 as proposed by the House and $101,682,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 7: Appropriates $9,750,000 for alteration of bridges as proposed by the Senate instead of $7,150,000 as proposed by the House.

Amendment No. 8: Appropriates $14,500,000 for research, development, test, and evaluation instead of $14,000,000 as proposed by the House and $15,500,000 as proposed by the Senate.

Federal Aviation Administration

Amendment No. 9: Inserts language as proposed by the Senate making the funds appropriated for facilities and equipment (Airport and Airway Trust Fund) available for engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant.

Amendment No. 10: Appropriates $301,809,300 for facilities and equipment (Airport and Airway Trust Fund) as proposed by the Senate instead of $252,009,300 as proposed by the House.

The managers are concerned over the delay in the implementation of this program with the prior year appropriations. Such delays result in unnecessarily large unobligated balances which the managers feel can be avoided by proceeding more rapidly in implementing the program.

Amendment No. 11: Deletes the language "research, development, and service testing" and inserts in lieu thereof "research and development" as proposed by the Senate.

Amendment No. 12: Appropriates $63,360,700 for research and development (Airport and Airway Trust Fund) as proposed by the House instead of $73,360,700 as proposed by the Senate.

Amendment No. 13: Deletes the language "research, development, and service testing" and inserts in lieu thereof "research and development" as proposed by the Senate.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $580,744,000 for Federal payment to the airport and airway trust fund instead of $530,944,000 as proposed by the House and $750,744,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The additional $49,800,000 provided over the House relates to the additional amount provided for facilities and equipment (Airport and Airway Trust Fund). Under the conference agreement there will be an estimated unappropriated balance in the trust fund of $248,000,000 as of July 1, 1972. The managers agree that the unappropriated balance in the trust fund as of July 1, 1972, shall be available solely to liquidate obligations incurred for airport development grants subsequent to June 30, 1972.

Federal Highway Administration

Amendment No. 15: Appropriates $7,129,000 for salaries and expenses instead of $7,110,000 as proposed by the House and $7,159,000 as proposed by the Senate.

Amendment No. 16: Provides transfer of $93,037,000 from the appropriation for "Federal-aid highways (trust fund)" instead of $92,337,000 as proposed by the House and $93,326,000 as proposed by the Senate.

Amendment No. 17: Earmarks not to exceed $15,087,000 of amount provided for salaries and expenses to remain available until expended instead of $14,855,000 as proposed by the House and $15,320,000 as proposed by the Senate.

Amendment No. 18: Appropriates $10,000,000 for rail crossings-demonstration projects as proposed by the Senate instead of $4,000,000 as proposed by the House.

Amendment No. 19: Provides that $3,000,000 of the amount appropriated for rail crossings-demonstration projects is to be derived from the Highway Trust Fund as proposed by the Senate instead of $1,000,000 as proposed by the House.

Amendment No. 20: Appropriates $15,000,000 for the Darien Gap Highway as proposed by the House instead of $20,000,000 as proposed by the Senate.

Amendment No. 21: Appropriates $4,662,093,000 for Federal-aid-highways (trust fund) instead of $4,661,393,000 as proposed by the House and $4,662,382,000 as proposed by the Senate.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment that provides that appropriations from the Highway Trust Fund for forest highways are authorized for liquidation of obligations incurred against balances of the sums authorized for prior years and remaining unobligated at July 1, 1971.

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment that provides that appropriations from the Highway Trust Fund for public lands highways are authorized for liquidation of obligations incurrred against balances of the sums authorized for prior years and remaining unobligated at July 1, 1971.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to apppropriate $2,500,000 for Baltimore-Washington Parkway (trust fund).

National Highway Traffic Safety Administration

Amendment No. 25: Apppropriates $69,337,000 for traffic and highway safety instead of $62,837,000 as proposed by the House and $75,837,000 as proposed by the Senate. The managers are in agreement that the eleven additional projects proposed are to be evenly divided.

Amendment No. 26: Provides that $25,750,000 of the amount apppropriated for traffic and highway safety is to be derived from the Highway Trust Fund instead of $22,000,000 as proposed by the House and $29,500,000 as proposed by the Senate.

Federal Railroad Administration

Amendment No. 27: Appropriates $2,205,000 for office of the administrator, salaries and expenses, instead of $1,943,000 as proposed by the House and $2,468,000 as proposed by the Senate.

Amendment No. 28: Apppropriates $10,350,000 for railroad research instead of $7,000,000 as proposed by the House and $13,700,000 as proposed by the Senate.

Amendment No. 29: Appropriates $5,631,000 for bureau of railroad safety instead of $5,481,000 as proposed by the House and $5,781,000 as proposed by the Senate.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $25,000,000 for high-speed ground transportation research and development instead of $29,077,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

No part of the reduction is to be applied to the Washington-New York and New York-Boston demonstrations or to the $3,000,000 requested for the high-speed ground test center.

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which provides that not to exceed $1,000,000 of the Alaska Railroad Revolving Fund shall be available for use in construction and engineering work on an extension of the Alaska Railroad from Fairbanks, Alaska, to the International Airport located near that city. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Urban Mass Transportation Administration

Amendment No. 32: Appropriates $6,300,000 for administrative expenses as proposed by the House instead of $7,149,000 as proposed by the Senate.

The managers are in agreement that none of the additional personnel employed shall be assigned to field stations outside of UMTA headquarters except to supervise and implement on-going projects.

Amendment No. 33: Appropriates $65,000,000 for research, development, and demonstrations and university research and training instead of $52,000,000 as proposed by the House and $78,000,000 as proposed by the Senate.

Amendment No. 34: Earmarks $62,000,000 of the amount appropriated for research, development, and demonstrations and university research and training for research, development, and demonstrations instead of $49,000,000 as proposed by the House and $75,000,000 as proposed by the Senate.

Amendment No. 35: Deletes language proposed by the House to earmark $3,000,000 for research, development, and demonstrations related to subway safety and language proposed by the Senate to earmark $40,000,000 for research and demonstrations on bus, commuter rail, rail rapid transit and light rail research.

TITLE II—RELATED AGENCIES

Interstate Commerce Commission

Amendment No. 36: Appropriates $30,640,000 for salaries and expenses as proposed by the House instead of $28,940,000 as proposed by the Senate.

TITLE III—GENERAL PROVISIONS

Amendment No. 37: Restores House provision limiting commitments for grants-in-aid for airport development to $280,000,000.

Amendment No. 38: Restores section number as proposed by the House.

Amendment No. 39: Limits obligations for Highway beautification to $40,000,000 instead of $30,000,000 as proposed by the House and $50,000,000 as proposed by the Senate.

Amendment No. 40: Restores House provision and limits obligations for State and community highway safety and Highway related safety grants to $80,000,000 instead of $75,000,000 as proposed by the House.

Amendment No. 41: Restores House provision limiting obligations for forest highways to $20,000,000.

Amendment No. 42: Restores House provision limiting obligations for public lands highways to $10,000,000.

Amendment No. 43: Restores section number as proposed by the House.

Amendment No. 44: Limits commitments for grants for urban mass transportation to $900,000,000 instead of $800,000,000 as proposed by the House and $1,000,000,000 as proposed by the Senate.

Amendment Nos. 45, 46, 47, and 48: Restore section numbers as proposed by the House.

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to conform the section number. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1972 recommended by the committee of conference, with comparisons to the fiscal year 1971 amount, the 1972 budget estimate, and the House and Senate bills follows:

	Amounts
New budget (obligational) authority, fiscal year 1971	$2,984,620,605
Budget estimates of new (obligational) authority, fiscal year 1972 (as amended)	[1] 2,860,327,997
House bill, fiscal year 1972	[1] 2,733,369,997
Senate bill, fiscal year 1972	[1] 2,958,929,997
Conference agreement	[1] 2,905,310,997
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1971	−79,309,608
Budget estimates of new (obligational) authority (as amended), fiscal year 1972	+$44,983,000
House bill, fiscal year 1972	+171,941,000
Senate bill, fiscal year 1972	−53,619,000

[1] Includes $174,321,000 advance FY 1973 appropriation for Washington Metropolitan Area Transit Authority.

JOHN J. MCFALL,
EDWARD P. BOLAND,
SIDNEY R. YATES,
TOM STEED,
GEORGE MAHON,
SILVIO O. CONTE,
WILLIAM E. MINSHALL,
JACK EDWARDS,
FRANK T. BOW,
Managers on the Part of the House.

ROBERT C. BYRD,
JOHN STENNIS,
WARREN G. MAGNUSON,
JOHN O. PASTORE,
ALAN BIBLE,
ALLEN J. ELLENDER,
CLIFFORD P. CASE,
MARGARET CHASE SMITH,
GORDON ALLOTT,
MILTON R. YOUNG,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO FILE A REPORT ON H.R. 9910, TO AMEND THE FOREIGN ASSISTANCE ACT OF 1961

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until midnight tonight to file a report on the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DISTRICT OF COLUMBIA REPRESENTATION

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GUDE. Mr. Speaker, I want to commend Congressman CELLER'S Judiciary Subcommittee on its hearing last week regarding District representation.

This has had more implications than we generally recognize. The United States is not only responsible for the disenfranchisement of 850,000 District residents but, indirectly, of millions of people in the capital cities of Latin American countries that have modeled their governments in varying degrees after ours in the United States. Unfortunately in these newer nations our unwise disenfranchisement of the residents of our Capital has been imitated. However, there are already strong drives in several of these capital cities such as Brazilia which has recently replaced Rio as the capital of Brazil. I am hopeful that they will succeed just as I am hopeful that our long drive will be a success in this Congress.

Nearly all the other capital cities in the free world that are older than Washington, D.C., are represented in their national assemblies. And all the English- and French-speaking countries of Africa have national representatives from the capital. In some cases the capital is part of a province or a state but it does have representation. In the Middle East, Turkey and Afghanistan are excellent examples where the capitals have representation. In Korea, Seoul is the 10th province and gets legislative representation. Other examples for Asia include Japan, Thailand, and Malaysia. The list could go on and on and with regard to Europe let me include Stockholm, Sweden; Vienna, Austria; Paris, France; Rome, Italy; and, of course, London, England whose form of government our Founding Fathers built and developed ours on, with this exception.

PASSING OF W. C. "BILL" JARNAGIN

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, each of us in this body represents a district in which resides one or more outstanding members of the fourth estate. Thus I am not today claiming for northwest Iowa any singular distinction not occasionally shared by other areas of this great country. But I do regret to report that over the past weekend I have learned of the death of one of the finest practitioners of the journalistic art who has graced my State. W. C. "Bill" Jarnagin spent more than half a century in publishing and editing newspapers, most of that time as the head man of the Storm Lake, Iowa, Pilot Tribune. He was a kindly man and generous. But he was also perceptive in his observation of human behavior, and his five decades of the columns depicting the scene, local or national, were always carefully read and appreciated. His peers in Iowa recognized him with frequent tributes. He was chosen Master Publisher. When he sold the Pilot Tribune last year he was honored with one of the grandest parties his community ever staged. He continued to write his column until his recent illness foreclosed even that labor of love.

I did not want the passing of this noble gentleman to go without notice in this House, whose activities Bill used to watch so closely.

AUTHORIZING INVESTIGATION AND STUDY BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 538 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 538

Resolved, That effective January 3, 1971, the Committee on Veterans' Affairs, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction as set forth in clause 20 of rule XI of the Rules of the House of Representatives. However, the committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 2. (a) For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act subject to clause 31 of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or member. The chairman of the committee, or any member designated by him, may administer oaths to any witness.

(b) However, the committee is authorized to send not more than—

(1) ten majority members and eight minority members of such committee and three

majority staff assistants and two minority staff assistants to the Republic of the Philippines, Japan, and Southeast Asia for the purpose of conducting an investigation and study of subjects properly coming within the jurisdiction of the committee in the Republic of the Philippines and in the case of American veterans and servicemen in Japan and Southeast Asia; and

(2) six majority members and five minority members of such committee and three majority staff assistants and two minority staff assistants to Western Europe of the purpose of conducting an investigation and study of subjects properly coming within the jurisdiction of the committee in the case of American veterans and servicemen in Western Europe.

(c) In addition, the committee or any subcommittee thereof is authorized to sit and act during the present Congress at such times and places within and without the United States, for the purpose of conducting an investigation and study of the establishment, operation, and maintenance of cemeteries and of veterans' benefit programs properly coming within the jurisdiction of such committee.

(d) Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee shall submit to the House, not later than January 2, 1973, a report on the activities of that committee during the Congress ending at noon on January 3, 1973.

SEC. 3. (a) Funds authorized are for expenses incurred in the committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee on Veterans' Affairs of the House of Representatives and employees engaged in carrying out their official duties for the purposes of carrying out the committee's authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(b) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.

With the following committee amendment:

On page 1, line 1, strike all after the word *"Resolved,"* through the word "currencies:" on page 4, line 5, and insert in lieu thereof the following:

"That notwithstanding the provisions of House Resolution 20, Ninety-second Congress, the Committee on Veterans' Affairs, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction regarding:

"(1) Medical facilities, hospitals, counseling programs and veterans' benefits for American veterans and servicemen in the Philippines, Japan, South Korea, Cambodia, Laos, and South Vietnam;

"(2) Present counseling programs, the quality of medical care, and the operation of education, pension and other programs for American veterans and servicemen in the United Kingdom, West Germany, the Netherlands, Luxembourg, France, Spain, Italy and Greece.

"For the purposes of carrying out each of the two investigations studies and inquiries enumerated above, the committee is authorized to send not more than eleven members (six majority and five minority) and three staff assistants to those countries within which such investigation, study or inquiry is authorized to be conducted.

"Notwithstanding the provisions of House Resolution 20, Ninety-second Congress, local currencies owned by the United States shall be made available to the members of the Committee on Veterans' Affairs of the House of Representatives and employees engaged in carrying out their official duties for the purpose of carrying out the authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:".

The SPEAKER. The gentleman from Mississippi (Mr. COLMER) is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the minority side, to the very able and distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, this is a travel resolution from the Veterans' Affairs Committee. I think it should be said in fairness that this is the second resolution from that committee for travel. I also would like to say in all fairness that of all the resolutions for travel which have come before our committee during this session, this one appeals to me personally more than any of the other resolutions.

I am sure those Members who read the papers, look at TV, and listen to radio, are very familiar with the question of the drug traffic just now and the effect it is having on our boys in Vietnam and on the boys who are coming back home, so many of them, having become addicts as the result of taking heroin and other drugs.

The able and distinguished gentleman from Texas (Mr. TEAGUE) the chairman of the committee—and I would like to observe he is a very able and fair chairman and one of good judgment—has become very much concerned about this problem and he has talked to me personally about this resolution on several occasions. I think it comes as no secret that as one of the humble members of the Rules Committee, I do not look with a great deal of favor upon so many of these travel resolutions, but I repeat, Mr. Speaker, I think this is one which is justified.

The original resolution, as introduced, provided for 18 members to travel on each of two study missions. The Committee on Rules cut that down to 11 members and at the same time cut the staff from five down to three. The resolution provides for travel to both Europe and Asia, Of course, the Veterans' Affairs Committee has jurisdiction over many cemeteries abroad and various other programs affecting our veterans.

So, Mr. Speaker, without making any extended remarks, I should just like to repeat that the drug problem particularly is one of major importance. We just cannot overemphasize, as I see it, the necessity of preventing the further spread of this cancer, as well as encouraging the rehabilitation of these unfortunate young men who have become the victims of the drug traffic.

As I say, while we approached this with some caution in the Rules Committee, as we do all these travel resolutions, I believe this one is justified.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I am happy to yield to my able and distinguished friend the gentleman from Iowa.

Mr. GROSS. I thank my friend from Mississippi for yielding to me.

After all is said and done, it will give some 22 members of this particular committee a trip around the world in two bites, if one can describe it that way. They will at least make it around the world—in 80 days?

What intrigues me more than anything else about this resolution is the stopover in Luxembourg. I was not aware that we had any troops stationed in Luxembourg. It is undoubtedly a nice place to visit.

France is also listed. Our troops were thrown out of France some time ago. Perhaps the committee members are going over to France to see if they can find the use to which that Army or Air Force hospital has been put—the hospital which was built and never used by our forces.

While we are all cognizant of the drug problem as it affects servicemen around the world, I am sure every committee in the Congress, if they can hang their hats on the drug problem, will be sending members overseas to investigate it.

I say again that I am intrigued by the fact that the committee is going to Luxembourg and France, where I do not believe we have a military presence.

Mr. DORN. Mr. Speaker, will the distinguished chairman of the Rules Committee yield to me?

Mr. COLMER. If my friend from Iowa has finished. I shall be happy to yield to the very able and very interesting gentleman from the great State of South Carolina who is very much interested in

the cause of the veterans of this country.

Mr. DORN. I thank the gentleman for yielding, and I welcome this opportunity of replying to my distinguished and able colleague from Iowa.

Of course we have something to do in Luxembourg. I might say in the beginning, this resolution does not provide for 20 members. As the distinguished chairman of the committee pointed out, it was cut to 11, six on this side of the aisle and five on the other side of the aisle, with three staff members.

The gentleman will recall that this resolution originally started out to call for looking into the cemetery situation which, as the gentleman so well knows, has been placed under the Veterans' Administration. We have 21 cemeteries in western Europe; including 11 in France and one in Luxembourg.

We also have drug problems in Europe among the armed services. We have a counseling service in the Veterans' Administration. This resolution provides not only for looking into the cemetery situation but the drug problem in the Far East and in Europe and the GI education benefits. Men serving in the military are now eligible for these benefits. So we not only have a dual job but a more than triple job in going into western Europe to look into this situation. We do not have enough men participating in the GI bill in Germany, for instance. We would like to know why. We are sending out these checks at the rate of $10 million a month. This is the taxpayers' money, and it is going to 81,000 men and women in the Philippines alone. I have a breakdown of the various countries in Europe. Twenty-one thousand men, principally in Italy, Greece, England, France, et cetera, are receiving these checks. We think a trip of this nature is certainly worthwhile and this Congress is entitled to know how this $10 million a month is being spent. I do not know of a resolution that is more timely or more worthwhile than the one that the House is considering today.

Mr. GROSS. If the gentleman will yield, could not two members find out just as much about the situation in the Philippines, Laos, Vietnam, and elsewhere as 10 or 11 members?

Mr. DORN. I must very frankly and candidly say to my colleague I do not think so. We have to go into Vietnam and quite often you have to split up in South Korea, Japan, the Philippines, and South Vietnam. I do not see how two men could possibly do this job. Suppose both of them became ill or something of that nature. You would not have much of an investigating committee if you did not have a sufficient number of members.

Mr. GROSS. Evidently the Committee on Rules thought that a fewer number could do the job, because they cut it from some 20 to 11. That helps to some extent.

I do not intend to oppose this resolution to the extent that I would force a vote on it.

Mr. DORN. I say that I am standing here to agree with what the distinguished members of the Committee on Rules did.

Mr. GROSS. Then, someone made a mistake when they presented the resolution: Is there not a Commission on Cemeteries?

Let me ask the gentleman this question: Is there not a Commission on Cemeteries?

Mr. DORN. Perhaps. But this is rather a new jurisdiction on the part of the Committee on Veterans' Affairs.

Mr. GROSS. I thought for years we have had a commission that was presidentially appointed.

Mr. DORN. Whether we have a commission or not, the legislative oversight jurisdiction has been placed by the Congress specifically in the Committee on Veterans' Affairs.

Mr. GROSS. I see. Congress creates a commission and then it has to send Members around to check up on what the commission is doing. Is that right?

Mr. DORN. I know what my distinguished colleague is interested in.

Mr. GROSS. No, I am not interested in taking a trip.

Mr. DORN. It is to save the taxpayers money. I agree with him, and I think this type of investigation can save money and certainly see that this Congress is made aware of the situation in South Vietnam and Korea and Japan, such as the bill that we passed a few days ago about drug abuse.

Mr. GROSS. The gentleman has not asked for my personal opinion on this, but I will give it to him, anyway. That will be the day when a bunch of junketeers saves any money for the Federal Government.

I thank the gentleman for yielding.

Mr. DORN. I will say to my great colleague I know this, and I hope the gentleman will correct his remarks in the RECORD—this is not a junket. This is a working schedule that has been arranged for the time when the gentleman from Iowa will be perhaps on recess back among the tall corn. This committee will be looking into a problem which is very, very dangerous.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Speaker, I rise to concur in the statements which have been made by the distinguished gentleman from South Carolina (Mr. DORN), for absent the ability of the members of the Committee on Veterans' Affairs to travel and investigate the conditions which exist in our veterans' hospitals, they would not have been able to come up into my area nor would they have been able to go to so many others which involves veterans and veterans' care. The conditions which exist would not have to come to light, at least in my district, as to the very deplorable conditions which existed at the Kingsbridge Veterans Hospital. It was in response to the visit of the chairman and his committee that there was some response, and at present the committee is considering a bill to construct a new hospital there.

Mr. Speaker, the very least we owe the veterans is the very maximum of care and attention. It is important not simply in my district but throughout the Nation. The committee can learn, as a result of the experiences that other countries have had in the treatment of their veterans and, perhaps, put this knowledge to good use in the care and treatment of our own veterans.

Mr. Speaker, this could hardly be characterized as a junket in that type of situation. In my judgment it is a sacrifice on the part of the members of the committee to travel abroad to study this situation in order to make the Members of the Congress and their constituents aware of the problem which exists.

Therefore, Mr. Speaker, I rise in support of this resolution.

Mr. DORN. I want to say that this House is well aware of the fact that our distinguished chairman "Tiger" TEAGUE would not advocate any junket in any form. This will be a hard-working, difficult schedule in order to cover a situation that needs to be cared for.

I might say that it was my privilege many years ago to go around the world with the Committee on Government Operations, a subcommittee headed by our late colleague, Herbert Bonner, looking into the surplus problem and as a result of that trip we were able to save the taxpayers of this country over $300 million.

I believe on this occasion we will gather information that is pertinent and necessary to the deliberations of this body and the other body.

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. DORN. I yield to my distinguished friend and able colleague, the Delegate from the District of Columbia.

Mr. FAUNTROY. I thank the gentleman for yielding.

I, of course, am in no position to judge the validity or the merits of this trip, but even if I were, I would not have a vote on the floor of the House and I think, perhaps, the gentleman ought to help me do something about that. However, as a late arrival in this body, I wonder if the gentleman would explain to me and to those who are interested what is the cemetery problem?

Mr. DORN. There are quite a few areas around the world where a lot of our men have served with great honor and distinction and many of whom made the supreme sacrifice and are buried overseas. Of course, there is a maintenance problem involved with reference to the cemeteries. I know that the Members of this House and the people of the country want those cemeteries maintained in the very best condition. This is why the committee wanted to check on that situation.

As the gentleman knows, we now have a problem at Arlington National Cemetery as well as a problem throughout the United States in finding room for the final resting place for our servicemen, some of whom have paid the supreme sacrifice and all of whom served at great sacrifice. I cannot think of a situation which is more worthy of consideration

than to see that there is a final resting place for those who wore the uniform of our country and to see that that final resting place is maintained as it should be.

Mr. FAUNTROY. Mr. Speaker, if the gentleman will yield further. I want to assure the distinguished gentleman from South Carolina in light of the gentleman's explanation that if I had a vote I would probably vote for this legislation and I hope the gentleman will help me get that vote the next time around and the gentleman will have my support.

Mr. DORN. I am sure that my colleague from the District of Columbia is aware of the problem which exists at the present time in the Arlington National Cemetery which is located right across the river, close to his home, the area which the gentleman represents.

I want to commend my distinguished colleague and say again that I regret the fact that the able chairman of our committee, the gentleman from Texas (Mr. TEAGUE), could not be with us at this time.

Mr. Speaker, I have the distinct impression that Members generally are not fully aware of the extensive overseas responsibilities and scope of operations conducted by the Veterans' Administration under the direct oversight of the Committee on Veterans' Affairs. Accordingly, I think it would be helpful to insert at this point the following brief résumé of operations in Southeast Asia, the Philippines, and Western Europe:

BRIEF EXPLANATION OF OPERATIONS

SOUTHEAST ASIA

Drug Abuse: The Congress has recently passed a Veterans Administration Drug Abuse Bill. Problems relating to this exist in South Vietnam, Japan and South Korea.

Counselling: The Veterans Administration operates a predischarge counselling program in Southeast Asia, principally South Vietnam.

Medical: Military casualties are processed in Vietnam, Japan and the Philippines.

PHILIPPINES

A large Veterans' benefits program operates in the Philippines. The VA maintains an office and supports a hospital. There is also a national cemetery.

WESTERN EUROPE

Cemeteries: The Committee has jurisdiction of the overseas cemeteries located in England, Luxembourg, Netherlands, France and Italy.

Non-Service-Connected Pensions: This program operates in the major Western Europe countries with heavy concentration of veterans in Ireland, Italy and Greece.

Education: Veterans may attend institutions of higher learning and are attending most of the major universities of Europe.

Military Prep: This program functions primarily in Germany where there is a large concentration of troops.

As the Members are aware, a few years ago the House transferred to the Veterans' Affairs Committee jurisdiction over cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior. As a result, our committee has oversight as well as legislative jurisdiction over a total of 21 cemeteries located in France, Belgium, Luxembourg, the Netherlands, England, Italy, and Tunisia.

Furthermore, in the administration of the compensation, pension, and educational programs we find that there are almost 22,000 VA beneficiaries living in Western Europe, all the way from Scandinavia to Italy and Greece. In the Far East, we have in the Philippines alone almost 82,000 veterans and the dependents of veterans entitled to benefits under U.S. law. A very significant figure is that every month 114,582 VA checks are mailed to foreign beneficiaries representing a total monthly expenditure of over $10 million.

In view of the foregoing, I believe it is demonstrated beyond a shadow of a doubt that there is a continual and growing need for on-the-spot analysis and review of the adequacy and efficiency of these very substantial foreign operations in the field of veterans' affairs. I applaud the generous bipartisan action of the Rules Committee, under the chairmanship of the distinguished gentleman from Mississippi, in favorably reporting House Resolution 538 and I strongly urge its adoption by the House.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the remarks made by the distinguished chairman of the Rules Committee, the gentleman from Mississippi (Mr. COLMER), and I agree with them.

May I simply add that when this resolution was originally introduced, it was for the purpose of amending the Veterans' Committee's original investigative authority resolution which we passed at the beginning of the session. Such a cause of action would then have made this authority permanent. The Rules Committee felt that it was not the thing to do at the present time. So, this resolution is for two trips rather than permanently authorizing this travel on an annual basis.

I do not particularly relish, as I said before, Mr. Speaker, the responsibility or authority to authorize for other committees their travel authority, including how many Members they can take, or the size of their committee staff. I had the privilege of serving on the committee headed by the gentleman from Texas (Mr. TEAGUE) for some time, and I believe that he is able and very fair, and I never saw any junkets take place on the Committee on Veterans' Affairs during those years that I served on that committee.

We do not even define what the staff shall be, but just leave it in the resolution as staff, whether they be a Republican staff or Democratic staff.

So far as I am concerned I do not particularly care about this responsibility, but we have been given this responsibility, and we think it is a fair thing to do with respect to this resolution. I heartily support this resolution, and urge its adoption.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE A REPORT

Mr. PATMAN. Mr. Speaker, I would like to have the attention of the gentleman from Iowa (Mr. GROSS) on this request.

Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight tonight to file a report on the bill H.R. 8432, the so-called Lockheed bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I do not expect to object, may I inquire of the gentleman from Texas as to when this bill was reported out of the committee?

Mr. PATMAN. Mr. Speaker, if the gentleman from Iowa will yield, this was reported before noon last Wednesday, just before noon, you might say 12 o'clock.

Mr. GROSS. And has the gentleman from Texas checked to see whether this meets the parliamentary requirement for 3 legislative days?

Mr. PATMAN. If the gentleman will yield further, the answer is "Yes." I have checked with the Parliamentarian. It is 3 days. You would count either the first or the last on determining the 3 days.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FOREIGN TOURISM

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, during the 91st Congress and again during the current 92d Congress, I introduced legislation, known as the Nonimmigrant Visa Act of 1971, which would grant the Secretary of State and the Attorney General broad authority to waive visa requirements for business and pleasure visitors of up to 90 days.

I felt, among many reasons, that my bill would be in the national interest because while unprecedented numbers of Americans are traveling abroad, by contrast, the number of foreign visitors coming to the United States is not increasing by a comparable rate, and consequently, the United States runs a deficit in the tourism account of over $2 billion annually. This is the difference between what foreigners are spending to come here and what American are spending overseas, and this trend has continued over the last several years.

Mr. Speaker, in this connection, I want to call to the attention of my colleagues an article which appeared in the July 24 edition of the Washington Post, indicating that the Commerce Department has launched a new drive to increase foreign tourism because the travel deficit reached an all time high of $2.5 billion in 1970, and new Commerce figures show the 1971 deficit will be at least 10 percent higher.

There is general agreement that the most effective way to close this increasing gap is to stimulate and encourage foreign travel to the United States, thereby improving our balance of payments, and my bill (H.R. 571), would accomplish this by facilitating the entry of foreign tourists through relaxation of some of the unnecessary, cumbersome, and antiquated requirements which now must be met before visitors' visas can be issued to foreign visitors traveling to the United States.

I urge once again that the Congress go to the root of the problem and encourage foreign tourism by permitting easier issuance of visitors' visas to those persons wishing to come to the United States for less than 90 days. My bill would accomplish that purpose.

The article from the Washington Post regarding foreign tourism follows:

FOREIGN TOURISM DRIVE IS LAUNCHED

Citing an accelerating travel deficit in the U.S. balance of payments, the Commerce Department yesterday launched a new drive to increase foreign tourism throughout the 50 states.

Assistant secretary for tourism C. Langhorne Washburn called a nationwide series of 14 meetings in September to be attended by state travel directors and overseas and domestic staff members of the U.S. Travel Service, an arm of the Commerce Department. One of the meetings will be held in Washington; the purpose, Washburn said, is to mobilize greater local involvement in tourist promotion.

The travel deficit—the difference between what U.S. travelers spend abroad and what foreigners spend here—reached an all-time high of $2.5 billion in 1970 and new Commerce figures show the 1971 deficit is 10 per cent higher.

AN INTERESTING CHANGE IN EDITORIAL POLICY

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, I believe an editorial which appeared in the Washington Post Tuesday, July 20, 1971, concerning title II of the Internal Security Act of 1950, also referred to as the Emergency Detention Act, will be of considerable interest to the Members of this House. The nameless and faceless writer or writers of this editorial indicated that the Emergency Detention Act would have easily been repealed had not "the Internal Security Committee, with its usual propensity for mischief, come forward with a substitute bill slightly amending the existing law but retaining many of its worst features." This committee, described as having a "propensity for mischief" happens to be the committee of which I am chairman.

Mr. Speaker, I find this editorial to be an interesting contrast to an editorial published by this same Washington Post on this same subject some 20 years ago. Now I am aware that these unknown, nameless, faceless, and sometimes mysterious editorial writers are real people who, like politicians, can die, get fired or promoted, and even sometimes change their opinions. It would be very interesting if they would tell us what happened to the editorial writer in this particular case.

It is certainly true that the provisions of title II, which were originally intended to set up reasonable guidelines to prevent a future recurrence of the type of mass detention imposed upon the Japanese-Americans by Executive order at the beginning of World War II, has not changed. Maybe only the mood of the times is different. Certainly the attitude of the Washington Post is different.

In 1950, Senator Harley M. Kilgore, Democrat, of West Virginia, introduced bill S. 4130, cosponsored by Senators Douglas, HUMPHREY, Lehman, Kefauver, Benton and Graham and himself, which became title II of the Internal Security Act of 1950. In then endorsing this measure the Washington Post described it as a "fresh approach to the Communist problem." The Post editorialized:

We think the proposed bill aims at intelligently selective interment in the real interest of security and not at indiscriminate punishment of persons for the mere holding of disloyal or odious opinions.

For the sake of emphasis, it is important to remember that the above words from the Post editorial were written about a much harsher bill since the final wording of title II strengthened the protection offered individuals.

Now let us look at what the Post says in 1971:

DETENTION CENTERS FOR SUBVERSIVES

Concentration camps are about as un-American as borscht. Yet there is a provision authorizing the creation of such camps, euphemistically called detention centers, in an act of Congress—the Internal Security Act of 1950—still very much on the statute books to this day. That provision is certainly the most un-American inheritance from the now slightly face-lifted House Un-American Activities Committee, currently operating under the alias, House Internal Security Committee. It authorizes, during a period of war, insurrection or invasion, the rounding up and detention of persons concerning whom there is "reasonable ground" to believe that they would "probably" engage in sabotage or espionage.

Un-American as such camps or centers may seem to most Americans, they are not unimaginable. At the outset of this country's involvement in the Second World War, American citizens of Japanese ancestry were rounded up all over the west coast and impounded, behind barbed wire, in what were then called "relocation" centers—merely because it was supposed they would "probably" engage in espionage or sabotage. So there is very little reason to be surprised that minority groups of various sorts—militant blacks, long-haired youths, New Left radicals, old left Communists, ardent adversaries of the government or of the war in Vietnam—are full of apprehension that they may become victims of this totalitarian mechanism. Indeed, William Greider of this newspaper reported recently that the FBI has compiled, and keeps enlarging, a list of the names, addresses, jobs and phone numbers of thousands of Americans considered potentially dangerous as spies or saboteurs in case of war or some other "national emergency." The FBI documents stolen at Media, Pa., afforded confirmation of this index.

Rep. Spark Matsunaga of Hawaii, a wounded war veteran who has reason to feel rather strongly about internment camps because some of his relatives were interned in one 30 years ago, has introduced a bill—along with more than 100 co-sponsors—to repeal Title II, the internment camp provision, of the Internal Security Act. There would have been little doubt about its adoption, had not the Internal Security Committee, with its usual propensity for mischief, come forward with a substitute bill slightly amending the existing law but retaining many of its worst features.

The Matsunaga bill would eradicate an ugly splotch from the American escutcheon. It has the full backing of the Justice Department. It would lift a pall of fear from the country. We hope that Congress will adopt it speedily, restoring the American way of dealing with dissent and rejecting the Un-American Activities way.

Mr. Speaker, how does one explain such a glaring inconsistency? I shall make a note to send a copy of this statement to the Post since I will be very interested to understand this radical change of position unless they choose to remain silent. Yesterday it was "intelligently selective internment," today it is "mischief."

Mr. Speaker, the present law is a wartime statute which can be invoked by the President upon the occasion of a declaration of war by Congress, invasion, or insurrection in aid of a foreign enemy. The House Committee on Internal Security bill, H.R. 820, would amend the act to provide that it cannot be implemented by the President in the case of an insurrection except upon a concurrent resolution of the Congress declaring the existence of an insurrection within the United States in aid of a foreign enemy. Second, the present bill makes explicit that no citizen shall be apprehended or detained on account of race, color, or ancestry. The HCIS bill further provides for an amendment to assure representation by counsel for any person detained pursuant to the act, and for the services of experts and other persons to assist in a defense.

Certainly, a newspaper has the right to change its editorial mind. It only seems to me that this is an interesting contrast. I believe that a careful study will still reveal that adopting the amendments contained in H.R. 820 is the true libertarian approach to a very difficult problem. Surely, we do not want to return to the dark situation where what happened to the Japanese can happen again and most certainly we do not want to tie the hands of the President in an emergency wartime situation.

GROUP TACTICS ON VIETNAM

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I was shocked to read in the Evans-Novak column in yesterday's Washington Post that there is a group of liberal House Democrats plotting to undermine President Nixon's Vietnam policies and force acceptance of the Vietcong peace proposal—all for narrow partisan purposes. The so-called group, an informal organization of 13 prominent left-liberal Democratic House Members, is this week sponsoring a conference for the ostensible purpose of educating the public about the Pentagon papers. But the group's internal memorandums quoted by Evans and Novak indicate quite a different purpose—that of trying to shift the blame for the war to the Nixon administration and thwart the President's efforts to secure a peace settlement.

The column quotes the group's July 7 agenda as follows:

> The political focus must be shifted away from the Kennedy-Johnson administration. Nixon will argue in 1972 that he ended the war that the Democrats got the country into. It is critical that he not succeed. Only by undermining his present policies and by obtaining a Democratically-sponsored congressional action forcing the acceptance of the present Vietcong proposal can we recover lost ground.

Mr. Speaker, I think it is especially alarming at this most delicate stage in the Paris negotiations that there is a group in this body which is more intent on playing politics with the war than on applying statesmanship to the peace; that there are persons in this body who are not only praying for the failure of the President's peace efforts, but who are actively working to undermine those efforts. It is apparent that these pseudodoves are more interested in making partisan points than they are in forging a lasting peace.

I have indicated on previous occasions that I think the Congress can and should provide some policy guidance on Vietnam and I have introduced House Concurrent Resolution 347 for that purpose. My resolution would state that it is our national policy to completely withdraw from Vietnam at the earliest practicable date, and to accelerate and complete that withdrawal by a date certain provided there is a concurrent agreement to release all American prisoners being held in Indochina 60 days prior to that date certain. I have avoided specifying a date certain because I think this is and should be a negotiable matter. If we are genuinely interested in achieving a negotiated settlement, we must allow our negotiators in Paris a maximum amount of flexibility. That is what negotiations are all about. To force upon them a specific date, let alone forcing them to fully accept the seven-point Vietcong proposal, is to make a mockery of the word "negotiate."

This week I will be recirculating my resolution for bipartisan cosponsorship. It seems to me that a bipartisan resolution which provides congressional guidance while recognizing the need for a flexible negotiating position is the most responsible and prudent course for the Congress to follow. This would also seem the logical approach for the House-Senate conferees to take in their current deadlock over the Mansfield amendment to the draft bill. Forcing our negotiators into a corner and tying their hands, as the group would have us do, is not only reckless and irresponsible, but contrary to the goal of achieving a just and lasting peace.

Mr. Speaker, at this point in the RECORD I include the Evans and Novak column to which I have previously alluded as well as a column by Henry Owen from Saturday's Washington Post. The articles follow:

[From the Washington Post, July 25, 1971]

PUTTING THE BLAME ON NIXON

(By Rowland Evans and Robert Novak)

Internal memoranda show that this week's conference on the Pentagon papers arranged by militant antiwar Democratic congressmen has a partial hidden motive of trying to deflect in Richard Nixon's direction some of the political shrapnel coming from the documents.

The Group, an informal organization of 13 prominent left-liberal Democratic House members, which is sponsoring the conference, includes congressmen unhappy that the political fallout from the Pentagon papers has hit the last two Democratic Presidents, John Kennedy and Lyndon Johnson, and not President Nixon. That's not a case of loving Mr. Johnson more but of loving Mr. Nixon considerably less.

Late in June, shortly after the Pentagon papers were leaked, the question was raised at a meeting of two New York members of The Group, Reps. John Dow and William Fitts Ryan, with staffers. A July 6 memorandum on that meeting reveals they proposed a conference on the Pentagon papers with the purpose of "arousing public pressure on the Congress" for a Vietnam pullout resolution.

"An inquiry aimed specifically at the policies and decision-making processes of the Nixon administration," says the memorandum on the Dow-Ryan meeting, "could effectively transfer the public outrage from the past tense of the Kennedy and Johnson administrations into the present tense of the current administration."

The agenda for the weekly meeting of The Group on July 7 makes this strategy explicit:

"The political focus must be shifted away from the Kennedy-Johnson administration. Nixon will argue in 1972 that he ended the war that the Democrats got the country into. It is critical that he not succeed. Only by undermining his present policies and by obtaining a Democratically-sponsored congressional action forcing the acceptance of the present Vietcong proposal can we recover lost ground."

The same theme is followed through in The Group's list of potential participants for the conference on the Pentagon papers—as in the case of Melvin Gurtov, one of the authors of the Pentagon papers who has just resigned as an analyst for the Rand Corp. think tank. In suggesting Gurtov, a staff memorandum notes that he has been "highly critical of the Nixon administration and says it is following the same policy as previous administrations. . . ."

A footnote: Some members of The Group told us that the sole purpose of their forthcoming conference is to improve public understanding of the Pentagon papers and that the memoranda indicating a political motive reflect only the over-active imaginations of young staffers. Other members of The Group, however, confided to us that they regard as accurate the intent of the conference as outlined in the memoranda.

[From the Washington Post, July 24, 1971]

"HOW?" IN WASHINGTON—"WHEN?" IN PARIS: THE TWO SETS OF TALKS ON ENDING THE VIETNAM WAR

(By Henry Owen)

China's invitation to President Nixon suggests that its leaders agree with him when he says that the American military involvement in Vietnam is ending and that the real question is how it will end. To the Chinese and others, this probably means *when* it will end. For Americans, however, an equally important question is whether it will end in a way which permits both branches of government and both political parties to share responsibility for the outcome, and thus unites rather than tears the United States apart. This depends partly on the negotiation between the two sides at Paris but, even more, on trilateral negotiations between the President, the Senate, and the House in Washington.

These negotiations now center on what should be said about Vietnam in congressional resolutions and/or in the pending draft bill. The Senate, after rejecting a harsher McGovern-Hatfield resolution, passed the Mansfield amendment which proposes a date or total withdrawal in early 1972. The administration objects—arguing that this would reduce its bargaining power at Paris. In the House, John Anderson of Illinois, chairman of the Republican Conference, has introduced a resolution which tries to take account of this concern. It calls for withdrawal of U.S. forces by a date certain in return for release of the American POWs, and endorses continuing aid to South Vietnam after U.S. withdrawal; but it does not specify the date by which U.S. forces are to be withdrawn. Congressman Anderson says merely that while this date "would have to be within a reasonable time frame to have any appeal at the bargaining table . . . from a practical negotiating standpoint this is something best left to be worked out in the secret sessions at Paris."

The President made clear in his April 16 TV panel discussion before newspaper editors that he has in mind a total withdrawal of U.S. forces if two conditions can be met: if U.S. POWs are returned, and if the South Vietnamese develop a capability which gives them "at least a chance" to defend themselves. (He has not said when they would achieve this "chance," but present withdrawal rates, if continued, should get all U.S. forces out of Vietnam around the end of 1972.) Specifying "the goal of total withdrawal with no residual force," and accepting that we can only give the South Vietnamese a "chance" to defend themselves and thus cannot ensure a favorable outcome to the war which will continue after our withdrawal—all this helps public opinion to accept the hard realities that must be faced in negotiating our withdrawal and afterword. Whether it also provides a basis for shared responsibility between the President and the Congress will depend on whether the President is prepared eventually to accept the concept of a fixed date for withdrawal.

The recent Vietcong proposal at Paris brings the issue to a head. The President's trip to China takes the spotlight off the North Vietnamese, but they are still the peo-

ple with whom we will have to do business on ending the war. At first reading, their recent proposal seems more of the same: the usual demands for a coalition government, for U.S. reparations, and—at least by implication—for cessation of U.S. aid to Saigon. But the senior North Vietnamese negotiator's remarks and the language of the proposal leave it unclear whether these political demands need to be accepted in order to settle the other two points; U.S. withdrawal (which Hanoi demands by the end of 1971), and return of POWs. Even if the withdrawal and political issues can thus be separated, important questions will remain: Would Hanoi agree to our minimum conditions of a 1972 (rather than 1971) date for U.S. withdrawal, continuing U.S. aid to Saigon after that withdrawal, and release of U.S. POWs captured in all Indochina. This is uncertain, to say the least; the most that can be said is that Hanoi's proposal creates an opportunity to try to find out—in hard and, it would be hoped, secret bargaining.

The two sets of negotiations—in Washington and Paris—will interact; Hanoi will be looking over the administration's shoulder to see whether both political parties and the Congress are behind the President's position in Paris talks. Evident disagreement among them might encourage Hanoi to hold out for its maximum demands. On the other hand, a congressional resolution which endorsed the concept of withdrawal by a date certain, left the administration free to fix that date in bargaining, and supported continuing post-withdrawal U.S. aid might strengthen the administration's position—if the President were prepared eventually to strike a bargain at Paris which would involve withdrawing by a fixed date.

Both the Paris and Washington negotiations are likely to proceed slowly. The administration wants to avoid rocking the boat until after the October South Vietnam election (which the Communists probably hoped to disrupt by their proposal). The announcement of the President's trip to Peking will probably reduce pressure for early action on the Hill. So it's unlikely matters will come to a head until later in the year.

Even then, there is no assurance, or even probability, that the two negotiations will succeed—that the administration and the Congress will be able to come together on a policy which looks to withdrawal in 1972, or that Hanoi will be sufficiently flexible to permit an agreement on this basis. All that can be said is that the prospects seem slightly better than, say, six months ago. Even if the two negotiations do prosper, the war will likely go on after our withdrawal—toward an outcome which no one can predict. But at least our withdrawal will have been taken in a way which reduces the likelihood of bitter domestic U.S. divisions and recrimination in its wake.

IMPORTANT TO END WAR

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MYERS. Mr. Speaker, the item appearing yesterday has already come up relative to the self-appointed organization to place the blame on Nixon. That is about the only way you can really categorize this.

Mr. Speaker, I join my colleague, the gentleman from Illinois, in saying what a pity this is. To my knowledge, this war has never been a political one. I do not believe any war should be. But the attack by this organization placing the blame on President Nixon, I think, is a blatant attempt to bring partisan politics into it. Just as they will not blame any particular political party for starting this war, I do not think anyone should blame any particular group. The important thing is to end this war.

I have noticed the leadership on both sides of the aisle, Democrats and Republicans alike, have not made any attempt to bring partisanship into ending this war. I notice the democrat leadership gives President Nixon credit for reducing the total casualties and reducing the troops in Southeast Asia.

The attempt by this political group to undermine President Nixon's efforts in Southeast Asia cannot help the cause of world peace and in fact probably will result in additional encouragement to the enemy which in turn could prolong the war. I think it is high time that the leadership on both sides condemn this type of activity.

The SPEAKER. The time of the gentleman has expired.

CAMPAIGN SPENDING III—SPENDING LIMIT AND REGISTRY OF ELECTION FINANCE

(Mr. STAFFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STAFFORD. Mr. Speaker, 2 weeks ago I spoke about my bill, the Campaign Expenditure Disclosure Act of 1971, H.R. 7299, designed specifically for campaign spending disclosure and limitation in the House of Representatives.

Last week, I spoke about an important provision of the bill which would require full and complete disclosure of any campaign contributions—public or private—in the amount of over $10.

Today, I would like to speak about two corollary provisions of the bill: to establish a registry of election finance, and to limit campaign spending in a general election to $100,000.

Mr. Speaker, if we are going to insist upon full and complete disclosure, and if we are going to require each candidate to maintain records, we must provide an office to receive and hold these records.

Therefore, I propose a registry of election finance, to be attached to the General Accounting Office, for the purpose of making reports and statements filed with him available for public inspection and copying, and preserving reports and statements for a period of 11 years from the date of receipt.

This registry's primary purpose would be to provide the public—on demand—financial information on their representatives. It would—in the fullest sense—be a servant of public information.

Mr. Speaker, full disclosure to a registry constitutes an important step toward bringing the spiral of campaign spending under control. However, disclosure would be most effective in the context of a campaign spending limit. Otherwise there is no compelling reason, other than public pressure, to hold down the spending. Therefore, I have included in my bill a provision placing a limit of $100,000 on the amount any candidate may spend in a general election.

I originally had in mind a much lower limit on both general and primary election expenditures but I discovered in talking with candidates from other congressional districts that it must be a lot less expensive to get around Vermont and talk to the voters than it is in other areas of the country.

I spent less than $5,000 on my last general election campaign, so I think $100,000 is a realistic figure for any district in this country.

Mr. Speaker, I have proposed a total limit on expenditures; I have proposed full and complete disclosure with a single campaign depository; and I have proposed a registry to keep the records for the people. I honestly think this is a realistic way to hold down the spiraling cost of running a campaign for Congress in the United States.

H.R. 7299, the Campaign Expenditure Disclosure Act of 1971, should be acted upon by the Ethics Committee and the Whole House at the earliest possible moment.

FARMER FRUSTRATIONS

(Mr. ZWACH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ZWACH. Mr. Speaker, a very interesting and enlightening report appeared in the July 12 Babson's Reports in regard to the farm situation.

Because this article is so easy to understand and the topic so vital to the economic future of our countryside, with your permission, I would like to insert it in the CONGRESSIONAL RECORD where my colleagues and all the others who read the RECORD may benefit from it:

FARMER FRUSTRATIONS

Despite somewhat better prospects for output, sales, and income, there's little joy down on the farm.

Truth is, farmers are doing poorly—returns from their labor, management, and investment falling far behind earnings by similar resources in other occupations.

Comparison: In 1969 all manufacturing corporations earned $59 billion on an investment of $296 billion.

That same year all U.S. farms earned $2.79 billion on an investment of $243 billion.

And within the food business itself odds are stacked overwhelmingly against the farmer—for the President's 1970 Economic Report credits food chains with a 23.6% return on net invested capital, food processors 22.4%, farmers only 1.1%.

In each case the net earnings indicated are before taxes but after deduction of labor and management costs.

Even the largest lag. It's commonly believed that farm statistics make a poor showing because they include the numerous small marginal farmers.

But this is not borne out by the Secretary of Agriculture's 1969 report.

The 1.1% return on investment for all farms contracts with 0.8% for the nation's smallest, (sales of $10,000 or less) that make up about two-thirds of the total. Return of large farms, (with sales above $10,000) is given at 1.6%—while that for the largest,

(with sales of $20,000 or more) is tabbed at 0.9%.

Smoldering Resentment: Farmers are also riled because each year they have to work harder, invest more to keep going.

They're upset too, because their share of GNP is so small and net farm income, before labor, management costs, buys less and less.

The Cause: Most farmers feel hemmed in, even squeezed, by government price policies—are specially critical of the programs of the past 20 years during which their parity income has slipped from 107.5% to less than 74%.

Majority dislike production controls—but many are deterred from open opposition because their farms are heavily capitalized and they fear the severe price fluctuations that return to free markets would initially bring.

But within the farm community there are varied points of view on production controls and price-support programs—making it difficult for Administration and Congress to set a course.

ENVIRONMENTAL SAFEGUARDS

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, the U.S. court of appeals in a decision issued July 8 in the Calvert Cliff case has ruled that the Atomic Energy Commission has failed in its duty to implement environmental safeguards in the nuclear powerplants it supervises.

The court speaking of the AEC says the Commission's "crabbed interpretation of the National Environmental Policy Act makes a mockery of the act."

Addressing itself to the duty of the court, the court says:

Our duty in short is to see that important legislative purposes heralded in the halls of Congress are not lost or misdirected in the vast hall ways of federal bureaucracy.

The court accuses the AEC of "total abdication of responsibilities" to protect the environment.

Mr. Speaker, the court has used much stronger language than the Governor of Kansas or of myself in expressing its views regarding the actions of the AEC.

Several days ago, I opposed the proviso in the AEC authorization bill which would give the AEC the authority to buy lands in Kansas to store radioactive waste in Kansas.

The courts' decision confirms my fears that you cannot trust the AEC.

Mr. Speaker, I would like to insert an article by Bart Barnes which appeared in the Washington Post of July 24, 1971, and I also include at this point a recent release from the UPI:

REACTORS

CAMBRIDGE, Mass.—Emergency shutdown mechanisms now used on nuclear power reactors would not work well enough to prevent a major catastrophe involving the possible deaths of thousands of persons in the event of a cooling system rupture, a scientists' group said today.

Four members of the Union of Concerned Scientists called for a total halt to issuance of licenses for nuclear power plants under construction and a thorough review of emergency shutdown system in operating plants.

At a news conference releasing their report on "Nuclear Reactor Safety: An Evaluation of New Evidence," the four discussed tests conducted by the Atomic Energy Commission in 1957 and in late 1970-early 1971.

If, the report said, "one of the major cooling lines to a reactor core were ruptured, the water circulating through the primary cooling system would be discharged from the system and the reactor core would be without coolant."

There would be no nuclear explosion, but the core would rapidly melt through the containing structures and into the earth, releasing a cloud of radioactivity. "The cloud can be lethal . . . in some circumstances, at close to 100 miles," the report said.

[From the Washington Post, July 24, 1971]

A-PLANT SAFEGUARDS HELD FAULTY BY COURT

(By Bart Barnes)

In a decision that could force changes in plans for 55 nuclear power plants across the nation, the U.S. Court of Appeals here ruled yesterday that the Atomic Energy Commission has failed in its duty to implement environmental safeguards in projects it oversees.

The court directed the AEC to overhaul its procedures for insuring protection of the environment against potential damage from the operation of nuclear installations.

Specifically, the court ordered the commission to conduct a "full and fruitful" environmental review of the Baltimore Gas & Electric Company's nuclear power plant under construction at Calvert Cliffs, on the shore of the Chesapeake Bay in Calvert County.

And it suggested the Commission "should consider very seriously the requirement of a temporary halt in construction pending its review."

Deciding two cases that combined objections to the Calvert Cliffs project with a broad attack on AEC environmental protection procedures, the court said the Commission's "crabbed interpretation of the National Environmental Policy Act makes a mockery of the act."

It accused the AEC of "total abdictation of responsibility" to act positively to protect the environment and it assailed the commission for allowing a "shocking" time lag between the effective date of the act and the date it instituted procedures to require compliance.

"The very purpose of the National Environmental Policy Act was to tell federal agencies that environmental protection is as much a part of their responsibility as is protection and promotion of the industries they regulate," the court held.

Yesterday's decision has broad implications not only for the Calvert Cliffs plant but also for the 55 other nuclear generating plants under construction around the nation.

They may have to be held to stricter measures for protection of their environments than are now contemplated before they can receive AEC authorization to install or operate nuclear reactors. The 22 nuclear power plants already in operation are presumably not affected.

Both Baltimore Gas & Electric and the AEC declined to comment on the court's ruling yesterday, saying they needed time to study it.

Suits challenging AEC environmental procedures were brought by the Calvert Cliffs Coordinating Committee—a collection of civic groups in Maryland—the Sierra Club and the National Wildlife Federation.

The decision is one of several on environmental issues by courts at the District and Appeals level here during the 18 months since the Environmental Policy Act went into effect. Other rulings have blocked a proposed oil pipeline in Alaska and a canal in Florida and paved the way for possible elimination of the of the pesticide DDT.

In the introduction to yesterday's ruling, Judge J. Skelly Wright said the cases are "only the beginning of what promises to become a flood of new litigation—litigation seeking judicial assistance in protecting judicial assistance in protecting our natural environment.

"Our duty, in short is to see that important legislative purposes heralded in the halls of Congress are not lost or misdirected in the vast hallways of the federal bureaucracy," he continued.

Wright was joined in the opinion by Judges Edward A. Tamm and Spottswood W. Robinson III.

In the Calvert Cliffs generating plant and in other nuclear power plants under construction, the court said that once construction permits had been issued, the AEC refused to consider requiring changes in construction plans to account for environmental concerns.

Staff members produce, as a matter of course, reports on the environmental impact of projects under construction "but nothing will be done with them," the court said.

The commission does provide for an environmental review once construction is completed and an operating license is applied for but by that time any alterations to minimize the environmental impact may be prohibitively expensive, the court said.

"Either the licensee will have to undergo a major expense in making the alteration or the environmental harm will have to be tolerated. It is all too probable that the latter result would come to pass," the decision held.

In the Calvert Cliffs plant, construction of the $300 million facility is about 45 per cent complete and operations are set to begin in 1973.

Since its inception it has been under fire from environmental groups who fear not the possibility of a nuclear accident but a potential threat to the Chesapeake Bay.

The plant, about 45 miles southeast of Washington on the western shore of the bay, will use more than a billion gallons of bay water a day to cool its equipment.

The water will be returned to the bay as much as 10 degrees warmer than when it was taken out. Critics of the plant have argued that that this heat will damage marine life.

Baltimore Gas & Electric officials have said the 1,600-megawatt facility is essential if they are to continue to provide uninterrupted service to their more than 700,000 customers in central Maryland.

In yesterday's ruling, the appellate court remarked that the AEC had not demonstrated "overenthusiasm" in drawing up its environmental policy rules.

It was especially critical of a rule prohibiting any consideration of environmental issues by AEC hearing boards if the notice for the hearing had appeared in the Federal Register before March 4, 1971.

This was more than 14 months after the Environmental Policy Act went into effect, the court noted.

The decision also criticized the AEC for accepting certifications of other federal and state agencies that certain environmental standards were being met, without making its own evaluations.

And it attacked the commission for failing to require that hearing boards consider environmental issues although staff members are required to consider such matters in making evaluations.

CHINA'S AGGRESSIVENESS IS UNCHANGED

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 20 minutes.

Mr. CRANE. Mr. Speaker, during the period between the President's announcement of his trip to Communist China and his departure upon that trip, it is necessary and proper that the American people carefully examine all of the issues which are involved in a determination of our future relationship with Communist China, and with the Nationalist Chinese Government on Taiwan to which we have been committed for more than 20 years.

To this end, the Senate Foreign Relations Committee has been receiving testimony upon this subject. One of the most important statements was made by Dr. Franz Michael, of the Institute for Sino-Soviet Studies of the George Washington University.

Dr. Michael points out that the cultural revolution was a power struggle between Mao and his supporters, on the one hand, and the Liu-Shao-Chi leadership of the Communist Party, on the other.

He notes:

> The result was that Mao did not succeed in establishing a Maoist revolutionary organization of his own style . . . Instead, the military took over . . . In fact, the militarization of Chinese society, encompassing family life, kindergartens, schools, and all social and economic organizations, must be regarded as an ominous trend.

The emergence of the military combined with the leadership cult of Mao has produced what Dr. Michael believes to be "all the overtones of aggression known to us from other leader cults in the recent past." Thus, now that the power struggles within China seems to have abated, Peking can turn once again to the outside world.

Dr. Michael warns that any new American policy must "have no illusions about Peking's main purpose—which is continued support to the Communist strategy of 'wars of national liberation'—any successful negotiations with Communist China must be based on the purpose of inducing Peking to abandon this policy. Any retreat on this point will only encourage further aggression."

To those who advocate the expulsion of the Chinese Nationalist Government from the United Nations and its replacement with Communist China, Dr. Michael states that—

> It is hardly necessary to restate the facts of the Chinese National Government's loyal fulfillment of all United Nations obligations and acceptance of international responsibilities in contrast to the behavior of the Communist Government in Peking. What should be stressed again is the fact that on Taiwan there exists an open Chinese society with a living standard many times that of the mainland population (the highest in Asia next to Japan), and even more important, in my view, an open Chinese educational system. The argument that the 800 million people should have a voice in world affairs is, in any case, untenable, since in a Communist country no consent save submission has been sought by the regime in power.

All who urge an abandonment of Taiwan, recognition of Communist China, and its admission to the United Nations, should carefully consider the words of Franz Michael.

I wish to share this testimony with my colleagues, and insert it into the RECORD at this time:

TESTIMONY OF FRANZ MICHAEL

Mr. Chairman and Members of the Committee, may I thank you for this opportunity to testify before your committee on the important issue of United States policy towards China.

Recent dramatic events, Dr. Kissinger's journey to Peking and President Nixon's and Prime Minister Chou En-lai's announcement about the forthcoming visit to Peking by the President himself have suddenly brought the astounding news that we are entering a new phase of our relations with Peking, a phase of negotiations. This beginning of discussions with Peking is in accord with the proclaimed main foreign policy goal of our administration to initiate an age of negotiations, to find, wherever possible, a *modus vivendi* with the world of Communist countries, in order to overcome the stalemate of the present confrontation.

We have, of course, for some time negotiated with Peking, first in Geneva and later in the Warsaw talks, but the Chinese discontinued these talks from time to time and abandoned them altogether during the Cultural Revolution. Since assuming office, President Nixon has indicated both through statements and actions—such as easing travel restrictions and import regulations—our readiness to open a new phase in our relations. Until recently these gestures were ignored or countered with diatribes. Then came Peking's well-advertised Ping-Pong policy, and now we find that negotiations appear to have actually begun.

At a time when purloined state secrets have been shamefully misused by an irresponsible press, untrained in the proper evaluation of documentary material, to misinform the American people and harm the national interest, one cannot but feel a certain satisfaction that our government can keep a most important secret so well. But the issue now is what do we negotiate about and what opportunities, what dangers, what risks can be foreseen by those of us who cannot be privy to the secret talks themselves.

All we know so far is that the talks will deal with the normalization of relations between the two countries and an exchange of views. And we have the President's word that we will not seek new relations "at the expense of our old friends"—referring to Taiwan, nor initiate action "directed against any other nation"—presumably the Soviet Union. What action can then be expected within this framework? There is an obvious limitation to our own flexibility and the vital question remains—does the invitation by Chou En-lai indicate a change of policy on which a new type of relationship could be based, or is it a maneuver through which a new dimension is added to the pursuit of a Chinese Communist policy goal that has not changed.

To appraise the prospects and dangers of our venture let us have a look at the situation on Mainland China, at recent trends in Peking's foreign policy, and at the personality of Chou En-lai and his present position.

I. MAINLAND CHINA IN THE WAKE OF THE CULTURAL REVOLUTION

There has obviously been a major shift within China, brought about the Cultural Revolution. In essence, the Cultural Revolution was a power struggle between Mao and his supporters, and the Liu Shao-chi/Teng Hsiao-ping leadership of the Chinese Communist Party. This struggle Mao won, destroying the existing party structure. But Mao did not succeed in establishing a Maoist revolutionary organization of his own style, allegedly modeled after the Paris Commune of 1871. Instead, the military took over and the new Chinese administration and reorganized party are dominated by the military to a degree rarely known in modern times. In fact, the militarization of Chinese society, encompassing family life, kindergartens, schools, and all social and economic organizations, must be regarded as an ominous trend. Combined with the leader-cult of Mao, first developed within the military forces and through them spread to the population at large, this militarization carries all the overtones of aggression known to us from other leader cults of the recent past. Within China a worship of power has led to such statements as those by new military leaders and close followers of Lin Piao, "When we have power we will have everything; when we lose power we will lose everything . . . having no power is misery, having power brings happiness; seizing power is very difficult and the loss of this power is very dangerous." Lin Piao, Mao's affirmed successor, and the epitome of this military power, is quoted as having said in February 1967, "To use my customary language, I would define political power as the power of suppression."

While the factional struggles within China are by no means over, a drab order has been restored, and the military authority of the Mao/Lin group has been reasserted. Thus, Peking's policy can again turn towards the outside world in this post-Cultural Revolution phase.

China's self-imposed isolation during the period of the Cultural Revolution may have been far more rational in design than is often recognized in the West.

If Peking wanted to prevent any foreign intervention and exploitation of the internal conflicts and weaknesses resulting from the power struggle, self isolation provided this protection. With the reassertion of authority under the new leadership, a new initiative in the realm of foreign policy can be undertaken.

II. TRENDS IN SINO-SOVIET RELATIONS

The revived activity in foreign policy, however, may not be entirely voluntary. In part, at least, it may result from the alarm caused by the sharpening of the Sino-Soviet conflict, which led to a growing number of serious frontier incidents. These incidents must have appeared rather ominous to Peking as the shock caused by Soviet military intervention in Czechoslovakia conjured up the spectacle of possible Soviet military action against "Maoism" in China. The "Brezhnev Doctrine" claim to a Communist right of intervention in Socialist countries whenever socialism is threatened from within or outside the country could well apply to China. The massive build-up of close to forty fully equipped Soviet divisions along the Chinese frontier in Manchuria, Outer Mongolia, and Turkestan, lent credibility to the political threat. By the end of 1969 this threat of military intervention appeared very close indeed. This was the moment for a change in China's foreign policy toward the Communist bloc as well as toward the non-Communist world.

The motivation and direction of the new Chinese foreign policy must be understood within this setting. The danger of conflict with the Soviet Union was avoided through negotiations, initiated by Kosygin's meeting with Chou Enlai at the Peking airport in September 1969. These negotiations led to

the reestablishment of regular diplomatic relations, and, at the very least, to the end of frontier incidents and the normalization of frontier relations. Of more importance, perhaps, was the quiet discontinuance of Mao's earlier claim to leadership of world communism in open challenge to Moscow. Peking seemingly accepted the Soviet thesis that no one center for Communism exists, but that all parties are equal—though one may be more equal than others—and that Mao was the leader of China only. Ideologically, at least, the way has been opened for Sino-Soviet parallel policies, or even cooperation towards common Communist goals. This trend, if it is actually a trend, has recently been reinforced by an implied Soviet acceptance of the new military-dominated Chinese Communist Party as a proper and acceptable party within the socialist international framework. Though both sides still maintain their military stance, and frequently indulge in name-calling, the conflict has clearly been de-fused.

III. THE NEW ASIAN UNITED FRONT

Concurrently with the Soviet negotiations, Peking moved to establish closer relations with North Korea and North Vietnam. Through an exchange of political and military leaders, Peking arranged the "New Asian United Front." We can only surmise what plans have been discussd in the lengthy sessions between the major military leaders of the new allies. From the published statements, however, there emerges a new aggressiveness directed against the United States as the "imperialist enemy" of the peoples of the world and her "lackeys" of Japan, South Korea, Taiwan, Indochina, and Israel.

The basis of this New Asian United Front is the increased emphasis on the support of "wars of national liberation" and revolutionary movements. Aside from the stress on support to this type of warfare, China is proclaimed the "reliable rear area" for these wars—referring to the growing validity of the Chinese nuclear deterrent. The statements and agreements of Peking, Pyongyang, and Hanoi contain no reference to the Sino-Soviet contest within the Communist world, and the Chinese policy toward support of Communist revolutions can, therefore, be interpreted as a move toward reconciliation by proxy with overall Communist policy as agreed to by the Soviet Union. Therefore, the main trend and purpose of the new Chinese policy is to play down the conflict within the Communist world and to renew the effort of supporting revolutionary movements, focusing on United States policy as a major target.

This abatement of the Sino-Soviet conflict raises the spectrum of a future alignment of the forces facing each other today along the Sino-Soviet frontier—a most formidable military concentration, indeed, if these armies should no longer be a check on each other but combining to face outward towards South Korea, Japan, and the Pacific area. Should such force be used to back the announced expanisionist aims of the New Asia United Front, the threat of world peace would become grave. Our own posture will have to be determined by whatever reading we can gain of Peking's intentions—obviously a major topic of any coming or even present talks. Lest we indulge in euphoria it should be clear that there has been no public indication whatsoever of a lessening of Peking's present aggressive posture. On the contrary, the new intensity of this aggressiveness has been indicated in Peking's slogans for May 1971.

These slogans present the theme that "Revolution is the main trend in the world today." One by one, the slogans support the peoples of Vietnam, Laos, Cambodia, Korea, the Asian, African, and Latin American countries, the Arabs, and Cuba and Albania in their "wars of national liberation" and their struggle against United States "imperialism," Japanese "militarism," and Zionism. The tenor of the slogans, must more than in previous years, expresses a detailed aggressive militancy with no signs of modification of policy. The same tone prevails in the joint editorials published on July 1, the 50th anniversary of the Chinese Communist Party, in the *Peoples' Daily, Red Flag,* and the *Liberation Army Daily.* The theme begins with an exortation to "persistently follow the road of seizing political power by armed force, continuing the revolution under the dictatorship of the proletariat, and to be good at learning the thought of Mao Tse-tung." Equally ominous is the inclusion of the promise to liberate Taiwan under the section that deals with the Peoples' Liberation Army, followed by the claim that "we need not only a powerful army but also a powerful air-force and a powerful navy."

IV. PEKING'S PSYCHOLOGICAL OPERATIONS

This Communist expansionist policy is conducted on two fronts. One is the military, which is carried on wherever Peking assumes that there will be only minimal resistance from local governments and no outside support for existing local resistance. The other front is that of propaganda warfare, aimed at undermining the trust in United States assistance and undermining in the United States our belief in the moral standards of the causes we are supporting. Sowing distrust between us and our allies, image breaking, and the creation of dissension among peoples and their governments is one of the major purposes of this kind of psychological warfare—warfare we have little understood, let alone countered.

This kind of propaganda carefully selects its targets and plays up to their emotions and beliefs. This is nothing new in Communist international relations. At the time of the Bolshevik Revolution Moscow introduced a new dimension in international relations through the support of Communist movements and other groups in foreign countries; movements whose attitudes or policies were of some advantage to the Communist purpose. This was the original purpose of the Comintern, which was formally abandoned during World War II as a gesture to the Western allies in the war against Hitler. International contacts, though less centralized, have never been abandoned, however, and the people-to-people policy is an obvious attempt by Peking to regenerate a worldwide revolutionary movement. In statements from Peking, a clear distinction is made between relations with the American people and relations with the American government. Indeed, the Chines Communist purpose is to use people-to-people diplomacy to undermine non-Communist governments and their policies.

An invitation to the U.S. president to visit Peking could, however, for the moment at least, negate the propaganda dichotomy of friendship to the American people and implacable hostility to their "imperalist" government. It remains to be seen what advantages or disadvantages may have been weighed in Peking's decision to extend the invitation, and whether propaganda war will cease on the basis of negotiations.

V. PEKING'S NEGOTIATOR: CHOU EN-LAI

One danger of a public euphoria about a new course in Peking is the build-up given by the media to the Chinese Prime Minister, Chou En-lai, as a "pragmatist," a man of reason and moderation not limited by "ideological blinders" allegedly reserved to old guard Communists. This picture is reminiscent of that once painted in World War II of Stalin—when the alliance of the Soviet Union led a great many Americans to think of the Soviet leader as Uncle Joe, the shrewd old peasant with the pipe who was only defending Mother Russia against the Nazis.

There is no question that Chou En-lai is a suave and sophisticated Communist leader, who has become the kingpin of Sino-Soviet negotiations, the architect of the New Asian United Front, the leading spokesman of Chinese Communist propaganda policy and, perhaps, the most important decision-maker in Peking—at least in foreign policy matters.

Chou En-lai rose to his position of increased power during the Cultural Revolution, not by attempting to restrain the course of the revolution, as is often believed, but rather by giving it direction leading to the present military-political structure. Chou is closely linked with the new military leadership. In fact, he is in charge of the military-industrial structure responsible for the rapid development of Chinese nuclear technology. Chou is far from the moderate many believe him to be. In his past record he emerges as a ruthless and cruel leader, quite capable of the brutal slaughter of the families of Communist agents who revealed information when captured by the Nationalists. Chou En-lai has now played a key part in establishing the military-political structure in China, in resuming contacts with the Soviet Union, and in devising both military and propaganda polices against the West. He must be regarded as one of the most able and dangerous Communist leaders. India's Nehru, who had trusted Chou and did not survive the bitter results of his deception, stated before his death: "I must confess that we have seldom come across such a travesty of truth and decency in international behavior."

VI. UNITED STATES POLICY

In anticipation of a new phase of relations with Peking, we must, therefore, have no illusions about Peking's main purpose—which is continued support to the Communist strategy of "wars of national liberation." This kind of warfare is the Asian counterpart to the military threat of Soviet armor, which hung over Europe during the years of the Cold War and was answered by the NATO alliance. In Asia today there exists no peaceful co-existence" or detente. Any successful negotiations with Communist China must be based on the purpose of inducing Peking to abandon this policy. Any retreat on this point will only encourage further aggression.

In his breakthrough towards negotiation President Nixon, and his chief advisor, Dr. Kissinger, will unquestionably be aware of these issues. Indeed, they may be already on th agenda. One wonders about Chou En-lai's motives. Yet he may also hope for a disarray in our relations with our allies. He may feel that the position, within the Communist world as well as without, which will derive from these negotiations may be worth the minimum concession needed for that normalization of relations" of which the announcement speaks. It is difficult to see how the visit could have been announced without some broad understanding about the possibility of acceptable agreements. There should be no illusion about the extreme risk, indeed the danger of this mission, which in itself will have its psychological impact on our, as well as the other, side. Our position has been one of commitments and alliance, redefined under the Nixon doctrine. Anyone traveling in Asia recently has heard the often-expressed concern over the uncertainty of American policy and the fear of U.S. isolationism caused by the internal debate.

In a recent speech, Japanese Ambassador

Ushiba warned about this psychological danger. In his words:

"It is a good thing to urge Asian nations to defend themselves, but it will psychologically and politically have an adverse effect if it gives Asians the impression that the United States is thinning out its security commitment. In Asia as a whole psychological measures are sometimes more important than actual military protection. Some Asian countries may need actually less military protection in terms of modern defense ability than those in Western Europe, but they may need more psychological military presence or moral commitment for their political stability."

In order to retain the fall-back position of our alliances, we must, therefore, be most careful in our approaches to Peking not to give the false impression of abandoning our stand and commitments for the sake of very doubtful gains in the hazy world of Communist motivations. Most of all, it is vital that there be no doubt about our determination to fully honor our commitment to our Nationalist ally on Taiwan—for against this all Asia will measure our credibility.

VII. THE CHINESE UNITED NATIONS SEAT

It is with this caveat that we must approach the most serious problem facing us at the moment in Asia, Peking's attempt to gain the Chinese seat in the United Nations and to have the National Government expelled—the substance of the Albanian Resolution. This is not simply a matter of an American policy decision, since the outcome depends on the vote of the majority of governments in the assembly. A Chinese Communist victory is possible this September if the majority of the assembly members give up the principle that the issue is an "important question" requiring a two-thirds majority and if a simple majority then supports the Albanian resolution.

This is not the place to dwell upon the consequences of such a decision, which, in my view, would lead to a serious decline in the role of the United Nations itself. Once before, the Soviets, with their Troika proposal, endangered the future functioning of the United Nations in its present, limited, role. Peking violations of the Charter stipulations are a matter of record. Admission without a change in Peking's policy would make a travesty of the Charter. Peking has violated its principles not only in the past; the new, increased emphasis on "wars of national liberation" supports a form of aggression which clearly falls under the illegal use of force referred to in the United Nations Charter. The United Nations General Assembly, in its last session, was very specific in prohibiting the use of force in violation of existing demarcation lines between countries and within divided countries and in the obligation to refrain from organizing guerrilla forces and other groups to cross boundaries and penetrate into other countries. The proclaimed policy of Peking today, therefore, is clearly hostile to the basic concept of the United Nations. The admission of Peking on the basis of its present policy would at the very least paralyze the organization, but might very well lead to its demise. The problem for American policy is how to counter this danger and to protect that usefulness which the United Nations still possesses.

The most practical proposal so far made appears to be that of the Lodge Report. The principle of accepting *de facto* control by existing governments is to be applied on a universal level. If, as some maintain, eight hundred million Chinese should not remain unrepresented, it would be equally unfair to leave out of the system of representation the fourteen million on Taiwan, a larger group of population than that of two-thirds of the member nations of the United Nations. It is hardly necessary to restate the facts of the Chinese National Government's loyal fulfillment of all United Nations obligations and acceptance of international responsibilities in contrast to the behavior of the Communist government in Peking. What should be stressed again is the fact that on Taiwan there exists an open Chinese society with a living standard many times that of the mainland population (the highest in Asia next to Japan), and even more important, in my view, an open Chinese educational system. The argument that the eight hundred million people should have a voice in world affairs is, in any case, untenable, since in a Communist country no consent save submission has been sought by the regime in power. The assumption that governments represent the peoples under their respective control, if valid, will have to be generally applied with fairness to all. This is the basis of the Lodge Report. A practical division of nations into areas controlled by opposed governments exists in East and West Germany, North and South Korea, North and South Vietnam, as well as in Peking and Taipei. The principle of the Lodge Report—the admission of two governments of divided nations, each for the area and population it controls—will properly apply the idea of universal participation in the United Nations. In my view, therefore, it should be the goal of American policy to obtain a broad support for this concept through a proposal submitted to the United Nations to take the place of the Albanian Resolution. I believe that support will be forthcoming for such a proposal from East as well as West Germany, South Korea, South Vietnam, and the National Government, as well as from some of the leading countries represented in the United Nations, including the Soviet Union. Should the Chinese Communist government accept this proposal, its participation in the United Nations would be based on the recognition of the present status of the mainland and Taiwan and any inviolability by military means. In other words, this would be a test of Peking's policy. If Peking refuses, there will be more time to wait and see what course internal and external developments will take in Mainland China, without having to face the immediate threat of a major Chinese Communist psychological victory, which would be a grave threat to our position in Asia and to peace.

A solution of the UN issue appears to be a major part of the "normalization of relations." In the meantime the Albanian Resolution has been tabled, and in view of the urgency of the matter, immediate preparations are required if the case before the UN is not to be lost by default. The President's statement about not acting at the "expense of our old friends" will find here its immediate application. It is regrettable that the need for secrecy has apparently prevented us from acting in consultation with our allies. It is vital to correct that omission for the moves to come.

Whatever the outcome of this extraordinary venture in diplomacy, we cannot abandon the responsibility for our part in the security of the free world on which, in the last resort, the peace in which we believe depends.

SELECTIVE STRIKE LEGISLATION NEEDED

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. KEITH) is recognized for 5 minutes.

Mr. KEITH. Mr. Speaker, since the end of World War II, American people have come to think of a rail strike, or rail strike threat, as a near-permanent fixture upon our national scene. Meanwhile, the Congress has been seen as the court of last resort through which, at the 11th, if not the 25th hour, a settlement of sorts is imposed.

This chronic threat and disruption of rail service helps no one, certainly not the general public which remains the threatened or damaged third party. Nor is it proper that, repeatedly, the Congress is compelled to pick up the pieces of broken negotiations and produce a patchwork settlement to get the trains moving again.

To this pattern of performance, the Supreme Court had added a slight modification. It has refused to overturn a lower court ruling which permitted railroad unions to strike selectively.

The Court's theory was, presumably, that, with the major portion of the Nation's rail system functioning, no national emergency would exist and Congress would not therefore have to resolve the problem. In practice, however, this judicial theory may not hold water. A rail strike affecting one line, or one region of the country, can destroy a critical link in the national chain and effect other, even all, parts of the Nation. Further, it is quite obvious that a selective strike can escalate into a national strike. But, even short of this evenutality, public concern and outrage could compel congressional action.

It is clear, then, that we need legislation to cope with such a possibility. Such legislation should permit Presidential intervention if a selective strike causes immediate imperilment of the national health and safety. It should permit the President to ask both parties to spend additional time at the bargaining table in search of settlement. Finally, it should embody the administration's suggestion of final offer selection.

Final offer selection is designed to eliminate the divisiveness of compulsory arbitration while at the same time providing strong impetus to collective bargaining and assurance of peaceful resolution. Specifically, final offer selection provides that, after the disputants have bargained to the best of their ability, each would set forth two final offers which would constitute complete and binding agreement. A board composed of public members would then select one of these offers.

The emergency strike legislation—H.R. 9088—of which I am a cosponsor would achieve these goals. It would not outlaw selective strikes, but it would assure that they remained within that category. This legislation would, among other things, amend section 10 of the Railway Labor Act. It would limit a selective strike to two carriers operating in a system in any one region and carrying no more than 20 percent of that region's revenue ton-miles.

With some of our Nation's railroads now struck on the newly permitted selective strike basis, Interstate and Foreign Commerce Committee hearings on this

legislation, scheduled to start tomorrow, are most timely.

H.R. 9088 offers a good solution to this problem. I shall, however, follow these hearings with an open mind with regard to similar bills that will be considered.

The most important fact at this moment is that Congress recognizes this problem and is moving to enact legislation to resolve it.

MFN FOR EASTERN EUROPE, SOVIET UNION, AND CHINA

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, 2 years ago, on August 4, 1969, I introduced a bill to promote the foreign policy and security of the United States by providing the President with the authority to extend "most favored nation" trade status to Rumania. President Nixon had just returned from a successful world tour which included a warm reception in Bucharest by President Ceausescu and the Rumanian people. Since then relations between our two countries have blossomed.

Today, I am reintroducing the same bill, amid reports that President Nixon has decided that the time has come to give MFN to Rumania. The Department of State has endorsed a similar bill in the Senate, stating:

> The administration would not . . . object to this particular bill since it provides discretionary authority to the President to negotiate agreements to extend MFN treatment only to Rumania.

Evidence of improved relations abounds. In the last year, trade between our two countries has doubled. In 1970, Rumania bought $66 million worth of goods and services from the United States. In the face of a possible U.S. trade deficit this year and a precarious balance-of-payments position, the fact that Rumania buys more from us than it sells us is indeed good news.

Also, speculation is rampant that Rumania was instrumental in arranging for Dr. Kissinger's recent visit to Peking and President Nixon's expected visit within the next few months.

In March 1970, the Apollo XII astronauts were warmly received when they stopped in Rumania, and recently scientific and technical cooperation has been striking.

Finally, when disastrous floods struck Rumania in the spring and summer last year, the U.S. Government and private U.S. citizens responded immediately and generously to the humanitarian plight of the people.

Relations between our two countries have steadily improved, and in part this has been because of Rumania's fierce independence as a separate nation within the Warsaw Pact. President Ceausescu has always placed the interests of his small country of 20 million people above those of their "big brother" in Moscow.

In 1962, when Russia proposed to fully integrate the economies of the Eastern European countries with her own and introduce areawide economic planning, Rumania steadfastly refused to participate. The Russian masterplan called for Rumania to produce raw materials, mineral and agricultural products, rather than an industrial complex including an immense iron and steel mill which Rumania favored. This act of opposition, more than any other, helped preserve the economic and territorial integrity of all the East European nations.

When Russia led the other Warsaw Pact nations in an invasion of Czechoslovakia in August 1968, Rumania bitterly condemned it as "a great mistake and a grave danger to peace in Europe." Further, Ceausescu warned the Soviets that "they would encounter armed resistance if they tried to invade Rumania."

Although Rumania, unfortunately, has not permitted the development of personal and economic freedom among its people, nevertheless it is this same principle of freedom which it holds to be inviolate as between nations. Ceausescu has stated:

> We base our foreign policy on the principle of equality of rights, noninterference in the internal affairs of others, respect for sovereignty and national independence, and the right of the peoples to decide their own fate without outside interference.

This principle has led Rumania to establish and maintain relations with West Germany and Israel, oppose the Soviet version of the Nuclear Nonproliferation Treaty, walk out of the Budapest Conference of Communist bloc countries in August of 1968, vote often in opposition to the position of the Soviet Union in the United Nations General Assembly, and maintain extremely cordial relations with the Peoples Republic of China.

Rumania's independence in the determination of its own foreign policy should be encouraged by the United States. For it is this independence and the consequent lack of solidarity in the Communist bloc, which permit the United States to lead from a position of strength when dealing with the Soviet Union.

Congress can encourage that independence in the Rumanians by authorizing the President to grant them most-favored-nation tariff treatment. Increased trade which would result from such action would also aid our own commercial interests.

MFN would make Rumania less economically dependent upon the U.S.S.R. than it is today. In 1969, although Rumania had the lowest percentage of trade with Russia of any East European country, it nevertheless amounted to a whopping 30 percent of her total exports. The economic leverage which this gives to the Soviet Union cannot help but spill over into the political realm. In fact, there can never be political independence for a country until there is economic independence. By helping to provide that economic independence, the United States can at the same time help to provide the foundation for political independence which is so much in our own national interest.

MFN for Rumania would also be in our own commercial interest. If trade restrictions were the common policy of all of the Western nations in their dealings with Communist countries, they might have a potent economic and political impact. However, of all of our European allies, we are the only ones who do not presently grant MFN to Rumania. We therefore impose no serious problem to Rumania by this attitude but hurt only our own interests.

To be sure, the Rumanians are indeed desirous of gaining MFN tariff treatment and the increased trade which they hope it will make possible. However, one of the chief reasons they desire this is so that they will be able to earn more American dollars with which to buy more and better American goods and technology. The advantages this holds for U.S. businessmen are obvious.

Upon his return from Rumania in 1969, President Nixon told the throng of people gathered at Andrews Air Force Base that—

> Deep differences in political philosophy cannot permanently divide the peoples of the world.

What is most important for the United States is that those differences in political philosophy should not be used like a vice to crush the independent, nationalistic course which the Rumanians have chosen for themselves. This will not occur so long as America recognizes that independence and actively encourages it.

President Nixon has recognized that independence and now has urged the Congress to act to foster it. As with the ping-pong tournament in China, the ball is now in our court. If we in Congress are to fulfill our responsibility in the determination of national policy, then hearings should be held on our Eastern European trade policy at an early date.

The two bills I am introducing today could provide the focus for those hearings.

The general bill I today introduced would permit the President to extend MFN to any country with which the United States has diplomatic relations and which is a member of GATT—General Agreement on Tariffs and Trade—if the President determines such to be in the national interest.

PCB'S—EVIRONMENTAL POISON

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 10 minutes.

Mr. RYAN. Mr. Speaker, on Friday, July 23, the U.S. Department of Agriculture revealed that a significant proportion of chickens raised in 12 States have been contaminated with an extremely dangerous chemical—polychlorinated biphenyl—PCB.

This occurrence tragically illustrates the failure of the Federal Government to take preventive action against the uncontrolled use of this deadly chemical. During the past 2 years I have attempted to get the appropriate Federal agencies to take the necessary protective actions that would have forestalled such an oc-

currence and would have guaranteed the health and safety of the public. But in an almost unprecedented display of disregard for the public health and welfare, that administrative action has not been forthcoming.

Therefore, I am today introducing legislation to totally ban the distribution of PCB's in interstate commerce, thus insuring that our health and environment are safeguarded from the hazards of this chemical.

Manufactured in the United States solely by the Monsanto Co., polychlorinated biphenyls are a serious threat to our health and to our environment. Like DDT—their chemical cousin—PCB's and their residue are extremely toxic to animal life, cause birds to lay eggs with shells too thin to protect the embryos they enclose, and have a deleterious effect on the reproductive capacity of animals.

But by far the most frightening hazard is the effect of PCB's on human beings. Polychlorinated biphenyls may be taken into the body by direct action upon the skin or as a vapor through the respiratory tract. The effect on the skin is chloracne: the early symptoms of which are pimples and dark pigmentation; later, more serious eruptions. Persons who have been continuously exposed to PCB's may suffer nausea, vomiting, loss of weight, endema and abdominal pain, increased respiration, lowered blood cell count, and inhibition of the carbohydrate metaboliam. More serious effects are those on the kidneys. The principle effect, however, is on the liver—possibly leading to atrophy, followed by death.

PCB's are very persistent in the environment thus making them a long-term threat. They are not soluble in water and resist biological breakdown.

In the past, PCB's have been sold by the Monsanto Co. for use in plasticizer applications; in closed system applications, such coolants in transformers; as hydraulic fluids; and as an extender in pesticides.

When I first brought the potential dangers of PCB's to the attention of the appropriate Federal agencies in April 1970, I requested that certain specific actions be taken to protect our health and environment from the hazards of PCB's.

I urged the Secretary of Agriculture to ban the use of polychlorinated biphenyls in pesticides. The Department of Agriculture agreed to discontinue the use of PCB's in pesticides and to cancel registrations for pesticides containing PCB's.

I urged the Food and Drug Administration to set food tolerance levels for PCB's, to require the labeling of all products containing PCB's, and to determine whether this chemical should be banned completely. In replying to me, the FDA advised me that it was undertaking a survey to determine the extent of food contamination from PCB's—the results of which I still have not received. FDA refused to set food tolerance levels and to require labeling.

I urged the Secretary of the Interior to act to protect fish and wildlife from this hazard. He replied that investigations were being carried out by various agencies of the Federal Government and the results of these studies would be funneled to the staff of the Council on Environmental Quality.

I urged the Commission Product Safety to determine the nature and extent of the threat to our environment. The Commission replied that it was not possible for them to conduct an indepth investigation of the hazards of PCB's at that time.

And I urged the Council on Environmental Quality to coordinate the efforts of all appropriate Government agencies, so that the public might know the sources and the seriousness of the PCB danger, and that it take steps to eliminate this hazard as soon as possible. The Council advised me that it was working with other Federal agencies to determine what course of action was available to the Federal Government.

Earlier this year I renewed by call for administrative action by requesting the Administrator of the Environmental Protection Agency to place an immediate ban of the importation, manufacture, and sale of all products containing PCB's with the possible exception of certain closed system applications. I urged that he require that any product containing PCB's not included in such a ban be labeled with a warning as to their detrimental environmental effects. I requested that he obtain from Monsanto those production and sales figures necessary to determine the extent of possible PBC contamination—data which Monsanto has refused to provide me. And I urged that the Environmental Protection Agency coordinate all appropriate governmental agencies in dealing with this hazard.

In replying to me, EPA ignored all four of my requests and in no way responded to them.

In short, except for the action of the Department of Agriculture in banning PCB's in pesticides, the Federal Government has not taken any of the necessary steps which I have requested over the past 2 years to combat this very serious environmental and health hazard.

The results of this Government inaction are now tragically apparent. Large amounts of poultry and hogs in a 12 State area may now be contaminated with this toxic chemical.

For nearly 3 months PCB's have been leaking into fish meal processed at the East Coast Terminal, Inc., plant in Wilmington, N.C. The meal has been sold to 64 poultry producers in Virginia, Delaware, North Carolina, South Carolina, Georgia, Alabama, Florida, Indiana, Tennessee, Kentucky, Arkansas, and Mississippi.

According to the Department of Agriculture, 16,000 tons of fish meal had been produced at the Wilmington plant between April 30 and July 16—when the plant was closed down.

This contamination would yet be unnoticed if it were not for the fact that a commercial poultry processor became alarmed at the low rate of hatching of eggs in his broiler breeding chickens.

I can see no way that all the poultry and hogs subjected to this chemical can now be traced. The potential results could be disasterous.

And this is not the sole instance of widespread PCB contamination in the food chain.

In December 1970, the Campbell Soup Co. discovered that fat samples taken from slaughtered chickens contained a high quantity of PCB residue. Upon being notified of this finding and recognizing the potential danger of this occurrence, the New York State Department of Agriculture and Markets immediately stopped the movement of all poultry from the area in Sullivan County, N.Y., where the chickens had been raised.

The New York State Department of Agriculture and Markets then began a full-scale investigation into the extent of possible PCB contamination in poultry. Their laboratory confirmed the findings made by Campbell Soup Co. of high levels of PCB's, and the U.S. Department of Agriculture established a continuing restraint on the movement of all poultry for slaughter in Sullivan, Ulster, and Orange Counties, N.Y., until it was found to be safe through a special screening test operation.

As a result of their investigations and in conjunction with USDA, the New York State Department of Agriculture and Markets ordered that 146,000 PCB-contaminated chickens be buried under close supervision to make absolutely sure that they would not reach the marketplace.

The Campbell Soup Co., USDA, and the New York State Department of Agriculture and Markets all took prompt action to deal with this serious problem, and that is reassuring. However, the potential damage which could have resulted if this incident had not been discovered in time cannot be ignored. And I must stress that this is not an isolated example.

In January 1970, samples of milk collected by the State of Ohio Department of Agriculture revealed residue of a product closely resembling DDT and DDD. On February 19, a dairyman, George Schwarzwalder, was issued a notice by the division of food, dairies, and drugs to discontinue the sale of milk until such time as the residue found in his milk was below the actionable level. On February 27, another dairyman, Franklin Humphrey, received a similar notice.

Subsequent samples from individual cows and the bulk tank on these farms submitted to agriculture laboratories and the pesticide laboratory at Ohio State University revealed that the residue was not DDT but PCB's. The Ohio State Department of Agriculture found the contaminating substance to be ARO CLOR 1254, manufactured by the Monsanto Co. Apparently, the dairymen's silos were lined with a product called Cumar which included AROCLOR in its content. The PCB's were then absorbed by the silage which in turn was fed to the milk cows, resulting in PCB-contaminated milk.

Although I have been assured by the Ohio State Department of Agriculture

that this problem is now under control, the harm that might have resulted is obvious.

In view of the lack of administrative action even after these incidents were brought to the attention of Federal agencies and in light of the obvious threat posed by PCB–contamination in milk and poultry, on May 19, I introduced legislation (H.R. 8576) to ban the distribution of polychlorinated biphenyl in interstate commerce. However, this legislation gave the Secretary of Health, Education, and Welfare, the authority to exempt from this ban PCB's for use in certain closed-system applications; namely, as the dielectric fluid in capacitors, the coolant in transformers, or as a fire resistant in heat transfer media, provided that he found such uses would not adversely affect the public health and welfare.

It is now apparent, however, that PCB's are a serious threat even in these closed system applications, as evidenced by the current incident of poultry feed contamination. Therefore, I am today introducing legislation to totally ban the interstate distribution of PCB's. And I am calling for congressional hearings into this matter.

Further, I am reiterating my call for the Department of Agriculture, the Food and Drug Administration, and the Environmental Protection Agency to commence immediately a full and exhaustive investigation in to the extent of PCB contamination. And I am calling for an immediate administrative ban on the manufacture, shipment, and sale of all PCB's.

The problem of PCB's is indicative of a much larger problem—that of the almost unrestricted influx of harmful chemicals into the marketplace. A system must be established to insure the safety of a chemical before it can be sold and then only for specific uses.

But in the meantime, everything possible must be done to protect the public from known chemical dangers. We know the hazards of PCB's. We know what can and must be done to combat those hazards. And we must undertake those actions now.

At this point I include in the RECORD two articles by Hank Burchard which appeared in the Washington Post on July 24 and July 25 respectively, and a July 24 New York Times story by William Blair.

The articles follow:

[From the Washington Post, July 24, 1971]

CHEMICAL FOUND IN CHICKENS—CONTAMINATED FOWL FOUND IN 12-STATE AREA

(By Hank Burchard)

A "significant proportion" of the chickens raised in 12 states have been contaminated with a DDT-like compound, the Department of Agriculture announced yesterday.

USDA said it has "no evidence" that any of the birds have reached consumers and has taken steps to make sure none do.

The contaminant is poly-chlorinated biphenyls, known as PCB. For nearly three months it had been leaking into fish meal processed at the East Coast Terminal, Inc., plant in Wilmington, N.C. The meal has been sold to 64 poultry producers in Virginia, Delaware, North Carolina, South Carolina, Georgia, Alabama, Florida, Indiana, Tennessee, Kentucky, Arkansas and Mississippi.

PCB, like DDT, is a persistent compound that accumulates in fatty tissues and is said to cause low fertility and birth defects in animals. Its effects on humans are uncertain, but USDA has set the maximum acceptable level of PCB in marketed flesh at 5 parts per million, the same as for DDT.

Tests of poultry in markets in the South and East during the past week have found none that have as much as 5 p.p.m. of PCB, according to Dr. Fred J. Fullerton of USDA's consumer and marketing service.

"In my opinion, there would be no broilers in stores above the tolerance," Fullerton said. The agency does not regularly test for PCB.

In poultry not yet slaughtered, USDA found PCB concentrations as high as 22 p.p.m., and one poultry producer reported levels as high as 40 p.p.m.

The contamination of fish meal in the Wilmington plant was caused by leakage of PCB being used as the heat exchange mechanism in a sterilizing machine.

The accidental leakage, which may have begun around April 30, was brought to the attention of the Food and Drug Administration last week by the Monsanto Corp., sole U.S. producer of PCB compounds. FDA in turn alerted USDA on July 16.

PCB, which stands for a dozen related compounds, has been long and widely used in the U.S. as a solvent in the production of paint, pesticides plastics and resins and such items as "carbonless" carbon paper, as well as in heating and cooling machinery. Monsanto now recommends its use be limited to heat exchange systems, an FDA spokesman said.

PCB contamination of the tissues of poultry produced in New York State last year resulted in the seizure and destruction of more than 100,000 birds. The source of contamination in that case has not been pinpointed.

Although PCB has been in use worldwide since before World War II, it was not until 1969 that its presence in soil, water and animal tissues became known.

"Environment" Magazine, which first brought the PCB problem to national attention, reported that concentrations of PCB were overlooked in chemical analyses because it is so similar to DDT.

Kevin Shea, the magazine's scientific director, yesterday disputed the government's assurances that toxic birds are not on the market. "I suspect PCB contamination may be quite widespread," he said in a telephone interview from St. Louis, Mo.

"We were told to check birds from the South more than two months ago, but haven't yet been able to track it down," he said.

Dr. Joseph Stein of USDA said the agency had "been checking chickens in the South during this period and have found nothing to lead us to suspect contamination of marketed birds."

Scientific opinion on the dangers presented by PCB is divided. USDA researchers, a spokesman said, regard the outcry over PCB (and DDT) as exaggerated.

An FDA spokesman said the agency forbids use of PCB in food or in the production of food containers. "Its effects are not known in detail," he said, "but to us it's an adulterant and impermissible."

Dr. Robert Riseborough, of the University of California at Berkeley, discovered while doing research on the brown pelican that PCB was endangering the species. Since then he has reported finding PCB residues widespread.

[From the Washington Post, July 25, 1971]

LAW SOUGHT TO BAN DDT-LIKE CHEMICAL

(By Hank Burchard)

A New York congressman said yesterday he will introduce a bill to ban all use of a DDT-like compound that has contaminated human and wildlife food chains in the U.S. and around the world.

The announcement by Rep. William Fitts Ryan (D. N.Y.) came after it was revealed Friday that high levels of polychlorinated biphenyls (PCB) has been found in fish meal fed to poultry in 12 states, including Virginia and Delaware, over the past three months.

A Department of Agriculture spokesman said yesterday that fish meal from the same Wilmington, N.C., plant had also been fed to an unknown number of hogs. The department said it does not believe any of the poultry or pork involved has reached consumer markets and is moving to prevent them from being sold.

Fish meal produced by East Coast Terminal, Inc., of Wilmington, was contaminated from about April until the plant was ordered closed Friday. The PCB, being used as the heat transfer medium in sterilizing vats, leaked unnoticed into the meal.

The contamination was not discovered by any government agency. It came to light when a customer of the Monsanto Corp., the sole U.S. producer of PCB, complained that his chickens were being sickened and their eggs were of low fertility.

Monsanto traced the problem to the chicken feed and the feed to the Wilmington plant, then notified the U.S. Food and Drug Administration, which notified USDA, which a week later made the first public announcement.

GROSS NEGLECT

Ryan, whose office has been investigating the PCB problem for two years, said the case "graphically illustrates the gross neglect of the federal government to take preventive action against the uncontrolled use of deadly chemicals by American industry."

He said his bill would be introduced Monday. It will replace his HR 8576, introduced May 19, which would permit the Secretary of Health, Education and Welfare to exempt certain uses of PCBs from the ban.

"The latest case convinces us there is no safe way for the stuff to be used," said Ryan aide Chic Edwards.

USE LIMITED

A spokesman for the Monsanto Corp. said yesterday the use of PCBs is "absolutely essential" for heavy electrical equipment and that the company has taken "very stringent measures" to control use of the compound.

Since last August, he said Monsanto has withdrawn PCBs from sale for any purpose other than as the insulating fluid in electrical capacitors, as a coolant in transformers or as a fire-resistant ingredient in industrial heating and cooling systems. The embargo also applies to the United Kingdom, in which Monsanto also has a monopoly in PCBs.

For more than 40 years before the Monsanto action, PCBs, which are a group of a dozen chlorinated hydrocarbons, had been widely used as plasticizers (softeners) in paints, sealants, adhesives and other surface coatings, with miscellaneous applications in thermostats, food, pharmaceuticals and hydraulic fluids, according to the April, 1971, "New Scientist and Science Journal."

A spokesman for the National Paint, Varnish & Lacquer Association, Inc., said yesterday that PCBs "never have been 'widely used' in paints. They had certain limited industrial applications and are no longer used. Any paint buyer may be assured the products contain no PCBs."

EFFECTS LIKE DDT

The effects of PCBs in animals are similar to those of DDT, and before 1966 the presence of the compound in the biological chain was not suspected because it was mistaken for DDT in laboratory analyses.

There is no consensus among scientists about how dangerous the compound is. Their concern centers on the fact that PCBs, like DDT, is a highly stable compound that breaks down slowly. A worldwide ban on PCBs and DDT will be proposed at the United Nations environmental conference in Stockholm next year.

It is insoluble in water but soluble in fats, a factor which causes it to become concentrated in the tissues of progressively larger animals in the food chain. Residues of up to 1000 parts per million (p.p.m.) have been found in the tissues of American seabirds. The USDA Rules do not permit sale for human consumption of flesh containing more than 5 p.p.m. Some chickens fed on the contaminated fish meal have been found to contain up to 40 p.p.m.

Last December a Campbell's Soup plant in New Jersey discovered impermissible levels of PCBs in chickens purchased from New York growers. Again the discovery was made in private tests, since the federal government does not regularly test for PCBs in marketed flesh.

CHEMICAL TRACED

New York State officials traced the contamination to chicken feed produced in a plant that uses stale bakery goods (which may have been wrapped in plastic made with a PCB) Some 146,000 chickens were destroyed and buried.

Earlier, milk from two Ohio dairy herds was found to contain PCBs derived from silage stored in silos painted with PCB-treated epoxys.

Government regulation of PCBs has been limited. The USDA recently banned their use in pesticides, and the FDA does not permit them to be added to food products. A half dozen other agencies say they are considering regulations.

Monsanto's recognition of PCBs as an ecological hazard and its voluntary ban on their use except in "closed-system" equipment is very nearly unique in industry, according to the scientific journal.

The company also collects used PCBs from its customers and destroys them in a special incinerator in Illinois.

MONSANTO TESTS

Recently completed Monsanto tests, conducted over two years, showed that rats fed food containing up to 100 p.p.m. showed enlargement of the liver but suffered no other effects, the company spokesman said. Dogs showed no ill effects, he said.

Rep. Ryan said he was skeptical of tests ordered by the company for its own products.

Edwards, his aide, said "It's ridiculous to have to introduce a bill every time another family of dangerous compounds turns up in our bodies and throughout the environment, but, given the repeated failure of government agencies to act, there's nothing else we can do."

[From the New York Times, July 24, 1971]

UNITED STATES FEARS POISON IN SOME CHICKENS—SEARCH ON IN 12 STATES AFTER FEED IS FOUND TAINTED

(By William M. Blair)

WASHINGTON.—The Department of Agriculture announced today a search in 12 states for broiler chickens and chicken feed that may be contaminated by an industrial chemical.

The toxic substance is of the chemical family of polychlorinated biphenyls. Spokesmen for the Agriculture Department and the Food and Drug Administration said that the PCB, as the chemical is known, had leaked from heating machinery used to pasteurize fish meal at the East Coast Terminal, Inc., Wilmington, N.C. The meal was sold for use as an ingredient in poultry feed and may have found its way into some hog feeds, officials said.

They said that the meal had been sold to at least 64 feed processing plants. These included plants that raise and process poultry for retail markets. The officials said that the Wilmington plant had recalled all fish meal shipped since April 30, the indicated date of the beginning of the problem. The plant closed voluntarily a week ago, they said.

The toxic substance causes digestive distress, nausea, fever and other upsets in humans, officials said. The Food and Drug Administration said it had a guideline of 5 parts per million for the PCB substance. Agriculture scientists said that 15 to 20 parts per million had been found in fish meal still at the North Carolina plant.

ALARM OVER EGG-HATCHING

The contamination was disclosed by an unnamed commercial poultry processor who became alarmed at the low rate of hatching of eggs in his broiler breeding chickens. Using private laboratory tests, he found up to 40 parts per million in the fat of some of his chickens, Agriculture officials said. He traced the meal to the Wilmington plant, they said.

The meal was sold to users in Alabama, Arkansas, Delaware, Florida, Georgia, Indiana, Kentucky, North Carolina, Mississippi, South Carolina, Tennessee and Virginia.

The F.D.A. set a guideline of five parts per million for the substance after it had been found in feed from an Agway, Inc., plant in Sullivan County, N.Y., early this year. Higher concentrations were found in chickens fed the feed and shipped to a processing plant in New Jersey.

Federal officials said that 146,000 chickens had been destroyed in Sullivan, Orange and Ulster Counties, N.Y., as a result of the finding.

16,000 TONS OF MEAL

An Agriculture Department spokesman said that about 16,000 tons of fish meal had been produced at the Wilmington plant between April 30 and July 16. Normally, fish meal makes up only a small portion of mixed poultry feeds.

A spokesman for Representative William F. Ryan, Democrat of Manhattan, said that Mr. Ryan had been trying for a year to get the shipment of PCB prohibited in interstate commerce. He introduced legislation to that effect but it has languished in the House Interstate Commerce Committee, the spokesman said.

He said Mr. Ryan had warned of "widespread" contamination of foodstuffs, particularly poultry, before the New York case. He had looked into the toxic effects of PCB after reading a study by California scientists on the chemical and finding that it was not soluable in water and could be taken into the human system by physical contact, the spokesman said.

PCB has a wide range of industrial use, including paints and resins and in the manufacture of plastics and other materials. In the North Carolina case, the substance was used in a heat exchanger to cool liquid. In the New York chicken case, the PCB was believed to have been in paint that flaked off a storage bin or to have been absorbed by the feed from the paint.

THE PEOPLE OF UTICA, MISS., ACT TO HELP POW–MIA'S

The SPEAKER. Under a previous order of the House, the gentleman from Mississippi, Mr. GRIFFIN is recognized for 10 minutes.

Mr. GRIFFIN. Mr. Speaker, in early June, the people of Utica, Miss., my hometown, undertook the task of sending two representatives to Paris, France and Rome, Italy to express their support and concern for all the American POW–MIAS presently being held in North Vietnamese prisons. Air Force Maj. Thomas E. Collins III, has been a prisoner since October 18, 1965. He is a native of Utica.

The representatives were Mayor John F. Tillman and Postmaster F. L. Scott, both noted and well-respected members of the community. The mission proved successful beyond the hopes of all of us who supported and encouraged the effort.

It is a source of enormous pride to me that citizens in and around a small town like Utica, 1,033 population, should undertake such a project with logistical and financial problems to be overcome. Overcome they were, Mr. Speaker, for, within a remarkably short time after the effort began, the money was raised and arrangements made for Mayor Tillman and Postmaster Scott to embark on their mission.

It was a community project, and one in which people of all walks of life participated. Its motives were of the noblest order and its intentions purely humanitarian. They went to express the heartbreak and concern and love of millions of Americans for the servicemen being held prisoner. They went, not to embarrass or humiliate the North Vietnamese delegation in Paris, but to make yet another effort to reach the hearts and minds of the representatives of the Government of North Vietnam—to try once again to impress upon them that nothing is to be gained from withholding vital information from the prisoners' families except heartbreak and pain. They went to intercede for them, to seek simple human mercy and compassion for brave men who were carrying out the official policies of the Government of the United States at the time of their capture.

Mr. Speaker, words cannot express the pride and exhilaration I feel at this noble and worthy effort on the part of my hometown people. It is my fervent hope that this effort will cause the North Vietnamese to reconsider their destructive and despicable policy of refusing even basic information to this Government and the families of the prisoners.

As a portion of my remarks, Mr. Speaker, I include the report Mr. Tillman and Mr. Scott submitted to the people of Utica upon their return. Also included is a newspaper article from the Clarion Ledger of Jackson, Miss., announcing the trip.

The articles follow:

REPORT TO: MISSISSIPPI LEAGUE OF FAMILIES OF AMERICAN PRISONERS OF WAR AND MISSING IN ACTION, IN SOUTHEAST ASIA

INTRODUCTION

To show their concern for the better treatment of our POW's and a concerted effort to negotiating a settlement of the War's in S. E. Asia. The small community of Utica, Mississippi (pop. 1,000) initiated a drive to send a delegate to the Paris Peace Talks, his mission, to deliver petitions and letters (over 10,500) to both the Viet Cong and Republic of North Vietnam Delegations. This effort was so overwhelmingly successful, that in less

than one week, more than enough money was contributed for the expenses of two delegates.

STATEMENT OF JOHN F. TILLMAN AND F. L. SCOTT

On our arrival in Paris on the morning of June 6, 1971, we immediately began to seek out the addresses of Minister Xuan Thuy, chief delegate for Rep. of North Vietnam at the Paris Peace talks and address of Madame Nguyen Thi Binh, the Viet Cong's Chief Delegate. When we obtained these addresses and telephone numbers, we began to call for an appointment and stated the purpose of our mission. We were informed that they would call back and set up appointments for Monday. On Monday, no response from them.

We went by taxi to Xuan Thuy's Headquarters—were greeted courteously by an English speaking Oriental—said he would set up appointment for that afternoon. We proceeded to Madame Thi Binh Headquarters—not so courteous to us. After we did get to the gate and were identified, she sent us a number by an aid to call for appointment that afternoon. We called this number and were given the address of the Peace Talk Headquarters and advised us to be there at 2 P.M. On our arrival at 2 P.M., and getting past the Police outside, we were told that no one could speak English. This same response was given us on each additional attempt to reach Madame Binh.

On Monday night an aid to Xuan Thuy called and said they would admit us at 10 A.M. on Tuesday and accept our petitions—no news men to be there. We complied with his request and was there at 9:45. This time a different man greeted us and advised, "Minister too busy", would see us later. We asked if we could leave our letters and petitions at the door. Their reply was, "that is left up to you". We placed the box containing our messages at their door and started for our taxi. At this time Police came and very firmly told us to take the box and get out. We complied without protest—our observations—they are masters at deception.

We proceeded, as previously planned to Airport and went to Rome, Italy. Our purpose to seek aid from the Vatican and possibly an audience with his Holiness Pope Paul VI, in having our messages delivered to the Hanoi Government or the Peace delegations in Paris. On arrival, we were much discouraged. Everyone told us it would be impossible to have an audience with the Pope on such short notice. We did not give up. We went by taxi to an address given us by a friend, before we left Utica, Mississippi. It was here our hopes were renewed. We made contact with the Rev. Msgr. Bernard Law V. G. Catholic Diocese of Natchez and Jackson, a most wonderful man and very much concerned about our mission.

Not only did he arrange for our appointments at the Vatican and audience with the Pope, he advised us that they would receive our messages for delivery to the peace delegations. He also arranged an appointment with Deputy Minister of Foreign affairs, Republic of Italy, at 2 P.M. the following day. He met us (much to our surprise) to act as our interpreter.

We approached the Minister on possibility of accepting part of our petitions for delivery to Hanoi or to the Paris Peace delegation. After a short consultation with other officials, (not identified), he accepted our challenge and advised his government did not have diplomatic relations with North Viet government, but his government would make an attempt to deliver our messages. Our prayers were finally being answered.

On our return to Washington and appointments with 1st, The Honorable Richard Smyser, an adviser of President Nixon on foreign affairs and then The Honorable Frank Seivert, under Secretary of State foreign affairs. We are pleased to report them, much impressed by our report. Each of these gentlemen requested a copy of this report and advised us to ask Congressman Charlie Griffin to have it entered into the Congressional Record.

We believe our mission was a great success. We made our impact on the Peace delegations in Paris and we enlisted, not only the Vatican, but the concern of another great world power, in better treatment for our POW's and a final settlement of this long war.

It is our sincere hope that other towns and cities, especially those that have prisoners, begin, at once, to make plans to send a small delegation (2 or 3 people) to Paris and other Capitals. The Hanoa government is deeply concerned about their public image. Such missions as ours will help focus public opinion on them. We believe this will finally be the answer.

UTICA WILL SEND ENVOY TO PARIS

(By Charles Smith)

Utica is working to become the first Mississippi town to have one of its citizens attempt a face to face meeting with North Vietnamese and Viet Cong delegates in Paris.

The town's officials said they will send a representative to the peace talks to request release of Americans being held as prisoners of war in southeast Asia.

The representative, not yet selected, will carry letters and petitions signed by concerned Utica and Hinds County citizens, asking for the release of the POWs and specifically asking for freedom for Air Force Maj. Thomas Edward Collins III, a Utica native who has been a POW since Oct. 18, 1965.

Collins, 33, is the son of Mr. and Mrs. T. E. Collins Jr. of Utica. He is married to the former Donnie Katherine Martin of Utica who now lives in Jackson with their two sons, Martin, 7, and Edward, 5½.

Mayor John Tillman said the town is asking for help with its plans from all citizens with emphasis on the following:

Signatures on letters and petitions to be presented to North Vietnam and Viet Cong delegates at Paris.

Donations of any amount to help pay the plane fare and expenses of the selected representative.

Help in spreading news to clubs and churches regarding the campaign.

Congressman Charlie Griffin of Utica is giving full support to the plan and is sending his personal check to aid with expenses. He is announcing Utica's plans from his office in Washington.

The town is spearheading the expense fund drive with a $100 donation.

H. Ross Perot, Dallas multimillionaire originated the plan for cities throughout the nation to confront North Vietnam and Viet Cong delegates with representatives of each town that has a man missing in action or being held as a prisoner of war.

Perot, who tired unsuccessfully to carry Christmas packages to the POWs in 1969, urged Mississippians to take part in this new plan when he spoke in Jackson at "Free the Prisoners Day" in February.

Last year Perot took American newsmen on a trip of S. Vietnam, Laos and Paris to seek relief of the American prisoners of war.

Some 25 Mississippians are prisoners of war or are missing in action.

TOWNS RESPOND

A number of cities and towns have already responded to the call, including Houston, Tex., Memphis, Tenn., Fort Walton Beach, Fla., and Alexandria, La.

"Utica is a small town of 1000 people but its size has never been a deterrent when it has a goal in mind—this time the release of some 1,500 cruelly mistreated, brave Americans unlucky enough to be POWs in a very long conflict," Mayor John Tillman said.

Letters and petitions are available for signing at several other businesses in the town. Petitions will also be circulated at club meetings.

Tillman and the board of alderman will receive funds collected toward expenses. They hope to send the delegate within the next four weeks.

Mississippians, in addition to Maj. Collins, identified as prisoners of war include Maj. George Robert Hall, Hattiesburg; Lt. James William Bailey, Carthage; Cmdr. Charles R. Gillespie Jr., Meridian; Lt. Col. Carlyle S. Harris, Tupelo; Lt. Cmdr. Claude Douglas Clower Jr., Tupelo; and Cmdr. Robert Byron Fuller, whose mother lives in Baton Rouge and his sister lives in Jackson.

Listed as missing in action are: Spec-4 Jerry W. Elliott, Clinton; M-Sgt. Thomas E. Moore, Biloxi; Maj. James Wimberly Lewis, Meridian; Maj. Gregory I. Barras, Jackson; CWO Michael Varnado, Natchez; Lt. Col. Puris Luna, Jackson; Lt. Virgil King Cammeron, Jackson; Capt. Robert D.-Kent, Meridian.

THE SHARPSTOWN FOLLIES—XX

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, the twisted and tangled deals that made up the paper empire of Frank Sharp are only now beginning to be understood. Apparently, now that some light is being cast into those dark shadows, the Federal agencies charged with administration of justice have begun to see the magnitude of their errors in the handling of the Sharp case.

Very early in the proceedings the Department of Justice requested and received a sweeping order granting complete immunity to Frank Sharp, in return for a guilty plea on two minor counts. At that time, the local U.S. attorney had no earthly idea of the number of illegal acts that Sharp had committed. Yet he was willing to ask for, and his bosses at the Justice Department approved, an order of immunity for Sharp.

The other day the judge who granted that order seemed to start having second thoughts.

The State of Texas would like to bring Sharp before grand juries to determine if there may be cause to think he violated Texas laws. Under the original immunity order, this could not be done. So, the Texas attorney general went to court and asked that the Sharp immunity order at least be modified, so that they could bring Sharp before State grand juries. Judge Singleton did modify his order. Apparently he recognizes, even though the Justice Department does not, the the injustice and abuse that the original order perpetrated.

That original immunity order meant that justice could not be done; it forbade any law enforcement officer from touching Sharp. Yet at the time it was granted there had not even been a complete investigation. The Department of Justice actually asked to have its hands

bound, and asked to tie the hands of anybody and everybody who wanted to see that complete justice was done. That was unconscionable, and it still is.

I do not believe that the immunity order should have been asked for in the first place. I think that it should be withdrawn completely.

If we are going to ask the people to have full faith in the administration of justice we have the right and the duty to ask and demand that the laws be completely and impartially enforced. There cannot be one standard of justice for one man and another for someone else. Frank Sharp ought to stand trial for his crimes, just as any other man should. Let us have done with this immunity business, and get on with the business of seeing that justice is fully and completely done, and let the chips fall where they may.

A NATIONAL HUNTING AND FISHING DAY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it was my pleasure to introduce House Joint Resolution 798 asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day." This special recognition would be in honor of more than 50 million hunters and fishermen for their contributions to conservation and outdoor recreation.

It is past time that Congress recognize the services of the sportsman to the wise use of our natural resources and for their participation in healthful recreation and its encouragement.

Since the turn of the century hunters and fishermen have consistently been in the forefront of every conservation crusade. Our Nation's early conservation leaders, such as Theodore Roosevelt and Gilbert Pinchot, were hunters and fishermen. Outdoorsmen were the first to decry the destruction of America's forests, streams, soils and wetlands. They were the first because their love of the outdoors had made them aware of the beauty of nature and the necessity of protecting wildlife habitat and scenic grandeurs. Hunters and fishermen were the first to plead for conservation because they were the ones who were hiking the mountains and fishing the streams. For more than 50 years outdoorsmen carried a lonely crusade to manage our natural resources wisely.

They were the ones behind every major conservation action in Washington and State capitals. They created their own publications to warn all Americans of what would happen to the environment.

It is only in recent months that Americans were awakened to the threats of the destruction of their environment. The news media suddenly popularized ecology and environment. The total American citizenry became aware of the serious need for conservation. This is not news to hunters and fishermen who gladly welcome the public to help with a crusade that outdoorsmen have conducted since 1900. All Americans are needed to join the campaign to use our Nation's resources wisely.

Hunters and fishermen are a significant boost to the economy of the Nation. Their expenditures for equipment, meals, lodging, travel, and guides reach into nearly every county of the United States. In 1965, the Bureau of Sport Fisheries and Wildlife reported that hunters and fishermen spent over $4 billion in pursuit of their favorite recreation. I am confident that the 1970 survey, which is scheduled for printing in September, will show that hunters and fishermen now pour much more into America's economic arteries.

According to the Bureau of Sport Fisheries and Wildlife, in 1965 sport fishermen drove 23 billion miles to enjoy 522 million recreation days; hunters drove over 8 billion miles and enjoyed 185 million recreation days. The 76-page report is filled with statistics on the contributions of hunters and fishermen to the Nation's economy, but there is no measurement yet devised for measuring spiritual values. We cannot measure the rejuvenation of a sportsman who has spent an hour on a peaceful trout stream or slow trailing a jumpy covey of bob white quail. We do know that 50 million hunters and fishermen appreciate a chance to spend a few hours enjoying nature and resting from the tensions of our complex life. We do know that those who hunt and fish are better citizens for it.

Many of the ills of our society originate in our vast urban concrete complexes where there is little opportunity for the people to reach a wilderness area and recreate their spirits by communing with nature. In fact, I would go so far as to say that if by some miracle our citizens in the asphalt jungles could travel each weekend to the mountains and lakes and seashore this Nation would have less strife and turmoil. When man in his lonely trip through his allotted time on our planet removes himself too far from the woods and waters and soil from which he springs, there are inevitably complex tensions, frustrations and trouble. The hunters and fishermen of the Nation have long recognized the need to return to the natural world. This need is greater than ever before.

I would like to cite two general statistics to illustrate why hunting and fishing are wholesome recreation for our citizens: A study in the Seattle juvenile court over a 20-year period showed that of 45,000 youths who came before the court not one of them had an outdoor hobby, and a study by the jailer of Knox County, Tenn., over many years showed that out of 10,000 inmates less than 2 percent had ever owned hunting or fishing licenses.

Hunters and fishermen were responsible for establishing all 50 State fish and game departments. From the very beginning, these departments were supported by the sales of hunting and fishing licenses. Financial support has always come from hunters and fishermen and not from the general public. I think it important to emphasize here that all State fish and game agencies are charged by law with the welfare and protection of all fish and wildlife. Hunters and fishermen are proud that their moneys provide protection for more nongame species of fish and wildlife than those species which the outdoorsmen pursue.

Hunters and fishermen demanded, following the deplorable market-hunting era of the 1800's, that seasons and bag limits be imposed. This was an equitable way to manage the welfare of each game species and also insure that outdoorsmen had an equal chance to enjoy the annual harvest of surplus fish and game.

Whenever a fish or wildlife game species has become in short supply, it has inevitably been the hunter and fisherman who demanded protection and that his money be spent on wildlife research, management, and law enforcement. In fact, it has been sportsmen's money that has largely insured the welfare of hundreds of nongame species. I am proud to say that there is no species of game fish or wildlife in America that is in danger from sports hunting or fishing.

The endangered species which we read so much about are nongame species. The careless destruction of habitat and the wanton pollution of our environment have caused these nongame species to become endangered. The hunter and fisherman money is doing more for these species than help from any other source. For instance, in California $1 million in sportsmen's license fees are expended annually for the enhancement of nongame fish and wildlife. Sportsmen, more than anyone else, are dedicated to all living species. They are proud to help while the public has not or will not.

I would like to cite another instance where hunters and fishermen are doing more for nongame species than any other segment of our population. Ducks Unlimited, a private organization of ardent waterfowl hunters, has spent millions of dollars in Canada to increase and improve nesting areas. It is true that the Ducks Unlimited members hope to increase the annual surplus of waterfowl for hunting in the fall, but their wildlife areas support over 250 species of nongame wildlife.

Sportsmen, in their campaign to perpetuate fish and wildlife, were the first to pay for extensive fish and wildlife research. Their funds have generously gone for scholarships, the establishment of fish and wildlife management departments and conferences to exchange scientific data.

In 1937, hunters asked that the 11-percent excise tax on sporting arms and ammunition be put into a special fund for wildlife management and land acquisition. In 1965, when President Lyndon Johnson submitted a bill to end certain excise taxes, sportsmen demanded that their tax not be removed. American outdoorsmen are unique in all the world in that they asked to be taxed in order to enhance their favorite recreation. More than $435 million have been collected through this excise tax known as the Pittman-Robertson Federal Aid in Wildlife Restoration Act. The tax goes to the U.S. Department of the Interior and is prorated to all 50 States fish and

game departments on a 75 percent Federal and 25 percent State matching basis. The land that has been bought under this program is enjoyed by all Americans but only hunters and fishermen have paid. The fish and wildlife on these lands are for the benefit of all American citizens but only the outdoorsman has paid.

Sports fishermen also asked that their tackle be taxed 10 percent. The proceeds from this money is prorated to the State conservation commissions for clean water, access, fish propagation, and management. The tax to fishermen provides water improvement which insures the survival of hundreds of species of life other than game fish.

In order to campaign more effectively for their sport and our Nation's environmental needs, hunters and fishermen have formed many National and State organizations. Over the years they have led every major conservation crusade. The names of these organizations, mainly supported by hunters and fishermen, are familiar to all of you—the National Wildlife Federation, the Izaak Walton League of America, Ducks Unlimited, and many others.

When Senator THOMAS JAMES MCINTYRE introduced Senate Joint Resolution 117 in the Senate, a companion resolution, he emphasized the need for all Americans to have an opportunity to "get away from it all." He stated that it has become of crucial importance in the congestion and frustration of today's complicated life to participate in outdoor recreation such as hunting and fishing. I concur wholeheartedly with the Senator from New Hampshire. All of us here in Congress have a great deal to learn from hunters and fishermen.

It is important to the spiritual and physical survival of our people that Congress encourage hunters and fishermen to continue their conservation crusade and their enjoyment of outdoor recreation. I ask that Congress honor the hunters and fishermen of America by passing my resolution which asks that President Richard Nixon declare the fourth Saturday of each September as "National Hunting and Fishing Day."

WHITE PAPER ON CUBA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I have previously quoted from the work of Dr. Manuel J. Reyes who is Latin news editor of Station WTVJ in Miami. He is a distinguished Cuban who fled Cuba in August of 1960 with his wife and three children. He received diplomatic and civil law degrees in Cuba in 1948–49.

Dr. Reyes has maintained close contact with the anti-Castro underground in Cuba, the same contacts which aided him in his disclosure in August 1962, of the presence of Russian nuclear missiles in Cuba—8 weeks before President Kennedy revealed the facts in October 1962.

Dr. Reyes has now written a "White Paper on Cuba: The Floating Arsenal." His statements require careful consideration. I am very much concerned that there is a strong disposition on the part of the leaders of our country to ignore what is happening in Cuba. This could be a dangerous thing. Castro's presence there continues to represent a threat to the democratic way of life throughout the Western Hemisphere. This is a problem which will not resolve itself. I am convinced there is much more that could and should be done to weaken Castro in Cuba and to bring about his ultimate downfall with the restoration of a sound government there which will work in harmony with other nations of the Westearn Hemisphere.

I submit Dr. Reyes' paper for printing in the CONGRESSIONAL RECORD. It contains startling information on the military buildup in Cuba. It follows:

WHITE PAPER ON CUBA: THE FLOATING ARSENAL

(By Dr. Manuel J. Reyes)

On August 7, 1962, I announced for the first time over television in the United States that there were 5,000 uniformed Russian soldiers in the neighborhood of the Canimar River, in the province of Matanzas, Cuba. The information was denied in different spheres of the free world. Twelve weeks later, the 1962 October crisis took place, which not only made the world shake, but also put the world on the edge of a thermo-nuclear war.

On April 28, 1969, I denounced for the first time in six years a new Russian military build-up in Cuba, taking into consideration the information furnished by the Patriotic Resistance on the island. The report was received with a lot of skepticism; nevertheless, it was evident that the Russians were going to increase their military position in Cuba, after Fidel Castro publicly announced toward the end of 1968, his support of the Russian invasion of Czechoslovakia. On July 26, 1969, a Russian naval fleet visited the island. It was said that the fleet made a courtesy visit.

On November 9, 1969, Marshal Grechko, Minister of Defense of the Soviet Union, arrived in Cuba. It was said that he was visiting the island to study the reasons for the deterioration of the Russian arms and military equipment given to the Communist troops of Castro. The Resistance informed us that Grechko visited many Cuban caves.

On April 10, 1970, I reported that Castro had tripled the number of missile boats equipped with teledirected surface-to-surface missiles, with a 40–50 mile range.

In June, 1970, United States Coast Guard Intelligence testified before the U.S. Senate's Subcommittee on Internal Security confirming the assertions I had made.

On May 14, 1970, a second Russian naval fleet went to Cuba. The third Russian fleet went to Cuba on September 9th, causing official speculation that the Soviet Union was building a nuclear submarine base in Cienfuegos. We had already advised the American Congress of this fact, before the Congressional Subcommittee for Inter-American Affairs, on July 27, 1970.

The fourth Russian fleet arrived in Cuba on December 7, 1970. Two Russian naval squadrons thus met in Cuba for the first time—since there were still Russian warships which arrived there on September 9, 1970.

The aforementioned are the facts which have prompted the publication of this "white paper."

The following is the way in which the Russian military invasion of Cuba has been developing.

I want to make it very clear that I am not a military expert, and I do not have the means to verify all technical matters; I feel it is my duty to publish the facts, figures and evaluation which have come into my possession. For many years, I have gathered data from the Cuban underground. So today, it is not only my voice addressing you, but the voice of the millions of Cubans who are suffering on the island; the voice of many Cubans who are actually risking their lives working in the underground and furnishing us information that otherwise we would not know, and the voices of many Cubans who have told the truth upon arriving in this land of freedom.

Cuba today is a natural aircraft carrier of the Soviet Union entrenched in the heart of this hemisphere and 90 miles from the United States of America.

We are going to try to show that this enemy aircraft carrier has turned into the Trojan Horse which externally does not show its large military installations and tactical arms *under* Cuban soil.

Let us start by saying that Cuba is naturally rich in minerals. Cuba has always been considered as the second country in America in iron reserves, the first one being Venezuela. Cuba is the third county in the world in nickel, cobalt, chrome, and manganese. At time of wars, Cuba has been considered as the top producer of some of the aforementioned minerals.

In 1960, a military study was initiated in Cuba by Cuban geologists and Soviet military personnel who covered all the natural features of the island, including the keys, for the purpose of using these facilities for military ends, such as the storage of missiles, munitions, reserve weapons, fuel, communications and medicines. Taken into consideration in this study were the many natural caves in Cuba.

Many of these caves have been reinforced with 6" wide concrete. Work of this military character has been done in Sierra de los Organos in the province of Pinar del Rio, in the Sierra de Lupe, in Oriente Province, and in Altura Central on the Isle of Pines.

I think we can show the extent of this construction by the following figures: Until 1958, Cuba produced four million barrels of cement a year; each barrel was equivalent to four sacks of cement and each sack weighed 130 lbs. There were four cement factories in Cuba with the aforementoned annual production, working eight hours daily. All of this cement was used for civilian construction and export, never for military purposes. When Fidel Castro stole power in Cuba, he greatly increased the cement production of the island.

What has been the destiny of this cement? It has definitely not been used in urban or rural construction for the people. There is only one answer to this question: Enormous quantities of cement have been used for military, underground construction by the Soviet Union and the Castro regime in Cuba.

In 1963, huge shipments of hydraulic cement were sent from Belgium to Cuba and were unloaded at Cienfuegos Bay (#1)*. The hydraulic cement is not precisely for surface construction. This cement hardens at high speed in a humid area. It is understood that the hydraulic cement was used for underground construction for the storage of missiles and weapons with high humidity coefficient. In 1963, more than 300 cement trucks were unloaded in Cienfuegos and taken to a secret locale. However, the Cuban underground has pointed out that the cement was taken to the missile base, "La Campana," in Manicaragua (#2). This base is located on the farm formerly owned by a German-American by the last name of Koop.

On the isle of Pines (#3), there are natural marble caves. The resistance of the marble structure is tremendous against external bombing. The Isle of Pines also possesses silicon and clay riches.

Without fear of error, we can affirm that in Cuba there are actually more than 3,000 natural caves, adapted by the Soviet Union and the Castro regime with strategic military goals in mind. Cuba *today* is the Trojan Horse of America.

At this time, it is estimated there is an average of 20,000 to 30,000 Soviet soldiers in Cuba, scattered among military bases throughout the island.

We must bear in mind that on July 26, 1962, Russian military troops landed in Cuba at the Dubroc docks in the province of Matanzas, using the new pier inlet at Mar y Melena and at Mariel Bay (#5), in Pinar del Rio province.

We all know that it was said that the Soviets had dismantled the missile bases after the October 1962 crisis; but, did the Soviet soldiers leave Cuba? Or are they still there? Have the dismantled bases been reactivated again? Did the Soviets really remove the missiles from Cuba? The Cuban people understand they did not, and I reaffirm it on behalf of the Cuban people.

The Castro regime has been building underground hospitals, among which are the Sierra de Cristal in Oriente province, near Nipe (#4) and Levisa bays.

Ninety percent of the fuel reserves in Cuba, and many ammunition dumps, are underground, and in an unmerciful way, the others are under schools. A year ago, there was a terrible explosion at the former Jesuit "Belen" School, where Fidel Castro attended as a youngster. Eight girls were killed and more than 20 were injured. The Cuban resistance revealed that the explosives placed in the school's basement caused the explosion.

The following is a description of military Soviet bases in the six provinces of Cuba.

Pinar del Rio province has received much Soviet attention. In Santa Lucia, there is a metals plant to produce acids used in the functioning of missiles. Two of the principal ports with military Soviet objectives are Mariel (#5) and Cabanas (#6) ports. Both naval installations are being exclusively worked by the Soviets and they do not let Cubans come near. At the Cabanas port, they have established bases for the Komar missile guided boats. In 1970, the number of the boats was tripled to approximately 70. These boats are provided with two missiles each, guided by radar and with a range of 40 to 50 miles. They are considered offensive weapons and the missiles are surface-to-surface type.

In La Gobernadora hills, near the Sierra de los Organos (#6), there is a military base which has internal train rails, once used in mines. At La Gobernadora, also known as Cangre or San Cristobal, near the town of Candelaria (#7), we find the General Russian headquarters for western Cuba. The altitude of the hills is approximately 1,870 feet. The Soviets have constructed a road from El Cangre which goes as far as Cabanas and Mariel. They also have electric lines of 33,000 volts, necessary for missiles. The same electric voltage system is used as the Campana base in Manicaragus (#2), Las Villas province. Following the Pinar del Rio analysis, we can say that south of "Quiebra Hacha," the Russians have constructed a residential district where no Cuban is allowed to live; that is, it is strictly for Russian officers. The aforementioned residential district is surrounded by wire fences. They have also built tunnel systems from El Cangre, which leads to the exterior of Kilometer No. 4 of the road that joins Cayajabo with the town of Artemisa (#8). During the first week of November 1970, a military Soviet convoy was detected at the central road of Pinar del Rio, parting from Las Mangas village toward the Southwest.

In the Province of Havana, there is a big Soviet military base in San Antonio de Los Banos (No. 9). The resistance reports that this base has a 140-mile radar system which can track the planes from Homestead Air Force Base and Boca Chica in Key West. This base is one of the top three air bases in Cuba and it is the headquarters for the Soviet Mig 21. There are no Mig 21s at other air bases in Cuba. The bases are defended by ground-to-air missiles, the SAM–2 class.

There is also a radar system in Havana at the former Commodort Hotel, in the middle of a Russian neighborhood. The SAM missile system initiates in the hills of Averhoff on the Havana-Batabano (No. 10) highway and takes in Managua-Dayaniguas (No. 11). In Campo, Florido, Havana province, there is a SAM missile base camouflaged as a farm known as "Camilo Cienfuegos" and it is here the Cuban resistance believes the Russians have hidden the medium missiles which never left Cuba.

At "Las Cabreras," there is a Russian military complex to which Cubans have no access. In this military complex, there is a guerrilla training camp for foreigners and the Russians are in charge. One of the principal Soviet bases in Havana is at the Managua camp (No. 12). The Cuban resistance indicates that in this place, there is probably one nuclear reactor, even though Castro's regime maintains it is for peaceful ends. Apparently, the nuclear reactor arrived in Cuba in 1968, and there is no indication that it is intended for peaceful purposes.

The Cuban Commission of Nuclear Energy is based in Managua, directed by Luis Larragoitia. Electrical power lines have been built from Mariel, Havana and Matanzas (No. 13) to feed the nuclear reactor in Managua. It is estimated that over a thousand Russian soldiers are in Managua and Santiago de las Vegas (No. 14).

In the Province Matanzas, the most important point is the so-called "La Laguna del Tesoro." For many years the Castro regime has been investing millions of dollars in construction equipment and in building which Castro said would improve the tourist trade. But since the beginning, "Laguna del Tesoro" has been totally closed to the public and only military personnel are permitted within this zone. Therefore, we presume there is a base of military nature.

In Las Villas Province, there is another big Soviet base between Santa Clara (No. 15), and Calabazar (No. 16), at a place known as Malezas. In this base only, Soviet Mig 17s and 19s are found. The base has an anti-aircraft system and artillery made up of multiple machine guns as well as a duplex cannon known as "KAR–30." This base, as well as San-Antonio de los Banos, has underground hangars with special elevators to bring up the Soviet Mig fighters.

Also in Las Villas can be found the so-called missile base of Remedios (No. 17), better known as "La Puntilla" or "Bartolome" base, where they had ICBM's during the October 1962 missile crisis. In the Escambray, the Soviets recently built a road from Guirade Miranda to the Loma de los Vientos. Nobody knows what they have in these hills, but it is known that only Soviet personnel work there.

In Nuevitas (#18) Camaguey province they are building a big cement factory and an electrical power plant. At Camaguey airport, the Soviets have prepared additional access strips, using not the airport itself, but the highway which goes from Camaguey (#19) to Nuevitas. They have removed the islands from the middle of the road and have smoothed and strengthened the pavement. They have made it possible that this highway can be converted into a landing strip.

On the island of Turiguano, the Russians have stored rockets in one of several hills in the area. Eyewitnesses have indicated that the rockets are moved on train rails. Two doors close the entrance of the tunnel. The exterior of the cave is camouflaged with grass and trees.

All the keys of the Bahamas canal are fortified by the Soviets. Its naval strategic value is enormous, since they can control the traffic from Panama and South America, through Maisi (#19a).

Surrounding the U.S. Naval Base of Guantanamo (#20), the Soviets and the Castro regime have a military outfit known as "Battalion Fronterizo" (Frontier Battalion). This battalion possesses a missile system for its protection. It also has armored units. Around "Gran Piedra" hill, the Soviets have built several underground installations, and it is unknown what the Soviets have stored there.

Other points of great military strategy in the Province of Oriente are as follows:

(1) The air force base of Holguin (#21), considered as the largest in Cuba, has only Mig. 15s and 17s. On the outskirts of Holguin, they have built a residential section known as "Lenin," where only Russian military personnel live. The hangars of this air force base, as well as those of San Antonio de los Banos and Las Villas, are underground.

(2) The military base, Punta de Mula or Punta Lucrecia in the city of Banes (#22), is considered a first-class base and is 20 miles wide. In its area, the Russians have built a naval base for the *Kronstadt* and *Komar* boats. Some years ago, Russian submarines were sighted in this vicinity on military maneuvers. The base is near the mines that are producing copper and cobalt which are being exported to the Soviet Union.

Support for Soviet underground defense in Oriente Province is in the underground system of San Vicente hill near the Boniato mountain; other support is in La Sierra de Cristal near Nipe Bay. There is a secret zone in Nipe Bay to which few have access.

The underground has also reported that in the event of a possible overthrow of Fidel Castro, the Communists have designated Oriente province as the main area of resistance.

Lately, the Castro regime, assisted by the Soviets, has been conducting war games, using antipersonnel gases. All military personnel in Cuba have gas masks, it should be noted.

The Bay of Cienfuegos (#1) is in the southern part of Cuba, in Las Villas Province. It is approximately six miles wide.

On July 27, 1970, I said before the Congress of the United States, and now I reaffirm it, that somewhere in the Caribbean, there is a permanent Soviet naval squadron, headed by a nuclear submarine. The chairman of the Inter-American Affairs Committee of the House of Representatives, the Hon. Dante Fascell, asked me where I thought it was based, and according to the information I had from underground sources, I said, either Cienfuegos or Havana.

In April 1963, the regime began to show interest in Cienfuegos, and announced that they were building a shipyard in Cienfuegos near the port industrial area.

In that year, it was reported that the Castro regime was building ships. The Castro regime said that the yard was only for shipping sugar.

In 1967, the yard was completed at a cost of $8 million and not a single sack of sugar came out of that yard. In 1970, we began to hear about activity in Cienfuegos, in

Cienfuegos Bay, and especially near Cayo Alcatraz.

On a normal day, Cayo Alcatraz cannot be seen from the city of Cienfuegos. Right now, at night, the city of Cienfuegos is under a tremendous shortage of electricity—so, during the blackouts, floodlights can be seen on the horizon. Cayo Alcatraz cannot be seen, but the lights there indicate that people are working there.

Near Cayo Alcatraz, there is a place called La Milpa. All the Cuban fishermen of La Milpa and the surrounding areas have been ordered out. The place now is a military zone.

An underwater net was put in Cayo Alcatraz and also at the entrance of Cienfuegos Bay.

The entrance is under surveillance of Russian guards. Several months ago, a huge Russian ship entered Cienfuegos Bay and stayed there for several weeks.

In December, the Russian ship returned and anchored in a spot between Cayo Alcatraz and Cayo Ocampo.

In the second half of 1970 in Cienfuegos, Soviet sailors were seen walking the streets wearing full uniform. The Russian sailors were transported on land by six British Leyland buses. They were taken back and forth from Cienfuegos to nearby Cayo Alcatraz.

Three-fourths of Cienfuegos Bay has been banned to Cubans. There is a big pipeline from Cayo Alcatraz to Cienfuegos. The Russians have established large warehouses in Cayo Alcatraz, for military storage. A powerful radio station has been built and they have put a naval headquarters there.

Around the middle of December, two huge TU 95 "Bear" planes from the Soviet Union landed in Havana. Both planes were kept at Havana International Airport at Rancho Boyeros.

Two Soviet Admirals came on those planes into Cuba. The Cuban underground reported that one of the planes, capable of transporting missiles or nuclear weapons, had a number 38 on it. Later on, the Russian Admirals were seen in Cienfuegos at Punta Gorda. They took a boat and with three Russian civilian engineers went to Cayo Alcatraz, on several occasions.

Near the inlet of Las Calabrazas the Russians have built an eight lane road toward the Escambray Mountains. No civilians are allowed on that road. In the Escambray Mountains, there is a place called the Hill of the Winds (Loma de los Vientos), where the Russians have been working for almost eight months. No Cubans are allowed in that vicinity. The underground reported that lead ingots have been put into the Hill of the Winds.

Possibly one of the largest barges in the world was sighted in Cienfuegos Bay in December. The Russians own it and it is manned by 303 Russian sailors. In Cienfuegos Bay, there have been two other large Russian barges. In September, the barges left Cienfuegos Bay and went into El Mariel port, in Pinar del Rio province, on the northern part of Cuba. Mariel is the number one port of the Soviet Union since 1961–1962, and before the Cuban missile crisis, most of the offensive weapons were introduced in Cuba through El Mariel port.

As we know, a Russian nuclear submarine was seen during the period of September 12–20, (of 1970); first, near Punta de Ladrillos in the western part of Cienfuegos Bay, and side by side with two other regular Russian submarines at Cayo Loco, the former Cuban Navy headquarters.

The previous report of the nuclear submarine in Cienfuegos Bay was sent by the Cuban underground and, later on, was confirmed by an eyewitness arriving in the United States.

In evaluating Cayo Alcatraz, it can be said that the place is for maintenance and supply of regular and nuclear submarines of the Soviet Union. The nuclear submarines need medicines, food, replacement of crews and rechecking of their missiles. To recheck the missiles, the nuclear sub needs calm waters like those in Cienfuegos Bay.

So, Cayo Alcatraz is of great logistic and military value to the Russians. Cayo Alcatraz is the motor nerve, the center of a large military naval complex of the Soviet Union in the southern part of Cuba. Part of that complex is Cayo Largo (#23), southwest of Cienfuegos. Since 1961–62, Cayo Largo has been taken over by the Russians and no Cuban fishermen are allowed to go near it. At the western part of Cayo Largo, the Russians built a pier and an air strip. The Russians also constructed buildings, one of them five floors high. On the southern part of Cayo Largo, there is a wide beach. Close to the beach, water is as much as 2,000 to 3,000 feet deep.

Part of the naval complex is the Isle of Pines (No. 3). The capital is Nueva Gerona. The island is almost divided by a swamp. In the Bay of Siguanea (No. 24) the Soviet Union established a base for *Kronstadt* boats with *Komar* missiles. These missiles have a range of 40–50 miles; the range of the boat is about 100 miles.

Little by little, all the civilians on the northern part of Isle of Pines have been sent to other provinces of Cuba. On the southern part of the island, there were a lot of lumbermen and fishermen; they also have been taken out. In 1967, more than 5,000 Cuban political prisoners were taken off the Isle of Pines, because they saw too much. They were spread among other political prisoners in Cuba.

I affirm that the puzzle has been put together. Many times in the past, since April 28, 1969, I reported that different Russian convoys have been seen either in Pinar del Rio, Havana or Matanzas Provinces heading south. These convoys have been seen without Castro soldiers, just Russian soldiers!

The solution of the puzzle is this:

The convoys have gone to Surgidero de Batabano (No. 25). From there, Russian soldiers and all kind of military equipment have been shipped to Isle of Pines or Cayo Largo. All of this leads us to believe that there is a large Soviet naval military complex in the southern part of Cuba with an operational base on Cayo Largo, a position for surveillance on the Isle of Pines and a headquarters at Cayo Alcatraz. All of this is a challenge to Guantanamo Naval Base.

The Caribbean, often called the Mediterranean of the Western Hemisphere, has always been protected by surrounding nations and, particularly, by three U.S. bases at Puerto Rico, Guantanamo and Panama. But now, the Soviet Union, through Cienfuegos, Cayo Largo and the Isle of Pines, is challenging that defense.

The above concludes my presentation. I reaffirm what I said at the beginning; that is, Cuba on the surface presents a picture which is totally different from what is really happening in caves and underground. Actually, there is another Cuba below that surface that poses an actual threat not only to the United States of America, but to all the nations of the Western Hemisphere.

TO ESTABLISH FEDERAL QUALITY STANDARDS FOR BOTTLED DRINKING WATER

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MONAGAN. Mr. Speaker, on February 10 I introduced H.R. 4147, legislation authorizing the Administrator of the Environmental Protection Agency to establish uniform Federal quality standards for bottled drinking water.

Since that time, several incidents have occurred to evidence the urgent need for this proposal, as the industry itself continues to grow virtually unregulated by health or purity standards. I am therefore reintroducing my bill today with 28 cosponsors from both sides of the aisle. They are as follows: The gentleman from West Virginia (Mr. HECHLER), the gentleman from Pennsylvania (Mr. SCHNEEBELI), the gentleman from Illinois (Mr. DERWINSKI), the gentleman from Pennsylvania (Mr. EILBERG), the gentleman from California (Mr. Moss), the gentleman from New York (Mr. ADDABBO), the gentleman from Ohio (Mr. VANIK), the gentleman from Kentucky (Mr. MAZZOLI), the gentleman from Illinois (Mr. COLLINS), the gentleman from New Jersey (Mr. HELSTOSKI), the gentlewoman from Connecticut (Mrs. GRASSO), the gentleman from Rhode Island (Mr. TIERNAN), the gentleman from New York (Mr. HALPERN), the gentlewoman from New York (Mrs. CHISHOLM), the gentleman from Michigan (Mr. DINGELL), the gentleman from New Jersey (Mr. DULSKI), the gentleman from New Jersey (Mr. FORSYTHE), the gentleman from New Jersey (Mr. GALLAGHER), the gentleman from Nebraska (Mr. THONE), the gentleman from Rhode Island (Mr. ST GERMAIN), the gentleman from New York (Mr. ROSENTHAL), the gentleman from New York (Mr. ROBISON), the gentleman from West Virginia (Mr. KEE), the gentleman from New York (Mr. HORTON), the gentlewoman from New York (Mrs. ABZUG), the gentleman from California (Mr. BURTON), the gentleman from Illinois (Mr. MIKVA), and the gentleman from Illinois (Mr. METCALFE).

The basic problems confronting the Congress is that no specific and uniform standards exist at the Federal level to regulate the bottled water industry. As a result, consumers have no final assurance that the bottled water they drink is safe, and companies have no consistent guidelines to which to refer in producing their goods.

The absence of Federal law in this field has left the responsibility to the States. Unfortunately, I have found by taking a survey of State laws that State regulations create more confusion than public protection. In most cases, the provisions of these laws are extremely vague as to bottled water, and ambiguous in jurisdiction. Often no accompaying machinery is established to administer the authority which has been granted.

The end product is a great variety of State rules, and uncertainty by both producer and consumer. A producer may meet the standard of one State only to find that his product cannot be sold in another State. Consumers in many areas cannot be certain that their water has been adequately tested. In some locations, bottled water can actually reach the su-

permarket shelves without being regulated by any kind of government agency.

A recent case in the Washington, D.C. area illustrates the confusion in this field, and the need for regulations. As a result of bacteria studies sponsored by the Washington Evening Star, two of Washington's largest supermarket chains removed their bottled water products from the shelves.

Because of the lack of Federal standards, the supermarkets could not be certain they were selling safe goods. Compounding the problem was the fact that no specified Federal agency had jurisdiction over the matter. Hence no one was prepared to offer the necessary scientific advice.

Only last February, Washington area bottled water sales boomed as a result of the unpleasant odor and taste of the Montgomery County municipal water system. I noted at that time that Maryland had no specific regulations pertaining to bottled drinking water, and expressed my concern that the ever-growing number of bottled water consumers were unprotected.

The Maryland case is not unique in spurring bottled water sales. Citizens across the country, wary of their municipal water supplies, are increasingly turning to supermarket substitutes. Once considered a luxury or a health cure, bottled water is now a necessity to many. It is found in almost all food stores, in vending machines, and in many communities, is delivered door to door with milk and orange juice. During the last 2 years, the bottled water industry has experienced some of the fastest growth in the Nation.

Because of this sudden, yet enormous increase in sales and consumption I feel that now is the proper time to establish adequate protective legislation. My bill will allow the Environmental Protection Agency to provide uniform standards for the entire industry, and will make illegal the interstate transportation of bottled water products which fail to meet these standards.

I have received considerable support for this legislation both from consumers who have written to me from across the Nation and from the bottled water industry itself. I am hopeful that this support can now be translated into action. The Congress should not leave consumers unprotected and the industry without guidelines. I urge all Members to join me in cosponsoring and working for passage of uniform Federal bottled water standards.

MILITARY DRUG ABUSE REVIEW BOARD

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MONAGAN. Mr. Speaker, now that Congress and the executive appear to be moving toward enacting legislation to treat drug addiction in the military, it is imperative that we include in any final law provisions which will salvage the lives of veterans who are the walking casualties of Armed Forces discharge policies for those using drugs.

Today I am introducing a bill to establish a special Military Drug Abuse Review Board to reconsider all less-than-honorable discharges and dismissals given to members of the Armed Forces for reasons primarily related to drug use. I discussed my proposal with the Department of Defense in June and I was pleased to note that Deputy Secretary of Defense David Packard told a Senate subcommittee recently that the Department was prepared to grant amnesty on a case-by-case basis to ex-servicemen who were discharged with less-than honorable discharges due to drug abuse to enable the ex-servicemen to clear their records on the same basis as present military drug users who are utilizing the servicewide amnesty treatment programs now in effect. The Department of Defense proprosal as outlined by Deputy Secretary of Defense Packard parallels my proposal even to the extent of excluding drug pushers and sellers from participating in the amnesty program. My bill provides that any person who served on active duty during the Vietnam era or within 6 years of the close of the Vietnam era may petition the special review board for relief. This bill specifically excludes drug pushers from obtaining any relief under its terms.

I feel that the existing appeals mechanism, the Discharge Review Boards and the Board for Correction of Military Records, are not geared to undertake a general review of drug-related discharges.

Under the terms of my bill, the Review Board is empowered to change the type of discharge or dismissal of a person, or issue him a new discharge to indicate that he was discharged under honorable conditions upon a finding of the Board that the person seeking the discharge:

First, has actively participated in a treatment and rehabilitation program for his drug dependency since discharge;

Second, has made substantial progress in stabilizing or minimizing his dependency condition; and

Third, has not engaged in a pattern of continual criminal activity in violation of Federal, State, or local law.

The Review Board will be composed of 10 members to be appointed by the President and consisting of: two representatives of federally chartered veterans organizations; three nonmedical members of the armed services; one Veterans' Administration physician; one physician who is a member of the armed services; an employee of the Civil Service Commission; a representative of organized labor and a representative of private industry. The composition of the Review Board is intended to allow for a determination of each case by individuals familiar with the possibilities and problems each discharged serviceman faces in regaining his status as a productive member of society, with prime emphasis on his employability.

While elimination of the drug supply, treatment and rehabilitation of drug addicts and effective prevention programs are crucial elements of any program to halt drug abuse in the military, we would be treating the problem only partially if we failed to take steps to enable the rehabilitated addicts and users to secure gainful employment after discharge and help them to assume responsible roles in society.

The beneficiaries of the bill I am introducing today are the men who, despite having served in the Armed Forces were discharged from the military service with less than honorable or undesirable administrative discharges primarily because of their use or possession of a narcotic drug or to their dependence on narcotics.

Drug use in the military is so so widespread that it is imperative for us to intensify our efforts to rehabilitate the addicts so that they may resume normal and productive lives. All obstacles to recovery, whether in deficient treatment or imposed legal disabilities, which slow down or make improbable a return to normal civilian life, must be removed. Amnesty policies now in effect in some of the armed services recognize that drug addiction is primarily a medical problem and that the main element of any program should and must be treatment. Unfortunately, the amnesty policies are unevenly applied and the future of a drug user depends upon whether the serviceman is a member of the Army, Marines, Air Force, or Navy. If he is a member of the Army he may receive treatment and undergo rehabilitation without receiving the permanent disability of a dishonorable or undesirable administrative discharge; if he is a member of the Marines, which has the highest percentage of drug users and drug addicts, he will, under current Marine policies, receive a dishonorable discharge; if he is a member of the Navy he might very well receive an undesirable administrative discharge.

Clearly, corrective legislation is needed to rectify the hardships and injustices caused by this uneven and unpredictable system of justice, and I believe that the establishment of a special Military Drug Abuse Review Board would accomplish just that.

During the last 2 months, the shocking extent of drug abuse in the military has been bared and I am optimistic that effective drug abuse rehabilitation and prevention programs will be enacted in this Congress in the very near future.

I am especially gratified that the major provisions of my comprehensive proposal to treat drug abuse in the military, the Armed Forces Drug Abuse Control Act of 1971, have won the wide support among my colleagues from both sides of the aisle, and in the other body as well as the executive branch. Upon introducing my bill on May 10, I knew that its key provision, mandating the retention in the armed services of any serviceman determined to be addicted to narcotic drugs until such time that he is determined to be free from habitual dependence, was breaking new ground and would stir controversy among my colleagues, the military, and the press, and

I welcomed the ensuing debate on how we could best treat and rehabilitate returning GI addicts. My proposal survived the discussions and debates and has emerged as a basic element in all realistic proposals to treat military drug abuse. Since May 10 over 50 Members have joined me in cosponsoring the bill: the Senate has adopted a variation of my proposal as an amendment to the Selective Service Act amendments, and the President has incorporated my mandatory retention-treatment proposal as an integral part of his comprehensive drug eradication program.

I continue to believe that my complete proposal, including the establishment of Drug Abuse Control Corps in each of the services, a uniform amnesty-treatment program and the mandatory retention-rehabilitation program should be enacted and I intend to continue to work for passage of the bill in this Congress.

SHORTER PRESIDENTIAL CAMPAIGN SUPPORTED

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, once again I should like to bring to the attention of my colleagues editorial support for my bill—H.R. 9507—which would limit the length of presidential campaigns to 60 days.

An editorial in the Redding, Conn., Pilot points out well what I and the cosponsors of my bill have stated and will continue to state: for clarity's sake, 60 days is sufficient for a presidential campaign. A campaign of longer duration is, "counterproductive, expensive, and lends to confusion rather than clarity to both issues and candidates."

The editorial follows:

FOR CLARITY'S SAKE

This country will celebrate its 200th birthday in 1976.

The advances in technology and particularly in communications have been tremendous. In just the past 20 years nearly every American citizen has acquired access to instantaneous information about his world via television.

Yet, in presidential elections, candidates still campaign for months, exhausting both themselves and their financial backers. Once, it might have been necessary to indulge in an extended campaign: without radio or television, candidates had to whistlestop to make themselves known. But no more—a man can make himself and his views known to a huge television audience. If he has sufficient money, he can flood the screen with paid commercials.

The Democratic National Committee has set July 9, 1972 as the date for its national convention to select a candidate for president. Obviously, the Republicans will not be far behind. In the nearly four months that the chosen two will have for campaigning, money and rhetoric will flow in great profusion. But will we voters be any more informed and prepared to make an intelligent decision come Nov. 7, 1972?

We agree with Fifth District Congressman John S. Monagan who has long worked to limit the duration of presidential campaigns. He recently criticized the Democratic National Committee for their choice of date, stating that he felt it was unfortunate that his party "has not taken the lead in establishing a shorter, more sensible campaign period."

He and seven co-sponsors have introduced legislation to limit the campaign period to 60 days, explaining "We . . . strongly feel that a campaign period of longer duration is counter-productive, expensive, and lends to confusion rather than clarity to both issues and candidates."

In the confusing times we live in, we certainly do not need four month "electronic blitz" campaigns: we need reasoned discussion of issues and proposals. Certainly that could be accomplished in less than four months.

FIRST OFFICIAL DRUG FIGURES CONFUSE THE ISSUE MORE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I should like to report that I have received what I believe to be the first official Armed Forces drug abuse figures based on actual Vietnam military hospital reports. I received them on July 20 from Mr. Everett G. Hopson, special assistant of drug abuse control in the Office of the Assistant Secretary of Defense. I had requested them on May 10, and if the 2-month delay in obtaining these figures is any indication of the difficulty the Department of Defense has in obtaining information, then it is no wonder that the drug problem has reached its present epidemic proportions.

Mr. Speaker, my colleagues in Congress and the American public have been alarmed by the statistics on drug abuse within the Armed Forces in Vietnam. Reports have been made that as many as 37,000 American servicemen are heroin addicts. Countless thousands have returned home with their addiction. And yet other reports show that the number of heroin users and addicts is much lower. Dr. Jaffee, the President's consultant, recently reported that the addiction rate is 4.5 percent. That, by the way, is still 10,500 servicemen. The confusion and contradiction of the various reports has become almost as alarming as the drug problem itself. They cloud and confuse the critical issue of the epidemic. And they therefore make it difficult—if not impossible—to formulate the necessary plan of action to solve the problem.

On May 10 of this year, when I introduced my bill H.R. 8216, "The Armed Forces Drug Abuse Control Act of 1971," my colleagues and I were aware that accurate, official statistics were necessary to determine the extent of the problem. For this reason, I wrote to the Secretary of Defense and requested copies of the January through May military hospital utilization reports—MACV RCS:6260–1. These reports are prepared by commanders of U.S. military hospitals in Vietnam. They are official records on the number of patients discharged from the hospitals for drug related reasons. They include a breakdown on the number of patients discharged by each service—that is, Army, Air Force, Navy and Marine Corps—the number with less than 2 years of service, race, rank, age, the number of outpatient visits by hospital personnel, transfers of patients out of the country with drug related diagnosis, types of drug abuses, and admissions under the amnesty program.

Mr. Hopson delivered copies of these reports for the period I requested—January 1 through May 31—on July 20. I have reviewed these reports and I hereby point out what they show:

During the 5-month period, 58 deaths of American servicemen were attributable to drug related causes.

There were 1,075 servicemen treated and discharged from the hospital for drug related reasons.

Of those discharged, 60 percent, or 696 were diagnosed as cases of narcotic addiction.

There were 9,070 servicemen treated outside the hospital for drug related reasons.

Nearly 80 percent of those treated and discharged for drug abuse were between the ages of 18 and 21.

Only one person has been treated for the use of LSD.

Only one commissioned officer—and no warrant officers—was reported as having been treated during the period.

There were 612 servicemen treated during the 5-month period under the amnesty program.

Mr. Speaker, according to these statistics, less than three-tenths of 1 percent of the total number of servicemen in Vietnam have been treated and discharged from military hospitals for narcotics, addiction during the first 5 months of this year. And yet no official estimate has placed the number of addicted servicemen at under 4.5 percent.

I can not stress strongly enough that it is my hope that the problem will be less serious than first appeared. Nothing would please me more than to feel that the drug abuse problem in the Armed Forces is less than some of the other estimates and reports have indicated.

But even if these official reports are accurate, they do not erase the fact that a drug abuse problem exists. It is clear that Congress must continue to act to attack this epidemic. This Nation must not evade its responsibility to those servicemen already caught in the web of drug addiction. My bill, the Armed Forces Drug Abuse Control Act of 1971, if passed, would greatly help attack this frightening problem. And I seek the support of my colleagues to see to it that action is taken. Despite the confusion and the contradiction of estimates, reports, statistics, and even guesses, it is obvious the problem is there. We must solve it and we must solve it now.

I include the report, as follows:

WASHINGTON, D.C.,
July 20, 1971.

Hon. JOHN S. MONAGAN,
House of Representatives,
Washington, D.C.

DEAR MR. MONAGAN: This is in further response to your recent letter requesting copies of MACV Hospitalization Utilization Reports (MACV RSC: 6260–1). The MACV Hospital Utilization Report is a local report used to

gather data concerning the numbers of patients who are treated in local medical facilities for drug abuse related diagnosis.

Enclosed are copies of the Reports requested for the period 1 January–31 May 1971. Section A reflects the number of patients who were discharged from a military hospital during the reporting period for a drug abuse related diagnosis. The discharge figure is used because the diagnosis is confirmed. Section B reflects the number of clinically suspected deaths resulting from drug abuse. The figures are subject to confirmation by autopsy. Autopsy reports are processed in approximately four to six months. Section C reflects the number of visits of patients who were treated for drug abuse on an outpatient basis. In January, 890 visits of Army personnel were treated in medical facilities other than the facilities of the unit to which the patient was assigned. This is in effect a measure of workload rather than individuals. Section D reflects those patients who were transferred out of Vietnam for treatment of a drug related diagnosis. These persons were transferred to other Pacific Command facilities or to the continental United States. Section E reflects the types of drugs abused by those personnel who are reported in Section A. Medical opinion indicates that some of these persons who are treated for narcotics abuse are not considered to be addicted. Only one person has been treated for the use of LSD. This person was reported by the Navy in April. Section F reflects those personnel who were admitted to the hospital under the amnesty program for rehabilitation. During March the Air Force treated 71 Army personnel in Air Force facilities.

I regret the delay required in responding to your request, and trust the information provided will be helpful to you.

Sincerely yours,

EVERETT G. HOPSON,
Special Assistant,
Drug Abuse Control.

HOSPITAL UTILIZATION REPORT

[For use of this form, see MACV Directive 190–4]

From: MACMD–PS.
To: MACPM.
Reports control symbol MACV PGS 6260–1, period covered: May 1–31, 1971.

Hospital	Number of patients discharged						Race			Rank				Age			
	USA	USAF	USN	USMC	Under 2 yrs. svc.	DOD CIV	CAU	NEG	Other	E1/E5	E6/E9	WO	COM OFF	18–21	22–25	26–29	Over 30
Sec. A—Personnel data:																	
3d Field	2		1		3		3			3				2	1		
3d Surg	4				3		3	1		4				4			
8th Field	2				2			2		2				1			1
18th Surg	7				6		7			7				7			
24th Evac	13				6		10	3		11	1		1	5	5	1	2
27th Surg	4				4		4			4				4			
67th Evac	24				10		18	6		24				15	8	1	
85th Evac	15				7		12	3		15				12	3		
91st Evac	8				6		5	3		8				4	4		
95th Evac	11			1	9		9	3		12				11		1	
6th Conv Ctr	8				4		8			8				7	1		
Subtotal	98		1	1	60		79	21		98	1		1	72	22	3	3
483 USAF Hosp	4	5			8		7	2		9				9			
377 USAF Hosp		17			14		9	8		17				13	4		
366 USAF Disp	4	12			10		15	1		16				11	5		
35 USAF Disp	1	10			10		8	2	1	11				8	3		
6251 USAF Disp	1	2			3		3			3				3			
1st Med Bn		4			4		2	2		4				4			
3rd MA Bde				3	3		2	1		3				3			
Total	108	50	1	4	112		125	37	1	161	1		1	123	34	3	3

Hospital	Number of deaths						Race			Rank				Age			
	USA	USAF	USN	USMC	DOD CIV	Total	CAU	NEG	Other	E1–E5	E6–E9	WO	COM OFF	18–21	22–25	26–29	Over 30
Sec. B—Deaths resulting from drug abuse:																	
TSN Mort	5					5	4	1		4	1			1	2	1	1
Da Nang Mort	2					2	2			2				1	1		
Total	7					7	6	1		6	1			2	3	1	1

SECTION C—DRUG ABUSE RELATED OUTPATIENT VISITS

	USA	USAF	USN	USMC	DOD CIV
Out-patient visits	2,039	65	18	66	0

SECTION D—TRANSFERS—TRANSFERS OF PATIENTS OUT OF COUNTRY WITH DRUG RELATED DIAGNOSES

	USA	USAF	USN	USMC	DOD CIV
Transfers to PACOM	2	0	0	1	0
Transfers to CONUS	2	0	0	0	0

SECTION E—TYPE OF DRUG ABUSE

	Narcotics		Dangerous drugs User	Marihuana User	Other User
	Addict	Nonaddict			
USA	54	18	11	1	24
USAF	41	5	4	0	0
USN	7	0	0	1	1
USMC	1	0	2	1	0
DOD CIV	0	0	0	0	0

SECTION F—REHABILITATION EFFORTS

	USA	USAF	USN	USMC
Admissions Under Amnesty Program	35	49	2	0

Name, grade, and title of person to contact for additional information: Kenneth G. Hermann, Capt., USAF, MSC Statistican; Telephone Number 923–2043.

Typed name, grade and title of approving officer: David L. Fowler, Maj. MSC, USA, Chief, Administrative Division.

HOSPITAL UTILIZATION REPORT

[For use of this form, see MACV Directive 190-4]

From: MACMD-PS.
To: MACPM.
Reports Control Symbol MACV 6260-1, period covered: April 1971.

Hospital	Number of patients discharged						Race			Rank				Age			
	USA	USAF	USN	USMC	Under 2 yrs. svc.	DOD CIV	CAU	NEG	Other	E1-E5	E6-E9	WO	COM OFF	18-21	22-25	26-29	Over 30
Sec. A—Personnel data:																	
3d Field	10				9		10			10				6	4		
3d Surg	1							1		1					1		
8th Field	3				2		3			3				2	1		
18th Surg	5				3		5			5				5			
24th Evac	2						2			2				1	1		
27th Surg	8				7		8			7	1			5	3		
67th Evac	16				6		14	2		16				11	4		1
85th Evac	21						14	7		21				16	5		
91st Evac	5						4	1		5				5			
95th Evac	11				9		11			11				6	5		
6th Conv Ctr	8				4		8			8				6	2		
Subtotal	90				40		79	11		89	1			63	26		1
483 USAF Hosp	15	10			22	1	24	2		25				21	4		1
377 USAF Disp		16			13		10	6		16				12	4		
366 USAF Disp	6	13			16		15	4		19				13	6		
35 USAF Disp	1	8			9		8	1		9				6	3		
6251 USAF Disp		9			8		3	6		9				9			
1st Med Bn				3	3		2	1		3				3			
Total	112	56		3	111	1	141	31		170	1			127	43		

Hospital	Number of deaths						Race			Rank				Age			
	USA	USAF	USN	USMC	DOD civ	Total	Cau.	Neg.	Other	E1-E5	E6-E9	WO	Com. off.	18-21	22-25	26-29	Over 30
Sec. B—Deaths resulting from drug abuse:																	
TSN Mort	2					2	1		1	2				1	1		
Danang Mort	5					5	4	1		4	1			2	2		1
Total	7					7	5	1	1	6	1			3	3		1

SECTION C—DRUG ABUSE RELATED OUT PATIENT VISITS

	USA	USAF	USN	USMC	DOD CIV
Out-patient visits	1775	31	8	103	0

SECTION E—TYPE OF DRUG ABUSE

	Narcotics		Dangerous drugs (user)	Marihuana (user)	Other (user)
	Addict	Nonaddict			
USA	68	24	2	0	18
USAF	42	14	0	0	0
USN	0	0	[1]1	0	0
USMC	0	1	1	1	0
DOD CIV	0	0	1	0	0

SECTION D—TRANSFERS—TRANSFERS OF PATIENTS OUT OF COUNTRY WITH DRUG RELATED DIAGNOSES

	USA	USAF	USN	USMC	DOD CIV
Transfers to PACOM	5	1	0	0	0
Transfers to CONUS	5	0	0	3	0

SECTION F—REHABILITATION EFFORTS

	USA	USAF	USN	USMC
Admissions under amnesty program	47	0	0	0

Name grade and title of person to contact for additional information: Kenneth G. Hermann, Capt., USAF, MSC, Statistician; Telephone number 4055.

Typed name, grade and title of approving officer: David L. Fowler, Maj., MSC, USA, Chief Administrative Division.

HOSPITAL UTILIZATION REPORT, MARCH 1971

Hospital	Number of patients discharged						Race			Rank				Age			
	USA	USAF	USN	USMC	Under 2 yrs. svc.	DOD CIV	CAU	NEG	Other	E1/E5	E6/E9	WO	COM OFF	18-21	22-25	26 29	Over 30
Sec. A—Personnel data:																	
3 Field	11				10		9	2		11				8	3		
3 Surg	6				3		6			6				6			
8 Field	5				5		5			5				5			
18 Surg	7				6		6	1		7				6		1	
24 Evac	16				10		14	2		16				13	1	2	
27 Surg	10				3		8	2		10				7	3		
67 Evac	19				15		17	2		19				13	6		
85 Evac	38				25		23	14	1	36	2			35	2		1
91 Evac	5				5		4	1		5				4	1		
93 Evac	14				12		10	4		14				13	1		
95 Evac	13				12		13			13				12	1		
6 Conv Ctr	8				5		6	2		8				5	3		
Subtotal	152				111		121	30	1	150	2			127	21	3	1
483 USAF Hosp	71	14	0	0	58	0	68	17	0	85				72	10	3	
377 USAF Disp	1	8	0	0	5	0	5	4	0	9				8	1		
366 USAF Disp	1	5	0	0		0	1	4	1	6				4	1		1
12 USAF Disp	2	2	0	0	4	0	1	3	0	4				3	1		
35 USAF Disp	1	9	0	0	10	0	7	2	1	10				7	3		
327 USAF Disp	0	0	0	0													

HOSPITAL UTILIZATION REPORT, MARCH 1971—Continued

Hospital	Number of patients discharged: USA	USAF	USN	USMC	Under 2 yrs. svc.	DOD CIV	Race: CAU	NEG	Other	Rank: E1/E5	E6/E9	WO	COM OFF	Age: 18–21	22–25	26–29	Over 30
Sec. A—Personnel data:—continued																	
6251 USAF Disp	0	16	0	0	14	0	14	2		16				14	2		
Subtotal	76	54	0	0	91	0	96	32	2	130				108	18	3	1
No Navy facility discharged																	
1st Med Bn	0	0	0	5	5	0	2	3	0	5				5			
Total	228	54	0	5	207	0	219	65	3	285	2			240	39	6	2

Mortuary	Number of deaths: USA	USAF	USN	USMC	DOD CIV	TOTAL	Race: CAU	NEG	OTHER	Rank: E1–E5	E6–E9	WO	COM OFF	Age: 18–21	22–25	26–29	Over 30
Sec. B—Deaths resulting from drug abuse:																	
Tan Son Nhut	2					2	1	1		2				2			
Da Nang	4		1			5	4	1		5				4			1
35 USAF Disp		1				1		1		1				1			
Total suspected deaths	6	1	1			8	5	3		8				7			1

SECTION C—DRUG ABUSE RELATED OUT-PATIENT VISITS

	USA	USAF	USN	USMC	DOD CIV
Out-patient visits	1,300	230	16	30	0

SECTION D—TRANSFERS—TRANSFERS OF PATIENTS OUT OF COUNTRY WITH DRUG RELATED DIAGNOSES

	USA	USAG	USN	USMC	DOD CIV
Transfers to PACOM	4	1	0	3	0
Transfers to CONUS	6	0	0	0	0

SECTION E—TYPE OF DRUG ABUSE

	Narcotics: Addict	Nonaddict	Dangerous drugs User	Marihuana User	Other User
USA	124	47	14	1	42
USAF	36	16	2	0	0
USN	10	0	0	0	0
USMC	0	3	0	5	0
DOD CIV	0	0	0	0	0

SECTION F—REHABILITATION EFFORTS

	USA	USAF	USN	USMC
Admission under amnesty program	110*	17	0	0

SECTION G—GENERAL COMMENTS

*71 or 65% of the 110 Army personnel admitted under the amnesty program were at USAF medical facilities.

Name grade and title of person to contact for additional information: Kenneth G. Hermann, Capt, USAF, MSC Statistician MACMD–PS.

Typed name, grade and title of approving officer: David L. Fowler, Maj., MSC, USA, Chief Administrative Division.

From: MACMD–PS.
To: MACPM.

HOSPITAL UTILIZATION REPORT, FEBRUARY 1971

Hospital	Number of patients discharged: USA	USAF	USN	USMC	Under 2 yrs. svc.	DOD CIV	Race: CAU	NEG	Other	Rank: E1/E5	E6/E9	WO	COM OFF	Age: 18–21	22–25	26 29	Over 30
Sec. A—Personnel data:																	
3 Field	6				2		5	1		5	1			3	2	1	
3 Surg	4				3		3	1		4				3	1		
8 Field																	
18 Surg																	
24 Evac	5				3		5			5				3	2		
27 Surg	10				7		7	3		10				6	4		
67 Evac	44				26		39	5		43	1			36	6	2	
85 Evac	23				9		8	15		23				22	1		
91 Evac	8				3		8			8				5	3		
93 Evac	16				13		11	5		16				13	3		
95 Evac	21				18		17	4		21				21			
6 Conv. Ctr	3				3		3			3				2	1		
Subtotal	140				87		106	34		138	2			114	23	3	
Nha Be			3		3		3			3				3			
NSF Cam Ranh			1		1		1			1				1			
1st Med. Btn				3	2		2	1		3				3			
483d USAF Hos	67	7	3		68		68	9		77				65	12		
377th USAF Dis		4			4		1	3		4				4			
366th USAF Dis	3	5			6		6	2		8				6	2		
35th USAF Dis		3			3			3		3				3			
12th USAF Dis	1	2			1		2	1		3				1	2		
Total	211	21	7	3	175		189	53		240	2			200	39	3	

Hospital or mortuary	Number of deaths: USA	USAF	USN	USMC	DOD CIV	Total	Race: CAU	NEG	Other	Rank: E1–E5	E6–E9	WO	Com off	Age: 18–21	22–25	26–29	Over 30
Sec. B—Deaths resulting from drug abuse:																	
Tan Son Nhut	9		1				6	4		10				8			2
Da Nang	7			1			4	4		7	1			5	2		1
483d USAF Hos		1					1			1				1			
Total	16	1	1	1			11	8		18	1			14	2		3

SECTION C—DRUG ABUSE RELATED OUTPATIENT VISITS

	USA	USAF	USN	USMC	DOD CIV
Out-patient visits	1,404	27	11	22	0

SECTION D—TRANSFERS—TRANSFERS OF PATIENTS OUT OF COUNTRY WITH DRUG RELATED DIAGNOSES

	USA	USAG	USN	USMC	DOD CIV
Transfers to PACOM	1	0	0	1	0
Transfers to CONUS	1	2	0	0	0

SECTION E—TYPE OF DRUG ABUSE

	Narcotics: Addict	Nonaddict	Dangerous drugs user	Marihuana user	Other user
USA	123	28	8	2	50
USAF	16	3	2		
USN	4	3			
USMC	1	1	1		
DOD CIV					

SECTION F—REHABILITATION EFFORTS

	USA	USAF	USN	USMC
Admission under amnesty program	141	0	0	0

Name, grade and title of person to contact for additional information: Kenneth G. Hermann Capt., USAF, MSC, Statistician, MACMD—PS.

Typed name, grade and title of approving officer: David L. Fowler, Maj., MSC, USA, Chie Administrative Division.

HOSPITAL UTILIZATION REPORT

For use of this form, see MACV Directive 190-4

From: Office of the Command Surgeon HQ MACV.
To: Drug Suppression Division MACPM.
Reports control symbol MACV RCS 6260-1, period covered: Jan. 1–31, 1971.

Hospital	Number of patients discharged: USA	USAF	USN	USMC	Under 2 yrs. svc.	DOD CIV	Race: CAU	NEG	Other	Rank: E1/E5	E6/E9	WO	COM OFF	Age: 18–21	22–25	26 29	Over 30
Sec. A—Personnel data:																	
3rd Field	10	1			10		8	3		11				10		1	
3rd Surg	5		1		4		6			6				6			
8th Field	5				4		5			5				5			
18th Surg	6				5		4	2		6				5	1		
24th Evac	3				1		3			3					3		
27th Surg	18				15		15	3		18				14	4		
67th Evac	51				30		47	4		51				39	11	1	
85th Evac	12				8		10	2		12				9	2		1
91st Evac	8				6		6	2		8				4	3		1
93rd Evac	17				15		17			17				15	1	1	
95th Evac	9				7		7	2		9				8	1		
6th CC	4				2		4			4				4			
Subtotal	148	1	1		107		130	18		150				119	26	3	2
1st Med Batn	2			2	4		2	2		4				3	1		
Nha Be			2		2		2			2				1	1		
7th AF [1]	41	14			48		42	13		55				46	9		
Total	191	15	3	2	161		178	33		211				169	37	3	2

[1] Will be detailed by location on future reports.

Hospital	Number of deaths: USA	USAF	USN	USMC	DOD civ	Total	Race: CAU	NEG	Other	Rank: E1–E5	E6–E9	WO	COM off	Age: 18–21	22–25	26–29	Over 30
Sec. B—Deaths resulting from drug abuse: [1]																	
TSN Mortuary	7					7	4	3		6	1			4	3		
DA Nang Mort	6					6	4	2		6				6			
1st Med Batn				3		3	1	2		3				2	1		
7th AF		1				1	1			1					1		
Total	13	1	0	3		17	10	7		16	1			12	5		

[1] Clinically suspected deaths, proven deaths on separate summary attached.

SECTION C—DRUG ABUSE RELATED OUTPATIENT VISITS

	USA	USAF	USN	USMC	DOD CIV
Outpatient visits	*1,864	28	23	6	4

*Includes 890 visits to medical units oreanic to other units.

SECTION D—TRANSFERS—TRANSFERS OF PATIENTS OUT OF COUNTRY WITH DRUG RELATED DIAGNOSES

	USA	USAF	USN	USMC	DOD CIV
Transfers to PACOM	10	0	0	0	0
Transfers to CONUS	8	0	0	0	0

SECTION E—TYPE OF DRUG ABUSE

	Narcotics		Dangerous drugs user	Marihuana user	Other user
	Addict	Nonaddict			
USA	96	26	40	2	26
USAF	7	3	3	1	1
USN	2	0	0	0	1
USMC	0	0	1	0	0
DOD CIV	0	0	0	0	0

SECTION F—REHABILITATION EFFORTS

	USA	USAF	USN	USMC
Admissions under amnesty program	111	0	0	0

SECTION G—GENERAL COMMENTS

[1] See separate summary of autopsy proven deaths.

Name, grade and title of person to contact for additional information: Kenneth G. Hermann Capt., USAF, MSC, Statistician, MACMD; telephone number: 923-4055.

CHILEAN NATIONALIZATION OF COPPER MINES: POLITICAL VICTORY, ECONOMIC SETBACK

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the nationalization of copper mines in Chile has broad and permanent implications. Although only a relatively small percentage of copper from Chile comes permanently to the United States, several American-owned companies—including the two largest, Kennecott and Anaconda—have extensive investments in the industry there and the treatment accorded them is a matter of national concern. Another important fact is that while the nationalization of the copper mines had been publicized as a promise for economic progress, it may turn out to be an economic setback. The developments have been of particular interest in my home city of Waterbury, Conn.—one of the brass centers of the world—but they should also be of interest to anyone studying the economics of nationalization and socialization of industries. Juan de Onis writes an interesting perspective on this whole operation in the July 18 issue of the New York Times. It is clear from Mr. de Onis' article that the nationalization of copper mines in Chile, while a political victory for President Salvador Allende Gossens, could mean economic retrogression for his country.

The article follows:

CHILE: IF THE COPPER HAD BEEN OURS

SANTIAGO.—For weeks, Government-paid advertisements in the Chilean newspapers have been showing pictures of shack-dwellers and naked, undernourished children over a title reading: "This would not have happened if the copper had been ours."

Last week, the Government of President Salvador Allende Gossens finally put into effect its long-standing plans for nationalizing the country's copper mines. The official message to Chileans was that the mines would now finance a program of economic development and social reform.

But whether the promise will be borne out is questionable.

In ideological terms, the Government has been building a strong case for nationalism. A publication of the Chilean States Copper Corporation blames "our weak industrial development, our primitive agriculture, unemployment, low salaries and thousands of premature deaths among children" on the remittance of profits abroad by United States copper investors.

President Allende said that nationalization would obtain "our second independence—the break in economic dependence" on the United States copper companies, which began operating here with low-grade ores in 1910. At the time, Chile had neither the capital nor the know-how to introduce large-scale production.

These official views passed over the fact that the Chilean Government, through joint ownership and taxes, has been receiving 85 percent of the gross profits of all the copper companies and that copper provides nearly 80 percent of Federal revenues.

Under the former government of President Eduardo Frei Montalva, a Christian Democrat, the State Copper Corporation acquired a 51 percent interest in the major properties of Kennecott and Anaconda, the two largest United States companies. At the same time, the Frei Administration attracted an investment of about $500-million from United States sources for the expansion of copper production.

These investments have been largely completed, and the Allende Government, which took office last November, fell heir to a copper industry that has nearly doubled its productive potential of six years ago—if the expansion program is carried to its conclusion.

The nationalization strategy of extracting profits from copper to finance the rest of the economy depends heavily, therefore, on whether the copper industry performs under socialist management as lucratively as the Marxists claim was the case under United States management. The rate of profit remittance during the last decade was close of $80-million a year, according to Dr. Allende.

An important factor influencing the profit that can be taken out of the nationalized mines in the near future will be the compensation that is to be paid to the United States copper interests. The three American companies involved claim investments of about $700-million, much of which came as United States bank loans for the expansion program.

Left-wing radicals here oppose any payment. But Dr. Allende has publicly pledged to pay off the bank obligations, which include $220-million to the Export-Import Bank.

But the higher the amount of compensation and the shorter the terms for payment, the less the nationalized properties will provide for the economic and social development program that Dr. Allende has pledged will accompany the "construction of socialism" during his six-year term.

The critical issue in the compensation problem would appear to be how little the Government can persuade or oblige the companies to accept before bringing a claim of unfair treatment, a situation that would produce a clash with the United States Government. Since 1965, the copper companies have insured a large part of their investments here with the United States Government's Overseas Private Investment Corporation, which provides protection against expropriation without due compensation.

Internally, the Government faces serious difficulties in the management of the five nationalized mines, which produce 80 per cent of Chile's copper.

Since Dr. Allende was elected, there has been an exodus of more than 200 top-level managers, supervisors and technicians from the copper companies; in the great majority, these were Chileans who have left the country for mining jobs abroad or have gone into private activities here.

Many of the top managerial and technical personnel began looking for jobs abroad as soon as Dr. Allende was elected. Others, who wanted to stay on despite the imposition of a wage ceiling and elimination of payments in United States dollars, quit because of what they described as political harassment, frustration over labor discipline and production problems.

"With these people working, we might have been able to keep the mines running properly, but with politicians and union leaders calling the shots, the mines are going to be a mess," said a Chilean construction manager who has worked for the copper companies.

Production under the expansion program is already well behind schedule. It is unlikely that the copper output will go beyond 700,000 metric tons this year, compared with 685,000 in 1970.

And, while the prices last year were over 6 cents a pound, this year they have barely averaged 50 cents a pound. Each cent of price decline costs Chile $17-million a year in exchange income and $14-million in fiscal revenues.

So while nationalization appears to have been a political plum for Dr. Allende, because it satisfies a point of pride with many Chileans, it does not promise the economic bonanza that the Government has been leading the people to expect.

—JUAN DE ONIS.

MISAPPROPRIATION OF UMWA FUNDS

(Mr. HECHLER of West Virginia asked and was given permission to extend his

remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, on July 21, 1971, the U.S. Court of Appeals for the District of Columbia ordered the firm of Edward Bennett Williams, Paul R. Connolly & Joseph A. Califano disqualified from further legal representation of the United Mine Workers in a suit against the UMWA and its three top officers—W. A. "Tony" Boyle, George J. Titler, and John Owens—for an accounting and restitution of money allegedly misspent and misappropriated from the UMWA Journal (*Yablonski v. UMWA, et al.* (Civ. Act. No. 3436–69, D.C. D.C.) Since this case has great public significance in defining the proper role of union counsel in such suits, I wish to include it in the RECORD. The use of union money to defend individual officers charged with wrongdoing toward their union is a substantial impediment to the achievement of union reform, and I believe the court acted wisely in assuring that such activity would not be permitted.

The appeal follows:

[In the U.S. Court of Appeals for the District of Columbia Circuit—No. 24,945]

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Joseph A. Yablonski, et al., appellants *v.* United Mine Workers of America.

Decided July 21, 1971.

Mr. Joseph L. Rauh, Jr., with whom *Messrs. John Silard, Elliott C. Lichtman* and *Clarice R. Feldman* were on the brief, for appellants.

Mr. Paul R. Connolly, with whom *Mr. Edward L. Carey* was on the brief, for appellee.

Before McGowan, Robinson and Wilkey, *Circuit Judges.*

PER CURIAM: This is an action under § 501 of the Labor-Management Reporting and Disclosure Act[1] brought by the late Joseph A. Yablonski and 48 other members of the United Mine Workers of America against the UMWA and three named officers—Boyle, President; Titler, Vice President; Owens, Secretary-Treasurer—asking for an accounting of UMWA funds disbursed by them and for restitution of funds allegedly misappropriated and misspent.

No trial on the merits has been had. The issue on this appeal is whether the law firm regularly representing the UMWA, who originally entered an appearance for the UMWA and the three individual officer-defendants, should be allowed to continue its representation of the UMWA after it withdrew as counsel for the individual defendants. The District Court found that the regular UMWA outside counsel was not disqualified from continuing its representation in this action, but for reasons enunciated *infra* we hold that in the particular circumstances of this case such representation should be discontinued.

After the action was filed in December 1969, appellant-plaintiffs filed in May 1970 a motion to disqualify counsel on the grounds (1) that the compensation of the regular UMWA counsel would continue to come from the UMWA treasury and (2) that there existed a conflict between the UMWA and the individual defendant officers. A month later the UMWA counsel withdrew as counsel for the individual defendants but remained as counsel for the UMWA, which the District Court sustained as proper.

At the outset of the lawsuit the then counsel for all defendants set about with commendable diligence to delineate the real issues of the lawsuit, filing in behalf of the UMWA and the three individual defendants answers setting forth all customary general defenses, and filing 34 pages of interrogatories to develop more fully the scope of the case.

The appellants argue that this period of six months' prior representation in this same suit disqualifies the regular union outside counsel to continue its representation of the UMWA, even after its withdrawal as counsel for the three individual officer-defendants. With this we do not agree. It has been inferentially held that one lawyer can properly represent all defendants if a suit appears groundless, and that separate counsel is required only in a situation where there is a potential conflict between the interests of the union and those of its officers.[2] We regard the actions of the regular UMWA counsel during its six-month representation of both the union and its officers as an effort to ascertain the exact nature of the lawsuit and protect the interests of all defendants, and by our ruling herein do not imply any censure of counsel's action during this period of joint representation. But there does exist in our judgment a more serious barrier to the continued representation of the UMWA by its regular outside counsel in this particular lawsuit.

I. EFFECT OF OTHER LITIGATION IN WHICH REGULAR UMWA-COUNSEL REPRESENT DEFENDANT PRESIDENT BOYLE

Of far more concern is the existence of other litigation in which the regular UMWA counsel is representing Boyle, sometimes in conjunction with representation of the union, at other times not.

(1) The "reinstatement" or "reprisal" case—one of four "election" cases brought by Joseph A. Yablonski against the UMWA and its officers, alleging that the reassignment or severance of plaintiff Yablonski from certain union duties was a reprisal for his running for president against the incumbent Boyle. After the death of Yablonski the trial court dismissed the case as moot, and this action is on appeal in this court.[3] Appellants here claim that if this court should hold that the trial court was wrong in dismissing the reprisal case as moot, then appellee Boyle may subsequently be required to pay substantial punitive damages to the estate of Yablonski, and thus Boyle has a personal, as distinguished from a union, interest in that appeal. Although initially the union and its officers were represented by the union general counsel in the District Court, the regular UMWA outside counsel represented both the UMWA and Boyle personally on the motion to dismiss as moot, and continues such representation on appeal in this court.

(2) Denial of attorney's fees—as an outgrowth of the UMWA election cases, attorneys for "the Yablonski group" applied for attorney's fees to be paid by the union, which the District Court denied, finding that "no malfeasance on the part of the officers has yet been established." These four cases[4] are now on appeal. The regular UMWA counsel represents both the union and the individual officer-defendants here and did so on the merits in two of the cases in the District Court (the *"Journal"* and "fair election" cases, paragraph 3 *infra*) and on the motions to dismiss in all four cases, where the issue originally was the compliance of the incumbent officers with the Labor-Management Reporting and Disclosure Act. This series of cases is alleged to be related to the case at bar, inasmuch as paragraph 13 of the complaint herein alleges that Boyle and the other individual officer-defendants employed counsel to defend them on charges of breach of trust and paid such counsel from UMWA funds, the regular outside UMWA counsel here involved being one of those whose representation and compensation is being challenged in this present suit.

(3) The *"Journal"* and "fair election" cases—during the UMWA election campaign candidate Yablonski claimed that the union newspaper was being used to promote the candidacy of incumbent President Boyle. On appeals in this court[5] the regular UMWA counsel represented Boyle and the union, although in one aspect in the District Court which was severed and consolidated with the instant case, whether Boyle should be made to pay for some of the costs of printing of the *Journal*, the regular UMWA counsel does not represent Boyle.

4. *Blankenship* v. *Boyle*—a group of retired miners sued the Trustees of the UMWA Welfare and Retirement Fund of 1950, one of the Three Trustees being Boyle, alleging that the Fund had been mismanaged by the Trustees. Boyle was charged with using his position as a Trustee to increase pension benefits to assist his re-election campaign. The District Court ordered his removal as Trustee and this court has recently refused to stay the effectiveness of that order,[6] although not deciding the appeal on the merits. Regular UMWA counsel represents Boyle individually in all three of the capacities in which he is sued, as Trustee of the Fund, President of the UMWA, and Director of the National Bank of Washington, as well as representing the union.

We have listed and briefly described the above actions of record in which the regular UMWA counsel represents Boyle individually. Each of these has been minutely examined by appellees' counsel to demonstrate that in no instance is the representation of Boyle individually in conflict with the good faith representation of the UMWA in this case; in effect, that the interests of the UMWA and of Boyle individually are the same. We are assured that if any conflict should arise, appellees' counsel would be prompt to withdraw as counsel to the UMWA in this case.

While the issues involved in each of the individual cases, and the past or present existence or nonexistence of any conflict, are relevant to the propriety of the regular UMWA counsel continuing its representation of the union in the case at bar, yet we do not think that this analysis is determinative of the real problem here. It is undeniable that the regular UMWA counsel have undertaken the representation of Boyle individually in many facets of his activities as a UMWA official, as a Trustee of the Fund, as a Director of the Bank owned 74% by the union. With strict fidelity to this client, such counsel could not undertake action on behalf of another client which would undermine his position personally. Yet, in this particular litigation, counsel for the UMWA should be diligent in analyzing objectively the true interests of the UMWA as an institution without being hindered by allegiance to any individual concerned.[7]

We are not required to accept at this point the charge of the appellants that the "true interest" of the union is aligned with those of the individual appellants here; this may or may not turn out to be the fact. But in the exploration and the determination of the truth or falsity of the charges brought by these individual appellants against the incumbent officers of the union and the union itself as a defendant, the UMWA needs the most objective counsel obtainable. Even if we assume the accuracy of the appellee's position at the present time that there is no visible conflict of interest, yet we cannot be sure that such will not arise in the future.

Whether facts are discovered and legal positions taken which would create such a

---

Footnotes at end of article.

conflict of interest between the UMWA position and the position of the individual defendant Boyle may well be determined by the approach which counsel for the UMWA takes in this case. We think that the objectives of the Labor-Management Reporting and Disclosure Act[8] would be much better served by having an unquestionably independent new counsel in this particular case. The public interest requires that the validity of appellants' charges against the UMWA management of breach of its fiduciary responsibilities be determined in a context which is as free as possible from the appearance of any potential for conflict of interest in the representation of the union itself.

II. OBJECTIVE DETERMINATION OF THE UMWA'S INSTITUTIONAL INTEREST

Counsel for the appellees here have stressed the "institutional interest" of the UMWA in all of the issues raised, and particularly the institutional interest of the union in "repose." Counsel's interpretation of the "institutional interest" of the union appears to have been broad enough to authorize UMWA counsel to undertake practically everything worthwhile in the defense of this lawsuit. After the withdrawal of the regular union counsel from representation of Boyle individually in this case, the individual practitioner selected to represent Boyle has apparently contributed little to the defense.

By far the strongest laboring oar has been stroked by the regular UMWA counsel on behalf of the union. On oral argument appellees' counsel stated that it had prepared 94 pages of answers to interrogatories that the individual practitioner representing Boyle had agreed they should do this, as the UMWA had a definite interest that all questions as to the conduct of union affairs previously were accurately answered and that the accurate answers were to be found in the union records. We can see the UMWA interest in having such interrogatories answered accurately, but we would think that since it is the individual defendants who are charged with the misconduct, their counsel would be the one to initiate and to carry the burden. It appears that, since the division of work between the UMWA counsel and counsel for the individual defendants in July 1970, until 15 March 1971 approximately 250 pages of pleadings, motions, memoranda, exhibits, affidavits and papers relating to discovery were filed by the regular UMWA counsel, while the individual defendants' counsel contributed only about 50 pages of similar documents.

In the crucial area of discovery matters, clearly representing the vast bulk of the effort expended by the parties defendant at this stage of the litigation, UMWA counsel have prepared 174 pages of answers to plaintiffs' initial interrogatories which were directed to all defendants, while counsel for the individual defendants, until 2 April 1971, some 7½ months after the interrogatories were originally served, had contended himself with filing 2 pages of answers for each individual defendant, a total of 6 pages. On 2 April 1971 counsel finally filed additional answers on behalf of defendant Boyle; however, as of the date of argument of this appeal, answers on behalf of the other individual defendants had not been filed.

Furthermore, we take judicial notice[9] of the fact that subsequent to oral argument of this appeal, the trial court on 2 July 1971 entered Pretrial Order No. 3, which proposed to impose sanctions under F. R. Civ. P. 37 against the individual defendants, if prompt response to the plaintiffs' interrogatories were not forthcoming, and which found that the answers heretofore filed on behalf of defendant Boyle were "in large measure vague, incomplete and unresponsive and bear the indication that no bona fide effort has been made to secure the information necessary to answer the interrogatories."

Aside from the comparative burden of work carried, some of the issues raised by the regular UMWA counsel would seem to be of more interest to the position of the officers than to the union, for example, the defense on the statute of limitations. Granted that the UMWA may have some interest in limiting the exploration of its internal documents, still the overriding interest in the cutoff date from which the officers individually might be liable, if of course they are liable at all, would seem to be that of the individual defendant-officers. Yet the trial court has noted in Pretrial Order No. 3 that "Counsel for defendant Boyle orally adopted at the April 8, 1971 hearing the Statute of Limitations defense proposed and briefed by defendant UMWA but filed no papers in support of such objection."

This points up the difficulty of defining an "institutional interest" such as that of the union. In trying to achieve a valid definition of an institution's interest, it would seem that counsel charged with this responsibility should be as independent as possible. It appears that in 18 months of representation (6 months for both the UMWA and Boyle individually, and 12 months for the UMWA alone), the regular UMWA counsel has not brought forth a single issue on which the UMWA and the Boyle individual interest have diverged.

We think the analogy of the position of a corporation and its individual officers when confronted by a stockholder derivative suit is illuminating here.[10] We believe it is well established that when one group of stockholders brings a derivative suit, with the corporation as the nominal defendant and the individual officers accused of malfeasance of one sort or another, the role of both the corporate house counsel and the regular outside counsel for the corporation becomes usually a passive one. Certainly no corporate counsel purports to represent the individual officers involved, neither in the particular derivative suit nor in other litigation by virtue of which counsel necessarily must create ties of loyalty and confidentiality to the individual officers, which might preclude counsel from the most effective representation of the corporation itself. The corporation has certain definite institutional interests to be protected, and the counsel charged with this responsibility should have ties on a personal basis with neither the dissident stockholder nor the incumbent officeholders.

Purportedly a stockholder derivative suit is for the benefit of the corporation, even though the corporation is a nominal defendant, just as the appellants here assert (yet to be proved) that their action is for the benefit of the UMWA and that the individual incumbent officers are liable to the union itself for their alleged misdeeds. And, under established corporate law, if the individual officers are successful in the defense of a suit arising out of the performance of their duties as corporate officers, then they may justifiably seek reimbursement from the corporation for the costs of their successful defense.

In the ordinary case the action taken here by the regular UMWA counsel in the District Court might well have been the proper one, *i.e.*, after establishing the nature of the lawsuit by interrogatories and filing answers on behalf of both the union and the individual officers in order fully to protect the position of all parties, then to step aside as counsel for the individual defendants and continue the representation of the union. But this particular case is a derivative action for the benefit of the union, and furthermore must be viewed in its relationship to this entire complex of numerous cases already pending or decided in this and the District Courts in which the regular UMWA counsel has already undertaken the representation of Boyle individually. Each and every one of these cases either directly arises out of or is directly connected with the struggle for power in the UMWA being waged by the Yablonski group on one side and the incumbent officers headed by President Boyle on the other. In this situation, the best interests of the UMWA and the purposes of the Labor-Management Reporting and Disclosure Act will be much better served by the disqualification of the regular union counsel in this particular suit and its continued representation of the individual Boyle in the other lawsuits.

We are cognizant that any counsel to represent the UMWA selected by President Boyle will be to some degree under his control. But such counsel will still only have one client—the UMWA—to represent in matters growing out of the union's affairs. Such counsel would never be professionally obligated to consider Boyle's personal interests, because they would not be representing him individually in related matters. And the extent of their labors would be gauged by the need to protect the UMWA position in this litigation.

Therefore, the Order of the District Court denying the appellant's motion to disqualify the regular UMWA outside counsel from representing the UMWA in this particular action is vacated, and the cause remanded to the District Court for further proceedings in accordance with this opinion.

FOOTNOTES

[1] 29 U.S.C. § 501(b) (1964) provides *inter alia:*

"When any officer, agent, shop steward, or representative of any labor organization is alleged to have violated the duties declared in subsection (a) of this section and the labor organization or its governing board or officers refuse or fail to sue or recover damages or secure an accounting or other appropriate relief within a reasonable time after being requested to do so by any member of the labor organization, such member may sue such officer, agent, shop steward, or representative in any district court of the United States or in any State court of competent jurisdiction to recover damages or secure an accounting or other appropriate relief for the benefit of the labor organization."

[2] *Milone* v. *English*, 113 U.S. App. D.C. 207, 306 F.2d 814 (1962).

[3] *Yablonski* v. *UMWA*, No. 24,584.

[4] Consolidated cases, all titled *Yablonski* v. *UMWA*, Nos. 24,560, 24,561, 24,562, and 24,563 in this court.

[5] Appeals in this court in the *"Journal"* cases all captioned *Yablonski* v. *UMWA*, have now been terminated. In No. 23,439, appellant's motion for summary reversal was denied on 29 August 1969 and the appeal dismissed on 28 April 1970. Nos. 23,536 and 23,659, consolidated on appeal, were affirmed by order of the court on 28 November 1969. The "fair election" case, in which regular UMWA counsel represented the union and its officers in the District Court, was dismissed after UMWA counsel represented that substantial changes in election procedures would be instituted. No appeal has been taken from that dismissal.

[6] *Blankenship* v. *Boyle*, No. 71–1430, Order denying stay filed 11 June 1971.

[7] "Where, as here, union officials are charged with breach of fiduciary duty, the organization is entitled to an evaluation and representation of its institutional interests by independent counsel, unencumbered by potentially conflicting obligations to any defendant officer." *Int'l Bhd. of Teamsters* v. *Hoffa*, 242 F. Supp. 246, 256 (D.D.C. 1965).

We are aware, of course, that in a second opinion in the *Hoffa* case, *Int'l Bhd. of Teamsters* v. *Hoffa*, No. 1154–64 D.D.C. 8 September 1965, 52 CCH Lab. Cas. 23,516, the court held that by "independent counsel" it meant counsel who did not represent both the union and an officer-defendant in the same case, and that the union was free to choose a regularly retained attorney to represent its interests in a § 501 suit. The *Hoffa* case, however, did not present a situation like that of the case at bar, where the regular union counsel seeks to represent the union in a "derivative" action while at the same time representing in pending and related matters an individual officer charged in that action.

[8] 29 U.S.C. § 401 (1964) sets forth the congressional declaration of findings, purposes and policy of the LMRDA, including *inter alia* the statement that "in order to accomplish the objective of a free flow of commerce it is essential that labor organizations, employers, and their officials adhere to the highest standards of responsibility and ethical conduct in administering the affairs of their organizations. . . ." The legislative history of the Act makes plain that a major congressional objective was to provide union members, as well as the Government in the public interest, with a variety of means to ensure that officials of labor organizations perform their duties in accordance with fiduciary standards. Both the Senate and House reports relating to the Act stressed the importance of such standards, the Senate Committee noting that:

Labor organizations are creations of their members; union funds belong to the members and should be expended only in furtherance of their common interest. A union treasury should not be managed as the private property of union officers, however well intentioned, but as a fund governed by fiduciary standards appropriate to this type of organization. The members who are the real owners of the money and property of the organization are entitled to a full accounting of all transactions involving their property." (S. Rep. No. 187, 86th Cong., 1st Sess. 8 (1959); see also H.R. No. 741, 86th Cong., 1st Sess. 7, 8 (1959).

The House Committee strongly expressed its concern that:

"Some trade unions have acquired bureaucratic tendencies and characteristics. The relationship of the leaders of such unions to their members has in some instances become impersonal and autocratic. In some cases men who have acquired positions of power and responsibility within unions have abused their power and forsaken their responsibilities to the membership and to the public. The power and control of the affairs of a trade union by leaders who abuse their power and forsake their responsibilities inevitably leads to the elimination of efficient, honest and democratic practices within such union, and often results in irresponsible actions which are detrimental to the public interest." (H.R. No. 741, 86th Cong., 1st Sess. 6 (1959).

Appellants' complaint in the instant case alleges a state of affairs existing within the leadership of the UMWA of the magnitude of that which the House Report condemned.

[9] *See T.V.T. Corp.* v. *Basiliko*, 103 U.S. App. D.C. 181, 183, 257 F.2d 185, 187 (1958).

See Phillips v. *Osborne*, 403 F.2d 826, 831 (9th Cir. 1968); *Int'l Bhd of Teamsters* v. *Hoffa*, 242 F. Supp. 246, 251 (D.D.C. 1965). Indeed, as appellees themselves noted in a motion filed in the court below, "The action by Mr. Yablonski and others is a derivative action on behalf of the union. . . ."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TEAGUE of California (at the request of Mr. GERALD R. FORD), for July 26 through 28, on account of official business.

Mr. CARTER (at the request of Mr. GERALD R. FORD), for the week of July 26, on account of official business as member of President's Commission on Marihuana and Drug Abuse.

Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), for July 26 and 27, on account of official business as a member of the House Committee on Agriculture.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRENZEL) to revise and extend their remarks and include extraneous material:)

Mr. CRANE, for 20 minutes, today.
Mr. KEITH, for 5 minutes, today.
Mr. HALPERN, for 5 minutes, today.
Mr. FINDLEY, for 10 minutes, today.

(The following Members (at the request of Mr. RUNNELS) to revise and extend their remarks and include extraneous material:)

Mr. RYAN, for 10 minutes, today.
Mr. ROY, for 5 minutes, today.
Mr. GRIFFIN, for 10 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SIKES in five instances, and to include extraneous material.

(The following Members (at the request of Mr. FRENZEL) and to include extraneous material:)

Mr. HASTINGS.
Mr. CRANE in five instances.
Mr. DERWINSKI.
Mr. HALPERN.
Mr. DEVINE in two instances.
Mr. HARVEY in two instances.
Mr. MIZELL in two instances.
Mr. KUYKENDALL.
Mr. MCCLORY in two instances.
Mr. VANDER JAGT.
Mr. SAYLOR.
Mr. JOHNSON of Pennsylvania.

(The following Members (at the request of Mr. RUNNELS) and to include extraneous matter:)

Mrs. GRIFFITHS.
Mr. MITCHELL.
Mr. FOLEY.
Mr. JACOBS in two instances.
Mr. HAMILTON.
Mr. HARRINGTON.
Mr. EDWARDS of California in three instances.
Mr SCHEUER in two instances.
Mr. EVINS of Tennessee in two instances.
Mr. LONG of Maryland in three instances.
Mr. RARICK in four instances.
Mr. GONZALEZ in three instances

SENATE BILLS, JOINT AND CONCURRENT RESOLUTIONS REFERRED

Bills, joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 389. An act for the relief of Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender; to the Committee on the Judiciary.

S. 733. An act to create an additional judicial district in the State of Louisiana, and for other purposes; to the Committee on the Judiciary.

S. 1866. An act for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and DeWitt John; to the Committee on the Judiciary.

S.J. Res. 105. Joint resolution authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups"; to the Committee on the Judiciary.

S.J. Res. 132. Joint resolution extending the duration of copyright protection in certain cases; to the Committee on the Judiciary.

S. Con. Res. 35. Concurrent resolution favoring the suspension of deportation of certain aliens; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1892. An act for the relief of Stephen C. Yednock;

H.R. 1907. An act for the relief of Arnold D. Smith;

H.R. 2110. An act for the relief of the estate of Julius L. Goeppinger;

H.R. 2246. An act for the relief of Charles C. Smith;

H.R. 3344. An act to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code;

H.R. 3753. An act for the relief of Sergeant Ernie D. Bethea, U.S. Marine Corps (retired);

H.R. 6217. An act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938;

H.R. 7271. An act to authorize appropriations for the Commission on Civil Rights; and

H.J. Res. 714. Joint resolution designating the week of August 1, 1971, as "American Trial Lawyers Week."

ADJOURNMENT

Mr. RUNNELS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 27, 1971, at 12 o'clock noon.

COMMITTEE EMPLOYEES

JULY 8, 1971.

COMMITTEE ON AGRICULTURE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Permanent staff:		
Christine S. Gallagher	Chief clerk	$15,853.83
Lacey C. Sharp	General counsel	15,853.83
Hyde H. Murray	Associate counsel	17,816.05
Louis T. Easley	Staff consultant	12,860.26
Betty M. Prezioso	Secretary to general counsel.	8,477.42
Lydia Vacin	Staff assistant	8,477.42
Martha S. Hannah	Subcommittee clerk	8,477.42
Marjorie B. Johnson	Secretary to associate counsel.	8,477.42
Peggy L. Pecore	Calendar clerk (From Feb. 1).	7,131.80
Catherine L. Bernhardt	Calendar clerk (Until Jan. 17).	762.52
George F. Misslbeck	Printing editor	9,457.43
Fowler C. West	Staff consultant (From Apr. 1).	4,166.66
Investigative staff:		
Mildred Baxley	Staff assistant	8,477.42
Fred T. Ward	Staff consultant	8,764.55
Mary Perry Shaw	Staff assistant	6,300.35
Doris Lucile Farmarco	do	6,300.35
Bert Allan Watson	do	2,967.50
Nancy C. Coons	Staff assistant (From February 1).	4,132.20
John A. Knebel	Assistant counsel (until February 7).	2,807.74
Doris E. Swisher	Staff assistant	5,842.06

Funds authorized or appropriated for committee expenditures	$250,000.00
Amount of expenditures previously reported	
Amount expended from Jan. 1, 1971 to June 30, 1971	$45,793.38
Total amount expended from ____ to ____	
Balance unexpended as of June 30, 1971	204,206.62

W. R. POAGE,
Chairman.

JULY 15, 1971.

COMMITTEE ON APPROPRIATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Paul M. Wilson	Clerk and staff director.	$17,504.91
Jay B. Howe	Staff assistant	17,332.67
Robert M. Moyer	do	17,332.67
G. Homer Skarin	do	17,332.67
Eugene B. Wilhelm	do	$17,332.67
Samuel R. Preston	do	17,332.67
Hunter L. Spillan	do	16,346.96
Aubrey A. Gunnels	do	16,091.87
Henry A. Neil, Jr	do	16,091.87
Keith F. Mainland	Staff assistant to chairman.	15,382.16
George E. Evans	Staff assistant	15,382.16
Earl C. Silsby	do	15,382.16
Peter J. Murphy, Jr	do	14,355.21
William G. Boling	do	12,369.22
John M. Garrity	do	12,127.09
Robert B. Foster	do	12,127.09
Milton B. Meredith	do	10,772.64
George A. Urian	do	9,525.71
De Posey B. Mizelle	do	9,525.71
Robert C. Nicholas, III	do	9,525.71
Thomas J. Kingfield	do	9,525.71
Donald E. Richbourg	do	9,525.71
Thayer A. Wood	do	7,772.18
Charles W. Snodgrass	do	7,630.00
John G. Plashal	do	6,654.82
Gary C. Michalak	do	6,136.03
Bryon S. Nielson	do	6,136.03
Samuel W. Crosby	Special Assistant	15,816.38
Lawrence C. Miller	Editor	12,369.22
Paul V. Farmer	Assistant Editor	8,547.97
Francis W. Sady	Administrative Assistant	7,064.08
Austin G. Smith	Clerical Assistant	7,064.08
Gerard J. Chouinard	do	6,654.82
Dale M. Shulaw	do	5,737.81
Daniel V. Gun Shows	do	4,666.63
Kathleen Blankenship	do	2,101.43
Gemma M. Hickey	Clerk-typist	3,555.34
Randolph Thomas	Messenger	5,395.06
Gerald F. Meyer	Minority clerk (to Mar. 6, 1971).	5,018.62
Harold H. Griffin	Minority clerk (from Mar. 27, 1971).	7,050.00
Enid Morrison	Staff assistant to minority.	9,810.35
Thomas H. Hardy	Clerical assistant	2,000.00
Carolyn J. Johnston	Clerk-stenographer	1,000.00
Peggy C. Ehringhaus	do	6,654.82
Jimmy R. Fairchild	Clerical assistant	1,056.32
Patricia E. Hutchinson	Clerk-stenographer	5,535.12
James W. Dyer	Clerical assistant	5,512.50
Katherine D. Coupe	Clerk-stenographer	6,654.82
Barbara B. Blum	do	6,654.82
Norma J. McCay	do	4,166.65
Mary Ann Bond	do	3,633.32
David H. Kehl	Clerical assistant	6,550.83
Ronald A. Rash	do	6,239.80
Barbara Coleman Wallace.	Clerk-stenographer	4,166.65
Helen W. Philipsborn	do	1,056.32
Karen Lee Sahlin	do	6,654.82
Linda Steele	do	6,654.42
Laura C. Lineberry	do	6,300.35
Samuel A. Mabry	Clerical assistant	1,166.67
Naomi A. Rich	Clerk-stenographer	6,308.98
Lola B. Oberman	do	3,811.12
Mary H. Smallwood	do	6,748.76
Catherine M. Voytko	do	6,654.82
John F. Walsh	Clerical assistant	6,654.82
T. Robert Garretson	do	6,654.82
Robert M. Walker	do	4,000.00
Leta M. Buhrman	Clerk-stenographer	6,654.82
Margaret Ann Riley	do	5,089.20
Forest O. Tate, Jr	Clerical assistant	6,654.82
Vincent Rizzutto	do	6,654.82
George F. Allen	do	4,666.68

Amount of expenditures previously reported	$547,552.24
Amount expended from Jan. 1, 1971, to June 30, 1971	595,668.38
Total amount expended from July 1, 1970, to June 30, 1971	1,143,220.62

GEORGE MAHON,
Chairman.

JULY 15, 1971.

COMMITTEE ON APPROPRIATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Paul J. Mohr	Director (to Apr. 30, 1971).	$10,451.18
Cornelius R. Anderson	Director, (from May 1, 1971).	15,182.90
Leroy R. Kirkpatrick	1st assistant	14,062.10
Willia C. Law	2d assistant	4,516.66
Mary Alice Sauer	Administrative assistant.	7,107.70
Frances May	Clerk-stenographer	6,300.35
Janet Lou Dameron	do	4,784.45
Agriculture, Department of:		
Crabtree, P.O	Clerical assistant	1,998.62
Nielson, B. S	do	4,492.06
Robison, J. F	Investigator	7,664.72
Strelser, A. J	do	15,525.30
Army Audit Agency:		
Dunn, R. J	do	8,562.40
Central Intelligence Agency:		
Morrow, C. W	do	9,656.13
Commerce, Department of:		
Specht, D. H	do	6,300.36
Defense Contract Audit Agency:		
Herron, M. A	do	7,101.20
Federal Bureau of Investigation:		
Baber, J. R	do	10,307.36
Bennett, C. L	do	12,698.88
Bosko, A. P	do	11,085.84
Brummitt, D. A	do	8,225.28
Carroll, G. C	do	11,970.96
Carson, D. W	do	12,846.24
Christensen, J	do	7,039.84
Feinstermacher, H. E., Jr.	do	12,557.76
Franklin, R. M	do	11,970.96
Funkhouser, P. K	do	10,211.04
Goodtel, J. G	do	12,259.44
Groover, L. C., Jr	do	10,499.52
Ivy, C. M	do	12,259.44
Law, W. C	do	8,491.20
McGahey, H. B	do	12,557.76
McGee, E. H	do	12,557.76
Maher, M. F	do	12,557.76
Malyniak, J., Jr	do	11,502.88
Mansfield, J. P	do	11,970.96
Michalski, J. E	do	12,259.44
Morris, E. J	do	2,540.16
Schmidt, D. A	do	4,606.16
Scully, J. E	do	5,179.04
Shannon, A. J	do	12,557.76
Szoka, C. E	do	11,970.96
Torrence, R. E	do	5,304.00
Welch, W. H., Jr	do	12,846.24
Wetzel, R. G	do	9,109.68
Wood, H. B	do	12,766.08
Health benefits		2,667.14
Life insurance fund		1,066.70
Retirement fund		18,665.98
General Services Administration: Foster, G.	do	11,101.22
National Aeronautics and Space Administration: Driver, C	do	6,434.91
Veterans Administration: O'Brien, J. F.	do	4,804.21
Travel expenses		77,464.71
Miscellaneous expenses		1,928.13

Funds authorized or appropriated for committee expenditures	$1,145,000.00
Amount of expenditures previously reported	540,588.32
Amount expended from Jan. 1, 1971 to June 30, 1971	550,549.53
Total amount expended from July 1, 1970 to June 30, 1971	1,091,137.85
Balance unexpended as of June 30, 1971	53,862.15

GEORGE F. MAHON, Chairman.

JULY 6, 1971.

COMMITTEE ON ARMED SERVICES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, for the permanent Committee staff, and January 3–July 1, 1971, for investigating staff inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John R. Blandford	Chief counsel	$17,958.75
Frank M. Slatinshek	Assistant chief counsel	17,937.33
Earl J. Morgan	Professional staff member.	17,836.14
William H. Cook	Counsel	17,836.14
John J. Ford	Professional staff member.	15,611.96
Ralph Marshall	do	14,361.96
George Norris	Counsel	13,792.01
James F. Shumate	do	13,792.01
William H. Hogan	do	11,085.89
Oneta L. Stockstill	Executive secretary	12,178.42
Berniece Kalinowski	Secretary	9,037.64
L. Louise Ellis	do	9,037.64
Edna E. Johnson	do	9,037.64
Dorothy R. Britton	do	9,037.64
Doris L. Scott	do	9,037.64
Innis E. McDonald	do	6,783.93
Brenda J. Gore	do	5,644.44
Ann R. Willett	do	5,644.44
Emma M. Brown	do	5,644.44
Nancy Sue Jones	do	4,356.17
James A. Deakins	Clerical staff assistant	6,833.88
Issiah Hardy	Messenger	4,902.48
Staff, Armed Services investigating subcommittee (from Jan. 3, 1971) (Pursuant to H. Res. 201 and H. Res. 202, 92d Congress):		
John T. M. Reddan	Counsel	17,644.29
John F. Lally	Assistant counsel	14,207.35
Richard A. Ransom	Professional staff member	13,033.43
H. Hollister Cantus	do	9,055.68
William B. Short, Jr.	Clerical staff assistant	7,342.76
Sanford T. Saunders	Security officer	6,759.46
Rose C. Beck	Secretary	6,709.11
Adeline P. Tolerton	Clerk	5,664.58
Joyce C. Bova	Secretary	4,673.87
Diane W. Trowbridge	do	4,135.57
Sally A. Moore	do	4,305.32
L. Mendel Rivers, Jr.	Clerical staff assistant (from Mar. 10 through May 10).	480.00

Funds authorized or appropriated for committee expenditures (H. Res. 202)	$300,000.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3 to June 30, 1971	97,335.79
Total amount expended from Jan. 3 to June 30, 1971	97,335.79
Balance unexpended, as of June 30, 1971	202,664.21

F. EDWARD HÉBERT,
Chairman.

JULY 6, 1971.

COMMITTEE ON BANKING AND CURRENCY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Paul Nelson	Clerk and staff director	$17,958.75
Ormar S. Fink	Minority professional staff member.	17,958.75
Curtis A. Prins	Chief investigator	16,236.41
Charles B. Holstein	Professional staff member.	17,298.25
Benet D. Gellman	Counsel	17,913.79
Joseph C. Lewis	Professional staff member.	17,945.64
Graham T. Northup	Professional staff member, minority.	17,908.25
Mary W. Layton	Secretary to minority	10,653.12
Donald G. Vaughn	Administrative assistant.	9,210.12
Total		143,083.08

Name of employee	Profession	Total gross salary during 6-month period
Investigative staff (H. Res. 226, 92d Cong.) full committee:		
Richard C. Barnes	Assistant clerk	$8,791.94
Brent B. Barriere	do	355.56
Harvey S. Braunstein	Professional staff member.	3,375.00
Jane N. D'Arista	Research assistant	3,592.58
Dolores K. Dougherty	Research associate	8,581.78
Susan Driggers	Secretary	619.08
Carolyn A. Easter	do	4,642.06
Allen R. Ferguson	Economist	6,000.00
Carole Fowkes	Secretary	530.54
Judy Morris Frieder	Assistant clerk	2,631.37
Linda Hechtman	do	2,731.03
Helen Hitz	Administrative assistant.	9,104.20
Lawrence G. Henderson.	Professional staff member.	7,849.26
Linda Leah Hoff	Secretary	5,100.63
Joseph J. Jasinski	Professional staff member.	14,121.91
Mary-Helen Kesecker	Secretary	4,407.20
Mary E. Kirk	Assistant clerk	5,100.63
Michael Lemov	Counsel	2,741.65
Kelsey Ray Meek	Professional staff member.	4,583.34
Mildred S. Mitchell	Assistant clerk	9,036.69
Richard H. Neiman	do	2,867.05
Gayle L. Peabody	Secretary	4,676.06
Clifford E. Payne	Assistant clerk	720.52
Margaret M. Rayhawk	Research associate	7,916.75
Yan Michael Ross	Minority staff member.	10,508.87
Alicia F. Shoemaker	Minority staff secretary.	10,508.87
Jeanne Carolyn Smith	Secretary	1,866.66
Elizabeth Stabler	Professional staff member.	11,916.22
Peter D. H. Stockton	do	6,304.16
Gary Tabak	Counsel	11,013.24
Lester Carl Thurow	Professional staff member.	3,000.00
Robert E. Torrance	Assistant clerk	4,382.03
Catherine L. Warder	Secretary	52.78
Total		$179,629.66

Funds authorized or appropriated for committee expenditures (H. Res. 226—General)	[1]$585,000.00
Amount of expenditures previously reported	None
Amount expended from Jan. 3, 1971 to June 30 1971	$193,773.83
Total amount expended from Jan. 3, 1971 to June 30, 1971	$193,773.83
Balance unexpended as of June 30, 1971	$391,226.17

[1] H. Res. 226 provides total funds of $975,000 with $390,000 earmarked for Housing Subcommittee.

WRIGHT PATMAN,
Chairman.

JULY 6, 1971.

SUBCOMMITTEE ON HOUSING, HOUSE COMMITTEE ON BANKING AND CURRENCY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Terrence Boyle	Minority counsel	$10,910.81
L. Marie Chaillet	Minority secretary	961.08
W. Jean Clarkson	Secretary	5,285.69
Michael T. Corbett	Assistant clerk	4,203.70
Patricia Eley	do	4,964.97
David Glick	Counsel	$17,724.71
George Gross	do	17,724.71
Emily M. Hightower	Secretary	6,508.83
Casey Ireland	Minority staff member	17,724.71
Barbara Kling	Minority secretary	4,210.02
Margaret Leary	Secretary	9,036.69
Benjamin B. McKeever	Assistant counsel	4,166.66
Gerald R. McMurray	Research associate	15,896.35
Catherine Smith	Minority secretary	4,676.06
Doris Young	Assistant clerk	8,352.85
John E. Zuccotti	Special council	10,352.24
Total		142,700.08

Funds authorized or appropriated for committee expenditures (H. Res. 226-Housing)	*$390,000.00
Amount of expeditures previously reported	None
Amount expended from January 3, 1971, to June 30, 1971	148,879.05
Total amount expended from January 3, 1971 to June 30, 1971	148,879.05
Balance unexpended as of June 30, 1971	241,120.95

*H. Res. 226 provides total funds of $975,000, with Committee on Banking and Currency $390,000 earmarked for Housing Subcommittee.

WRIGHT PATMAN,
Chairman.

JUNE 30, 1971.

COMMITTEE ON THE DISTRICT OF COLUMBIA

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Hayden S. Garber	Counsel	$13,982.38
Clayton D. Gasque	Staff director	12,046.38
Leonard L. Hilder	Invastigator	10,772.64
James T. Clark	Clerk	14,977.38
Otheollo Steinkuller	Secretary	8,673.56
Betty C. Alexander	do	8,019.06
Peggy L. Thornton	do	8,019.06
John E. Hogan	Minority clerk	12,598.95
Camille G. Butler	Secretary	5,168.43
Whitney L. Turley	Investigator	8,884.79
Marcellus C. Garner	Clerk-typist	3,950.64
Deborah J. Blanton	(Summer intern	541.67
Patrick E. Kelly	Assistant counsel (June 1, 1971).	1,250.00
Sara Anna Watson	Assistant counsel (Retired Feb. 28, 1971).	3,092.43
Beverly W. Pease	Research specialist	1,700.00
Margaret G. Hoffmann	Legislative assistant	1,666.67

Funds authorized or appropriated for committee expenditures	220,000.00
Amount of expenditure previously reported	
Amount expended from January 1, 1971 to July 7, 1971	27,961.56
Total amount expended from January 1, 1971 to July 1, 1971	27,961.56
Balance unexpended as of July 1, 1971	192,038.44

JOHN L. McMILLAN,
Chairman.

JULY 15, 1971.

COMMITTEE ON EDUCATION AND LABOR—STANDING COMMITTEE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved

August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Donald M. Baker	Chief clerk and associate counsel, (from Jan. 1 to June 30, 1971).	$17,958.75
Donald F. Berens	Administrative assistant (from Jan. 3 to June 30, 1971).	11,757.60
Louise Maxienne Dargans.	Research director (from Jan. 1 to June 30, 1971).	17,958.75
William F. Gaul	Associate general counsel (from Jan. 1 to June 30, 1971).	17,958.75
Hartwell D. Reed, Jr	General counsel (from Jan. 1 to June 30, 1971).	17,958.75
Benjamin F. Reeves	Assistant to chairman and assistant clerk (from Jan. 1 to June 30, 1971).	17,958.75
Austin P. Sullivan, Jr	Legislative specialist (from Jan. 1 to June 30, 1971).	15,371.66
Louise M. Wright	Administrative assistant (from Jan. 1 to June 30, 1971).	12,256.28
Marian R. Wyman	Special assistant to chairman (from Jan. 1 to June 30, 1971).	15,785.68
Minority:		
Michael J. Bernstein	Minority counsel for Labor (from Jan. 1 to June 30, 1971).	17,958.75
Crawford C. Heerlein	Minority clerk (from Jan. 3 to June 30, 1971).	15,585.25
Charles W. Radcliffe	Special education counsel for minority (from Jan. 1 to June 30, 1971).	17,958.75

Funds authorized or appropriated for committee expenditures	(*)
Amount of expenditures previously reported	None
Amount expended from Jan. 1–June 30, 1971	196,467.72
Total amount expended from Jan. 1–June 30, 1971	196,467.72
Balance unexpended as of June 30, 1971	(*)

*Contingent fund.

CARL D. PERKINS,
Chairman.

JULY 15, 1971.

COMMITTEE ON EDUCATION AND LABOR—FULL COMMITTEE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Carole J. Ansheles	Assistant clerk (from June 1 to June 30, 1971),	$475.00
Goldie A. Baldwin	Legislative Assistant (from January 3 to June 30, 1971),	7,393.64
Dean Gregory Barker	Assistant Clerk (from June 14 to June 30, 1971),	269.17
William H. Cable	Legislative Assistant (from January 3 to June 30, 1971),	8,300.94
Elizabeth A. Cornett	Administrative Assistant (from January 3 to June 30, 1971),	$8,581.63
Lelia T. Cornwell	Administrative Assistant (from January 3 to June 30, 1971),	7,393.64
Stephen J. Dryden	Assistant clerk (from June 21 to June 30, 1971).	158.33
Harry M. Feder	Assistant clerk (from June 7 to June 30, 1971).	380.00
Eydie Gaskins	Administrative assistant (from January 3 to June 30, 1971).	7,393.64
Katherine Clark Gibbons	Research assistant (from January 3 to June 30, 1971).	6,373.70
Scott L. Gordon	Assistant clerk (from June 21 to June 30, 1971).	158.33
Ernest B. Hillenmeyer III.	Assistant clerk (from June 17 to June 30, 1971).	221.67
S. G. Lippman	Special counsel—labor (from Jan. 3 to June 30, 1971).	2,617.81
Mattie L. Maynard	Research assistant (from Apr. 1 to June 30, 1971).	300.00
Shirley R. Mills	Secretary (from Jan. 3 to June 30, 1971).	7,498.59
David E. Pinkard	Assistant clerk (from June 14 to June 30, 1971).	269.17
David B. Putnam	Staff assistant (from Jan. 3 to June 30, 1971).	4,760.23
Peter Schott	Assistant clerk (from Jan. 3 to June 30, 1971).	2,807.93
Mary L. Shuler	Secretary (from Jan. 3 to June 30, 1971).	6,396.07
Brian E. Sullam	Assistant clerk (from June 1 to June 30, 1971).	475.00
Jeanne E. Thomson	Legislative assistant (from Jan. 3 to June 30, 1971).	9,357.35
Philip S. Uesato	Assistant clerk (from Jan. 3 to Jan. 31, 1971).	420.43
John E. Warren	Junior researcher (from Jan. 3 to June 30, 1971).	4,568.27
Minority:		
Robert C. Andringa	Minority legislative associate (from Jan. 3 to June 30, 1971).	12,408.83
Norma P. Chiriboga	Research assistant (from Jan. 3 to Jan. 31, 1971).	897.51
Louise W. Finke	Secretary (from Jan. 3 to June 30, 1971).	7,049.72
Anita M. Gerhardt	do	5,994.16
Will Henderson	Assistant clerk (from Jan. 3 to Mar. 31, 1971).	3,668.04
Sophia Jo Jolivette	Secretary (from June 7 to June 30, 1971).	533.34
Martin L. LaVor	Minority legislative associate (from January 3 to June 30, 1971).	13,401.67
Joyce C. Lindsey	Secretary (from January 3 to April 11, 1971).	1,821.93
John C. Miller	Minority Associate Counsel for Labor (from February 21 to June 30, 1971).	10,472.24
Silvia J. Rodriguez	Secretary (from January 3 to June 30, 1971).	4,676.01
Mary Ann Rospendowski	Secretary (from January 3 to January 9, 1971).	25.03
Dorothy L. Strunk	Administrative assistant (from January 3 to May 31, 1971). Secretary (from June 1 to June 30, 1971).	5,994.16
Dennis J. Taylor	Minority Associate Counsel (from June 14 to June 30, 1971).	897.22

Funds authorized or appropriated for committee expenditures, 1971	$655,000.00
Amount of expenditures previously reported	None
Amount expended, Jan. 3–June 30, 1971	179,779.46
Total amount expended, Jan. 3–June 30, 1971	$179,779.46
Balance unexpended as of June 30, 1971	475,220.54

CARL D. PERKINS, Chairman.

JULY 15, 1971.

SPECIAL SUBCOMMITTEE ON EDUCATION, No. 1

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Nancy Davis	Secretary (from Feb. 1 to June 30, 1971).	$4,083.33
Richard E. Feeney	Research assistant (from Jan. 3 to June 30, 1971).	9,626.70
Harry J. Hogan	Counsel (from Jan. 3 to June 30, 1971).	11,644.69
Sally K. Kirkgasler	Research assistant (from Jan. 3 to June 30, 1971).	5,531.72
Nancy K. Kopp	Research assistant (from Apr. 5 to June 30, 1971).	2,866.67
Bernice Sandler	Education specialist (from Jan. 3 to Jan. 31, 1971).	1,050.40
Betty L. Shupp	Clerk-typist (from Jan. 3 to Feb. 16, 1971).	496.62

Funds authorized or appropriated for committee expenditures	$85,000.00
Amount of expenditures previously reported	none
Amount expended from Jan. 3 to June 30, 1971	35,433.69
Total amount expended from Jan. 3 to June 30, 1971	35,433.69
Balance unexpended as of June 30, 1971	49,566,31

CARL D. PERKINS,
Chairman.

JULY 15, 1971.

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to July 1, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Laurence N. Woodworth	Chief of staff	$19,999.98
Lincoln Arnold	Deputy chief of staff	18,000.00
Dennis P. Bedell	Assistant chief of staff	16,472.37
Arthur Fefferman	Chief economist	18,000.00
Nicholas A. Tomasulo	Legislation counsel	16,661.24
Herbert L. Chabot	Assistant legislation counsel.	13,822.39
Robert R. Smyers	Refund counsel	16,652.82
James H. Symons	Statistical analysis	16,024.32
John Germanis	do	12,871.16
Meade Emory	Legislation attorney	13,917.25
Albert Buckberg	Economist	13,227.29
Michael D. Bird	do	13,227.29
Harrison B. McCawley	Refund attorney	12,256.28
Bernard M. Shapiro	Legislation attorney	11,449.51
Joseph P. Spellman	do	10,724.85
Harold Dubroff	do	10,384.86
Donald C. Evans, Jr.	Legislation attorney (as of Mar. 1, 1971).	6,591.67

Name of employee	Profession	Total gross salary during 6-month period
John Broadbent	Legislation attorney (through March 23, 1971).	$5,375.31
Anastasia Connaughton	Statistical clerk	10,346.94
Joseph E. Fink	do	10,346.94
Leon W. Klud	Economist	8,756.11
Carl E. Bates	Refund attorney	8,557.48
Joanne McDermott	Secretary	7,733.04
Linda Savage	do	6,154.93
Blanche Nagro	Secretary (refund)	6,079.65
Mary W. Gattie	Secretary	5,850.79
Jamie L. Daley	do	5,523.00
June Matthews	do	5,098.72
Amelia Del Carmen	do	5,053.61
Marcia B. Rowzie	do	4,867.00
Wanda D. Fraser	do	4,595.58
Sharon Malcom	Secretary (refund)	4,006.92
Helen Strosnider	Secretary	4,000.00
Jacqueline Miller	Secretary (as of June 7, 1971).	666.66
Katherine Keller	Secretary (as of June 14, 1971).	231.39
James E. Wheeler	Accountant (as of June 24, 1971).	388.89
Funds authorized or appropriated for committee expenditures		712,280.00
Amount of expenditures previously reported (July 1, 1970 to Jan. 1, 1971)		320,460.49
Amount expended from Jan. 1, 1971 to July 1, 1971		348,950.52
Total amount expended from July 1, 1970 to July 1, 1971		669,411.01
Balance unexpended as of July 1, 1971		42,868.99

WILBUR D. MILLS,
Chairman.

JULY 15, 1971.

SPECIAL SUBCOMMITTEE ON LABOR, NO. 2

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jeunesse M. Beaumont	Clerk (from Jan. 3 to June 30, 1971).	$7,568.74
Hugh G. Duffy	Counsel (from Jan. 3 to June 30, 1971).	12,426.04
Jerome N. Eller	Labor statistics analyst (from Jan. 3 to May 31, 1971).	2,574.91
Carl Elliott	Special counsel (from Jan. 3 to June 30, 1971).	636.41
James C. Hedden	Research assistant (from Jan. 3 to June 30, 1971).	2,969.52
Peter Newbould	Assistant clerk (from June 14 to June 30, 1971).	184.17
Ann M. O'Hora	Research assistant (from April 1 to June 30, 1971).	1,200.00
Bradley G. Peters	Assistant clerk (from June 1 to June 30, 1971).	375.00
Daniel H. Pollitt	Special counsel (from Jan. 3 to June 30, 1971).	3,274.24
Anne W. Risdon	Assistant clerk (from June 7 to June 30, 1971).	346.66
Mary Lee Stein	Research assistant (from Jan. 3 to Jan. 31, 1971).	233.58
Mark Tower	Assistant clerk (from June 1 to June 30, 1971).	375.00
Funds authorized or appropriated for committee expenditures		$85,000.00
Amount of expenditures previously reported		none
Amount expended from Jan. 3, 1971, to June 30, 1971		32,944.52
Total amount expended from Jan. 3, 1971 to June 30, 1971		32,944.52
Balance unexpended as of June 30, 1971		52,055.48

CARL D. PERKINS, Chairman.

JULY 15, 1971.

GENERAL SUBCOMMITTEE ON LABOR, NO. 3

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to July 1, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Adrienne Fields	Clerk (from Jan. 3 to June 30, 1971).	$7,725.01
S. G. Lippman	Special counsel (from Jan. 3 to June 30, 1971).	2,166.96
Ernest J. Mannino	Research assistant (from June 9 to June 28, 1971).	216.67
Mary F. McAndrew	Research coordinator (from Jan. 3 to June 30, 1971).	4,163.43
Robert E. Vagley	Director (from Jan. 3 to June 30, 1971).	15,186.37
Funds authorized or appropriated for committee expenditures		85,000.00
Amount of expenditures previously reported		None
Amount expended from Jan. 3 to June 30, 1971		34,293.88
Total amount expended from Jan. 3 to June 30, 1971.		34,293.88
Balance unexpended as of June 30, 1971		50,706.12

CARL D. PERKINS, *Chairman.*

JULY 15, 1971.

GENERAL SUBCOMMITTEE ON EDUCATION, NO. 4

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Thomas J. Gerber	Assistant clerk (from Jan. 3 to June 30, 1971).	$5,294.57
John F. Jennings	Counsel (from Jan. 3 to June 30, 1971).	12,126.59
Alexandra J. Kisla	Clerk (from Jan. 3 to June 30, 1971).	7,716.21
Toni E. Painter	Secretary (from Apr. 1 to June 30, 1971).	900.00
Funds authorized or appropriated for committee expenditures		$85,000.00
Amount of expenditures previously reported		None
Amount expended from Jan. 3–June 30, 1971		28,038.76
Total amount expended from Jan. 3–June 30, 1971		$28,038.76
Balance unexpended as of June 30, 1971		56,961.24

CARL D. PERKINS,
Chairman.

JULY 15, 1971.

SELECT SUBCOMMITTEE ON LABOR, NO. 5

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Loretta A Bowen	Clerk (from Jan. 3 to June 30, 1971).	$7,136.00
Daniel H Krivit	Counsel (from Jan. 3 to June 30, 1971).	13,047.84
Catherine Ladnier	Research assistant (from Apr 19 to June 30, 1971).	1,440.00
Marcia Sue Nelson	Research assistant (from Jan 3 to Mar. 31, 1971).	2,835.62
Catherine R Romano	Secretary (from Jan. 3 to June 30, 1971).	4,415.76
Charles R. Zappala	Assistant clerk (from June 14 to 30, 1971).	306.95
Funds authorized or appropriated for committee expenditures		$85,000.00
Amount of expenditures previously reported		None
Amount expended, Jan. 3–June 30, 1971		29,511.69
Total amount expended, Jan. 3–June 30, 1971		29,511.69
Balance unexpended, as of June 30, 1971		55,488.31

CARL D. PERKINS,
Chairman.

JULY 15, 1971.

SELECT SUBCOMMITTEE ON EDUCATION, NO. 6

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jack G. Duncan	Counsel (from Jan. 3 to June 30, 1971).	$11,511.67
Elene Nicholette Gillespie.	Assistant clerk (from Jan. 5 to Mar. 7, 1971).	630.00
Arlene Horowitz	Staff assistant (from Jan. 3 to June 30, 1971).	3,776.72
Toni Rita Immerman	Assistant clerk (from Jan. 3 to Jan. 31, 1971).	560.36
David Lloyd-Jones	Research assistant from (Jan. 3 to June 30, 1971).	6,083.78
Christine Orth	Assistant clerk (from Jan. 25 to June 30, 1971).	3,250.00
Gladys Marie Walker	Clerk (from Jan. 11 to June 30, 1971).	2,798.55

Funds authorized or appropriated for committee expenditures	$85,000.00
Amount of expenditures previously reported	none
Amount expended, Jan. 3–June 30, 1971	31,075.16
Total amount expended, Jan. 3–June 30, 1971	31,075.16
Balance unexpended as of June 30, 1971	53,924.84

CARL D. PERKINS, Chairman.

JULY 15, 1971.

SUBCOMMITTEE ON AGRICULTURAL LABOR, NO. 7

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Curtis C. Aller	Associate Director (from June 25 to June 30, 1971).	$800.00
Richard J. Bela	Research associate (from May 1 to May 10, 1971).	428.89
Gary Goodpaster	Associate counsel (from May 1 to May 10, 1971).	428.89
James B. Harrison	Staff director (from Mar. 24 to June 30, 1971).	7,086.40
Daniel H. Pollitt	Associate counsel (from May 1 to May 10, 1971).	428.89
Phoebe Ann Pollitt	Assistant clerk (from June 14 to June 30, 1971).	184.17
Robert A. Reveles	Research director (from May 16 to May 31, 1971).	1,400.00
Elnora H. Teets	Clerk (from Mar. 24 to June 30, 1971).	3,233.33
Margaret F. ter Horst	Assistant clerk (from June 15 to June 30, 1971).	173.33
Jeffrey J. Watson	Assistant clerk (from June 1 to June 30, 1971).	325.00

Funds authorized or appropriated for committee expenditures	$85,000.00
Amount of expenditures previously reported	None
Amount expended from Jan. 3 to June 30, 1971	15,413.92
Total amount expended from Jan. 3 to June 30, 1971	15,413.92
Balance unexpended as of June 30 1971	69,586.08

CARL D. PERKINS, Chairman.

JULY 8, 1971.

COMMITTEE ON FOREIGN AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Roy J. Bullock	Staff administrator	$17,958.75
Albert C. F. Westphal	Staff consultant	17,958.75
Franklin J. Schupp	do	17,763.74
Harry C. Cromer	do	$17,504.91
Phillip B. Billings	Staff consultant (deceased March 8, 1971).	5,069.96
Marian A. Czarnecki	Staff consultant	17,504.91
Melvin O. Benson	do	14,735.81
Everett E. Bierman	do	14,023.80
John J. Brady, Jr.	do	11,917.23
John H. Sullivan	do	11,917.23
Robert K. Boyer	Staff consultant (effective March 1, 1971).	6,666.68
John Chapman Chester	do	8,666.68
Robert Michael Finley	Subcommittee staff consultant (effective April 1, 1971).	5,175.00
Charles P. Witter	do	5,000.01
Clifford P. Hackett	do	6,249.99
Peter Anthony Abbruzzese.	Staff consultant (effective May 10, 1971).	3,400.00
Michael H. Van Dusen	Subcommittee staff consultant (effective May 3, 1971.)	3,222.23
Goler T. Butcher	Subcommittee staff consultant (Effective May 10, 1971).	3,541.66
Roger B. Pool	Subcommittee staff consultant (Effective May 1, 1970).	2,083.33
Robert B. Boettcher	Subcommittee staff consultant (Effective June 7, 1971).	1,500.00
Charles S. Levy	Subcommittee staff consultant (Effective June 1, 1971).	1,666.67
June Nigh	Senior staff assistant	13,032.03
Helen C. Mattas	Staff assistant	11,594.38
Helen L. Hashagen	Staff assistant (retired Feb. 1, 1971).	1,750.72
Mary Louise O'Brien	Staff assistant	10,346.74
Dora McCracken	do	8,547.97
Jean E. Smith	do	6,758.71
Nancy C. Peden	Staff assistant (retired June 4, 1971).	5,773.15
Paula L. Peak	Staff assistant	8,547.97
Ray Sparks	do	8,928.64
Thelma H. Shirkey	do	4,734.51
Arlene M. Atwater	Staff assistant (Effective Apr. 19, 1971).	1,900.01
Shirley A. Furnier	Staff assistant (Effective May 19, 1971).	1,516.66
Kenneth W. Cowell	Clerical assistant	4,785.45

Funds authorized or appropriated for committee expenditures	$425,580.00
Amount of expenditures previously reported	
Amount expended from Jan. 1–June 30, 1971	111,349.73
Total amount expended from	
Balance unexpended as of	314,230.27

THOMAS E. MORGAN, *Chairman.*

JULY 6, 1971.

COMMITTEE ON GOVERNMENT OPERATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Expenses—Jan. 3, 1971, through June 30, 1971:		
Full committee		$2,680.85
Special investigative staff		30,880.40
Legislative and Military Operations Subcommittee		72,672.98
Government Activities Subcommittee		39,951.70
Intergovernmental Relations Subcommittee		51,531.92
Conservation and Natural Resources Subcommittee		49,713.18
Legal and Monetary Affairs Subcommittee		35,885.10
Foreign Operations and Government Information Subcommittee		64,473.97
Special Studies Subcommittee		58,368.04
Total		406,158.14
Salaries: Full committee, Jan. 1–June 30, 1971:		
Herbert Roback	Staff director	$17,958.75
Christine Ray Davis	Staff administrator	17,958.75
James A. Lanigan	General counsel	17,958.75
Miles Q. Romney	Associate general counsel.	15,870.83
Dolores L. Fel'Dotto	Staff member	8,673.56
Ann E. McLachlan	do	8,406.93
Catherine S. Cash	do	6,889.58
Marilyn F. Jarvis	Staff member (from Apr. 1, 1971).	3,763.83
Annie M. Abbott	Staff member (from Apr. 1, 1971).	3,459.96
Lawrence P. Redmond.	Professional staff member (to Jan. 2, 1971).	113.74
John Philip Carlson	Minority counsel	17,958.75
William H. Copenhaver.	Minority professional staff member.	14,222.66
Clara Katherine Armstrong.	Minority research assistant (from Jan. 3, 1971).	7,655.07
Expenses, Jan. 3 through June 30, 1971: Full committee, Hon. Chet Holifield, chairman: Expenses		$2,680.85
Total		2,680.85
Special investigative staff, Hon. Chet Holifield, chairman:		
Warren B. Buhler	Minority staff member (from Mar. 29, 1971).	$4,600.00
Thomas H. Saunders	Minority staff member	8,440.05
Shirley Davenport	Minority secretary (from June 21, 1971).	236.11
Mabel C. Baker	Staff member	5,075.17
John L. Dodson	Clerical staff	5,032.82
Ralph T. Doty	do	3,357.07
Annie M. Abbott	Secretary (to Mar. 31, 1971).	3,322.14
Alan Kreshtool	Investigator (to Jan. 31, 1971).	817.04
Total		30,880.40
Legislation and Military Operations Subcommittee, Hon. Chet Holifield, Chairman:		
Elmer W. Henderson	Counsel	$15,896.35
Douglas G. Dahlin	Staff attorney	11,447.75
John Paul Ridgely	Investigator	10,206.14
Joseph C. Luman	Defense analyst	9,680.89
Catherine L. Koeberlein	Research assistant	7,855.65
Veronica B. Johnson	Clerk	7,655.07
Gloria Ann Rubin	Clerk-stenographer (from Mar. 1, 1971).	2,900.72
Mary Etta Haga	Clerk-stenographer (from June 1, 1971).	833.33
Kathryn McQ. Rosenbaum	Clerk-stenographer (to May 7, 1971).	3,467.43
I. Warren Harrison	Legal assistant (to Jan. 31, 1971).	1,315.18
Gilda K. Calderone	Clerk (to Jan. 31, 1971).	618.40
Expenses		796.07
Total		72,672.98
Government Activities Subcommittee, Hon. Jack Brooks, Chairman:		
Ernest C. Baynard	Subcommittee staff Director.	$15,219.39
C. Don Stephens	Research analyst	10,190.62
Paul A. Mutino	Counsel (from May 24, 1971).	1,901.39
Lynne Higginbotham	Clerk-stenographer	6,816.68
Mary C. Jones	Secretary (from June 21, 1971).	236.11
William M. Jones	Counsel (to Mar. 31, 1971).	4,858,46
Expenses		729.05
Total		39,951.70
Intergovernmental Relations Subcommittee, Hon. L. H. Fountain, chairman:		
James R. Naughton	Counsel	$15,219.39
Delphis C. Goldberg	Professional staff member.	15,219.39
Gilbert S. Goldhammer.	Consultant	9,921.15
Pamela R. Horsmon	Clerk-steongrapher (from Apr. 1, 1971),	2,499.99
Margaret Goldhammer.	Secretary (from Mar. 8, 1971).	2,634.67

Name of employee	Profession	Total gross salary during 6-month period
Marjorie W. Vanderbilt	Secretary (to Mar. 7, 1971).	$1,478.57
Bebe B. Terry	Clerk-stenographer (to Feb. 28, 1971).	2,050.90
Expenses		2,507.86
	Total	51,531.92
Conservation and Natural Resources Subcommittee. Hon. Henry S. Reuss, chairman:		
Phineas Indritz	Counsel	$15,219.39
David B. Finnegan	Assistant counsel	12,473.38
Michael B. Gross	Legal assistant (from Apr. 1, 1971).	3,510.09
Josephine Scheiber	Research analyst	7,838.24
Ruth M. Wallick	Steongrapher (from Apr. 5, 1971).	2,532.36
Catherine L. Hartke	Stenographer (to May 31, 1971).	5,765.48
Dorothy M. Vance	Stenographer (to Mar. 7, 1971).	1,345.27
Expenses		1,136.97
	Total	49,713.18
Legal and Monetary Affairs Subcommittee, Hon. John S. Monagan, Chairman:		
Richard L. Still	Subcommittee staff director (from Apr. 12, 1971).	$6,034.73
Charles A. Intriago	Assistant counsel	10,136.16
Jeremiah S. Buckley	Assistant counsel (from Apr. 1, 1971).	3,125.01
Frances M. Tuk	Clerk	4,658.81
Jane G. Cameron	Stenographer (from May 10, 1971).	1,133.34
Millicent Y. Myers	Clerk (to Apr. 12, 1971).	3,802.76
R. Michael Finley	Professional staff member (to Mar. 31, 1971).	4,965.09
Stuart E. Bossom	Legal assistant (to Jan. 31, 1971).	1,266.36
Expenses		762.84
Total		35,885.10
Foreign Operations and Government Information Subcommittee, Hon. William S. Moorhead, Chairman:		
William G. Phillips	Subcommittee staff director (from Apr. 19, 1971).	$6,211.46
Norman G. Cornish	Deputy subcommittee staff director.	15,219.39
Harold F. Whittington	Professional staff member.	10,299.85
William R. Maloni	Professional staff member (from June 1, 1971).	1,729.71
Martha Myers	Secretary	3,856.00
Mary E. Milek	Secretary (from June 1, 1971).	625.00
Vincent J. Augliere	Senior consultant (to June 15, 1971).	13,281.28
E. Jayne Bodecker	Secretary (to May 31, 1971).	5,657.48
Jack Matteson	Professional staff member (to Mar. 31, 1971).	6,716.40
Expenses		877.40
Total		64,473.97
Special Studies Subcommittee, Hon. Wm. J. Randall, Chairman:		
Erskin Stewart	Acting subcommittee staff director (from Apr. 1, 1971).	$4,947.54
Jacob N. Wasserman	Counsel	13,998.37
Herschel F. Clesner	Counsel	13,940.97
Jane F. Johnson	Stenographer (from May 5, 1971).	1,322.22
Wileen O. Moore	Stenographr	3,742.41
Louis I. Freed	Subcommittee staff director (to Mar. 31, 1971).	7,455.06
Peter S. Barash	Legal assistant (to Mar. 31, 1971).	4,750.47
Charles P. Witter	Staff member (to Mar. 31, 1971).	3,933.48
Marilyn F. Jarvis	Stenographer (to Mar. 31, 1971).	3,613.91
Expenses		663.61
	Total	58,368.04

Funds authorized or appropriated for committee expenditures (H. Res. 303—92d Cong.)	$1,032,600.00
Amount of expenditures previously reported	None.
Amount expended from Jan. 3–June 30, 1971	406,158.14
Total amount expended from Jan. 3–June 30, 1971	406,158.14
Balance unexpended as of June 30, 1971	626,441.86

CHET HOLIFIELD,
Chairman, Committee on Government Operations

JULY 9, 1971.

COMMITTEE ON HOUSE ADMINISTRATION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John T. Walker	Staff director	$14,416.6
Robert D. Gray	Chief auditor	15,751.78
David S. Wolman	Personnel analyst	15,590.19
Melvin Miller	Minority clerk	15,590.19
Julian P. Langston	Chief clerk	14,958.75
Louis Silverman	Assistant clerk	9,525.71
Thomas Foster, Sr.	Elections clerk	9,007.08
Louis J. Freed	Assistant clerk	8,124.99
Thomas W. Latham	Accounts clerk	7,811.90
Thomas A. Tangretti	Electrical and mechanical office equipment clerk.	7,755.94
Mary F. Stolle	Assistant clerk	6,378.16
Evelyn H. Wilson	do	5,865.88
Judith K. Holes	do	5,789.49
Gurney S. Jaynes	do	5,740.81
Robert H. Frank	Counsel	4,497.83
John P. Padden	Assistant clerk	4,461.23
Douglass Lea	Printing clerk	4,200.00
Judith L. Vargas	Assistant clerk (minority).	3,950.64
Mary Susan Mattson	Assistant clerk	3,852.53
John G. Blair	do	3,683.34
Dianne Sue Gaujot	do	3,622.62
Curtis C. Wilkie	do	3,525.00
R. Marilyn Lee	do	3,517.92
John L. Boos	Libraries and Memorials clerk.	3,500.01
Ralph W. Murphy	Assistant clerk (minority).	3,333.34
Barbara D. Lewis	Assistant clerk	2,750.01
Thomas J. Hart	do	2,602.31
Thomas D. Hart	do	1,955.55
Catherine Ann Adelman	do	1,837.17
S. Arnold Smith	Counsel	1,685.92
Charles N. Arrowsmith	Assistant clerk	1,583.33
Dorthy W. Sodeman	do	866.67
Gwenda R. Green	do	865.88
Paula Scruggs	do	840.04
Velma Youngblood	do	833.33
Lynette M. Lentina	do	667.96
Colette K. Bohatch	do	500.00
Suzanne Eaton	do	450.00
John Paul Tolson	do	383.33
Betty Lamb	do	347.22
Pamela M. Bussen	do	332.22
Charles R. Kaiser	do	300.00
Corbin R. Miller, Jr	do	283.33
Steven Glauberman	do	249.17
Marlene F. Whiteko	do	116.67

Funds authorized or appropriated for committee expenditures	$400,000.00
Amount of expenditures previously reported	none
Amount expended from Jan. 3–June 30, 1971	78,698.88
Total amount expended from Jan. 3–June 30, 1971	78,693.88
Balance unexpended as of June 30, 1971	321,306.12

WAYNE L. HAYS,
Chairman.

JULY 12, 1971.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Sidney L. McFarland	Staff director and chief clerk.	$17,945.64
Milton A. Pearl	Special counsel on public lands (from Mar. 1). (Deceased Apr. 30, 1971.)	6,000.00
Lewis A. Sigler	Counsel and consultant on Indian affairs.	16,854.07
William L. Shafer	Consultant on mines and mining and public lands.	17,091.54
Charles Leppert, Jr	Minority counsel	15,501.44
Lee McElvain	Assistant counsel and consultant on national parks and recreation.	13,465.02
Jim T. Casey	Consultant on irrigation and reclamation (from June 1).	2,583.33
Robert M. Gants	Assistant minority counsel (from May 1).	3,500.00
Dixie Barton	Clerk	8,979.82
Patricia Murray	Clerk (minority)	8,979.82
Patricia Freeman	Clerk	7,913.27
Susan Gardner	do	7,369.38
Kathleen Sandy	do	7,369.38
Salaries paid pursuant to H. Res. 285—92d Congress:		
Milton A. Pearl	Special counsel on public lands (To Feb. 28).	5,706.61
Jim T. Casey	Consultant on Irrigation and Reclamation (To May 31).	12,124.00
Charles Conklin	Special Counsel on Public Lands and Environmental Matters (From June 13.)	1,600.00
William G. Thomas	Consultant on Territorial and Insular Affairs (From Mar. 10.)	8,941.68
Miriam Waddell	Clerk	6,457.13
Inez Jarvis	Clerk (from Apr. 5)	3,583.33
Nancy Lou Larson	Clerk (from Apr. 7)	3,150.00
Marsha Lane	Clerk (From June 1)	1,125.00
Marston L. Becker	Printing clerk	8,051.04
Edward Gaddis	Messenger	4,662.93

Funds authorized or appropriated for committee expenditures	$478,000.00
Amount of expenditures previously reported	
Amount expended from Jan. 1, 1971–June 30, 1971	80,586.16
Total amount expended from Jan. 1, 1971–June 30, 1971	80,586.16
Balance unexpended as of June 30, 1971	397,413.84

JULY 12, 1971.

COMMITTEE ON INTERNAL SECURITY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Donald G. Sanders	Chief counsel	$17,152.81
Richard L. Schultz	Associate chief counsel	13,534.95
Alfred L. Nittle	Legislative counsel	14,702.24
Glenn E. Davis	Editorial director	15,315.00
Robert M. Horner	Chief investigator	12,435.41
William G. Shaw	Research director	12,506.69
Juliette P. Joray	Recording clerk (retired Mar. 31, 1971) (to standing Apr. 1, 1971).	5,413.88

Name of employee	Profession	Total gross salary during 6-month period
V. Bernice King	Financial secretary (from investigative).	$4,059.84
Mary M. Valente	Administrative secretary.	9,048.05
Anniel Cunningham	Chief, files and reference section.	8,486.28
Helen M. Gittings	Research analyst (from standing to investigative Apr. 1, 1971).	4,189.63
Ruth I. Matthews	Clerk (Appt. Apr. 1, 1971).	6,000.00
Investigative committee:		
Victoria Appell	Clerk-typist (Appt. May 24, 1971).	493.33
George C. Armstrong	Investigator-minority (appt. Apr. 1, 1971).	3,624.99
Martha M. Beck	Information classifier	3,382.70
Patricia A. Belback	Stenographer (appt. Apr. 20, 1971).	1,676.38
Margie D. Biggerstaff	Secretary	4,784.57
Charles Bonneville	Investigator	7,794.60
Daniel Butler	Asst. documents clerk	4,897.16
Mary Jo Chapman	Clerk-stenographer (terminated Jan. 31, 1971.)	488.38
S. Janice Coil	Secretary	5,617.71
Susan K. Daniels	Information analyst	4,323.22
Florence P. Doyle	Secretary	4,692.82
Elizabeth Edinger	Editor	7,594.03
Daniel Ferry	Asst. counsel	9,095.78
Andrea Foy	Information Classifier (appt. Mar. 1, 1971).	2,166.60
James L. Gallagher	Research analyst-minority.	8,056.30
Ruth Ann (Gerbec) Crocitto.	Information analyst	3,534.40
Helen M. Gittings	Research analyst (appt. to investigative Apr. 1, 1971).	4,395.20
Sheila Harrison	Clerk-typist (appt. Mar. 6, 1971).	2,040.29
William H. Hecht	Executive staff asst. (appt. June 15, 1971).	1,311.11
Isobel Hurwitz	Information classifier	3,492.73
L. William Ivory, Jr	Asst. documents clerk	3,031.40
Doris R. Jaeck	Information analyst	4,956.50
Mildred V. James	Clerk-typist	3,476.08
Joan Keller	Secretary	4,801.04
V. Bernice King	Financial secretary (terminated investigative Mar. 31, 1971).	3,818.10
John F. Lewis	Coordinating editor	13,506.51
Virginia Masino	Receptionist	4,163.63
Anita A. Maggio	Clerk (appt. June 1, 1971).	541.67
B. R. McConnon, Jr	Investigator (terminated Feb. 28, 1971).	2,761.29
David E. Muffley, Jr	Documents clerk	4,785.20
Maureen P. Ontrich	Information analyst	4,356.80
Ellen Patterson	Stenographer (appt. Jan. 18, 1971) (terminated Feb. 12, 1971).	400.00
Alma T. Pfaff	Research analyst	5,060.91
Peggy Pixley	Editorial clerk	4,956.50
William T. Poole	Research analyst—minority.	5,007.36
Robert Poos	Research Analyst	9,095.78
Stuart Pott	Investigator	6,327.77
Martha C. Poulton	Clerk-typist (resigned Feb. 14, 1971).	774.95
Josephine S. Randolph	Secretary (terminated June 16, 1971).	4,992.68
David Rigg	Information classifier (appt. May 24, 1971).	493.33
Audrey Rollins	Secretary	4,424.02
Herbert Romerstein	Investigator	8,352.85
Stephen H. Romines	Asst. Counsel	9,095.78
Karen Sue Russell	Information Classifier	3,492.73
Richard A. Shaw	Investigator	8,599.47
Albert Solomon, Jr	Investigator (Appt. June 21, 1971).	555.56
Jeanne L. Spencer	Clerk-Steonographer (Appt. Apr. 12 1971).	1,865.27
Linda Spirt	Secretary-Minority	4,625.66
John Stratton	Investigator	7,794.60
Barbara C. Sweeny	Clerk-Stenographer	4,298.65
Joseph Thach, Jr	Research Analyst (Appt. June 21 1971)	444.44

Funds authorized or appropriated for committee expenditures	$570,000.00
Amount of expenditures previously reported	.00
Amount expended from Jan. 1 –June 30, 1971	244,393.27
Total amount expended from	.00
Balance unexpended as of June 30, 1971	325,606.73

RICHARD H. ICHORD Chairman.

JULY 22, 1971.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Clerical staff:		
W. E. Williamson	Clerk	$17,958.75
Kenneth J. Painter	First assistant clerk	14,895.28
Marcella F. Johnson	Assistant clerk	9,286.85
Frank Mahon	Printing editor	9,801.73
Hazel J. Collie	Staff assistant	9,244.24
Elsie M. Karpowich	Clerical assistant (thru May 31, 1971).	6,114.98
Mary Ryan	Clerical assistant	7,351.98
Edwin E. Thomas	Staff assistant	6,915.74
Marion M. Burson	Staff assistant (minority).	14,895.28
Professional staff:		
James M. Menger	Professional staff member.	17,958.75
William J. Dixon	do	17,958.75
Robert F. Guthrie	do	17,958.75
Kurt Borchardt	do	17,958.75
Charles B. Curtis	Professional staff member (from June 1, 1971).	2,916.67
Additional temporary employees under H. Res. 170 and 290:		
Lewis E. Berry, Jr	Minority counsel	17,958.75
A. Bennett Schram	Staff assistant (minority) (from May 3, 1971).	3,222.23
Henry Thomas Greene	Staff assistant (minority) (from May 3, 1971).	3,222.23
Helen M. Dubino	Staff assistant (minority).	13,915.99
Barbara Bullard	Clerical assistant (minority).	6,153.32
Diane R. Tretter	do	4,632.64
Darlene McMullen	do	3,995.92
Eleanor A. Dinkins	Clerical assistant	7,351.98
Theodore H. Focht	Special counsel (C.O.B. Mar. 21, 1971).	6,695.80
Dennis C. Shumaker	Clerical assistant	3,681.46
Violet M. McCarthy	do	5,833.44
Anne P. Lebbon	do	4,262.81
F. Martin Kuhn	Staff assistant (C.O.B. Jan. 21, 1971).	1,361.81
James T. Glenn	Staff assistant (C.O.B. Jan. 2,1971).	129.70
Michael A. Taylor	Staff assistant	12,506.01
Walter J. Graham, Jr	do	12,506.01
Stephan E. Lawton	Staff assistant (from Apr. 1, 1971).	6,436.26
Samuel A. Young, Jr	Attorney (Mar. 1, 1971 to C.O.B. May 31, 1971).	5,499.99
Thomas D. Hart	Legislative assistant (C.O.B. Jan. 15, 1971).	873.93
Judith Anne Messer	Clerical assistant (from Apr. 22, 1971).	1,820.84
Diane G. Kirchenbauer.	Clerical assistant (from May 10, 1971).	1,629.16
Barboura C. Flues	Clerical assistant (from May 3, 1971).	1,772.23
William H. Painter	Special counsel (from June 14, 1971).	1,416.67
Joseph T. Kelley	Messenger (from June 7, 1971).	400.00
Randall R. Eley	Intern (from June 2, 1971).	483.33
Robert P. Sweeney	Staff assistant (from June 1, 1971).	916.67
Special Subcommittee on Investigations:		
Daniel J. Manelli	Acting chief counsel	14,594.05
William T. Druhan	Staff assistant	13,957.53
James F. Broder	Special assistant	12,942.05
James R. Connor	Staff assistant	12,942.05
James P. Kelly	Chief investigator (C.O.B. Apr. 14, 1971).	8,008.22
Benjamin J. Smethurst.	Special assistant	$13,957.53
Robert L. Rebein	Staff attorney (C.O.B. June 19, 1971).	13,096.45
Mark J. Raabe	Attorney	12,541.34
Michael F. Barrett, Jr	do	11,170.85
Michael J. Parker	Attorney (from Mar. 19, 1971).	6,233.32
Elizabeth G. Paola	Clerical assistant	7,351.98
Lucy M. Gossett	Clerical assistant (C.O.B. Jan. 31, 1971).	1,042.60
Elizabeth A. Eastman	Clerical assistant	6,570.35
Russell D. Mosher	Staff assistant	5,189.42
Sylvia S. Dodge	Clerical assistant (from Apr. 19, 1971).	2,239.99

Funds authorized or appropriated for committee expend tures	$989,000.00
Amount of expenditures previously reported	0
Amount expendedifrom Jan. 3–June 30, 1971	288,325.76
Total amount expended from Jan. 3–June 30, 1971	288,325.76
Balance unexpended as of July 1, 1971	700,674.24

HARLEY O. STAGGERS, Chairman.

JULY 15, 1971.

COMMITTEE ON THE JUDICIARY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Bess E. Dick	Staff director	$17,958.75
Benjamin L. Zelenko	General counsel	17,619.80
Kenneth L. Harkins	Chief counsel, antitrust (from Apr. 1, 1971).	8,875.11
Herbert Fuchs	Counsel	17,298.25
Garner J. Cline	do	15,344.75
William F. Shattuck	Counsel (from Apr. 1, 1971).	7,764.33
Donald G. Benn	Associate counsel	14,293.35
R. Frederick Jett	Counsel	14,023.80
Jerome M. Zeifman	do	13,787.89
Frances Christy	Clerical staff	9,827.64
Jane C. Caldwell	do	9,013.93
Gertrude Clara Burak	do	8,019.06
Carrie Lou Allen	do	7,587.52
Lorraine W. Beland	do	7,587.52
Roberta E. Eisenberg	do	7,328.29
Joanne E. Bell	Clerical staff	3,742.41
Pearl L. Chellman	do	4,790.51
Daniel L. Cohen	Assistant counsel (from June 7, 1971).	866.66
George A. Dalley	Assistant counsel (from June 21, 1971).	513.89
Arthur P. Endress, Jr	Assistant counsel (from Apr. 19, 1971).	2,800.01
James B. Farr	Messenger-clerk (from Apr. 24, 1971).	1,751.40
Paul S. Fenton	Associate counsel (through Feb. 28, 1971).	2,326.18
Mary Shea Gaffney	Clerical staff	4,550.04
Samuel A. Garrison, III	Associate counsel (from May 1, 1971).	3,166.66
Alma B. Haardt	Clerical staff	6,242.22
Alice E. Hamlin	Clerical staff (from May 5, 1971).	1,213.33
Herbert E. Hoffman	Special counsel for Federal criminal law reform (from June 7, 1971).	2,395.83
William Thomas Hutton	Assistant counsel (through Feb. 20, 1971).	1,750.32
Florence C. Johnson	Clerical staff (from Apr. 1, 1971).	2,385.00
Alfred S. Joseph III	Assistant counsel (from Apr. 19, 1971).	3,640.01

Name of employee	Profession	Total gross salary during 6-month period
Judith Kahn	Clerical staff	$3,636.09
Michael Kelemonick	do	6,584.40
Florence T. McGrady	do	6,584.40
Thomas E. Mooney	Assistant counsel	9,270.97
Robert A. Pauley	Associate counsel (from June 14, 1917).	1,416.67
Franklin G. Polk	Associate counsel	14,154.41
Ruth T. Pratt	Clerical staff (from June 7, 1971).	763.89
Mary G. Sourwine	Clerical staff	6,156.53
Annelie Tischbein	do	4,487.41
Louis S. Vance	Messenger-clerk	4,625.66
Nancy L. Viener	Clerical staff (from June 24, 1971).	50.56

Funds authorized or appropriated for committee expenditures	$350,000.00
Amount expended, Jan. 3, 1971, through June 30, 1971	106,978.89
Balance unexpended as of June 30, 1971	243,021.11

FUNDS FOR PREPARATION OF UNITED STATES CODE, DISTRICT OF COLUMBIA CODE, AND REVISION OF THE LAWS

A. Preparation of new edition of United States Code (no year):	
Unexpended balance Dec. 31, 1970	$42,973.22
Expended Jan. 1 to June 30, 1971	16,217.08
Balance June 30, 1971	26,756.14
B. Preparation of new edition of District of Columbia Code:	
Unexpended balance Dec. 31, 1970	124,847.49
Expended Jan. 1 to June 30, 1971	32,795.25
Balance June 30, 1971	92,052.24
C. Revision of the laws, 1971:	
Unexpended balance Dec. 31, 1970	18,566.54
Expended Jan. 1 to June 30, 1971	17,255.16
Balance June 30, 1971	1,311.38

EMANUEL CELLER,
Chairman.

JUNE 30, 1971.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to July 1, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Ralph E. Casey	Chief counsel	$12,000.00
Robert J. Ables	do	2,958.78
Ned P. Everett	Counsel	14,945.68
Ernest J. Corrado	do	12,248.15
Leonard L. Sutter	do	7,758.35
Robert J. McElroy	Chief clerk	16,884.83
William B. Winfield	Clerk	11,755.80
Francis P. Still	Assistant clerk	9,082.16
Vera A. Barker	Secretary	8,691.44
Albert J. Dennis	Investigator	10,032.39
Richard N. Sharood	Minority counsel	12,893.01
William C. Rountree	do	6,000.00
Virginia L. Noah	Secretary (minority)	8,230.59
Investigative staff:		
Ralph E. Casey	Special counsel	5,958.78
Francis D. Heyward	Counsel	6,500.01
Alfred Ronald Santo	do	3,999.99
Frank M. Potter, Jr	do	3,000.00
Donald A. Watt	Editor	9,491.60
Lucye L. Summers	Secretary	6,101.49
Diane G. Kirchenbauer	do	3,582.74
Jane C. Wojcik	do	7,317.04
Pauline M. Dickerson	do	7,701.69
Norman M. Barnes	Investigator	5,018.08
Ronald W. C. Watt	Assistant clerk	2,659.24
Eleanor P. Mohler	do	5,257.88
Ruth I. Hoffman	do	2,499.99

Funds authorized or appropriated for committee expenditures	$291,500.00
Amount of expenditures previously reported	
Amount expended, Jan. 1–June 30, 1971	88,942.76
Total amount expended from—— to ———	0
Balance unexpended as of June 30, 1971	202,557.24

EDWARD A. GARMATZ,
Chairman.

JULY 8, 1971.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Martiny, John H	Chief counsel	$17,958.75
Gaughan, Vincent M	Staff director and special counsel.	10,986.12
Bray, Bun Benton	Associate staff director	17,706.83
Smiroldo, Victor C	Counsel	17,706.83
Irvine, William A	Assistant staff director	17,706.83
Kazy, Theodore J	Senior staff assistant	17,706.83
Fortune, Francis C	Coordinator	14,090.04
Lockhart, Robert E	Assistant counsel	8,170.00
Thornton, Elsie E	Chief clerk	12,135.16
Wells, Barbara M	Secretary	8,598.09
Simons, Blanche M	Secretary	8,077.66
Investigative Staff, pursuant to H. Res. 217 and 279 of the 92d Congress, 1st Session.		
Barton, Richard A	Staff assistant	10,794.19
Bates, Kathryn E	Secretary	6,005.00
Bebick, Joan E	do	4,928.06
Blackmore, Ruby Marina.	Staff assistant (from June 7).	400.00
Borger, Deanne L	Secretary	5,631.16
Brown, Lorraine L	do	4,854.77
Ciaravella, Jo Ann	do	4,880.57
Coultrap, Ray H	Staff assistant	6,808.71
Davis, Stewart A	do	6,688.87
Devlin, Ralph J	do	13,609.79
Fenstermacher, Frederic.	Intern (from June 1)	325.00
Ferdon, Julie	do	300.00
Fussell, Glenda J	Secretary	1,800.00
Gabusi, John B	Staff assistant	11,603.40
Gould, George B	do	12,196.32
Green, Thelma R	Secretary	1,135.19
Griffith, Thomas B	Intern (from June 1)	300.00
Harding, Delois	Secretary	4,461.02
Hitchcock, John E	Intern (from June 1)	325.00
Howard, Alton M	Printing editor	9,255.47
Jelonek, Susan	Intern (from June 1 to June 30).	325.00
Kennedy, Thomas R	Staff assistant	11,497.01
Lloyd, Max T	do	13,681.42
Meyer, Robert J	Intern (from June 21)	133.33
Miller, Michael D	Intern (from June 28)	
Moore, Robert M	Intern (from June 16)	204.17
Myers, Lois G	Secretary	6,165.51
Napier, Margaret G	Secretary	5,003.63
Neuman, Robert A	Staff assistant	4,615.71
Palmer, Fred D	Research assistant	6,404.00
Pendleton, Maria R	Document clerk	7,964.48
Peters, Dorothy L	Assistant document clerk.	6,829.85
Raymond, Anthony J	Staff assistant	11,335.33
Snipes, Justine P	Secretary	6,989.33
Spencer, Walter A	Intern (from June 1)	325.00
Ward, Sara L	Secretary	7,816.59
Williss, Donna L	do	726.92

Funds authorized or appropriated for committee expenditures	$533,000.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3–June 30	203,375.45
Total amount expended from—— to ———	0
Balance unexpended as of June 30, 1971	329,624.55

THADDEUS J. DULSKI,
Chairman.

JULY 15, 1971.

COMMITTEE ON PUBLIC WORKS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Richard J. Sullivan	Chief counsel	$17,958.75
Lester Edelman	Counsel	14,944.09
Clifton W. Enfield	Minority counsel	17,813.95
Stephen V. Feeley	Subcommittee clerk (terminated Mar. 15, 1971).	4,690.69
Lloyd A. Rivard	Engineer consultant	15,404.86
Carl H. Schwartz, Jr	Consultant—projects and programs (as of Jan. 18, 1971).	6,821.44
James L. Oberstar	Administrator	15,687.24
Dorothy A. Beam	Executive staff assistant.	10,809.03
Meriam R. Buckley	Staff assistant	9,107.77
Sterlyn B. Carroll	do	7,471.42
Erla S. Youmans	Minority executive staff assistant (as of Feb. 1, 1971).	7,365.01
Gordon E. Wood	Minority professional staff (as of Mar. 1, 1971).	6,938.32
Investigating staff:		
Richard C. Peet	Assistant minority counsel.	15,152.94
Audrey G. Warren	Subcommittee clerk (terminated Mar. 31, 1971).	5,309.80
Shaldon S. Gilbert	Associate minority counsel (terminated Feb. 1, 1971).	1,536.32
Augusta P. Peterson	Subcommitttee clerk (terminated May 31, 1971).	6,944.52
Robert F. Spence	Subcommittee clerk	8,457.51
Joseph A. Italiano, Jr	Editorial assistant	8,685.37
Erla S. Youmans	Minority staff assistant (as of Feb. 1, 1971, transferred to Standing Committee).	1,206.30
Linda L. Williams	Minority staff assistant	5,178.05
Nancy B. Vitali	Staff assistant	4,785.20
Peggy Lynn Clements	do	5,153.15
Harvey C. Simms, Jr	Clerical assistant (terminated Feb. 1, 1971).	445.65
Emily L. Kausch	Staff assistant	5,473.63
Cynthia J. Van Sant	do	3,911.02
Rosmari E. Gaughan	do	3,750.75
Robert G. Marshall	Subcommittee clerk	6,490.32
Ruth Costello	Staff assistant (as of Jan. 23, 1971).	6,494.46
Toby Stein	Staff assistant (as of Feb. 1, 1971).	3,120.85
Patricia A. Hill	Minority staff assistant (as of Feb. 10, 1971).	3,916.65
Richard E. Barnett	Minority staff assistant (as of Mar. 1, 1971).	3,490.00
Brenda C. Jones	Minority staff assistant (as of April 13, 1971).	1,950.00
Robert F. Loftus	Technical staff assistant (as of May 3, 1971).	4,672.23
John P. Carrier	Staff assistant (as of June 1, 1971).	1,500.00
Peter R. Jutro	Staff assistant (as of June 7, 1971).	512.00
William Corcoran	Staff assistant (as of June 16, 1971).	216.66
Marie M. Lynch	Subcommittee clerk (as of June 27, 1971).	135.56
Subcommittee on Investigations and Oversight:		
Walter R. May	Chief counsel	17,619.54
John P. Constandy	Assistant chief counsel	16,968.29
Salvatore J. D'Amico	Associate counsel	13,087.28
John P. O'Hara	do	13,087.28
Carl J. Lorenz, Jr	do	13,248.43
Robert G. Lawrence	do	14,787.80
George M. Kopecky	Chief investigator	15,971.22
Sherman S. Willse	Professional staff member.	13,087.28
Paul R. S. Yates	Professional minority staff member.	14,113.15
Kathryn M. Keeney	Chief clerk	8,362.76
Stuart M. Harrison	Staff Assistant (terminated) (Mar. 31, 1971.)	4,733.70
Agnes M. GaNun	Staff assistant	6,344.88
Martha E. Downie	Minority staff assistant.	6,277.63

Name of employee	Profession	Total gross salary during 6-month period
Betty Hay	Administrative assistant.	$6,958.54
Shirley R. Knighten	Staff assistant	5,802.06
Carol Dahlstedt	Staff assistant (as of Apr. 1, 1971).	3,125.01
William O. Nolen	Investigator (as of May 1, 1971).	3,333.34

Funds authorized or appropriated for committee expenditures (H. Res. 351)	$1,072,670.00
Amount of expenditures previously reported	None
Amount expended from Jan. 3–June 30, 1971	297,897.99
Total amount expended from Jan. 3–June 30, 1971	297,897.99
Balance unexpended as of June 30, 1971	774,772.01

JOHN A. BLATNIK,
Chairman, Committee on Public Works.

JULY 15, 1971.

COMMITTEE ON RULES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to July 1, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Laurie C. Battle	Staff director and counsel—P.	$17,985.75
Robert D. Hynes, Jr.	Minority counsel—P	17,255.16
Mary Spencer Forrest	Assistant counsel—P	10,629.23
Winifred L. Watts	Secretary—C	8,027.86
Jonna Lynne Cullen	do	7,168.75
Margaret Anne Bundick	do	4,725.00
Total		65,791.75

Funds authorized or appropriated for committee expenditures	$5,000.00
Amount of expenditures previously reported	None
Amount expended from Jan. 1–June 30, 1971	268.23
Total amount expended from Jan. 1–June 30, 1971	268.23
Balance unexpended as of June 30, 1971	4,731.77

WILLIAM M. COLMER,
Chairman.

JULY 7, 1971.

COMMITTEE ON SCIENCE AND ASTRONAUTICS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Chas. F. Ducander	Executive director and chief counsel.	$17,958.75
John A. Carstarphen, Jr.	Chief clerk and counsel.	17,737.59
Philip B. Yeager	Counsel	17,737.59
Frank R. Hammill, Jr.	do	17,031.22
James E. Wilson, Jr.	Technical consultant	16,261.96
Mary Ann Robert	Secretary	7,116.39
Emily Dodson	do	$6,819.75
Carol F. Rodgers	do	6,654.82
June C. Stafford	do	6,654.82
Kieran U. Cashman	do	5,506.44
Carl Swartz	Minority staff (from Feb. 23,)	8,000.00
Investigative staff (H. Res. 247):		
Richard P. Hines	Staff consultant	16,261.96
Harold A. Gould	Technical consultant	16,261.96
Philip P. Dickinson	do	14,098.39
W. H. Boone	Technical consultant (from Mar. 22).	9,848.59
William G. Wells, Jr.	do	13,534.95
K. Guild Nichols, Jr.	Staff consultant	9,193.06
J. Thomas Ratchford	Science consultant	14,752.64
William L. Offutt	Minority staff (to Apr. 30).	4,877.98
Frank J. Giroux	Printing clerk	8,673.56
Elizabeth S. Kernan	Scientific research assistant.	8,001.42
Martha N. Rees	Secretary	6,369.48
Denis C. Quigley	Publications clerk	7,037.87
Patricia J. Schwartz	Secretary	4,906.69
Barbara J. Jackson	do	4,726.07
Colleen P. Dunphy	Clerk-typist (from June 24).	69.96

Funds authorized or appropriated for committee expenditures	$380,000.00
Amount of expenditures previously reported	0
Amount expended from Jan. 3–June 30, 1971	162,304.44
Total amount expended from Jan. 3–June 30, 1971	162,304.44
Balance unexpended as of June 30, 1971	217,695.56

GEORGE P. MILLER,
Chairman.

JULY 1, 1971.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Swanner	Staff director	$17,958.75
Bennett Wolfe	Assistant staff director	14,886.90
Robert G. Aliett	Senior staff member	16,841.75
Mariann R. Mackenzie	Secretary	10,000.02
Tempie W. Whittington	Assistant clerk	4,999.98

Funds authorized or appropriated for committee expenditures (H. Res. 236; 3-23-71)	$25,000.00
Amount of expenditures previously reported	
Amount expended from Mar. 23–June 30, 1971	380.25
Total amount expended from Mar. 23–June 30, 1971	380.25
Balance unexpended as of June 30, 1971	24,619.85

MELVIN PRICE,
Chairman.

JULY 15, 1971.

COMMITTEE ON VETERANS' AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing Committee:		
Oliver E. Meadows	Staff director	$17,945.64
Edwin B. Patterson	Counsel (Jan. 1–Mar. 31, 1971).	8,556.75
Donald C. Knapp	Counsel (Apr. 10–June 30, 1971).	8,100.00
John R. Holden	Professional staff (minority).	15,348.59
Billy E. Kirby	Professional aide	15,348.59
George W. Fisher	Clerk	17,463.00
Helen A. Biondi	Assistant clerk	10,740.73
Alice V. Matthews	Clerk-stenographer	7,483.62
Morvie Ann Colby	do	7,272.24
Marjorie J. Kidd	do	6,889.58
Arthur M. Gottschalk	Professional aide (minority) (from Mar. 22, 1971).	5,775.00
Rita W. Schwall	Clerk-stenographer (Jan. 1–Mar. 31, 1971).	2,554.44
Patricia J. Wilton	Clerk-Stenographer (Apr. 1–June 30, 1971).	2,740.53
Investigative Staff:		
Rita W. Schwall	do	2,612.49
Patricia J. Wilton	Clerk-stenographer (Jan. 1–Mar. 31, 1971).	2,688.82
Philip E. Howard	Investigator	15,247.85
Audrey A. Powelson	Clerk-stenographer	5,429.35
Candis L. Graves	do	4,445.90
Helen Lee Fletcher	do	3,235.35
Vance L. Gilliam	Records clerk	4,293.04
Michael John Wootton	Intern (minority)	700.00
Courtenay E. Baskin	Clerk-stenographer	583.33

Funds authorized or appropriated for committee expenditures	$150,000.00
Amount of expenditures previously reported	
Amount expended, Jan. 3–June 30, 1971	52,829.55
Total amount expended, Jan. 3–June 30, 1971	52,829.55
Balance unexpended as of June 30, 1971	97,170.45

OLIN TEAGUE,
Chairman, Committee on Veterans' Affairs.

JULY 1, 1971.

COMMITTEE ON WAYS AND MEANS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Martin, Jr.	Chief counsel (P)	$17,958.75
Richard C. Wilbur	Minority counsel (P)	17,945.64
John Patrick Baker	Assistant chief counsel (P).	16,927.92
Robert B. Hill	Professional staff (P)	11,418.52
William Kane	do	15,590.19
James W. Kelley	do	15,590.19
Harold Lamar	do	15,590.19
A. L. Singleton, Jr.	do	14,569.74
Florence Burkett	Staff assistant (C)	7,046.65
Virginia Butler	do	8,626.23
William C. Byrd	do	5,825.95
Mary Clare Fitzgerald	do	5,244.24
William Fullerton	do	15,590.19
Grace G. Kagan	do	8,626.23
June Kendall	do	9,870.55
Mary Matthews	do	5,369.76
Elizabeth Price	Staff assistant (C) to May 31, 1971.	6,153.35
Vivian Jean Ratliff	do	4,999.74
Gloria Shaver	do	8,218.94
Eileen Sonnett	do	7,223.78
Shirley Vallance	Staff assistant (C) to Jan. 3, 1971.	58.99
Judith VanDerSchaaf	Staff assistant (C)	5,049.62
Carole Vazis	do	6,099.12
Hughlon Greene	Document clerk (C)	7,129.57
Walter B. Little	do	7,128.57

Funds authorized or appropriated for committee expenditures	$75,000.00
Amount expended from Jan. 1, to June 30 1971	3,015.87
Total amount expended from Jan. 1, to June 30, 1971	3,015.87
Balance unexpended as of June 30, 1971	71,984.13

WILBUR D. MILLS,
Chairman.

JULY 12, 1971.

SELECT COMMITTEE ON CRIME

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Stephen N. Abrams	Press assistant	$5,528.00
Weston Adams	Associate counsel (to Jan. 2, 1971).	132.71
Stuart R. Allen	Chief investigator	13,130.15
Ronald Barbatoe	Assistant counsel	8,755.26
Avanell K. Bass	Office manager (to Feb. 28, 1971).	2,147.75
Leroy C. Bedell, Jr.	Investigator	8,398.32
Michael William Blommer.	Associate chief counsel (from Mar. 1, 1971).	8,333.32
Beverly Bondy	Secretary (to Jan. 1, 1971).	45.43
Marian Canty	Secretary to the Chairman.	5,798.85
Frederick B. Collison	Investigator	6,959.36
Joseph M. Cribben	Associate chief investigator.	12,256.24
Elsworth D. Dory	Investigator	8,329.14
Mary Faye Downey	Secretary	3,457.15
Lina Mabel Duran	do	5,566.46
Hazel K. Edwards	Secretary to the associate chief counsel.	5,566.46
Roberta S. Gerson	Secretary to the chief counsel.	5,721.54
Mary N. Goulart	Finance officer	7,009.21
Deborah Hastings	Research assistant	5,237.08
Patricia C. Hester	Secretary	4,454.34
Alvin J. Lorman	Investigator	8,198.22
Raphael J. Madden	Research assistant	3,681.46
H. Christopher Nolde	Associate counsel (from Feb. 9, 1971).	9,987.95
Paul L. Perito	Chief counsel	17,916.56
Michael D. Petit	Press officer (to Jan. 2, 1971).	106.41
Mary G. Poore	Secretary/office manager.	5,721.54
Andrew Radding	Assistant counsel	7,966.17
Larry T. Reida	Associate chief counsel (to Jan. 2, 1971).	161.97
Jordan Payman Rose	Assistant counsel (from May 17, 1971).	2,140.17
Alberta E. Sandel	Secretary (to Jan. 2, 1971).	45.43
Margaret M. Schauer	Secretary	5,292.24
James F. Southerland	Executive director (to Jan. 2, 1971).	166.69

Funds authorized or appropriated for committee expenditures	$675,000.00
Amount of expenditures previously reported	0
Total amount expended from Jan. 1, 1971–June 30, 1971	188,764.55
Balance unexpended as of June 30, 1971	486,235.45

CLAUDE PEPPER,
Chairman, Select Committee on Crime.

JUNE 30, 1971.

SELECT COMMITTEE ON HOUSE RESTAURANT

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated by it:

Name of employee	Profession	Total gross salary during 6-month period
Thomas J. Campbell	Staff director	$9,357.35
Judy A. Crowe	Secretary	3,684.14
Total		13,041.49

Funds authorized or appropriated for committee expenditures	$43,000.00
Amount of expenditures previously reported	
Amount expended from Jan. 1, 1971 to June 30, 1971	13,215.79
Total amount expended from to	
Balance unexpended as of June 30, 1971	29,784.21

JOHN C. KLUCZYNSKI,
Chairman.

JULY 12, 1971.

SELECT COMMITTEE ON SMALL BUSINESS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated by it:

Name of employee	Profession	Total gross salary during 6-month period
Emilia E. Parrish	Secretary	$5,545.83
Marlyn Wilkinson	Secretary	1,703.37
William A. Keel, Jr.	Research analyst	17,761.50
Myrtle Ruth Foutch	Clerk	8,736.12
Donna M. Santoro	Secretary	4,131.53
Henry A. Robinson	Counsel	15,610.33
Robert M. Walker	Staff assistant	1,742.25
Leslie R. Pennington	Printing editor	8,654.97
Carol Ann Fowkes	Secretary	2,617.33
Susan E. Driggers	Secretary	3,054.13
Michael R. Lemov	Consultant	13,525.47
Clifford E. Payne, Jr.	Staff assistant	3,554.56
Justinus Gould	Counsel	15,610.33
Donald B. Roe	Counsel	8,654.97
Joanna G. O'Rourke	Secretary	2,141.19
Mary Ellen Owens	Secretary	2,851.51
Howard Greenberg	Staff Director	17,761.50
Linda W. Kinkead	Secretary	5,651.02
Donna R. Stagnito	do	.41.67
Charles E. O'Connor	General counsel	14,761.50
John Rayburn	Counsel	1,666.67
T. J. Oden	do	8,654.97
Christine Santoro	Secretary	3,620.13
Dorothy M. Jordan	do	2,197.21
Linda Louise Spakes	do	2,333.34
Mary Biddle Dick	Secretary, minority	1,166.66
Margaret L. Carpenter	do	5,168.43
Fred Wertheimer	Minority counsel	4,153.57
Bernadette O. Romanesk	Secretary, minority	4,415.61
James R. Phalen	Assistant minority counsel.	6,329.08
John M. Finn	Minority counsel	10,401.46

Funds authorized or appropriated for committee expenditures	$530,000.00
Amount of expenditures previously reported	None
Amount expended, Jan. 3, 1971–June 30, 1971	206,596.99
Total amount expended, Jan. 3, 1971–June 30, 1971	206,596.99
Balance unexpended as of June 30, 1971	323,403.01

JOE L. EVINS,
Chairman.

JULY 23, 1971.

JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated by it:

Name of employee	Profession	Total gross salary during 6-month period
Eugene F. Peters	Executive director (from Mar. 19).	$10,300.00
Nicholas A. Masters	Staff director (from Apr. 1).	8,000.01
Donald G. Tacheron	Director of research (from Apr. 1).	8,000.01
Raymond L. Gooch	Staff counsel (from June 1).	2,083.33
George Meader	Staff counsel (from June 11).	1,241.33
Cynthia K. Watkins	Clerk (from Mar. 24)	2,559.73
Louis Meyer Gerber	Clerk (from Apr 9)	2,166.67
Francis Joseph Butler	Clerk (from May 14)	1,175.00
Vilma R. Berarducci	Clerk (from May 17)	977.78
James J. Hennelly	Clerk (from June 1)	340.00

Funds authorized or appropriated for committee expenditures	0
Amount of expenditures previously reported	0
Amount expended from Jan. 1 to June 30	$37,238.96
Total amount expended from Jan. 1 to June 30	37,238.96
Balance unexpended as of	0

JACK BROOKS,
Chairman.

JULY 6, 1971.

JOINT COMMITTEE ON DEFENSE PRODUCTION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1971, to June 30, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Harold J. Warren	Clerk and counsel	$15,382.16
Charles S. Brewton	General counsel	15,113.53
George T. Ault	Professional staff member.	10,472.50
Cary H. Copeland	do	8,964.63
Mattie I. Echols	Secretary	5,420.79
Thomas L. McNamara	Professional staff member.	3,295.72
William Bruce Woodard	Clerk assistant	1,062.50
Helen O. McDaniel	do	1,000.00
Joel V. Lumer	Staff assistant	1,000.00

Funds authorized or appropriated for committee expenditures	$128,930.00
Amount of expenditures previously reported	60,299.92
Amount expended, Jan. 1–June 30, 1971	61,938.66
Total amount expended, July 1, 1970–June 30, 1971	122,238.58
Balance unexpended as of June 30, 1971	6,691.42

WRIGHT PATMAN,
Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

987. A communication from the President of the United States, transmitting proposed budget amendments for the District of Columbia for fiscal year 1972 (H. Doc. No. 92–146); to the Committee on Appropriations and ordered to be printed.

988. A letter from the Acting Director of ACTION, transmitting a draft of proposed legislation to authorize additional funds for ACTION; to the Committee on Education and Labor.

989. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination No. 71–18, pertaining to certain military assistance, pursuant to section 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

990. A letter from the Secretary of the Interior, transmitting the 1971 progress report on the Western U.S. water plan, pursuant to title II of the Colorado River Basin Project Act of 1968; to the Committee on Interior and Insular Affairs.

991. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes; to the Committee on Interior and Insular Affairs.

992. A letter from the Assistant Secretary of the Interior, transmitting notice of the determination of the Interior Department on deferment of the 1971 construction payment due the United States from the San Angelo Water Supply Corp., in connection with the San Angelo reclamation project, Texas, pursuant to 73 Stat. 584; to the Committee on Interior and Insular Affairs.

993. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of September 28, 1962 (76 Stat. 653), as amended (16 U.S.C. 460k–460k–4) to release certain restrictions on acquisition of lands for recreational development at fish and wildlife areas administered by the Secretary of the Interior; to the Committee on Merchant Marine and Fisheries.

994. A letter from the Secretary of Labor; transmitting the second annual report on the work incentive program, pursuant to section 440 of the Social Security Act; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOLAND: Committee of conference. Conference report on H.R. 9382 (Rept. No 92–377). Ordered to be printed.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 760. A bill to revise and improve the laws relating to the documentation of vessels; with amendments (Rept. No. 92–378). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee on Foreign Affairs. H.R. 9910. A bill to amend the Foreign Assistance Act of 1961, and for other purposes (Rept. No. 92–380). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee on Appropriations. H.R. 10090. A bill making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–381). Referred to the Committee of the Whole House on the State of the Union.

Mr. McFALL: Committee of conference. Conference report on H.R. 9667 (Rept. No. 92–382). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARING (for himself, Mr. LONG of Maryland, Mr. THOMPSON of Georgia, Mr. McCLORY, and Mr. HALPERN):

H.R. 10062. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. BINGHAM:

H.R. 10063. A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes; to the Committee on House Administration.

H.R. 10064. A bill to amend the Internal Revenue Code of 1954 to provide that no income tax shall be imposed on servicemen who die while in active service or as a result of wounds, disease, or injury incurred while in active duty; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 10065. A bill to redesignate the Washington National Airport as "Neil Armstrong Airport"; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Florida:

H.R. 10066. A bill to require the Department of Defense to determine disposal dates and methods for disposing of certain military material; to the Committee on Armed Services.

H.R. 10067. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

H.R. 10068. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist; to the Committee on Interstate and Foreign Commerce.

H.R. 10069. A bill to amend title 18 of the United States Code to impose certain limitations on the disposal of and contracts for the acquisition of chemical, biological, and radiological warfare agents; to the Committee on the Judiciary.

H.R. 10070. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

H.R. 10071. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 10072. A bill to amend the Military Selective Service Act of 1967 to exempt from the draft physicians who agree to practice at least 4 years in rural and inner city doctor-shortage area; to the Committee on Armed Services.

By Mr. DENT:

H.R. 10073. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies, and committees and members thereof; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.R. 10074. A bill to amend the District of Columbia Minimum Wage Act to extend minimum wage and overtime compensation protection to additional employees, to raise the minimum wage, to improve standards of overtime compensation protection, to provide improved means of enforcement, and for other purposes; to the Committee on the District of Columbia.

H.R. 10075. A bill to establish a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. FINDLEY:

H.R. 10076. A bill to promote the foreign policy and security of the United States by providing authority to negotiate a commercial agreement with Rumania, and for other purposes; to the Committee on Ways and Means.

H.R. 10077. A bill to promote the foreign policy and security of the United States by providing authority to negotiate commercial agreement with any country, and for other purposes; to the Committee on Ways and Means.

By Mr. HALPERN (for himself and Mr. MORSE):

H.R. 10078. A bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER:

H.R. 10079. A bill to provide for the appointment of an additional district judge for the western district of Wisconsin; to the Committee on the Judiciary.

By Mr. MONAGAN:

H.R. 10080. A bill to amend title 10 of the United States Code to establish a separate board to review the discharges and dismissals of servicemen for narcotic-drug-related causes, and for other purposes; to the Committee on Armed Services.

By Mr. MONAGAN (for himself, Mr. HECHLER of West Virginia, Mr. SCHNEEBELI, Mr. DERWINSKI, Mr. EILBERG, Mr. MOSS, Mr. ADDABBO, Mr. VANIK, Mr. MAZZOLI, Mr. COLLINS of Illinois, Mr. HELSTOSKI, Mrs. GRASSO, Mr. TIERNAN, Mr. HALPERN, Mrs. CHISHOLM, Mr. DINGELL, Mr. DULSKI, Mr. FORSYTHE, Mr. GALLAGHER, Mr. THONE, Mr. ST GERMAIN, Mr. ROSENTHAL, Mr. ROBISON of New York, Mr. KEE, and Mr. HORTON):

H.R. 10081. A bill to direct the Administrator of the Environmental Protection Agency to establish and carry out a bottled drinking water control program; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN (for himself, Mrs. ABZUG, Mr. BURTON, Mr. MIKVA, and Mr. METCALFE):

H.R. 10082. A bill to direct the Administrator of the Environmental Protection Agency to establish and carry out a bottled drinking water control program; to the Committee on Interstate and Foreign Commerce.

By Mr. PRYOR of Arkansas (for himself and Mr. ROY):

H.R. 10083. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania:

H.R. 10084. A bill to provide maternity benefits for pregnant wives of certain former servicemen; to the Committee on Armed Services.

By Mr. RYAN:

H.R. 10085. A bill to prohibit the introduction or delivery for introduction into commerce of the chemical compound known as polychlorinated biphenyl; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR (for himself and Mr. SKUBITZ) (by request):

H.R. 10086. A bill to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WYATT:

H.R. 10087. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. EVINS of Tennessee:

H.R. 10090. A bill making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes.

By Mr. BURKE of Florida:

H.J. Res. 803. Joint resolution providing for the establishment of the Astronauts Memorial Commission to construct and erect with funds a memorial in the John F. Kennedy Space Center, Florida, or in the immediate vicinity, to honor and commemorate the men who serve as astronauts in the U.S. space program; to the Committee on House Administration.

H.J. Res. 804. Joint resolution providing for the display in the Capitol Building of a portion of the moon; to the Committee on House Administration.

By Mr. CARTER (for himself, Mr. HULL, and Mr. VANDER JAGT):

H.J. Res. 805. Joint resolution to authorize the President to proclaim the month of January of each year as "National Volunteer Blood Donor Month"; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.J. Res. 806. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SPENCE:

H.J. Res. 807. Joint resolution authorizing the President to proclaim the second full week in October each year as "National Legal Secretaries' Court Observance Week"; to the Committee on the Judiciary.

By Mr. BURKE of Florida:

H. Con. Res. 378. Concurrent resolution: support of gerontology centers; to the Committee on Education and Labor.

H. Con. Res. 379. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

H. Con. Res. 380. Concurrent resolution creating a Joint Committee To Investigate Crime; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

247. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the east side division of the Central Valley project; to the Committee on Interior and Insular Affairs.

248. Also, memorial of the Legislature of the State of Wisconsin, relative to services of the Federal Government to the Menominee Indian Tribe of Wisconsin; to the Committee on Interior and Insular Affairs.

249. Also, memorial of the Legislature of the Commonwealth of Virginia, relative to exempting public employees' benefit and pension plans from the provisions of the proposed Employee Benefit Security Act; to the Committee on Education and Labor.

250. Also, memorial of the Legislature of the State of Wyoming, ratifying the amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. HANNA:

H.R. 10088. A bill for the relief of Gabriel Edgar Buchowiecki; to the Committee on the Judiciary.

By Mr. KUYKENDALL:

H.R. 10089. A bill to release the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII,

113. The SPEAKER presented a petition of the National Council, Junior Order of United American Mechanics, Philadelphia, Pa., relative to Lt. William L. Calley, Jr., which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

JOHNS HOPKINS HOSPITAL HEALTH PROGRAM FOR CHILDREN

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. LONG of Maryland. Mr. Speaker, the Johns Hopkins University Hospital has just opened an out-patient facility for children. The Johns Hopkins School of Medicine has pioneered in techniques to combat disease, and emphasized the importance of children's medical services.

At this point I want to insert an article from the Baltimore Sun of July 11 about the new Johns Hopkins University Hospital outpatient facility for children.

HOPKINS PROGRAM KEEPS KIDS WELL

(By Marion D. Gutman)

The Edwards A. Park Building, the Johns Hopkins Hospital's new out-patient facility for children, will open tomorrow and its first tenant, the Comprehensive Child Care Program, will occupy the third floor.

Dr. Robert H. Drachman, director of both this program and the new building, calls the addition to the Hopkins facilities "representative of a new and major commitment on the part of the hospital to provide comprehensive health services to the children in the area. It is the only new building in the history of the hospital that has been dedicated solely and specifically to giving outpatient care to children."

The building bears the name of Dr. Edwards A. Park, internationally known professor of pediatrics at the Johns Hopkins Hospital from 1927 to 1946. It is on Monument street, just east of Broadway, and adjoins the Children's Medical and Surgical Building. Cost of construction was about $3,000,000; most of this came from private gifts and endowments. Federal funds account for about one-fifth of the total.

A distinctive feature is the first-floor trauma center, for children only. It was established to spare chilren, already traumatized by their own emergencies, the sight of adults in various stages of distress.

The first floor will also contain a laboratory equipped to analyze and test minute quantities of blood, X-ray facilities, and offices for social workers, nutritionists, and school counselors.

The second and third floors of the building will be devoted to treatment of minor illnesses and preventive care. The prototype for these services, according to Dr. Drachman, will be the Comprehensive Child Care Program, generally considered a major breakthrough in providing health care to inner-city children.

ONE OF 60

The Hopkins Program is one of 60 throughout the country with funds allocated by the Children's and Youth Act of 1966. Baltimore has five, and the Hopkins program cares for the largest number of children.

The four others are attached to University Hospital, Sinai Hospital, City Hospitals and the Greater Baltimore Medical Center. Each is committed to serving the disadvantaged in its immediate vicinity. Provident Hospital operates a Neighborhood Health Center, which serves adults as well as children and is funded by the Office of Economic Opportunity.

The Hopkins Comprehensive Child Care Program extends to portions of the nine census tracts surrounding the hospital. The boundaries are roughly 25th street, Harford road, and Preston street on the north; Monument, Jefferson and Orleans streets on the south; Chester street on the east, and Caroline street and the Fallsway on the west.

At the time that the program was initiated, neighborhood health facilities for the well child over 5 were meager. Those 5 and under had the advantage of routine checkups and immunizations in the Eastern Health District's Well-Baby Clinics. Sick children were seen in the Harriet Lane out-patient department or in the emergency room. But the only health resources available to children over 5, with no apparent ailment, were the private physicians. Those who offered pediatric care were few and widely scattered. Furthermore, private medical attention was beyond the financial capabilities of most families.

The Comprehensive Child Care Program offers for the child under 18 routine checkups, immuniaztions, dental care, hearing, speech, and vision examinations, family counseling, and of course, treatment of the ill child. This service is free because of federal funding. The clinic is open until 9 P.M., Monday through Friday, for the convenience of the working parent.

Despite these services, the program encountered community hostility. A traditional distrust of the Johns Hopkins Hospital on the part of the black population all but overshadowed the advantages that the new program offered. Most of the parents who brought their children to the clinic in the early days brought their suspicion and fear with them, and the program operated well below its potential. Now, four years later, 80 per cent of the child population of the area—more than 16,000 children—are registered patients of the Hopkins Child Care Center.

While no single factor can be held accountable for this dramatic growth, Dr. Drachman may have provided a clue when he said that the program assumes responsibility for the children under its care. In his opinion, this responsibility is not discharged when a child is given a checkup, treated for an ailment, given a regimen of diet and hygiene and, with a pat on the head, told to report back at a stated time.

LARGE AND MULTISKILLED STAFF

Responsibility, as he sees it, extends to seeing that the doctor's recommendations are practical in terms of the family's living pattern, making necessary changes and adjustments, seeing that appointments are not only made but kept, helping the child and the family to meet strange—and sometimes frightening—situations, discovering those things not audible to a stethoscope that may impede a child's healthy development.

This responsibility, or concern for the child in relation to his total living environment, has necessitated a large and multi-skilled staff. It includes physicians, dentists, nurse practitioners, hearing, speech, and vision specialists, nutrition experts, psychologists, social workers, and the community health workers, headed by Mrs. Gladys Watties, who are the program's pipeline to the community.

A further tie between the community and the Comprehensive Child Care Program is the Advisory Committee of Parents, consisting of 10 parents of children under care.

The Hopkins Comprehensive Child Care Program has been self-monitored since its inception by a system of computerized record keeping. Dr. Drachman describes it as a "feed-back on the effectiveness of services." He adds that although this procedure is not usual in medical care programs, no business would operate without knowing "whether it is moving in the right direction or headed for the red."

Four criteria form the basis of the evaluation:

1. The effectiveness of the medical care—whether the program is getting the results that it should.

2. The quality of the care, or an assessment of the steps that are taken to achieve the final outcome or result.

3. The satisfaction with the program of the patient, the parent, and the staff.

4. The efficiency with which the program is administered, an inquiry into such matters as whether or not the staff's time is being well utilized.

The first four years of the program's operation yield what Dr. Drachman regards as encouraging results:

The number of children receiving care is steadily mounting.

A recent study shows that for a given number of children, there were twice as many visits to the Comprehensive Child Care clinics as there were to those facilities which treat only the sick. The difference measures the growing awareness on the part of parents of the importance of the routine checkup as a preventative. It is also a measure of growing confidence in the program.

EFFECTIVE SURGICAL PROCEDURES

This increased confidence, combined with a more complete and thorough assessment of the child, has resulted in what Dr. Drachman calls "significantly more elective surgical procedures" than are undergone by children outside the program. Clubfoot, crossed eyes, unsightly birthmarks are some of the conditions that fall within the "elective" category.

A national survey of dental services shows that the use of such services by children in the Hopkins Comprehensive Child Care Program is numerically far above the national average.

Studies are still in progress relating to overall improvement in health and susceptibility to disease. While Dr. Drachman believes that the results will show the impact of comprehensive care, he states that the information with which to document this assumption is not yet available.

A pilot project was recently initiated by the Comprehensive Child Care Program in order to reach those children within the area not receiving care. First-grade teachers in one of the neighborhood schools were asked to identify, by means of a simple questionnaire as well as their own observations, those children who appeared to need some special kind of attention. Twenty-five percent of the first graders fell within this category. Plans are now underway to extend this type of study to other first grades in the area.

The future of comprehensive child care programs is cloudy. No funds have been allocated to continue them beyond June 30, 1972. Those connected with the Hopkins program have expressed the hope that if funds are not forthcoming, the program will become the nucleus of an overall maintenance organization that is now under consideration. They regard their program as a landmark toward providing a healthy foundation for disadvantaged children.

LIBERTY AND THE GERMAN PEOPLE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, July 26, 1971

Mr. THURMOND. Mr. President, on July 4, 1971, Mr. Axel Springer published an article entitled "July 4 and Ourselves."

Mr. Springer is an important spokesman for responsible German opinion. At a time when people are making presumptuous overtones to the East, it is heartening to note this reminder of the value of independence.

Mr. President, the American people celebrated the 195th anniversary of the signing of the Declaration of Independence. The ideas expressed in this, one of the most important documents in American history, are valid for men everywhere. This article points out that the people of West Germany have now established a government which respects human rights as self-evident and unalienable. As stated in the West German Constitution, the West German people have sworn never to rest until these rights have been extended to all of the German people. These stirring remarks deserve the consideration of the Congress.

Mr. President, I ask unanimous consent that the article entitled "July 4 and Ourselves" published by Mr. Axel Springer on July 4, 1971, be printed in the Extensions of Remarks.

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

JULY 4 AND OURSELVES

(By Axel Springer)

This Sunday the citizens of the United States of America celebrate for the 195th time their independence. The Declaration of Independence, whose chief author was Thomas Jefferson, subsequently President of the USA, became one of the important documents of human history, in language and import comparable to the Commandments of the great religions.

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,—. . ." These sentences are the core of the Declaration, and are valid for men everywhere.

We Germans have in the past by no means always lived by these tenets, which give every man the self-evident right to live in his own way and be happy. We fell away from God, and then followed the Fall away from man, God's image.

We allowed the rights of our own people and of others to be trampled upon in our name. And the injustices grew and became murder.

In the free part of Germany we have today created once more a social order which, as does the American Declaration of Independence, respects human rights as self-evident and unalienable. The Constitution we have given ourselves lays down the mandate not to cease in our efforts until the same basic rights are once more granted to all our people: "The whole German nation remains called upon to achieve in free self-determination the unity and liberty of Germany." (Preamble to the West Germany Constitution).

And unspoken remains the hope one day to give these rights to all other people who today still live in bondage.

These are the thoughts of a German on the Independence Day of our American friends. Accordingly for us there can be no pact with today's oppressors of freedom. And if such a pact is nevertheless made by a Government, "it is the Right of the People to alter or to abolish it, and to institute new Government . . ." This also stands in the Declaration of Independenct of July 4, 1776.

TORTURE IN GREECE EXPOSED

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. EDWARDS of California. Mr. Speaker, as a consistent supporter of the return of true, democratic government in Greece, I would like to share with my colleagues in the Congress the very informative testimony of Maurice J. Goldbloom concerning recent events of the Greek junta. Mr. Goldbloom's statement reflects his close knowledge of the heinous atrocities committed by the Greek junta in recent weeks and the intolerable complicity which the American Government wittingly or unwittingly has aided these actions through the financial support of this Government. The testimony is indeed an affront to each American who believes in the right of every human being in the world to govern him-

self free from the fear and tyranny of government oppression. As Mr. Goldbloom so eloquently states, the recent tortures in Greece are an affront to our common bond as human beings.

The testimony follows:

STATEMENT OF MAURICE J. GOLDBLOOM, EXECUTIVE SECRETARY OF THE U.S. COMMITTEE FOR DEMOCRACY IN GREECE, BEFORE SUBCOMMITTEE ON EUROPE OF HOUSE FOREIGN AFFAIRS COMMITTEE, JULY 14, 1971

Mr. Chairman and members of the Committee: I thank you for the opportunity to testify today on the present situation in Greece and its implications for American policy. My active connection with Greek affairs began when, as a U.S. Foreign Service Staff Officer, I served as Labor Information Officer of the U.S. Economic Mission to Greece in 1950 and 1951. Since that time I have kept in close touch with developments in Greece through a number of trips to that country, through correspondence with people there and personal contact with visitors from Greece, through careful study of reports in newspapers and periodicals as well as those from official sources, and in other ways. I have also written on Greece for a number of leading newspapers and periodicals.

Two items in the current news are, I believe, unprecedented in the entire period during which I have been following Greek events. One is the decision of the Administration to give Greece $117,000,000 in military aid for the coming fiscal year. The other is the savage torture of two American citizens, Ioannis and Nikos Koronaios, by the junta's police. Neither military aid nor torture of political prisoners is, of course, new; we have been giving Greece military aid since 1947, and the junta has been torturing its prinsoners since April 21, 1967. But the *amount* of aid *is* new, and the junta's tortures have not previously, so far as I know, been expanded to embrace American citizens. The juxtaposition of the two developments makes it almost seem as if the first is a reward for the second. Perhaps a more accurate assessment, however, would be that the junta has been emboldened by our Government's eagerness to shower it with aid, to a point where it no longer has any fear of effective American displeasure whatever it may do.

The proposed aid for the coming fiscal year is more than 50 percent greater than the amount given in 1966, the last full year before the coup. While I do not have access to the precise figures for years before 1966, those figures which are available make it almost certain that the proposed amount is the highest in the last twenty years. These figures lump Greece with Turkey and other Near Eastern countries, and in recent years with South Asia as well. But for 1950 *total* American military grants to all of the Near East and Africa came to only $118 million, according to the U.S. Statistical Abstract—a document which is not classified, although I suspect that some people wish it could be. In that year Greece received no credits, so that its entire military assistance must have been included in that total, most of which certainly went to other countries. There were, of course, increases in the amount of military aid in subsequent years, as a result of the Korean War. But the total amount for Greece seems never to have exceeded about eighty million dollars a year.

Before the coup, a decision had been taken on strictly non-political grounds to sharply reduce or even phase out entirely our military aid program for Greece over the next four years—the four years which have now passed since the coup. Hence even our reduced aid programs before the resumption of heavy weapons shipments were almost certainly above what had been planned before the coup. And our new, unprecedentedly high, level of military aid certainly bears no relation to any change in either the strategic situation or the state of international tensions in the past four years. The one factor which has, indeed, changed significantly among those responsible for the pre-coup decision to cut military aid is Greece's economic situation.

The two main factors in that decision were the belief that many of the items being supplied to Greece were unnecessary for the fulfillment of her NATO role, and the apparent ability of Greece to pay for many of the items previously given or sold on concessionary terms. The Greek payments situation had improved substantially in the years immediately preceding the coup, and American planners therefore assumed that the improvement would continue, and planned accordingly.

In fact, however, there has been a catastrophic deterioration in the Greek balance of payments situation since the junta took power. Mr. Davies testified on Monday that, according to a briefing he had received from Greek economic ministers, the deterioration in the balance of trades had been made up for by an increasingly favorable balance on invisibles. It is unfortunate that on this, as on other matters, the Department of State seems to have relied on information from the junta instead of looking at the facts.

Actually, the cumulative balance of payments deficit on current account for the first four years of the junta's rule comes to over one-and-a-third billion dollars—not small change even by American standards. For 1970 alone, the deficit was a record $410.4 million; for the current year it is running about 60 percent ahead of last year's figure, so that Greece seems likely to be some $700 million in the red this year.

At the same time, contrary to Secretary Stans's statement which Mr. Davies found "factual," foreign investment in general and American investment in particular have fallen off sharply. Indeed, most of the increase in production since 1967 has resulted from the completion of plants already begun before 1967, such as units of the Esso-Pappas complex and Pechiney aluminum. Even so, the average annual increase in industrial production, according to the Bank of Greece index, has been about 7.5 percent since the coup, as against 11 percent in the preceding four years. So much for the "Greek Economic Miracle" under the junta. (Incidentally, Mr. Noyes's statement that unemployment has declined since the coup is meaningless. Unemployment both before and since the coup was held to negligible proportions by the fact that the unemployed migrated to Northern Europe to work; approximately a fourth of Greece's industrial labor force is now employed in other European countries, especially Germany. Unemployment in Greece today—and as long as a labor shortage in Northern Europe continues to draw off the surplus workers of the Mediterranean countries—is essentially a transitional phenomenon. People leave the land where their labor is no longer needed and are unemployed until they either go North themselves or fill jobs vacated by those who do. Of course, a depression in Germany or even a severe recession there would send a flood of unemployed workers back to Greece, while at the same time causing a sharp drop in the emigrant remittances which today furnish more than a third of Greece's income from invisibles.)

The rapid escalation of the deficit has been caused in part, at least, by the junta's monumental incompetence—not surprising in a regime which started in by dismissing on political grounds a large part of its trained personnel, to its use of the country's resources to bribe the officer corps and other groups, and to gross corruption. Two items in the balance of payments are of particular interest. Government expenditures abroad have doubled; the increase has gone partly into the creation of a system of espionage and intimidation against Greeks abroad, and partly into propaganda. Early in the junta's reign one of its journalistic organs, *Estia*, urged that it get its point of view into the foreign press even if it had to pay to do so. And where it found venal journalists the junta paid, sometimes a good deal more than they were worth. Sometimes payments have taken the form of advertising; at other times they have been outright subsidies. Thus on one occasion the publisher of a pro-junta Greek-language weekly paid his printer's bill by endorsing over a check from the Greek Consul. Of course, the major newspapers in the United States and most other countries cannot be reached by this sort of thing. But not all European papers are above suspicion in this respect, and even the best-run paper canot be sure that no individual journalist will succumb. Indeed, in England, five members of Parliament were given a free trip to Greece in return for which they held a press conference praising the junta in the same week in which another British M.P. was arrested in Athens for placing a wreath on Lord Byron's statue there; one of the five, it later turned out, was also paid in cash by the junta's British public relations firm.

The second item is a tripling in the country's interest bill; between them, the increases in government expenditures and interest account for two-fifths of the rise in the balance of payments deficit from 1966 to 1970. The rise in interest payments is accounted for partly by the precipitous rise in Greece's foreign rates that the junta has had to pay as its borrowing became increasingly desperate. The net effect of the cumulative payments deficits has been that, since the junta came into power, approximately a half billion dollars of reserves—the official reserves and the secret gold sovereign fund, and the special drawing rights received from the International Monetary Fund—have been dissipated, and Greek debts have climbed by several hundred millions. This includes about $300 million due within a year. The fall in the official reserves has been masked by a number of bookkeeping tricks; thus the junta borrowed $25 million in New York at 7 percent on condition that it keep the money on deposit with the lending banks at 5 percent, and then counted this as part of the official reserves although it could not touch a penny of it. Again, it has pawned a major part of the gold reserve as security for German and Swiss bank loans, but continues to count the gold as part of its official reserves. These things are not secret from the financial world, and it is therefore becoming increasingly difficult for the junta to borrow abroad. Indeed, it was reportedly in temporary default early this year on a loan from a major New York bank. The principal factor keeping it from open bankruptcy is the fact that its creditors prefer renewing the loans to having them defaulted. Two things seem likely to occur in the near future—a devaluation of the drachma, and an appeal from the junta for American economic aid. To respond to such an appeal would of course compound the complicity which the people of Greece and of the democratic countries of Europe already attribute to the United States because of the continuance of massive military aid.

But even if the junta were composed of economic and administrative geniuses rather than of men whose only expertise is in conspiracy, it would be the enemy of everything for which the United States should stand. What we objected to in Mussolini and Hitler was not that they really did not make the

trains run on time, but that they were the enemies of freedom and jusice and human dignity. And in this, if not in all the details of their rule, the Greek colonels are kin.

Here too Mr. Davies paints far too optimistic a picture of the situation even though he does not go so far in this direction as the State Department has done in previous statements. (In quoting former Foreign Minister Evangelos Averoff in favor of resumption of full military aid to Greece—a position in which Mr. Averoff, who has in the past been highly receptive to political suggestions emanating from the American Embassy, is despite Mr. Davies's asesrtions to the contrary alone among respectable Greek political figures—Mr. Davies neglected to quote Averoff's condemnation of the accompanying State Department staetment. The omission is hardly surprising, since Averoff declared: "The American authorities have been deceived by their services, or they are seeking to put a democratic mask on Greece to appease public opinion. Contrary to the claim of the State Department, human dignity is trampled underfoot and the conditions for a return to democracy have not been created. Ignorance of that reality and support of hypocrisy do not serve either democracy or the prestige of the United States which, until yesterday, all Greeks loved and respected.")

Human dignity is still trampled underfoot in Greece and the conditions for a return to democracy are no nearer now than they were last September, when full military aid was resumed and Averoff made his comments. The establishment of the mini-parliament and the Prime Minister's consultations with a few disreputable or insignificant former members of Parliament, repudiated by their parties, are not as Mr. Davis suggests even small steps in the direction of democracy. Rather, these are attempts to introduce a measure of subtlety into its suppression. The mini-parliament, appointed by Papadopulos from a slate "elected" by a small group of junta-appointed officials, lacks even a semblance of independence, prestige, or power. And the apparent purpose of the conversations of the Prime Minister with the politicians is the creation of a two-party system in which both parties will be tightly controlled by the junta, so that "free elections" may then be staged for the State Department's benefit with no risk whatsoever.

Meanwhile, many hundreds of prisoners—the exact number can not be ascertained, though it is certainly larger than Mr. Davies suggests—remain in prison. To be sure, most of those who were on Leros have been released, after being held four years without even the pretense of charges. Largely old and sick, these people were arrested the night of the coup and never had a chance to threaten the junta. Now, physically broken and socially uprooted, they constitute no danger to it. And those of them who it vaguely suspects might, the junta has kept in forced residence in remote villages. In the last batch of some two hundred, it announced that it was thus keeping fifty under restraint. In regard to the other groups released this year, it made no announcement, but it would be foolish to believe that they too did not furnish their quotas of victims. Nor do we have precise information on how many of those who were formerly under this type of restriction still are. But 150 would seem a modest estimate for the total of the two groups.

As to those in prison for political offenses, for whom Mr. Davies gives a figure of 350-500 and junta spokesmen one of 450, other estimates run much higher. *Eleftheros Kosmos*, a junta organ, reported on April 11 that 1985 prisoners had been sentenced by courts-martial and 500 amnestied; from this *Agence France-Presse* concluded that there were still 1,485 convicted prisoners. Junta sources replied that the figure was only 450, since the sentences of the others had expired. But a check of twenty trials picked at random, involving 131 prison sentences, shows that only nine were short enough to have expired by now. The actual number is therefore almost certainly far higher than 450.

In addition, there is the most wretched group of all—those awaiting trial, usually for months and sometimes even for years. The best-known group, those awaiting trial on a charge of conspiring with Andrea Papandreou against the junta, consists of individuals arrested in November and December. Of some two hundred arrested at that time, less than a quarter have been tried or released. And there have been many arrested since, just as there are many who were arrested much earlier who have not yet been brought to trial.

It is these prisoners who, "under investigation," are the victims of the bestial tortures which have been condemned by the European Court of Human Rights and the Council of Europe, exposed in the press of this and other countries, and minimized by the State Department. Among those who are still held under such conditions, and who have suffered such tortures in the recent past, are Christos Sartzetakis, on whom the incorruptible magistrate in "Z" is modeled, and the American citizens Ioannis and Nikos Koronaios. The torture of American citizens by the junta's police is an affront to our country, and that the United States has not merely done nothing to prevent it but has increased military aid to its perpetrators to new high levels, is shameful. But the torture of *anyone* is an insult to our common humanity, and that the official witnesses before this Committee have not even mentioned it, while our government continues to treat its perpetrators as honored allies in the defense of freedom, is even more shameful.

VOCATIONAL REHABILITATION ACT

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. GIAIMO. Mr. Speaker, an amendment I will offer Tuesday, July 27, to the Labor-HEW appropriations bill for fiscal year 1972 will have three basic features:

First. Increasing from $518 to $575 million funds under section 2 of the Vocational Rehabilitation Act and changing the allotment base for this program from $530 to $600 million, also specifically earmarking funds for rehabilitation facility improvement and increasing those funds by $5 million.

Second. Increasing funds to implement the Developmental Disabilities Services and Construction Act from $16.2 to $30 million.

Third. Restoring to the fiscal year 1971 level funds for research and development in rehabilitation work, increasing that amount from $24 to $31 million.

In the CONGRESSIONAL RECORD of Thursday, July 22, 1971, on page 26906, I inserted a table showing the tentative effect my proposed increase in developmental disabilities funds would have on the respective States.

Below I have inserted a table showing the tentative effect a proposed increase in State-Federal vocational rehabilitation funds will have on the respective States. This table shows how the so-called allotment base for these funds will be distributed if my amendment to the Labor-HEW fiscal year 1972 bill is adopted. Allotment base figures differ from actual appropriations, however, in that not all States can raise enough of their own funds to match their Federal allotments, and therefore appropriations do not have to be as high as allotments. The effect of this figure is that the Secretary of Health, Education and Welfare must allot funds to the States on the basis of the allotment figure stated in section 208 of the appropriations bill, rather than on the basis of the $700 million "mandatory allotment" base in the authorizing measure.

The tentative allocations under the Vocational Rehabilitation Act, as prepared by the Rehabilitation Services Administration, are:

TENTATIVE ALLOCATIONS UNDER THE VOCATIONAL REHABILITATION ACT

State	Committee bill	Giaimo amendment
Total	$530,000,000	$600,000,000
Alabama	14,387,594	16,295,820
Alaska	1,000,000	1,000,000
Arizona	5,358,465	6,069,158
Arkansas	8,242,313	9,335,490
California	34,141,345	38,669,512
Colorado	5,755,380	6,518,715
Connecticut	4,111,495	4,656,802
Delaware	1,048,671	1,187,756
District of Columbia	4,185,964	4,741,148
Florida	18,879,236	21,383,188
Georgia	15,571,437	17,636,676
Guam	488,175	552,922
Hawaii	1,702,787	1,928,627
Idaho	2,427,529	2,862,755
Illinois	18,912,533	21,420,902
Indiana	12,841,374	14,544,525
Iowa	7,450,522	8,438,685
Kansas	6,064,490	6,868,823
Kentucky	11,972,897	13,560,861
Louisiana	13,499,337	16,289,753
Maine	3,368,235	3,814,964
Maryland	7,854,699	8,896,467
Massachusetts	10,609,001	12,016,072
Michigan	18,554,988	21,015,935
Minnesota	9,784,062	11,081,722
Mississippi	10,523,016	11,918,683
Missouri	12,762,295	14,454,957
Montana	2,232,157	2,528,208
Nebraska	3,955,349	4,479,946
Nevada	1,000,000	1,000,000
New Hampshire	7,986,261	2,249,699
New Jersey	12,559,214	14,224,942
New Mexico	3,705,451	4,196,905
New York	28,274,410	32,024,493
North Carolina	18,529,820	20,987,429
North Dakota	2,202,073	2,494,134
Ohio	25,522,718	28,907,795
Oklahoma	8,529,694	9,660,987
Oregon	5,406,331	6,123,373
Pennsylvania	29,394,520	33,293,114
Puerto Rico	15,094,160	17,096,098
Rhode Island	2,069,415	2,343,881
South Carolina	10,646,130	12,058,125
South Dakota	2,278,134	2,580,283
Tennessee	14,839,660	16,807,844
Texas	34,416,157	38,980,770
Utah	3,664,579	4,150,612
Vermont	1,356,656	1,536,590
Virginia	13,858,440	15,696,485
Virgin Islands	353,506	400,392
Washington	7,315,036	8,285,229
West Virginia	7,003,541	7,932,420
Wisconsin	11,208,748	12,695,364
Wyoming	1,000,000	1,104,014

HONORARY DEGREE OF DOCTOR OF HUMANITIES AWARDED TO HIS EXCELLENCY AMIR ASLAN AFSHAR, AMBASSADOR OF IRAN

HON. WALLACE F. BENNETT

OF UTAH

IN THE SENATE OF THE UNITED STATES

Monday, July 26, 1971

Mr. BENNETT. Mr. President, it is my honor and privilege to bring to the attention of the Senate a speech recently given by His Excellency Amir Aslan Afshar, Ambassador of Iran, at Utah State University. The speech was delivered on the occasion of the Ambassador's receiving and honorary degree of doctor of humanities from this outstanding university on a day proclaimed by the Governor of Utah as Iranian Day. I also introduce for the RECORD a copy of the Governor's proclamation which shows the strong bonds between Iran and the State of Utah. As President Glen Taggart of the university said in his presentation of this degree for humanitarian service in promoting goodwill between Iran and the United States—

This honor is dedicated to bonds of friendship between this institution and a nation half way around the world.

Dr. Afshar is the second prominent Iranian to receive an honorary degree. Dr. Ardeshir Zahedi, a 1950 graduate of Utah State University, now serving as Iran's Minister of Foreign Affairs, was awarded an honorary doctorate of laws in 1960.

Indeed, this and other great universities throughout our land have educated and trained many Iranians who have returned to prominent positions in government, education, and business in their country to assist in making Iran the strong and stable force in the Middle East. In addition to standing as a bastion of freedom and democracy in this turbulent area, Iran has also maintained close and cordial relations with the United States.

Under the enlightened leadership of the Shahanshah Aryamehr, Iran has effected a bloodless revolution—appropriately called the "White Revolution"—which has, through agarian reform, profit sharing, a literacy corps, health corps and universal suffrage, given the people of this cradle of civilization a high standard of living in this modern world.

This speech is especially significant since it comes as we approach the 2500th anniversary of the founding of the Persian Empire by Cyrus the Great and the Declaration of Human Rights. The Ambassador is president of the Western Hemisphere Committees commemorating this event. Mrs. Richard M. Nixon is honorary chairman and Mr. Ralph E. Becker, general chairman of the U.S. committee. The honorary committee includes Vice President AGNEW, former Presidents Truman and Johnson, former Chief Justice Warren, all Cabinet members, some of my congressional colleagues, Governors and mayor. The general committee consists of leading academicians from universities throughout the country and directors of museums and heads of museum departments specializing in Iranian art. The U.S. committee has planned a sweeping program which will include films, exhibitions, and publications by some of the leading museums and educational institutions in this country.

It is indeed fitting that we in this country plan such an extensive commemoration of this event. The Declaration of Human Rights of Cyrus the Great was a unique and unprecedented document in the history of mankind which based a system of government on morality, tolerance, and mutual understanding, which, I think, we all find familiar as some of the basic principles in our own Constitution. It is in this light that I ask unanimous consent that the speech and proclamation be printed in the Extensions of Remarks.

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

REMARKS OF HIS EXCELLENCY DR. A. ASLAN AFSHAR, AMBASSADOR OF IRAN, AT THE UNIVERSITY OF UTAH, LOGAN, UTAH, JULY 22, 1971, ON THE OCCASION OF RECEIVING AN HONORARY DEGREE

President Taggart, distinguished guests: I am deeply moved by the honor you have given to my country and its great leader, my august sovereign, the Shahanshah of Iran by designating today as Iran Day and by bestowing this degree upon me.

I have deep and warm feelings for this great western region of America. This has been so since I gained my first impressions of the United States as an Eisenhower fellow some years ago. I then had the opportunity to travel extensively, to see what this amalgam of peoples have accomplished in one nation: to see and feel the pulse of this vast country. Therefore, this degree from the State University of Utah, located as it is in the heart of this Nation, is of particular honor to me.

We in Iran have warm feelings for this State University of Utah, which has trained so many of our fine young people who have returned to Iran to take prominent places in both our public and private sectors. The relationship is strengthened because of your State's long tradition of religious freedom and educational excellence. In Iran these two concepts are cornerstones of our modern society of 30 million peoples.

My august sovereign, the Shahanshah of Iran, has grafted these two concepts with modern ideas and technology and has effected what has been called the white revolution. It is a revolution which has brought to the country land reform. It is a revolution which aims to exterminate illiteracy by means of a dedicated group of 75,000 youths banded together in a literacy corps. It is a revolution which delivers medical services through a modern health system, which requires profit sharing for factory workers and which permits universal women's suffrage. The white revolution is a revolution because it has drastically changed the fabric of Iran's society. It is called the "white revolution" because it has been bloodless, accomplished without a tragic toll of human suffering.

The white revolution in fact had its roots in the rule of Cyrus the Great 2500 years ago. Cyrus was the ruler most noted for his humane reign, which was premised on tolerance and freedom for his people. The 2500th anniversary of his reign and his declaration of the doctrine of human rights is in fact being celebrated this year beginning the middle of October. A United States committee, headed by Mrs. Nixon and including Vice President Agnew, former Presidents Truman and Johnson, Cabinet members, prominent Members of Congress and distinguished academicians, will join with similar committees of 60 other nations to commemorate the humanity for which Cyrus the Great stands in the history of mankind. Further, many heads of state from various parts of the world will gather in Iran to mark the 2500th anniversary of the founding of the Persian empire and the declaration of human rights by Cyrus the Great. The result of this commemoration will be a greater understanding among all people of Iran's cultural heritage and contributions to civilization, as well as an awareness of Iran's modern achievements. Further, the commemoration will mark a rededication by the Iranian people, consonant with the traditions established by Cyrus the Great.

However, Iran's contribution to the evolution of mankind derives from many centuries before Cyrus the Great. In the words of the great scholar, the late Dr. Arthur Pope, who devoted his lifetime to the study of Iran's cultural heritage and now rests in the country he loved and admired so much, "in Western education, Persia has, since the days of Xenophon, been a blank page, or at most, a footnote to the history of ancient Greece.

"Yet, scholars now agree that the Iranian Plateau was probably the cradle. First of the human race and later of civilization itself. Independent considerations have led Sir Arthur Keith, Dr. Henry Field, and Professor Ellsworth Huntington, working separately, to the belief that man emerged as homosapiens in the Land of Persians. That this land and the adjoining regions in the Northwest produced the first civilized communities now seems certain to most scholars."

For sixty known centuries—some even say for 7000 years—the Iranian Plateau has contributed ideas and techniques which have helped to sustain and humanize mankind. Writing, numbers, the Art of Agriculture and of working metals, the sciences of astronomy and mathematics, the beginning of religions and philosophical thinking—these all come from the Near East, and the fountainhead of much near eastern culture was on the Iranian Plateau. But these sometimes forgotten contributions to civilization have been memoralized by the Art of Iran—a fact often emphasized by our Queen, Empress Farah, who is a great patron of cultural activities in my country.

What Iran has practiced at home in bringing equality and justice to our people, Iran also practices in its foreign policy. In fact, our foreign policy has been amazingly consistent. The Empire founded by Cyrus the Great was not based on territorial acquisition alone, but also on international tolerance and understanding. The rights of all the subject nations were upheld, and their laws and customs respected. Today, Iran follows exactly this policy and has established close relations with all nations regardless of their political systems.

Peaceful settlement of disputes, understanding of the problems of others, support for efforts to maintain social justice, cooperation to bridge the gap between the poor and the wealthy countries, cooperation to combat illiteracy—these form the basic principles of Iran's international policy. These have been exemplified in the peaceful solution which we found to the Baharian problems which was lauded by U Thant, secretary general of the United Nations. As a model for the solution of international disputes. These have also been exemplified in the fruitful mediation undertaken by the Shahanshah of Iran between Pakistan and Afghanistan and between Pakistan and Malaysia which resulted in an amicable set-

tlement of thier disputes. In other words, as a founder-member of the United Nations, one of the cardinal principles of Iran's foreign policy has been respect for the charter of the United Nations and we have always adhered to the resolutions of the various councils of this world body.

We live in peace with our neighbors as illustrated by our close cooperation with Turkey and Pakistan and our friendly relations with the Soviet Union and Afghanistan. And, there is and has always been a cordial relationship between the United States and Iran, even prior to the emergence of your great country as a global power with immense international responsibilities. We have had diplomatic relations with your country over 120 years and the first American school was founded in Iran in the year 1835. Both countries recognize the rights of the individual to pursue their freedom and both countries view government as a vehicle to bring a better life to their people. Iran is most grateful, and will not forget, the helping hand extended by America during the dark days following World War II; the United States will always maintain a warm spot in the hearts of every Iranian.

Like all the modern and industrialized nations which have had to pass through various stages of development, Iran is now in the midst of such changes from a traditional, semifeudalistic agrarian and stagnant society into a modern and dynamic industrial state. The aim is to build up a peaceful, prosperous and stable society with increasingly improved living conditions for all of its citizens.

Today the per capita income of its people having multiplied several times over and economic stability having been achieved, Iran is no longer a recipient, but rather a contributor of technical aid. We welcome foreign investment today, not as aid recipients, but rather on a firm and business like basis. Considering the stability of the economy, Iran offers the best opportunities for foreign investment in our part of the world. Indeed, Iran with its independent foreign policy in the council of nations is an independent force, and the counsel and views of our great leader, his imperial majesty the Shahanshah of Iran, are valued and respected throughout the world.

We especially hope that during this 2,500th anniversary year of the founding of the Persian empire by Cyrus the Great, we will be able to convey to the American people some of the principles of our society, which Americans will find so familiar as predecessors to their basic rights, to the end that even a closer bond can be forged between our two peoples.

Let me again express my appreciation for the honor you have bestowed upon my country and the degree you have conferred upon me. Education, as exemplified by this great institution, is the light of humanity and can be the weapon to stamp out the ills which plague our world today. We in Iran have joined with the United States and other countries in pursuing this ultimate goal.

While it is important that we set lofty goals, it is equally important that we—Iran, America, you and me—give our best and most sincere efforts to achieve these goals. In other words, our generation must show by precept and example a better way of life for our next generation, if by chance we fail in reaching our goals, at least our efforts will be applauded. As it has been more eloquently stated by the great roman poet, Ovid, "ut desint vires tamen laudanda voluntas."

Thank you.

DECLARATION

Whereas, 1971 will mark 2,500 years of existence for Iran as a country; and

Whereas, Utah has had a half century of contact, friendship, goodwill, understanding, and mutual concerns with Iran; and

Whereas, Utah State University, Brigham Young University and the University of Utah have graduated Iranian Students, many of whom now hold high positions of authority in the Iranian government; and

Whereas, Utah State University has had over a decade of contracts with Iran, and the other two universities have had shorter term contracts; and

Whereas, many Utah technicians have worked in Iran; and

Whereas, Dr. Ardeshir Zahedi, currently Iran's Minister of Foreign Affairs, received an honorary doctor of laws degree from Utah State University in 1960; and

Whereas, Dr. Daryl Chase, former president of USU, was awarded the Order of the Crown from the government of Iran in 1961; and

Whereas, Utah State University plans to honor the Iranian Ambassador to the United States, His Excellency, Dr. Aseir Aslaw Afshar, by awarding him an honorary doctor's degree on July 22; and

Whereas, international understanding on a people-to-people basis is a prerequisite to international peace:

Now, therefore, I Calvin L. Rampton, Governor of the State of Utah, do hereby declare July 22, 1971, as Iranian Day in recognition of the half century of friendship between Iran and Utah and as an important step to providing better understanding, communication and friendship between our two peoples.

CALVIN L. RAMPTON,
Governor.

NEW FOOD STAMP REGULATIONS—A GREAT LEAP IN THE WRONG DIRECTION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mrs. ABZUG. Mr. Speaker, I am sorry to note that the food stamp regulations that have just been promulgated by the Department of Agriculture are a large step backward in the fight against hunger and malnutrition in the United States. As a result of the new regulations, it seems clear that several million impoverished households throughout the country will take a tragic reduction in the amount of life-food benefits that they so desperately need.

The regulations hit hardest in my own city of New York. In New York, welfare recipients have just suffered a tremendous blow, as the State legislature has reduced welfare grants from $231 to $208—for a family of four. One of the justifications for this cut was the fact that the food stamp program was supposed to be expanded and improved, thereby offsetting the loss in needed funds that a poor family would suffer under the family welfare program. Unfortunately, the Department of Agriculture regulations serve as double blow to New York's poor families. Instead of receiving $24 food stamp benefits per month—family of four—the new regulations provide such a household with only a $9 monthly benefit. Previously a family paid $82 for $106 worth of stamps; now such a family must pay $99 for $108 worth of stamps per month.

The regulations are deficient for many other reasons. Contrary to the intent of Congress when the food stamp amendments were recently passed, the Department of Agriculture has established a rigid definition of the word household that will eliminate hundreds of thousands poor people from the food stamp program. Not only do the regulations exclude hippie communes from the program; many other persons will also be excluded as the result of these regulations. Under the Department's regulations, if one or more unrelated persons lived in a household grouping, then everyone in that group is ineligible for food relief. Every impoverished family, therefore, that is charitable enough to take a friend or former neighbor in from the street and provide such a person with a roof over his head, will by virtue of such admirable deeds be taken off the food stamp program. Surely, this was not the intention of Congress when the food-stamp amendments were passed.

I am also sorry to note that the Agriculture Department has established coupon allotment levels in a manner that will virtually assure the continuation of hunger in America. Under the new tables, a family of four only receives $108 worth in stamps per month. Pamphlets written by the Department clearly state that this $108 economy diet plan is inadequate for proper existence. In this regard, I also note that the Department of Agriculture has taken no steps to provide a food stamp program in Puerto Rico. Although Congress' trying to assure that Puerto Rico would finally receive much needed food stamp assistance, the regulations indicate that implementation of such food aid is not forthcoming. I am hopeful that a program can soon be implemented there at the same level as in the United States.

In addition, the regulations are deficient for the following reasons:

First. The "meal-on-wheels" for the elderly has been substantially watered down because the Agriculture Department refuses to provide such food service to people in a group setting.

Second. The Agriculture Department's regulations on the concurrent operation of the food stamp commodity distribution program are bad because they place the entire administrative financial burden on the States, rather than providing Federal assistance when needed.

Third. The eligibility standards for participation in the food stamp program are extremely rigid—$4,320 income annually for family of four—prohibiting States in areas of higher cost of living from increasing the eligibility standards to reflect higher living standards.

Fourth. The Department has retained its policy of refusing retroactive benefits to people whose food stamp benefits has been wrongfully denied.

In short, the new food stamp program will be a nightmare for millions of poor people, and the administration's promise to end hunger in America will go unfulfilled. It is clear that when the ad-

ministration speaks in turn of ending hunger in America, it speaks only of hunger as a newspaper issue, and not as the brutal reality which it is for millions of Americans.

INEFFECTIVENESS OF LARGE SPENDING PROGRAMS FOR SOCIAL PROBLEMS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, July 26, 1971

Mr. BYRD of Virginia. Mr. President, the Richmond Times-Dispatch of July 25 contains an excellent editorial on the lack of effectiveness of large spending programs in combating many social problems.

The editorial describes difficulties that have arisen in connection with a program jointly backed by the insurance industry and the Government, to provide an increased supply of low-cost housing. It points out extensive damage which has occurred at a project built under this program in the State of Maryland, as reported by the Wall Street Journal.

I heartily agree with the conclusion of the editorial that the solution of major problems in the Nation will "require more than the enactment of laws and the expenditure of money."

I ask unanimous consent that the text of the editorial, "Now a Nightmare," be printed in the Extensions of Remarks. The editor of the editorial page of the Richmond Times-Dispatch is Edward Grimsley.

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

[From the Richmond Times-Dispatch, July 25, 1971]

NOW A NIGHTMARE

A recent article in the Wall Street Journal should help puncture the dangerous myth, the popularity of which we lamented only a few days ago, that the United States can solve most of its problems merely by spending money on them.

The story reported the tragic failure of the life insurance industry's idealistic efforts to help solve the housing problems of the poor. Under a program launched with enthusiasm and fanfare in 1968, the industry was to lend approximately $2 billion for the construction of privately-owned low rent housing projects. Supplements from the federal government would enable many of the tenants to pay their rent.

A noble dream it was, but it has become a nightmare. Sabotaged by vandalism, mismanagement, rent defaults and fraud, the program is in deep trouble. Mortgages are being foreclosed, units are being abandoned and rent money is being stolen. With $400 million yet to invest to fill the industry's pledge, many insurance companies probably wish they had never heard of the program.

The news story cited Baber Village in Prince George's County, Maryland, as a towering monument to the program's failure. Read this illuminating excerpt:

"Some apartments in the 17-building low-income housing project are boarded up. Windows are broken. Walls have been knocked in. Deep gulleys run through clay ground. Sewers have sometimes backed up, filling bathtubs with raw waste. In two years there have been 10 resident managers, one of whom ran off with the rent money. Three months ago, to avoid foreclosure, the mortgage of Baber Village was assumed by the Department of Housing and Urban Development."

The construction of Baber Village showed what money can do; the deterioration of Baber Village shows what money cannot do. Money can construct new buildings, but money alone cannot reconstruct people. Money can provide the physical facilities a program requires, but money cannot assure a program's functional success.

Baber Village took many people out of slums, but it failed to take the slums out of many of the people. Some of the poverty-stricken tenants could not tell the difference between a garbage-disposal and a dishwasher. Some had never seen a modern bathroom and thought nothing, therefore, of flushing discarded clothing down the toilet. Some used their utility rooms as garbage bins, inviting to the new housing project that familiar ghetto inhabitant, the rat. Because of their unfamiliarity with modern housing, then, many of Baber Village's tenants inadvertently caused extensive damage. To make matters worse, vandalism was rampant. The fact the project's planners provided only a small, one-swing playground for the 1,200 children in the village helped matters not at all.

Baber Village does more than prove that you cannot solve the housing problems of the poor merely by putting new roofs over their heads. It also suggests that you cannot solve the problem of crime merely by hiring more policemen, the problem of substandard education merely by building swankier schools, the problem of poverty merely by putting more people on the welfare rolls or the problem of racism merely by forcing blacks and white together against their will. The solution of such problems will require more than the enactment of laws and the expenditure of money. Necessary too is a profound understanding of those intangible human elements that lie beyond the reach of laws and appropriations. Dramatic progress against America's problems will require, in short, more emphasis upon people, less upon things.

ANOTHER TRANSPORTATION CRISIS

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. HARVEY. Mr. Speaker, today, four of the Nation's railroads are idle, having been struck selectively by the United Transportation Union. At 6 a.m. on Friday next, this number will reach 10. And, unless a solution is reached or Congress once again invokes temporary emergency legislation, there is no question but what the country will once again be forced into a transportation crisis.

Most of you here in this Chamber are aware that I have been urging enactment of permanent legislation to end such strikes by dealing effectively and impartially with both sides in these labor-management disputes. And, a large number of you have expressed to me your opinion that it is time Congress enact permanent legislation as a way of preventing the seemingly never-ending demand on us for enactment of temporary measures that could be called, at best, ineffective, stopgap pieces of legislation.

The magnitude of interest of the membership of this great body is further underscored by the fact that 54 bipartisan Members have joined with me in cosponsoring legislation that would provide equitable settlements to these disputes without Congress being forced—because of an actual or threatened national emergency—into the role of arbitrator, whose function is on a temporary, strictly time-limited basis.

Mr. Speaker, tomorrow the Transportation and Aeronautics Subcommittee of the Interstate and Foreign Commerce Committee is scheduled to begin hearings on all the various bills introduced on this subject that are directed—to one degree or another—toward some form of permanent legislation. I am sure the great majority of Congressmen are hopeful that these hearings will result in a good, effective, workable piece of legislation.

I include an editorial from the July 22, 1971, Washington Post follow my remarks—not because I embrace it in its entirety—but because of its thought provoking remarks.

The editorial follows:

CONGRESS AND COLLECTIVE BARGAINING

The railroad strike now under way and its threatened expansion ought to make it crystal clear that tne time for Congress to completely overhaul the nation's labor laws is long past. A national rail strike—or a national strike in any of the other transportation industries—is intolerable. Yet the experience of the last few years has demonstrated conclusively that there is nothing in the existing labor laws that can produce a satisfactory settlement in such complex situations before a strike, or, for that matter, once a strike begins.

Talking about this in London the other day, Secretary of Labor Hodgson said, quite rightly, that the real question is whether free collective bargaining can survive. Some semblance of collective bargaining was maintained in the rail industry as long as there was fear on both sides of the table of what kind of settlement Congress might impose if no agreement was reached and a state of national emergency occurred. But that fear has diminished with each congressional intervention and now seems to have dissappeared since Congress has never done more than merely put off to another year the really tough questions in these negotiations.

We think that Congress should realize that it has only two options left in dealing with labor problems that can lead to strike which are unacceptable because of the harm they would do to the national economy. One is to set itself up with the tools necessary to become a fair and final arbitrator. The other is to invent some new mechanisms which can breathe life into collective bargaining in industries, like the railroads, where it is almost dead.

The administration's proposals, which have been before Congress for more than a year, strike us more likely to achieve that latter purpose than anything else now in sight. The most interesting and perhaps the most useful of these is the "final offer selec-

tion" option which the President could invoke in transportation emergency situations. Under this proposal, the President would appoint a board which would decide, after hearings, which final offer submitted by management or labor would compromise the contract. The effect of this would be to force management and labor closer together—perhaps close enough to reach agreement themselves—by posing the threat that one side or the other would lose everything because its final offer was unreasonable.

Such a device would not only provide a way out of the current railroad mess but might have provided a way through which the problems would have been settled across the negotiating table. If seems unlikely that the unions would have been so intransigent on the work rules issues if they had feared that their failure to move on these questions might have led to a contract written precisely as the railroads want it.

The failure of Congress to act on this legislation or on some other alternative is inexcusable. The collapse of collective bargaining as we know it in the railroad industry has been obvious for a long time. If the present strike accomplishes nothing else, it serves to remind the public that Congress is as much to blame for it as the railroads or the unions by its refusal to provide some new mechanism through which these labor disputes can be resolved.

4–H'ERS SING PRAISES OF MICHIGAN

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, July 26, 1971

Mr. GRIFFIN. Mr. President, recently a number of young people representing 4–H chapters in Branch, Calhoun, Hillsdale, and Jackson counties of Michigan visited my office as a part of a citizenship course sponsored by the national 4–H organization.

These young Americans were not only well informed on national affairs, but they came prepared to sing the praises of Michigan.

I ask unanimous consent that the words of a song composed by Anita Stults and Adell Scott, which the group sang on the Capitol steps, be printed in the RECORD.

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

MICHIGAN

We all live together in the Winter Wonderland
We all live together in the Winter Wonderland
We all live together in the Winter Wonderland
A big mitten for any hand. (Chorus)

We've got the cereal city of the world
Rice Krispies, Alphabets, Cornflakes too
We have tried them. Why don't you?
There's a kind for everyone.

We've got the auto factories for all states
Bucket seats, wipers, power brakes
Air conditioning for Southern States
All from Michigan.

Five Great Lakes you would enjoy
Sailing, fishing, skiing, Oh boy!
It's the best state under the sun
There's fun for everyone! (chorus)

STATEHOOD FOR NEW YORK CITY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. BINGHAM. Mr. Speaker, recently the proposal that New York City should become a separate State has once again been brought to the fore, thanks in large part to the efforts of my colleague from New York (Mrs. ABZUG).

While I share a feeling of frustration at New York City's inability to solve its financial problems, I am in doubt about the economic consequences of statehood for the city.

To illustrate the complexity of this subject, a report prepared for the Citizens Union of the city of New York is of interest. I am grateful to Mr. Gary Sperling, executive director of the Citizens Union, for making this report available. I include in the RECORD Mr. Sperling's covering letter and the report, which was prepared by Dr. Donna E. Shalala:

JULY 21, 1971.

At a time when proposals of statehood for New York City are again receiving wide publicity, Citizens Union has received a report, prepared at my request, analyzing the economic and other arguments for a "51st state." The study was prepared by Dr. Donna E. Shalala, an assistant professor of political science at Baruch College and chairman of a Citizens Union subcommittee on state and local government legislation.

The report contains extensive economic material, with special reference to the contention that the City is being "shortchanged" by the State. As its title ("New York City-Statehood: An Idea Whose Time Has Passed") indicates, the study concludes that statehood is not the panacea that some have seemed to suggest, but would rather lead to seriously adverse economic and social consequences.

I enclose a copy of the report, since I feel sure you will find Dr. Shalala's analysis interesting and provocative. Citizens Union's Board of Directors will be considering the subject of statehood early in the fall and I would appreciate receiving, on behalf of the Board, any comments you may have on this study or on the general issue of statehood.

As part of its continuing effort to develop and evaluate legislative proposals, Citizens Union may be producing further studies, similar to Dr. Shalala's, on other subjects. I would also appreciate your comments as to this plan.

Cordially,

GARY H. SPERLING,
Executive Secretary.

NEW YORK CITY-STATEHOOD: AN IDEA WHOSE TIME HAS PASSED

(By Dr. Donna E. Shalala)

INTRODUCTION

Autonomy for the City of New York is not a new idea. In 1861, Mayor Fernando Wood, complaining that ". . . the political connection between the people of the city and the state has been used by the latter to our injury,"[1] suggested secession from the state.

Five decades later, in 1921, led by its publisher William Randolph Hearst, Sr., the *New York Journal American* began a campaign with banner headlines calling for a new state of Manhattan which would include the five boroughs and the counties of Westchester, Nassau and Suffolk.[2]

More recently mayoral candidate Norman Mailer and his running mate Jimmy Breslin made the issue part of their campaign platform.[3]

All of the proposals, including the current one by Congresswoman Bella Abzug, which has nominal support from Mayor Lindsay, emphasize two arguments for statehood. First, New York State government "shortchanges" the City of New York in its distribution of state aid and in the selection and performance of state activities. Second, the City needs considerably more "home rule"—fiscal and general, to perform properly its governmental responsibilities.

To support their claims of "shortchanging" and the need for more "home rule", proponents of statehood have used various and sometimes questionable data sources to claim from one to one and a half billion dollar gains for the City if statehood were achieved.

The purpose of this report is to evaluate the arguments for statehood, with particular emphasis on the fiscal question, and to recommend to Citizens Union a public position on the proposal.

The analysis is divided into four parts. First, an evaluation of the fiscal relationships between the City and the State, with particular emphasis on the shortchanging question. Second, a review of some existing economic and population data on the health of the City in relationship to its metropolitan area. Third, a brief summary of the social and governmental implications of the proposal. Finally, a recommendation to Citizens Union is made based on the data and trends revealed by the analysis.

THE STATE AND THE CITY

Twenty years ago, three eminent New York City scholars—Robert M. Haig, Carl S. Shoup and Lyle C. Fitch—analyzed the "shortchanging" question and concluded that, while the City paid 60% of State taxes and got less than 50% back, there was no apparent discrimination because "New York City is in fact stronger economically, per person, than the state as a whole."[4]

That the wealth of the nation was located in its large central cities as recently as fifteen years ago is apparent, and has been carefully documented by a variety of researchers. The fiscal decline of the large central city became apparent in the mid-fifties. This decline is often described as two trends which have continued to this day. First, the redistribution of population within metropolitan areas as between central city and suburbs. Second, the redistribution of economic activities within the same areas. Neither trend was random, as will be pointed out later in this report. However, it is clear that both movements left the central city in need of increasing intergovernmental aid, state and federal, to survive.

The discrimination argument

In its most sophisticated form, the discrimination argument deals with proportions, not absolute amounts. It runs as follows. If the City receives 45% of the total amount of state grants (the other 55% going to communities in the rest of the state), and if the State collects 50% of its tax revenue from City residents, there is said to be discrimination against the City. The basis for this conclusion is that the proportion taken in taxes is larger than the proportion of grants received. An implication of this argument is that if the City were a state the City taxpayers would be better off.

Such a crude argument raises significant questions of equity. Should, for example, all

Footnotes at end of article.

aid programs distribute funds on the basis of what the residents have paid in? Carrying this philosophy to its logical conclusion, the poorest areas of the new City-State could expect to receive aid in proportion to what they contribute. There is little more to be said about this suggested approach of the proponents of city-statehood other than that it embraces an absurd, inequitable method of financing public services. It is also inconsistent with liberal, reform ideology which has long insisted on a redistributive role for government—perhaps properly described as a "Robin Hood" role.

However, since the most vehement supporters of statehood insist on undergirding their position with the "shortchanging" issue, it must be analyzed.

In a report to the Mayor of New York, mayoral assistant Leon Panetta suggests that the City might gain as much as one billion dollars if statehood were achieved. Congresswoman Bella Abzug's staff computations indicate that the gain might be as large as one and a half billion dollars.[5]

Both parties arrive at such conclusions by simply subtracting direct state aid from what the city pays into the state—close to 50% by their calculations. To be fair, both parties do agree that out of the billion or so gain, the City-State would have to provide the services now performed by the State for City residents. However, they insist that when all is said and done the new City-State would realize substantial fiscal gain.

To find out whether the calculations of the proponents of statehood are accurate is not an easy task. There are four key elements in such an analysis. First, calculating how much the City residents actually pay to the State. Second, allocating the proportion of direct State aid received by the City. Third, allocating the proportion of the State Purposes Fund—the source of services performed directly by the State to the City. Fourth, reviewing the other costs the City might be expected to assume if statehood were achieved.

The city's contribution

Significant disagreements exist as to the proportion of the State's tax revenue contributed by City residents. The dissension can be narrowed down to how the personal income tax is allocated. The income tax is the largest single source of State revenue. New York State's figures are based on allocating to the City only income taxes paid by its residents, disregarding where the income is earned. On this basis, the City's proportion of total State revenues in 1969–70 was approximately 43%. New York City's Budget Bureau contends that all taxes derived from income earned in the City should be allocated to the City because that is where the income is earned. They also allocate to the City income earned outside the City by City residents.[6] Thus, they suggest the percentage is more than 50%.

The Citizens Budget Commission arrives at a comparable—47%. In the case of the out-of-state commuter to the City, the CBC accepts the City's method of allocation. They argue that "since the city provides virtually all government services used by out-of-state commuters to the City, it should logically be allocated all income taxes paid by them."[7]

However, the CBC suggests that a more difficult question is how to allocate revenue from income earned in New York City by in-state commuters from the suburban counties around the City. According to the CBC:

"If the City's claim were allowed for allocation of all personal income earned within the City but excluding income earned by its residents out of the City, the City's percentage of State revenues would be increased by about 2 percent, to about 48%. However, since commuters residing in suburban New York counties and earning their living in New York City have obligations to both communities, a full allocation to the city is arguable. Barring any accepted basis of allocation, CBC has arbitrarily used the midpoint, 47 percent."[8]

The CBC also dismisses the City claims that the other changes in the State figures could add about two percent more to the City revenues as "somewhat dubious."[9]

When the CBC estimates are analyzed within the context of statehood, rather than simply the shortchanging argument, other conclusions become apparent. First, in-state commuters would, under statehood, become out-of-state commuters. Therefore, it would be highly implausible that they would pay double state taxes—to the new City-State and to New York State.

What usually happens in two states in which both have income taxes is that an agreement is worked out crediting the commuter for taxes paid in his home state against taxes paid in his work state. Thus, the City-State could not expect to receive the total amount of state taxes now paid to the State by suburban commuters and which the City currently insists should be credited as its contribution to State revenues.

In summary, then, while the areas of disagreement are significant, the resulting range can be narrowed to a few percentage points. Even if the City and CBC arguments were accepted in part or total they would have no effect on the decline of personal income tax collections in New York City as a proportion of total State personal income tax collections.

Personal income tax collections attributable to New York City residents have declined as a percent of total State collections over the past twenty years. The 1950–51 proportion of total State revenues from NYC sources was estimated by Haig and Shoup (in the study quoted earlier) at 60%. This figure includes out-of-state commuters but not in-state ones. By 1960–61 the comparative proportion had declined to 50% and by 1967–68 to 46%.[10]

Another way of viewing this decline is to look at personal income (not taxes) as a percent of total state personal income over the last ten years, a decline from 52% of total state personal income in 1959 to 46.7% in 1969.

TABLE 1

(Personal income in New York City as a percent of State personal income, 1959–69)

Year:	Percent
1959	52.0
1961	60.6
1963	49.6
1965	47.8
1967	47.0
1969	46.7

Source: *New York State. Statistical Yearbook 1970 and 1971,* Office of Statistical Coordination, New York State Division of the Budget.

The income decline of 5.3% (52% —46.7% =5.3%) is greater than the population decline over the same period (in 1960 NYC had 46.4% of the State's population, in 1970 it had dropped to 43.3%, a 3.1% decline), another indication that the sorting out of population between the City and its suburbs is to the economic disadvantage of the City.

Thus, even if there was an adjustment made for a new group of out-of-state commuters created by NYC statehood, there is no evidence that the trend—a decline in City personal income as a proportion of State personal income—is changing.

In addition, it is quite possible statehood would encourage suburbanites to seek employment in suburbia. The 1970 census will report a reduction in the proportion of suburbanites commuting to the city. Indeed, the big increase in commuting has been from suburb to suburb. Establishment of a NYC-State would probably act as an incentive for accelerating this trend.

Other than the questions discussed on the allocation of the income tax, there is no disagreement between the Citizens Budget Commission and the State's Department of Taxation and Finance on the allocation of other revenues as the following table reveals.

TABLE 2.—ESTIMATED PROPORTIONS OF NEW YORK STATE REVENUES ATTRIBUTABLE TO NEW YORK CITY SOURCES

Kind of revenue	1967–68 city percentage		1969–70 amount (in millions)	
	State estimate	CBC estimate	NYS revenue	NYC portion
	(1)	(2)	(3)	(4)
Personal income tax	41.37	50.3	$2,475	$1,245
User taxes and fees		38.0	2,121	806
Sales and use tax	40.01	40.0	1,100	440
Motor fuel tax	27.36	27.4	368	101
Cigarette tax	44.93	44.9	263	118
Motor vehicle fees	27.36	27.4	210	58
Alcoholic beverage tax	54.39	54.4	116	63
Alcoholic beverage control licenses	54.39	54.4	34	18
Highway use tax	27.00	27.0	30	8
Business taxes		54.6	899	491
Corporation franchise tax	53.52	53.5	484	259
Corp. and utility taxes	44.77	44.8	240	107
Bank tax	82.16	82.2	80	66
Unincorporated business tax	67.19	67.2	75	50
Insurance premium tax	44.93	44.9	20	9
Receipts from other activities		62.2	331	206
Pari-mutuel tax	75.00	75.0	153	115
Estate tax	48.90	48.9	140	68
Lottery	65.30	65.3	28	18
Real estate transfer tax	44.93	44.9	6	3
Other taxes	44.93	44.9	4	2
Miscellaneous receipts	44.93	44.9	80	36
Total current revenues	43.40	47.0	5,906	2,784

Notes

Column (1) estimates are from the N.Y. State Department of Taxation and Finance. The personal income tax percentage is based solely on location of residence, not where earned.

Column (2) estimates, by the Citizens Budget Commission, accept the State estimates as valid, except for the personal income tax. The CBC 50.3% estimate is computed as follows:

(a) Full credit to New York City for receipts from out-of-state residents. The result is 47.7% of personal income tax, 46.1% of total State revenues.

(b) Add one-half credit for net earnings in the City by N.Y. State commuters from suburban counties. Full credit would result in 53% of personal income tax, 48% of total revenues. Other, more dubious, adjustments by the City could bring the total to about 50%.

Column (3) is from the N.Y. State Budget Summary, 1969–70 (August, 1969), Appendix Table 2, Current Revenues. Column (4) and the aggregates of Column (2) are computed.

Source: Citizens Budget Commission, "Does New York State Short-Change New York City?" December 1969, p. 7.

However, one revenue source, the sales tax, is one of the most vulnerable, as the discussion of retail activity later in the report will reveal.

State support to localities

New York State supports its localities in two ways. First, through direct aid from the State Local Assistance Fund. Second, through services provided directly to residents through the State Purposes Fund.

Footnotes at end of article.

Direct aid: Local assistance funds

In 1971–72, 45% of monies spent in the Local Assistance Fund will be allocated to New York City. These grants can be summarized in six broad categories: education, social services, general support, health, highways (transportation), and "other programs." This does not include of course the capital funds passed on to New York City through state bond issues—such as mass transportation. That bond issue, for example, was expected to give 47 million dollars to the New York Metropolitan area in 1969–70, according to the CBC.

The table below demonstrates the rise in the proportion of total State Aid the city has received since 1960–61:

TABLE 3.—STATE AID TO NEW YORK CITY

[In millions of dollars]

New York State Fiscal year	Total State aid	Aid to New York City	New York City Percent of Total State aid given
1960–61	1,129	418	37
1965–66	2,111	893	42
1971–72	[1] 4,518	[1] 2,033	45

[1] Estimated.

Source: Citizens Budget Commission; and 1971–72 estimates are from NYC Bureau of the Budget; these are the figures used by Congresswoman Abzug's staff.

In addition to the downward trend in the proportion of State revenues that come from the City and the increase in the proportion of total direct State aid, the proportion of the City's budget that comes from the State has increased continuously since 1958–59.

TABLE 4.—PROPORTION OF NYC'S EXPENSE BUDGET FINANCED BY STATE AID

Fiscal years	Amount	Percent of total expense budget
1958–59	365	18
1970–71	[1] 2,069	27

[1] Estimated.

Source: Citizens Budget Commission; 1970–71 estimates from NYC Bureau of the Budget.

State purposes fund

More difficult than allocating state aid funds is to find out the part of the State Purposes Fund which directly serves NYC residents. No successful comprehensive study has ever been made of this question. The CBC did make such an attempt in 1969. They found, however, that they could only allocate approximately ⅜ of State Purposes Fund expenditures. Of that ⅜, 33% could be clearly attributed to expenditures in NYC either on the basis of the residence of those benefiting from the service, such as students attending the State University, mental hygiene patients, and the like, or the location of the service, such as State parks.

On the basis of this finding, they concluded that the unallocable portion of the State Purposes Fund should be shared in approximately the same percentage—33%. However, if one reads this recommendation in the context of a new City-State a different conclusion must be made. First, the new City-State would have to set up new administrative offices to perform functions now performed by the State. Simply allocating expenditures by the percentage of the NYC population using them, even when administrative costs are included in the allocation, does not give a clear picture of what the actual cost would be of setting up an entirely new state government apparatus. Second, the allocations do not include the cost to the new City-State of building new offices or renting them in the case of functions now performed in Albany. Third, for some functions that are performed in NYC through State-owned property, the new City-State might be expected to purchase this property. (NYC's own assessors valued NYS owned property located in the City at $395,252,235 in 1970. If the State's equalization ratio for NYC, 67%, were applied, the actual value would be approximately $527,000,000.)

Conclusion

Even if the CBC allocation figures for 1969 are accepted and the State Purposes Fund is allocated by a third, and assuming the argument of the statehood enthusiasts that NYC deserves half of everything is accepted, there would be no fiscal gains—no additional funds if the city went it alone.

For example:

1. In the 1969 fiscal year the total state State Purposes Fund was 2,027.0 billion dollars.

2. Statehood supporters insist that one-half should have been allocated to the City. The one-half allocation would be: 1,013.5 billion dollars.

3. The CBC suggests the City now gets ⅓ of the total State Purposes Fund which would be about 676 million dollars.

4. Statehood supporters would say that the difference of 338 million would be free money for the City to use.

But if the new City-State does indeed have to buy present state property at its actual cost of 527 million, and initiate a whole set of state services it has not been involved in before, it is difficult to understand why it would not cost the citizens of New York City more than it would save them.

Thus, analysis of the fiscal relationships between New York State and the City lead to two conclusions. First, as the City's contribution to State coffers declines, its aid has simultaneously gone up. Secondly, no matter whose calculations are used to determine the amount to credit the City for contributing to the State budget, there are probably enough initial costs and long term costs which the city would have to assume, as a result of statehood, to guarantee no fiscal gain.

There is of course considerable disagreement with this conclusion. However, it is fair to say that although there are ways to calculate a slight advantage to the City in the first two years of statehood, the trends demonstrate that this slight advantage would be wiped out in a decade and the pattern would then become one of distinct disadvantage for City residents. The economic and population trends analyzed in the next section make this conclusion abundantly clear.

ECONOMIC AND POPULATION TRENDS

While a declining proportion of locally-raised revenues in New York City come from the property tax base, it still represents the heart of the City's revenue sources. There are three major components of this tax base—retailing, manufacturing and housing. Trends in two—manufacturing and retailing—within the New York Metropolitan area reveal how much support the new City-State might expect in the future for needed public services.

Retail activity

Given the tremendous increase in retail activities in recent years, it is not surprising that in most large central cities there was an increase in the value of retail activity between 1958 and 1967. However, as the following chart on the NY Metropolitan area reveals, the increase in the suburbs outside NYC has been six times that of the City.

TABLE 5.—NEW YORK CITY'S PERCENT OF RETAIL SALES OF NEW YORK METROPOLITAN AREA, 1958, 1963, 1967; AND PERCENT INCREASE IN RETAIL SALES, DEFLATED BY GENERAL PRICE INCREASE IN NEW YORK CITY AND ITS SUBURBS (NASSAU, SUFFOLK, ROCKLAND, WESTCHESTER), 1958–67

Area	Percent retail sales, New York City/metropolitan area			Percent increase (real) in retail sales, 1958–67	
	1958	1963	1967	NYC	Suburbs
New York City	72.9	67.1	64.8	9.7	60.2

Source: U.S. Bureau of the Census, Census of Business, 1958 vol. II; 1963, vol. II; 1967, vol. II.

The large increase outside New York City, (Nassau, Suffolk, Westchester and Rockland counties) of 60.7% represents a shift in the location of retail activity which has long term consequences for the distribution of sales tax receipts between the state and the city.

The magnitude of the changes that have occurred in the NY Metropolitan area is indicated by the fact that in 1958, 72.9% of all retail transactions were in New York City, compared to 64.8% in 1967.

Manufacturing trends

Manufacturing employment has actually declined in New York City—10%—while it increased in the rest of the NY Metropolitan area—almost 36%—between 1958–1967. This reduction in manufacturing employment in the City and the increase in its surrounding counties has imposed pressures on the City's tax base and led to an improvement in those of the surrounding areas.

TABLE 6.—MANUFACTURING EMPLOYMENT, NEW YORK CITY AND SUBURBS (NASSAU, SUFFOLK, WESTCHESTER, ROCKLAND), 1958, 1963, 1967

[In thousands]

Area	1958		1963		1967		Percent increase 1958–1967	
	NYC	Suburbs	NYC	Suburbs	NYC	Suburbs	NYC	Suburbs
New York	998.6	185.4	927.4	219.6	895.3	251.3	−10.34	+35.54

Source: U.S. Bureau of the Census, Census of Manufacturing, 1963 and 1967.

Some additional economic concerns

A decade ago economist Raymond Vernon concluded in a study of the New York Metropolitian Region that the central office function was New York's unique economic strength.[11] Whether this will continue to be the case is unclear. There are increasing reports (though as yet not systematically studied) of corporate headquarters moveouts—to NYC's suburbs, southern Connecticut, northern New Jersey and in a few specialized cases (oil to Houston) out of the region. If this moveout is indeed real, then the implications for the economic health of a variety of city businesses are enormous—theatres, restaurants and hotels would be the first to feel the impact.

Population trends

That NYC is not growing as fast as its suburbs is obvious from early returns on the 1970 census. The following table demonstrates that the City grew by 85,776 (or 1.1%)

Footnotes at end of article.

since 1960, and this growth was recorded in only three of five boroughs. The surrounding suburbs—Nassau, Suffolk, Westchester and Rockland—grew by 25.7 percent. What is also clear is that the growth was not random—rather it was a redistribution process within the metropolitan area. The prcess was similar to the one that occurred between 1950–1960 which left increasingly larger proportions of the poor, non-white, and aged in the central city. The population remaining is also a high-cost population to be serviced by a tax base not growing fast enough to support needed services.

TABLE 7.—POPULATION TRENDS: NEW YORK METROPOLITAN AREA, 1960–70

	1970	1960	Percent change
New York City	7,867,760	7,781,984	1.1
Bronx County	1,472,216	1,424,815	3.3
Kings County	2,601,852	2,627,319	−1.0
New York County	1,524,541	1,698,281	−10.2
Queens County	1,973,708	1,809,578	9.1
Richmond County	295,443	221,991	33.1
Suburbs			25.7
Nassau	1,422,905	1,300,171	9.4
Rockland	229,903	136,803	68.1
Suffolk	1,116,672	666,784	67.5
Westchester	891,409	808,891	10.2

Source: Bureau of the Census, released Jan. 20, 1971.

Conclusion

The economic and population trends reveal a continuing moveout of business, industry and middle-income population. There is no indication that these trends can be reversed without a massive infusion of intergovernmental aid—state and federal. It is perfectly obvious that reliance on locally-raised revenues to reverse such trends is impossible.

SOCIAL AND GOVERNMENTAL IMPLICATIONS

One of the curses of metropolitan America is govermnental fragmentation. As the population has redistributed itself within the metropolitan area, disparities in tax bases have increased. There is no jurisdictional line in the United States less justifiable in terms of social and economic reality than that which surrounds the country's largest central cities. For respected and thoughtful New Yorkers now to suggest that we lock in that line, in effect build a governmental wall around it, is simply unbelievable. It would cut the City of New York off forever from its wealthier neighbors. It would force the city to depend completely on the federal government to meet its fiscal needs or force it to raise taxes of all kinds to the point where anyone who could financially get out would. More importantly the proposal fails to recognize that the city is inextricably gound—socially, culturally, and economically—to its surrounding suburbs. What is probably needed is a completely redesigned governmental system for the entire metropolitan area that combines centralization and decentralization.

Instead the proposers of statehood offer the opposite, another dimension to an already overly fragmented system, which would further isolate the city and block the City forever from access to the tax base of its wealthier neighbors.

CONCLUSION

There are those who have suggested that the city-statehood proposal should simply be viewed as a talking point from which we all can discuss the problems of the City in relation to the state. There are others who insist that the real issue is home rule—and statehood is simply a manifestation of the desire for selfgovernment and liberty on the part of millions of New York City residents.

Neither argument is acceptable. The proponents of statehood use a faulty and even reactionary concept—that you should get back what you pay in. This criticism must not be construed to suggest that there are not serious discriminatory patterns which exist in the City's tenuous and often turbulent relationship with New York State Government. Rather it means that the political leaders of the City should not deviate from a strong and clear position that the City should get more funds from the State because by every measure of need—fiscal and social—it deserves more. The purpose of government must be to redistribute revenues on the basis of need. To move away from that position is to suggest a funadmental shift in liberal philosophy that seems both dangerous and foolhardy.

The well-intentioned supporters of statehood have manipulated data in a way to mislead citizens of the City into believing that there will be substantial fiscal gains from the proposal. The analysis of the data presented here reveals that there will be no fiscal gain because of the variety of costs associated with becoming a state. Second, even after the initial costs are met, long-term trends suggest that the City's own revenue sources are growing too slowly to be depended upon to finance growing public costs. Third, while the City's contribution to the total state budget is declining—the proportion of state aid received by the City is increasing. Fourth, the area chosen for statehood adds no new tax base for needed revenues, and economically is declining compared to its surrounding area. Fifth, any hope for economically integrating the metropolitan area will be lost.

Statehood advocates have also claimed that even without substantial fiscal gain, home rule itself would make things better. It is difficult to understand such an argument. The lack of fiscal gain, rather, suggests that even a substantial gain in home rule would not be directly relevant to helping the City solve its problems.

While more home rule might alleviate some administrative problems for the city, it will not, as has been suggested, give a significant fiscal boost to the city treasury. Studies of localities without tax and debt limits have demonstrated that there are sufficient internal economic and political constraints that operate to keep taxes and borrowing to certain levels whether or not there are state-imposed limits.

On the basis of these findings, I recommend that Citizens Union oppose the current movement for statehood.

FOOTNOTES

[1] As quoted in John A. Hamilton, "Should New York City Secede From the State?" *New York Times*, May 5, 1969.

[2] *New York Journal American*, April 4, 1921.

[3] *New York Times*, May 2, 1969.

[4] Robert M. Haig, Carl S. Shoup and Lyle C. Fitch, *The Financial Problem of the City of New York, A Report to the Mayor's Committee on Management Survey*, June 1952 (General Summary Volume), p. 363.

[5] Leon E. Panetta, "City Statehood—A Time for Serious Study," Memorandum to the Mayor of the City of New York, May 19, 1971; Untitled Memorandum from Congresswoman Bella Abzug's staff was distributed at a meeting of officers of the New Democratic Coalition of New York, June 29, 1971.

[6] This opinion of New York City's Bureau of the Budget is taken from the Untitled Memorandum from Congresswoman Bella Abzug's staff (see footnote 4) and from the Citizens Budget Commission report, "Does New York State Shortchange New York City? A New Look at an Old Problem," December 1969, p. 6. (Hereinafter referred to as CBC *Report*)

[7] CBC *Report*, p. 6.

[8] *Ibid.*

[9] *Ibid.*

[10] *Ibid*, p. 18.

[11] See for example Raymond Vernon, *Metropolis 1985*; Edgar M. Hoover and Raymond Vernon, *Anatomy of a Metropolis*, New York: Anchor Books, 1962.

PRESIDENT NIXON'S TRIP TO CHINA

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Monday, July 26, 1971

Mr. BOGGS. Mr. President, on July 15 President Nixon made the historic announcement that he will visit the People's Republic of China before next May.

The announcement brought support and favorable comment from most sectors of our country. I personally believe his visit could be one of the great diplomatic breakthroughs in the last two decades and I am hopeful that this and other initiatives will, indeed, pave the way for a generation of peace.

I am happy to say that this attitude is shared by many in my State of Delaware and that support for this new initiative is not bounded by party affiliations or other qualifications. The city council of the city of Wilmington recently adopted a resolution commending the President for his "courageous efforts to secure a better understanding and a peaceful solution to many international problems."

Mr. President, I ask unanimous consent that the entire text of the city council's resolution be printed at this point in the RECORD.

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

RESOLUTION

Whereas, President Nixon has announced his plans to personally visit and confer with the leaders of Chinese Communist powers; and

Whereas, his announced purpose of attempting to negotiate an acceptable peace for ending the Viet-Namese War; and

Whereas, it is premature to be too optimistic concerning the success of this venture by our President; and

Whereas, opening direct communication with the Chinese leadership may enhance an early release of American prisoners of war and result in the accelerated return of our armed forces and put an end to the present casualties and hostilities; and

Whereas, conceivably a proper peace may result therefrom; and

Whereas, President Nixon has indicated that our policy will not lead to the abandonment of our friends and allies.

Now, therefore, be it resolved by the Council of the city of Wilmington That President Nixon be commended for his courageous efforts to secure a better understanding and a peaceful solution to many international problems.

Further resolved That the City Clerk forward a copy of this Resolution to the Honorable Richard M. Nixon, President of the United States and the Honorable Russell W. Peterson, Governor of the State of Delaware, the Honorable J. Caleb Boggs, United States Senator, the Honorable William V. Roth, Jr., United States Senator, and the Honorable Pierre S. DuPont, IV, United States Congressman.

FULBRIGHT IGNORES MIDEAST

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. DERWINSKI. Mr. Speaker, as I have often emphasized to the Members, the complications in the Middle East pose a far greater threat to world peace than the situation now existing in Southeast Asia where President Nixon has effectively reduced U.S. military forces while preserving the legitimate governments in Laos and Cambodia, in addition to South Vietnam. In the meantime in the Middle East, Soviet arms shipments to the radical Arab governments, the continued buildup of their Mediterranean fleet and the assistance given the so-called Palestinian guerrilla forces are all evidence of the diabolical policy being conducted by the Russians.

The complete disinterest of the junior Senator from Arkansas, chairman of the Senate Foreign Relations Committee, to the Middle East is the subject of a very timely editorial commentary in the San Diego Union of July 19 which I believe effectively makes its point.

[From the San Diego Union, July 19, 1971]

COMMITTEE SIDETRACKED—FULBRIGHT IGNORES MIDEAST

The concern expressed so often by Sen. J. William Fulbright for the healthy functioning of the check-and-balance relationship between Congress and the Executive is not unique in American history. Congressional leaders have been sparring with presidents on this point for nearly two centuries.

However, Senator Fulbright is carving a niche of his own. Not in memory has a chairman of the Senate Foreign Relations Committee shown such obsessive concern with the way one aspect of our foreign policy is being implemented by the Executive Branch. Foreign relations to the junior senator from Arkansas seem to begin and end with the way the President fulfills his responsibilities as commander in chief of the armed forces, and particularly in the way President Nixon is proceeding to end the war in Vietnam.

This narrow and misdirected interest of Senator Fulbright could defeat the very cause he purports to champion—fulfilling the Senate Foreign Relations Committee's constitutional role in the formulation of U.S. foreign policy.

There is a preponderance of opinion in and out of the government that the greatest threat to world peace today lies not in Southeast Asia but in the Middle East. It would follow that the most grave decisions to be made on U.S. foreign policy lie in our approach to the Arab-Israeli dispute and the confrontation it threatens to generate between the United States of America and the Soviet Union.

In this regard the record is almost unbelievable. It shows that Senator Fulbright has never chaired a full-dess hearing on the Middle East question! Indeed, the Foreign Relations Committee has conducted no public hearings on the Middle East question since 1957.

Since 1957 the lines of confrontation between Israel and her neighbors have been drawn and redrawn. The Middle East has been the scene of a dramatic thrust by Soviet power, including a military build-up in Egypt and a clear challenge by the Soviet navy to the Mediterranean forces of the North Atlantic Treaty Organization.

The commitment of the United States to the survival of Israel raises questions which should stand high on the agenda of the Senate Foreign Relations Committee. Its chairman, however, has called the committee only into closed, executive sessions for secret briefings on Middle East developments, while open hearings have been used repeatedly as sounding boards for his personal views on subjects quite remote from foreign policy.

It may be that the course of events in Vietnam which so concern Senator Fulbright today might have been altered if Congress and the American people had been better informed about the implications of our Southeast Asian policy a decade or more ago. Now, by skirting the Middle East issue as he does, the senator is denying his committee an opportunity to prevent the very same misunderstandings from clouding our policy in the Middle East at some critical time in the future.

FREE MAN MUST BE ELIMINATED SAYS SKINNER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. RARICK. Mr. Speaker, "Free man—is dying—society, using a new technology of behavior, must—control him." Man must give up his claims to "individual freedom and dignity" and surrender the basic rights of "life, liberty, and the pursuit of happiness" to insure the survival of his culture; or so says B. F. Skinner, behavioral psychologist of Harvard.

From time to time the American people are offered little previews of the latest tortures being planned for them by the change makers, all designed to bring about the controlled society envisioned by the intelligentsia. Professor Skinner's comments sound frightening, but the horrible truth is that those in charge of Federal moneys to promote changes in education have far too many times used Skinner's theories as the basis for their experimentation in the name of progressive education.

Quite naturally, the deprivations of life, liberty, and the pursuit of happiness planned for the outmoded free man are not intended to encompass the brilliant intelligence of the new aristocracy. The intelligentsia must be exempt from the repression of a proclaimed police state so that they remain free to dream up new theoretical solutions for the problems they continue to create.

I insert a newsclipping in the RECORD at this point:

[From the Washington Post, July 20, 1971]

B. F. SKINNER HAS A PLAN FOR A NEW SOCIETY; BUT IT IS NOT EXACTLY WHAT THE FOUNDING FATHERS HAD IN MIND

(By Victor Cohn)

Free man as we have known him, or imagined him, is dying.

Now society, using a new technology of behavior, must design and control him.

This will leave man "free" to act beneficially in a better world—not an Orwellian "1984," but a meaningful world without war, violence, overpopulation.

This arresting argument is made by one of the nation's foremost behavioral psychologists, Harvard's Dr. B. F. Skinner.

In a manifesto likely to arouse anger and argument in political and intellectual circles throughout the world, Skinner says man must give up his claims to "individual freedom and dignity" and surrender the basic rights of "life, liberty and the pursuit of happiness" to ensure the survival of his culture.

Such "basic rights," Skinner contends, are increasingly irrelevant or harmful to development of a future culture in which men of reason would want to live. Society, he contends, has failed man badly by permitting him too much of the wrong kind of freedom.

In fact, he says, "it is not difficult to demonstrate a connection between the unlimited right of the individual to pursue happiness and the catastrophes threatened by unchecked breeding, the unrestrained affluence that exhausts resources and pollutes the environment, and the imminence of nuclear war."

"What we need," asserts Skinner, "is more control, not less" or "some other culture" will possess the future.

In the future he seeks, both behavioral and genetic engineering would be part of a design to change man's character. Men would change the genetics they inherit "with a clearer eye to the consequences," and introduce cultural practices to mold society.

Skinner's provocative demands are made in a new book, "Beyond Freedom and Dignity," condensed in the August issue of Psychology Today and to be published later this year by Alfred A. Knopf.

The argument is important because Skinner is important. He counts as scientist, technologist and social prophet.

Some will sharply criticize his new statements, but they will first listen.

Others will hate him. He expects this. Copernicus was hated, he points out, when he insulted man's cosmological view of the universe, Darwin was hated when he insulted man's biological view and Freud was hated when he insulted man's psychological view.

Skinner insults our deeply implanted behavioral view of "autonomous man of traditional theory," endowed or entitled to "individual freedom and dignity."

He says in essence:

The traditional autonomous man "is held responsible for his conduct and given credit for his achievements." Almost everyone attributes human behavior to "intentions, purposes, aims and goals." But "a scientific analysis shifts both the responsibility and the achievement to the environment." It is only when "we do not know why a person acts as he does that "we attribute his behavior to him."

Man, Skinner points out, is already controlled—by family, school, neighborhood, government, society. It is simply a question of how to do it better.

What's more, he argues, man has in fact now reached a dead end—an end in which society may die—in his long struggle to shape his destiny.

"Permissive practices," he argues, are not truly policy but "the abandonment of policy," with any apparent advantages in fact illusory.

To him, the aggressiveness and hostility of much of youth is due to "defective social environment." To refuse to control is "to leave control not to the person himself" but to the environment.

"The problem," he maintains, "is to free man not from control but from certain kinds of control . . . to make the social environment as free as possible of aversive stimuli."

As to critics like Britain's C. S. Lewis—who wrote that "man is being abolished" through Skinnerian psychology—Skinner now answers: if Lewis means today's over-au-

tonomous man, then that man's abolition "is long overdue," for he is about to destroy us.

Skinner does not guarantee a utopia, but frankly seeks it. In his utopia, people would learn to live together without wars and quarreling. They would produce the goods they need by consuming no more than a reasonable part of the world's resources. They would bear no more children than they can raise decently.

Man's attempts so far to create utopias have, he concedes, been ignominious failures. But "unplanned and imperfect cultures have failed too," and—his conclusion—"we have not yet seen what man can make of man."

Science has now learned that "behavior is shaped and maintained by its consequences." This means "we can manipulate" man's environment. Man's genetic endowment can be changed only slowly, but changes in the individuals environment have "quick and dramatic results."

Therefore, by developing a "technology of behavior,"—a technology only in its infancy and for which Skinner cannot yet draw a detailed social or political blueprint—"it should be possible to design a world in which behavior likely to be punished seldom or never occurs."

Desirable actions would be reinforced in this society. Only acting well would be encouraged by the controllers.

Though Skinner offers no plan he does suggest a beginning.

He believes an intensive study should be made of man, his needs and his society—in order to see which actions should be reinforced and which conditioned out of his behavior.

To those who say, "Will not controlled man be simply a victim?" Skinner answers: there have always been the controlled and the controllers. "Those who object most violently to the manipulation of behavior now 'make the most vigorous efforts to manipulate . . .

B. F. (for Burrhus Frederic) Skinner, 67, developed the theory of "operant behavior" to operate or shape or manipulate the behavior of pigeons or mice—or men.

He did it by combining appropriate "stimuli" with "programs of reinforcement" to lead to the "terminal behavior" that the operator desires; e.g. a pigeon is taught to play Ping Pong (as Skinner taught pigeons in the 1930s) by breaking the action into little pieces and rewarding each step with a bit of corn. Or a child is "operated" to learn geography by presenting him with a piece of information at a time, then rewarding him with the answer "correct" and the satisfaction of achievement.

He proposed a utopia based on his theories in his novel "Walden Two."

Skinnerian psychology led to programmed instruction and teaching machines. It led to behavior therapy—conditioning by positive reward—as used today in many mental hospitals, prisons and training schools for the delinquent or retarded. It led to a new view of man. It also led to a National Medal of Science and many other honors for Skinner and a position as one of the most admired—and criticized—thinkers in the world.

FORMER CONGRESSMAN BESHLIN PASSES AWAY AT AGE 101

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. JOHNSON of Pennsylvania. Mr. Speaker, former Congressman Earl H. Beshlin of Warren, Pa., died Monday, July 12, at the age of 101. Mr. Beshlin suffered a fall in his home which resulted in a broken hip. He died in the Warren General Hospital following surgery.

Congressman Beshlin was born April 28, 1870, in Warren County, Pa., where he resided all his life. Although never attending a formal law school, he received his legal training as a clerk in a law office. He was admitted to the bar at the age 23 and had been practicing law for the past 78 years. Despite his age, he walked daily to his office in the Pennsylvania Bank & Trust Building.

Mr. Beshlin's community service began in 1899 when he served as borough manager until 1903. He was burgess from 1906 until 1909, referee in bankruptcy from 1898 until 1917, and solicitor for the borough council from 1914 to 1918. He served as a school board member for 16 years, and was chairman of the board of trustees of the Warren State Hospital from 1935 through 1939.

After being admitted to practice in the local court in 1893, he was subsequently admitted to the U.S. district court, the Supreme Court of Pennsylvania, and as a member of the bar of the U.S. Supreme Court. He devoted most of his long career to civil court cases. The high point of his legal career was his election in 1917 to the 65th Congress. He was the only Democrat—Democratic-Prohibitionist—since the Civil War to be elected to a national office from Pennsylvania's 23d District.

Many Members will remember Mr. Beshlin when he spoke before the House on March 4, 1971, as the oldest charter member of the Former Members of Congress, Inc. I am sure you join Mrs. Johnson and I in expressing our sympathy to the family of former Congressman Beshlin in the loss of this truly remarkable man.

PHOSPHATES IN DETERGENTS AND STREAM CHANNELIZATION

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. VANDER JAGT. Mr. Speaker, several articles have come to my attention in recent days which discuss subjects of immediate interest to the Congress and the public.

One by Dr. Howard Tanner, director of the Department of Natural Resources in the School of Agriculture at Michigan State University, discusses phosphates in detergents. Dr. Tanner presents a most thoughtful discussion.

The second article written by Tom Herman appeared in the Wall Street Journal on July 19 and discusses stream channelization. The article very effectively spells out the problem and viewpoints of conservationists and agriculture interests.

The two articles follow:

REPORT ON PHOSPHATES

(NOTE.—KMB president Arthur Nelson has been asked to state KMB's position on phosphates in detergents. Nelson referred the project to KMB consultant Dr. Howard Tanner, director of the Natural Resources Department, Michigan State University. Here are Dr. Tanner's comments:)

The question of phosphates in detergents, like so many things these days, is not clear cut. Let's talk about the objective and then the possible steps to obtain the objective.

First of all, the objective is to eliminate, or drastically reduce, the amount of phosphates going into our surface waters. The role of phosphates in eutrophication of freshwater is a complicated subject in itself. However, I accept the opinion held by a great majority of authorities that limiting phosphate input into freshwaters is the most practical and effective way to slow eutrophication. There are exceptions, there are arguments, but usually this will be true. We should commit ourselves to stop the discharge of phosphate rich wastewater into our freshwaters and we should do it soon.

The question of world phosphate supply is part of the question. The world's supply is limited, but apparently not very limited. However, I am not satisfied with a projection of only this country's needs and then only for 50–100 years. Phosphates are the key element which has permitted us to expand greatly world agricultural production in the last 150 years. Presumably, it will remain a key element as we double and double again world food production. The aspirations of other countries will place an even increasing burden on phosphate supplies. I doubt if we will run out, but certainly we are going to be pushed to lower and lower grade reserves.

Is it really good long range conservation to permit the use of phospates in detergents? My answer is, probably not. From a resource use standpoint this is not a panic question but prudence should say, let's not spend our supply of phosphates in making detergents.

So far we have looked at both ends of the question. World phosphate supply is not infinite and we need to keep phosphate out of freshwater.

The suggestion is made that phosphates should come out of detergents. The phosphates in municipal wastes are somewhere between 25% and 67% of detergent origin depending upon which "world authority" that you choose to believe, I would select 40% as a reasonable estimate. Therefore, the removal of phosphates from detergents will not solve the problem of phosphates going into our surface waters, and phosphate removal strategies must continue to be installed in municipal systems and they must continue to be improved. Whether we install biological systems as I would propose, or chemical precipitation systems, or some other system, is not at this point, relevant. But to be effective any phosphate removal system has got to be very effective—perhaps about 90%.

One more aspect of detergents: As far as I know there is presently no substitute for phosphates in detergents that fully qualifies as safe, effective, and non-polluting. If NTA is, in fact, out of consideration then I believe the availability of a substitute for phosphates is a matter of years away, not months. Some will argue in favor of soaps and soaps are part of the answer. But the challenge is to be able to enjoy the advantages that technology has given us without degrading our environment. To go back to soaps is a step backwards in convenience and will therefore be rejected by many.

Suggestion solutions: I suggest that we find economic ways to pressure the soap and detergent companies to scale down the percentage of phosphates in detergents, looking forward to the time when the content can be

reduced to zero. As one approach, I suggest a tax on detergents based on the percent of phosphates in the product, with the tax being earmarked for use in construction of waste treatment and/or waste recycling systems. This tax would be reviewed and scaled up or down annually to increase or decrease pressure on the companies. Such economic pressure towards the gradual removal of phosphates would have to be reasonable and rational. I couldn't tell you whether it would take one year or five, but it would have to be accompanied by an active search for a suitable substitute and an assurance that the substitutes proposed were, in fact, safe for human health and for the environment before they could be employed.

From the figures given earlier it should be clear that the elimination of phosphates from detergents will be only a partial solution. Assuming no phosphates in detergents, we still have an estimated 60% of the phosphates coming in from other sources; human excrement, garbage from disposal units, and fertilizers. Whichever way we go we must continue to improve our systems of extracting phosphates from sewage effluents. Any system that only removes phosphates, such as chemical precipitation does, is also only a partial answer. It solves a wastewater problem and creates a solid waste problem. Phosphates are the greatest benefit to man as a plant nutrient. Let's keep it that way. Our approach to wastes must be to put wastes back into their most suitable role—in this case, as a plant nutrient. This is the conceptual base of the Michigan State University Water Quality Management Project. Use wastewater to grow plants to be harvested for man's use. Simple.

[From the Wall Street Journal, July 19, 1971]

WATERWAY WRANGLE: FEDERAL SOIL SERVICE STIRS ECOLOGISTS' IRE BY ALTERING STREAMS—DEEPENING, WIDENING RIVERS AIDS FARMERS, BUT SCENERY, FISH ARE OFTEN DESTROYED; A DISAGREEMENT ON ECONOMICS

(By Tom Herman)

COVINGTON, GA.—The Alcovy River is a tranquil stream that flows through a dense forest for about 50 miles near here. Many conservationists cherish it as one of the state's most precious natural treasures. "It's one of the few remaining unpolluted rivers in Georgia," says Charles Wharton, biology professor at Georgia State University, who often brings his students here to study the river's complex ecosystem.

But the Alcovy is regarded as a big headache by scores of farmers who own land along its banks and complain that its occasional floods keep them from being able to cultivate some of their land. So in 1969 they were delighted when the U.S. Soil Conservation Service (SCS) proposed a $10.9 million project that included straightening and deepening 73 miles of the river and its tributaries, as well as bulldozing more than 800 acres of the forests along its banks.

The state's conservation groups exploded in protest, arguing that the SCS plan would turn the Alcovy into an ugly ditch and wipe out a rich fish and wildlife habitat. After the U.S. Interior Department and the Georgia Game and Fish Commission joined the fight, the SCS reluctantly agreed to modify its plan. But the other agencies still oppose even the modified plan, and the SCS now says the project is "in limbo."

ECOLOGICAL SIDE EFFECTS

Controversies like the one over the Alcovy have brought the Soil Conservation Service under heavy fire here and in scores of other communities around the nation where nature lovers fear the destruction of rustic, meandering creeks, streams and rivers by SCS bulldozers. Critics charge that the agency, which is a branch of the Agriculture Department, is so intent upon harnessing water to serve big landholders' needs that it ignores the ecological side effects of its work.

A number of critics also contend that many of the most expensive projects are economically unjustifiable. They assert that the SCS often underestimates costs and inflates benefits when pressured by powerful Congressmen who view such projects as handy reelection aids and who, if angered, could vote against the next SCS budgetary request.

All this criticism plainly angers SCS officials. "Many of these people who call themselves ecologists aren't true conservationists," says Robert Oertel, an SCS assistant state conservationist in Georgia. "They're preservationists. They want to preserve everything just the way it was back in the time of Adam and Eve. And if we followed that kind of thinking, that's just where we'd be, back in the Stone Age."

The criticism is especially galling to the SCS because the agency was, for many years, the darling of the conservationists. It was created in 1935 by Congress, at the urging of President Franklin Roosevelt, largely to combat the huge problem of soil erosion, then a major headache to farmers all across the country but especially in the Midwest's "Dust Bowl." Since then, the SCS has taught millions of landowners how to lay out their land so as to impede soil runoff, using such soil conservation techniques as terraces, windbreaks and strip cropping.

"Conservation is our middle name," says Hollis R. Williams, deputy administrator for watersheds, "and we've earned it."

Today the agency has grown into one of the Agriculture Department's most formidable bureaucracies. It employs about 14,500 people, including engineers, hydrologists, geologists, economists, biologists, agronomists, foresters, and soil scientists. Its congressional appropriation for fiscal 1971, which ended June 30, was $287 million. Out of that, an estimated $15 million went for "channelization," the name usually applied to straightening, deepening and cleaning out of streams.

Since 1954, when Congress first authorized such projects, the SCS has spent over $90 million on channelization affecting 6,164 miles of streams, an official says. Of that, over $60 million was used to dig approximately 3,000 miles of channels, and about $30 million was used for "clearing and snagging," which often means pulling drag lines along a river bottom to remove sandbars, logs and trees.

12,000 MILES OF WATERWAYS

Another 300 projects involving 8,000 to 10,000 miles of channelization now are under way. The agency is planning future projects affecting an additional 12,000 miles of waterways.

Even the agency's toughest critics concede that many of its projects have done a world of good. The soil conservation program has preserved millions of acres of rich topsoil. The small watershed program has created reservoirs and dams that serve as badly needed municipal and local water-storage facilities, storing excess water in rainy seasons and releasing it gradually in dry times. The reservoirs, which often double as recreational facilities, unquestionably encourage the growth of new industry and help local economies.

There's little controversy about that, but there's plenty when the SCS seeks to include river-straightening as part of a project. In justifying channelization, the SCS maintains that many natural rivers and river swamps need to be straightened and deepened in order to carry off excess water from upstream. "The purpose of a stream is to carry water, not just to look pretty," sasy Mr. Oertel, the SCS official in Georgia. "When we channelize a river, we aren't ruining it. We're improving it."

During a recent seven-hour interview in his Washington, D.C., office, Hollis Williams, the deputy administrator for watersheds, said:

"Personally, when I see a swamp, I think back to my boyhood days in Arkansas and I think of snakes, water moccasins and mosquitoes. And I think how nice it would be to drain that swamp and build a quiet lake, where a man could fish with his boy and where a Sunday school class could visit, and where a man could swim without fear. And I think that the lake could also store water for nearby towns, and prevent flooding, and maybe attract new industry. Yes, I'm biased personally, but I'm not biased as an administrator. I realize some people think swamps are valuable, and I give both sides a fair hearing."

Nonsense, reply the conservationists. Officials of assorted state game and fish commissions and the U.S. Interior Department complain that the SCS has repeatedly ignored their warnings of the ecological havoc that will be wreaked by channelization projects. An Interior Department staffer in Atlanta says, "The SCS frequently doesn't pay any attention to what they're told either by us or by other environmental groups. They listen, of course, because they're bound to by law. But then they go right ahead with their previous plans."

The subject of channelization is a particularly emotional one in the Southeast, which has an especially large number of rivers as well as heavy rainfall and is thus scheduled to undergo more channelization than other areas of the nation.

THUMBS DOWN ON PROJECTS

Recently, several communities have startled the SCS by voting to withdraw support for channelization projects. In August of 1970, the Seminole County, Ga., board of commissioners voted unanimously not to open bids for construction of a 39-mile channel on Dry Creek. A month later, the commissioners of Floyd County, Ga., voted unanimously to withdraw the county's support for a plan to channelize about 10 miles of Johns Creek and a major tributary. In Florida, several landowners along a project on the state's west coast are holding up a channelization plan. And in Indiana, conservationist opposition has slowed development of the Lost Creek watershed.

The SCS is feeling pressure on other fronts, too. A public interest law firm, Natural Resources Defense Council Inc., is considering filing some lawsuits against SCS projects, charging that the agency is violating environmental protection laws. On Capitol Hill, Rep. Henry S. Reuss, the Wisconsin Democrat, sought unsuccessfully to amend the fiscal 1972 agriculture appropriations bill so as to block most channelization work for at least one year. "I've never seen such unanimity among conservation groups as on this issue," he says. A dozen conservation groups testified on behalf of the amendment at House hearings.

Rep. John Dingell, chairman of the fisheries and wildlife conservation subcommittee of the Merchant Marine and Fisheries Committee, says he will investigate the SCS to see how well it's conforming to environmental protection laws. "The agriculture crowd is one of the worst when it comes to paying attention to environmental values," says the Michigan Democrat. "They must be brought to heel somehow, but frankly, I'm not yet sure exactly how."

Another important debate is taking place at the Water Resources Council, an interagency group that is proposing changes in

the way that a controversial "cost benefit ratio" is applied to various government water projects. The cost-benefit ratio weighs estimated costs of a project against its benefits over a broad span of years, and critics charge that it's currently rigged in favor of approving virtually anything that's backed by a powerful lawmaker. The Water Resources Council has proposed several highly technical changes in the ratio that would make it harder to justify projects, including channelization, but they have yet to be approved.

What especially rankles economists is that channelization projects frequently increase available farm land at little cost to the farmer. Economists like Jack L. Knetsch of the President's Council on Environmental Quality argue that "it makes little sense to me for the Agriculture Department to sponsor this while at the same time paying farmers subsidies not to plant already existing land."

But the primary complaint is the massive impact channelization has on the environment, and critics say there is more than ample scientific documentation of this. For example:

A 1964 study by two members of the North Carolina Wildlife Resources Commission compared fish populations in 23 channelized streams with populations in 36 nearby natural streams. Their finding: The channelized streams had 90% fewer catchable-size game fish. Their study added, "The data further revealed that no significant return towards the natural stream populations occurred within a 40-year period following channelization."

An unpublished study by the Mississippi Game and Fish Commission in 1968 showed a decrease in pounds of fish per acre in the Tippah River to 4.8 from 240.7 before channelization.

NOT BLIND TO CRITICISM

This research and criticism haven't gone unnoticed by the SCS. In February, Kenneth E. Grant, the current head of the agency, dispatched a six-page memo to every SCS state conservationist calling for a review of all channelization work in progress and a decision as to whether each one would have "minor or no adverse effect" on the environment, "some adverse effect," or "serious adverse effect."

"We're not blind to the criticism," says Mr. Grant. "We realize that many of these special interest groups want to protect the environment, but I want to stress that we have to think of both sides of the question. We have to look at it both from the point of view of the environment as well as the landowner."

Some conservation groups, however, fear "Memo 108" will be a waste of time because destructive channelization projects will simply be labeled as having "minor or no adverse effect," ignoring Interior Department complaints. Mr. Grant insists the review will be fair. "Congress has charged us with making the judgment on whether to go ahead with a project, and we will conduct that study fairly," he says. "Congress can always kill a project if it thinks we're wrong."

One project conservation group will be watching with special interest in the next few weeks is the Alcovy, which today is placid and unhurried. The dense hardwood forest along its banks is home to deer and racoons, wild turkeys and various forms of microbiotic life that biologists like Prof. Wharton of Georgia State come from miles away to study. The water is ice-cold. An occasional turtle suns itself on a stone.

WHAT PRICE EFFICIENCY?

The SCS, which has trimmed its proposal for channelizing the Alcovy to 45 miles from the original 73-mile plan, says that straightening the river and clearing its banks of forest would produce benefits of $1.50 for each dollar in costs over a 50-year period.

But Mr. Knetsch, the economist with the President's Council on Environmental Quality, has studied the project's economics in depth, and he strongly disagrees. His finding: The project at best could produce benefits of only 45 cents for each dollar in costs. At worst, it might produce only 18 cents for each dollar invested. In fact, he contends, "it would be much cheaper to buy the entire river and the forests" from private landowners and leave them the way they are.

Robert Davis, an economist with George Washington University and the National Audubon Society, has also studied the Alcovy's economics and concluded the SCS figures "are totally farcical." Says Mr. Davis: "The SCS has made a mockery of the cost-benefit ratio by adding phony benefits."

However, Eugene C. Buie, the SCS's assistant deputy administrator for watershed planning, says: "I have no hesitancy in saying that our figures are defensible. I won't say they're absolutely accurate because they are based on judgment factors and no two economists will ever agree. But we do insist that our evaluation is based on defensible, supportable figures."

Rep. Ben Blackburn, a Georgia Republican from a nearby district, recently checked to find out how many, if any, of the farmers along the Alcovy whose lands would be cleared at federal expense are already getting farm subsidies not to plant existing cleared land. His finding: At least 79 out of the 182 landowners are receiving subsidies.

"Nobody has explained the logic of that to me," says Ben Dillard, administrative assistant to Rep. Blackburn.

COMMUNISTS PLEDGE DEFEAT OF UNITED STATES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. RARICK. Mr. Speaker, the Communist countries are mellowing; at least this is the line being used to condition our people to accept ideological integration. Unfortunately, the people in the Communist countries have not gotten the word.

Today we learn of three East German men attempting by foot to escape to the West. One was killed and a second wounded by their Communist captors.

Meanwhile, from Hong Kong, President Nixon's Red counterpart again called for defeat of "U.S. imperialism and its running dogs." Chou En-lai repledged the support of his government and people to "fight shoulder to shoulder with the Cuban people, and to defeat U.S. aggressors through to the end."

It appears that the only people who think that communism is changing or mellowing are our pseudointellectuals and the communications media. But then, they are of the new aristocracy who only talk to each other and, after a while, forget that their talk is propaganda aimed at the American people and begin believing themselves.

I insert two newsclippings at this point:

[From the Washington Post, July 26, 1971]

BERLIN ESCAPE TRY

BERLIN.—East German troops foiled an attempt by three men to escape from East to West Berlin, killing one and wounding a second.

West Berlin police said the East German troops turned on floodlights and fired about 30 shots at the men as they ran across the last few yards to a fence bordering the American sector of West Berlin.

[From Reuter, July 25, 1971]

CHOU VOWS AGAIN TO DEFEAT U.S.

HONG KONG, July 25.—Chinese Premier Chou En-lai today reiterated a pledge to defeat U.S. aggressors in a message to mark the 19th anniversary of the Cuban sports day, Radio Peking reported.

The message, addressed to Cuban Prime Minister Fidel Castro, said, "The Cuban people's struggle has provided great support to the Chinese people and people of the world in the struggle against U.S. imperialism and its running dogs."

"The Chinese government and people will as usual fight shoulder to shoulder with the Cuban people, help each other and learn from each other, and to defeat U.S. aggressors through to the end," it added.

CONSUMERISM

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. FOLEY. Mr. Speaker, the Communications Workers of America recently held its annual convention and passed a resolution on consumer protection which I believe touches on several major social and economic issues that should be of interest to us all.

It seems particularly appropriate to me that communications workers—individuals whose occupations are predominantly concerned with the transmission and interchange of thoughts, opinions, and information—have been, and are, on the forefront of the struggle for consumers' rights. Perhaps due to the very nature of their work, they are more aware than others of the fundamental importance of the free flow of accurate information in an open society.

In any discussion of consumer legislation, I think it is wise to remember that law is supposed to be a codification of those lasting values upon which a people agree. In this country, the "marketplace ideal" is such a value This ideal assumes that objects, ideas, customs, and products enter the marketplace and eventually under the critical scrutiny of the citizens, the best of all possibilities emerges. Abuse of this ideal, motivated by individual greed and irresponsibility, is made possible by consumer deception and leads inevitably to consumer fraud. Insofar as the law fails to regulate violations of this ideal and, in turn, protect the citizen-consumer, we have failed.

The Truth-in-Lending Act, as well as the Truth-in-Packaging Act, were solid steps in the right direction toward public policies which will protect consumers

from abuse. But I have come to realize, together with the Communications Workers of America, that freedom from something is not enough. We must have freedom for something. Freedom should not be merely a measure of safety, but a full opportunity. Freedom ought to be a means to enable consumers to enter the marketplace with confidence and security.

Mr. Speaker, these are thoughts which should stay with us as we consider legislation intended to bring a degree of fairness and equity to the marketplace. At this point I include the Communications Workers of America resolution in the RECORD:

RESOLUTION 33A-71-3: CONSUMERISM

The Communications Workers of America has recorded itself in favor of pending and enacted legislative proposals to protect the individual American against the misusers of the marketplace, but the struggle has reached a point which requires us to reassess where we stand and to renew our effort.

We see our attainments not having the effect that they were supposed to have, and we see our goals thwarted by a combination of phony propaganda and political pressure.

The Truth-in-Lending Act was passed after years of bitter struggle, and now a consumer can look at a bill and see exactly how much interest he is being charged a month, both in per cent and in dollars and cents. But an organization called the National Conference of Commissioners on Uniform State Laws has concocted what it calls a Uniform Consumer Credit Code which would gut the Truth-in-Lending Law by establishing interest rates at 36 per cent and allowing "extra" fees and insurance overcharges. We took action against this deceitful effort in 1969, but the movement is getting stronger and stronger in the state legislature, and we should renew our efforts to block it.

No state should allow exorbitant interest rates to be charged legally, and no state should allow usurious interest rates through devices or tricks.

One particular device used to raise the amount of interest on a mortgage loan is the point system, which requires that a certain per cent of a loan—called points—be paid to the lender, in addition to the interest, in order to obtain the loan. This should be ended.

Campaigns should be initiated by organized labor and other consumer oriented groups to set a practical and realistic limit on interest in all states which now have exorbitant and usurious interest rates.

The Truth-in-Packaging Act, passed with much fanfare, has done little to help consumers, because the crucial element—allowing the government to set standard sizes for packages so that consumers could tell at a glance how much they were getting for their money—was not included.

Meat and poultry protections have also been ineffective because the industries have succeeded in keeping down appropriations for inspection services.

We need to be aware of these tactics, and we need to increase our efforts with those who legislate by calling for toughening up consumer legislation where needed, and appropriations where needed.

The major area of new consumer legislation which interests us is no-fault auto insurance, and we are on record as supporting it in principle, but we should take the additional step of recording ourselves as supporting pending legislation which has been introduced by Senator Philip Hart of Michigan and Senator Warren Magnuson of Washington (a comparable package has been introduced in the House).

President Beirne has presented testimony in both the House and Senate in support of this legislation.

The Hart-Magnuson bills would establish auto liability on the no-fault concept, so that injured persons would be protected for their medical and economic losses as a result of an accident without having to go to court, but could sue for any additional damages if they wanted to.

A vicious tirade of false propaganda has already been started against no-fault by those who have milked the premium payer for years and do not want to give up this lucrative source of income. We should do everything we can to support the no-fault package and to counter the propaganda of those who put themselves before the interests of the insurance purchasing public.

We have referred to no-fault legislation as a package, because it actually involves several pieces of legislation which are required to establish no-fault legally. These include:

Allowing group auto insurance similar to group health or group life insurance, and allowing employees to bargain for auto insurance coverage as a benefit. Employers would be allowed to deduct the costs of providing the auto insurance benefit from gross income, similar to the system used with accident and health premiums.

Requiring all cars built after July 1, 1974 to have bumpers strong enough to withstand a five-mile an hour crash without damages.

Establishing nation-wide titling and establishing diagnostic centers to inspect cars for manufacturing flaws and quality of repairs.

Requiring insurance companies to publish detailed price information.

There are other major important items of consumer legislation which we have gone on record for, and which will be before the current Congress.

We should do all that we can in support of the consumer class action bill. If this bill is passed it would mean that you, an individual, defrauded out of a sum too small to sue over because it would not be worth the legal fees, could join with others who have been defrauded the same way and sue as a group, or a class.

Now, to go into federal court, you must claim that you have been defrauded out of at least $10,000 and claims cannot be added together to equal that amount.

The effort to create an independent consumer protection agency, instead of leaving the job scattered through various federal agencies which are not really interested in consumers, should have our renewed support.

The independent consumer protection agency legislation would also permanently establish the Office of Consumer Affairs in the White House as a strong inside voice for consumers.

Direly needed is an end to the "holder in due course" device for defrauding purchasers of faulty products. This involves the seller of the product selling the note on the product to a third party, which leaves the third party not responsible for ensuring that the product gives good service. The third party should be responsible, along with the seller of the product, and no contract should be allowed to be written that absolves either the seller or the holder in due course of responsibility to see that the purchaser has a product he can use.

Two other areas merit attention.

Warranties should mean that the purchaser is protected, but too often we find that the words warranty and guarantee which were supposed to protect the buyer really protect the seller and the manufacturer. Legislation should be passed which truly protects the consumer, and this warranty legislation should include a provision extending the life of the warranty on a day-per-day basis for each day that an item under warranty is inoperable and requires repair.

Also, product information produced with public dollars should be available to the public. Often, government agencies research products, but refuse to make their conclusions public. The consumers who pay the costs of the research are entitled to know the results.

Therefore, be it resolved: That the Communications Workers of America consider it necessary to enhance our efforts to improve consumer legislation so that it is truly effective, with particular attention devoted to the consumer issues set forth in this resolution.

NIXON'S LEADERSHIP

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. DEVINE. Mr. Speaker, I would call the attention of my colleagues to an editorial in the Portland Oregonian hailing President Nixon's leadership and citing in particular his efforts to ease tensions with Red China which have resulted in a major shift in public sentiment.

Without further comment, we introduce in the RECORD the full text of the editorial:

NIXON'S LEADERSHIP

Unlike his precedessor, Lyndon Johnson, President Richard M. Nixon has a thorough understanding of the complexities of international affairs and rarely, if ever, acts on impulse. The developing detente with Communist China did not just happen. The Nixon Administration has been working quietly toward that goal for a long time. It was prepared to take advantage of the widening political gulf between Communist China and the U.S.S.R.

Presidential leadership may not always be apparent to the public eye in foreign affairs but without it opportunities for a relaxation in international tensions and conflicts and progress toward a lasting peace cannot be capitalized. The partially opened door to the United States provided by Peking would not have come about without the unpublicized manifestations of a changed attitude on the part of the U.S. government since Nixon took office.

One consequence has been a major shift in public sentiment on the admission of Red China to the United Nations. At the low point after the Korean War, in 1954, the Gallup Poll showed only 8 per cent of those polled favored U.N. admission for the nation which was branded an aggressor by the U.N. General Assembly. As late as October, 1970, the Gallup Poll showed 35 per cent of Americans in favor of admission of Red China to the United Nations, 49 per cent opposed and 16 per cent with no opinion. This May, the poll showed a dramatic shift: 45 per cent in favor, 38 per cent opposed, 17 per cent undecided.

The greatest change was recorded among Republicans, a gain in support from 30 per cent to 45 per cent, more than twice the gain shown among Democrats and Independents. This was a direct reflection of presidential leadership in his own party as well as a better feeling toward Peking since its change in attitude. A strong President who is an authority on foreign relations can influence world affairs and at the same time build confidence among Americans for such policies.

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following commentary on revenue sharing:

WASHINGTON REPORT OF CONGRESSMAN LEE HAMILTON

America's federal system is being challenged as perhaps never before. Americans are demanding that all levels of government—Federal, State and local—work better, become more responsive, more efficient, less costly and less confusing.

The central domestic concern of the Congress in recent years has been to find ways of strengthening and reinvigorating the federal system—to give it the ability and flexibility—to deal with problems which are growing more complex and more demanding with each passing day.

Many approaches have been considered, including expanded federal categorical grants to state and local governments, tax credits, the federalizing of welfare programs, aid to cities, and revenue-sharing.

I have long supported the concept of revenue-sharing. But as I have studied the issue, I have found myself asking more and more questions about the capacity of state and local governments to handle effectively large infusions of federal revenue-sharing funds. Revenue-sharing, I believe, must be combined with thorough reforms in state and local governments. Without modernization and reform, revenue-sharing will serve only to underwrite a system which is badly in need of change.

The Committee for Economic Development compiled in 1967 a list of outmoded state government structures which has changed little in recent years:

Only a handful of states have adopted new constitutions since 1945. Most of the state constitutions were drafted in the 1800s (Indiana's was adopted in 1851).

More than half of the legislatures still meet in regular sessions only once in each two years, and under wholly inadequate time limits, in most cases.

Many state legislatures are unwieldy in size. Less than half the lower chambers have fewer than 100 members.

Only a half dozen states give their governors the means of exercising administrative authority to meet fully the responsibilities of the office.

Almost half the states (including Indiana) deny their governors a second or third consecutive term, thus reducing the governor's ability to provide political as well as administrative leadership.

My concern about the effectiveness of Indiana's state and local governments focuses on the following points:

Executive: Executive leadership of the highest order is imperative to any large-scale organization. Since the Indiana governor is limited to one four-year term, and has limited power to appoint officials of his administration, he lacks the authority to deal with the responsibilities he faces. The Indiana governor comes to office right after a year or more of campaigning and faces immediately his most important legislative session.

Legislature: A recent study by the Citizens Conference on State Legislatures rates the Indiana legislature as follows: overall efficiency, 40th out of the 50 states; functional ability, 44th; accountability, 38th; well-informed, 41st; independence, 43d, and representative qualities, 20th.

Finances: One measure of performance is to compare state revenues and expenditures to personal income. On the basis of state taxes for each $1,000 of personal income, Indiana raises $51.06—as compared to $61.65 for the 50-state average.

In the area of state expenditures for each $1,000 of personal income, Indiana spends $84.06—as compared to a 50-state average of $100. Indiana spends a little more than most states on education and highways, and far less than most on public welfare. If Indiana taxes itself at the same rate as the average of the 10 states which are making the greatest revenue-producing effort, it would increase its revenue by about $700 million a year.

All of us recognize that state and local government have made progress in increasing their effectiveness and strengthening the offices of governors and mayors. But we are going to have to move ahead more rapidly. It is my hope that revenue-sharing funds can act as a catalyst for effective state and local government reform to strengthen the federal system.

A CONGRESSIONAL BOUQUET FOR MISS NEW YORK STATE

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. HASTINGS. Mr. Speaker, come September, one of the most pleasant of all U.S. folk rituals will take place at Atlantic City, N.J., as thousands gather for, and millions more will view by way of television, that annual Miss America contest.

Representing New York State will be a beautiful, brown-eyed brunette, who, I am happy to say, comes from my congressional district. She is Elizabeth Mae Condon, the daughter of Mr. and Mrs. Robert J. Condon, 444 Lakeside Drive, Angola, N.Y.

She was chosen at the recent annual New York State pageant, conducted for the past 6 years in Olean, N.Y., which also is in my district but, I hasten to add, had no bearing on the choice of the lovely Miss Condon to represent New York State at the Miss America contest.

Charm, intelligence, grace, and a bewitching personality that bubbles like champagne are hers in abundance and it was most fitting that at that climactic moment the regal crown of Miss New York State should be placed on her head by Pamela Ann Eldred, Miss America of 1970.

For Miss Condon, a senior at Niagara University, it was an especially rewarding accolade. In 1969, she competed for similar honors but lost out.

The second time around proved to be a much happier experience. Standing 5 feet 6 inches, and weighing 120 pounds, Miss Condon says she is interested in a dancing career but wants to obtain her master's degree and work for the Government, possibly in an Embassy where she can use her knowledge of Russian history, which is her speciality.

On behalf of my colleagues in the House, I offer Miss Condon our congratulations and a bountiful congressional bouquet. I know she will represent New York State with distinction at the Miss America pageant in Atlantic City. I am also including for the RECORD a story from the Buffalo, N.Y., Evening News, which tells of Miss Condon's selection as Miss New York State:

ANGOLA GIRL, MAKING SECOND TRY, WINS MISS NEW YORK STATE TITLE

(By Bert Freed)

OLEAN, July 17.—A fresh, bright world of applause and adulation dawned today for the new Miss New York State, a Niagara University senior who sought and missed this same honor in 1969.

Entered as Miss Niagara, Elisabeth Mae Condon, a brown-eyed brunette who lives in Angola, brought the crown back to Western New York Friday night for the second time in three years.

Miss Condon, 20, will represent this state in the Miss America Pageant at Atlantic City in September.

At this morning's awards breakfast at the Castle Restaurant, Miss Condon was acclaimed anew and received the more tangible fruits of her victory.

Carroll Anstaett, president of the nonprofit corporation that has sponsored the state pageant here for six years, presented certificates representing a $1000 scholarship and wardrobe, jewelry and other awards worth $3500. She also will take home a two-foot-tall trophy with a red crown.

Miss Condon, beaming in the official robe of royal blue and white, made her triumphant inaugural stroll down the Olean Senior High School auditorium runway. To her mother, seated nearby, she threw a kiss and her lips plainly formed the words "I love you."

Seconds before, seated and holding hands with Miss Marie Antoinette Sica, Miss Thousand Islands, who was announced as the first runnerup, Miss Condon's emotions exploded as she realized the title was hers.

"I got it, I made it," she exclaimed.

Katherine Ann Karisrud, the retiring Miss New York, then placed the official tiara on the winner's head and assisted Miss Pamela Eldred, Miss America 1970, in draping the regal robe around the new queen's shoulders.

The winner was among three Western New York representatives who finished in the top five.

The others were Miss Amherst, Michelle Joy Forbes, third runnerup, and Miss Greater Lancaster, Deborah Jane Earsing, fourth runnerup.

Rounding out the quintet of finalists was Miss Rockland County, Georgianna Ellen Dacre, second runnerup.

The other five semi-finalists included Miss Westchester, Elizabeth Bracken, and Miss Cattaraugus County, Deborah Bender, who were both preliminary winners. The others were Miss Syracuse, Peppe Patrone; Miss Rochester, Sharon Anderson, and Miss Oneida, Carol Mudrich.

Miss Condon, is the daughter of Mr. and Mrs. Robert J. Condon, 444 Lakeside Rd., who also have a son, George, 25.

Recalling her 1969 effort as Miss Southern Erie County, the winner commented: "I really worked much harder this time."

Miss Condon praised her mother: "she did so much to help me."

The reigning beauty stands 5 feet 6 inches and weighs 120 pounds, but her other dimensions remain a secret.

It's a scholarship competition, not a beauty contest, a pageant official explained. None of the participants' measurements are disclosed until the Miss America pageant begins in Atlantic City.

It was worth it trying again.

Also coming in for a share of the credit was her vocal "cheering section."

Miss Condon registered a "come from nowhere" victory. She did not win either of the preliminary events Wednesday or Thursday.

"Of course, I'm surprised. I thought I might be the fourth runnerup," she said.

The collegian was first in the talent presentations among the 10 semi-finalists. Wearing purple tights, she performed a gymnastic dance to music from the Broadway show "Applause."

The Miss Congeniality Award was voted by the other 19 contestants to Miss Batavia, Laurie Jean Allen, whose performances were handicapped by the cast that encased her right leg, fractured in a traffic accident a few days after she won her regional title.

By noon today, all 19 contestants, other than the winner, and their friends had departed for home.

Miss Condon remained behind to confer with pageant officials and start her round of wardrobe shopping and other preparations for her forthcoming adventure in Atlantic City.

Although she hopes to dance professionally after her graduation, Miss Condon plans also to work for a master's degree with the hope of entering the federal services in an overseas embassy. One of her specialties is Russian history.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

FRED C. HOBSON

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. MIZELL. Mr. Speaker, I rise at this time to bring to my colleagues' attention the recent announcement that Mr. Fred C. Hobson, who devoted almost 40 years to the improvement of public education, has retired from his position as superintendent of Yadkin County, N.C., schools.

This announcement provoked widespread comment among the thousands of people in and around Yadkin County who have benefited in some way from Mr. Hobson's unselfish career of service.

There has been nothing but praise for his many accomplishments, and an editorial published in a recent edition of the Yadkin Ripple expresses the sentiment that thousands in Yadkin County and North Carolina, and indeed throughout the Nation, all feel for this distinguished gentleman.

I insert at this time the text of this editorial in today's RECORD, and with it, another article from the Ripple outlining his myriad achievements. The articles follow:

WELL-DESERVED TRIBUTE

Friday night was a time of recognition, of commendation, of acclaim and for an outpouring of appreciation for Superintendent of Schools Fred C. Hobson, retiring after 32 years of fruitful service.

Leon F. Thomasson, chairman of the Board of Education, told the story when he read a resolution from the Superintendents of the Northwest District and District 12, North Carolina School Board Association:

"We take pride in the distinguished record of public service of Mr. Hobson, covering more than 40 years of active leadership in the field of public education, his worth having been characterized by efficiency and integrity and typical of the best in public school administration and leadership, and

"Whereas, the schools and the school system he has served stand today as monuments to his endeavors, providing meaningful educational opportunities to thousands of boys and girls. We shall not attempt to enumerate the specific contributions to the profession; however, the innumerable boys and girls and teachers who have been recipients of his guidance and leadership will long testify to his accomplishments, and

"Whereas, he has been an inspiration to the school leadership of North Carolina,

"Now, therefore, be it resolved, that the Division of Superintendents of the Northwest District and District Twelve do pay tribute to Superintendent Fred C. Hobson of the Yadkin County Schools, do recognize that he has brought to us a blueprint of dynamic and effective leadership and accomplishment, do extend to him a permanent welcome in this organization, and wish for him a long and happy life."

The words of Miss Grace Coppedge, supervisor of education, are a fitting tribute: ". . . His warm, sympathetic interest coupled with his sincerity, honesty and tolerance have made him a friend of all who have known and worked with him. Knowledge of Yadkin County . . . enabled him to guide our schools wisely. He has been an inspiration to all who have worked with him. His devotion to his duties and responsibilities have made of him a great educatitonal leader."

And Board of Education member Mary Jo Zachary, after reviewing the progress during his administration, appropriately stated: "all of this program has not been easy but with a deep and abiding faith in education it has been possible. Those who follow you will be most grateful for the firm foundation you have laid—and they shall endeavor to continue to meet the challenge and to provide adequate and proper education for each and every child in Yadkin County."

These tributes to Fred C. Hobson are well deserved, and the Ripple joins with his many friends and admirers in saying "well done" and in wishing him many happy years ahead.

PROGRAM HONORS FRED HOBSON, RETIRING SCHOOL SUPERINTENDENT

The career of retiring Superintendent of Schools Fred C. Hobson was reviewed in interesting detail Friday night in the Boonville school auditorium in a "This Is Your Life" presentation before an audience of several hundred persons.

Boonville school Principal Albert Martin was master of ceremonies for the occasion. Rev. Thomas Howard, Yadkinville Methodist minister, began the event with prayer, and Fall Creek Principal Troy Matthews told of Supt. Hobson being born in 1906 near Petaluma, Calif.

The audience was then told that his parents, Mr. and Mrs. A. B. Hobson, Boonville natives, came back, and how Fred Hobson, at the age of three, "returned to the rectangular complex Nebo, Lightning Cross, Charity and Barney Hill."

His experiences as a driver of the first school bus in the county were reviewed and six persons who rode it were introduced. Eleven of 19 members of his graduating class were then introduced.

R. F. Lowry, now superintendent of schools in Northampton County, and Hobson's roommate as a senior at the university at Chapel Hill, was introduced. In speaking, he said "Due to his leadership, Yadkin County has made wonderful progress. You have here in Fred Hobson a great man we are all going to miss."

After graduating from college, the program reviewed his activities as coach and teacher at Elkin, with Surry Superintendent Sam Gentry praising the job he did. Later, he taught at Lewisville three years, followed by his appointment to the CCC program as educational director, and later his marriage to Miriam Tuttle at Belmont.

At this point, their three children were introduced, Fred Hobson Jr., working on his Ph. D. degree at Durham; Jane Hobson, librarian at Georgia State University, Atlanta, Ga.; and Alice, now Mrs. Ambrose Dudley of Barrington, Rhode Island. All of his ten brothers and sisters were next introduced.

G. C. Wallace, chairman of the Board of Education for 14 years, Arnie Shore, and O. E. Boles, members who served with Hobson, were introduced, together with the present Board, Leon Thomasson, Mary Jo Zachary, Odell Groce, Bill Poindexter, Dr. John Conoway, Edward M. Speas and Jimmie R. Hutchens. Mr. Thomasson, chairman, and Mrs. Zachary both read a resolution in commendation of his services.

Marie Haigwood, now assistant to the superintendent, State Department of Public Instruction, was introduced, and praised Hobson for "quietly determiningly, serving

as a man of vision. He has not wavered or compromised. He set high goals for himself and the community. He is a master teacher with an open mind who has worked diligently for this county."

Calvin Wright, West Yadkin Principal, sang an original farewell song, and Reece Shugart, Jonesville principal, presented a resolution of teachers from the Yadkin Council Unit, N.C. Education Association.

At this point Mrs. Edith Davis presented Mr. Hobson with a 63-page book which she and Glenn Miller wrote and compiled on his life and activities, followed by Grace Coppedge and Edward Lakey who both spoke.

Bruce Matthews, Courtney principal, then announced that out of love, respect, and appreciation, friends had purchased a new Pontiac automobile for Mr. Hobson and had enough money left to also give him a check for $1,000.

A reception followed in the school gymnasium.

PRESIDENT NIXON HAS MADE GOOD CIVIL RIGHTS RECORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. McCLORY. Mr. Speaker, this morning's edition of the Washington Post carried an article by Robert C. Maynard, Washington Post staff writer, entitled, "Six Top Black Officials Defend Nixon's Record."

As a member of the House Judiciary Subcommittee which has been hearing testimony on Civil Rights Oversight I have been struck by the apparent attempts of many so-called "white liberals" to discredit the record of the Nixon administration in the area of civil rights. While I do not question the altruism of those who, in their sincere desire to eradicate racial bias, emphasize only the prevailing shortcomings of our present system, I am totally nonplussed by the failure of these same people to note with some satisfaction the progress which has been made over the years—regardless of the party label which may be attached to the administration making such progress.

Mr. Speaker, the six Government officials who recently spoke out to defend President Nixon's record in the area of civil rights will, I am sorry to predict, have to suffer the results of their remarks. It is not popular to suggest that the Federal Government under a Republican President has built a record which exceeds that of any previous administration in the area of prosecuting employment bias cases.

Mr. Speaker, these six high-ranking Government officials have not been "trotted out" as yes-men for the administration. Indeed, their remarks are not entirely favorable toward every aspect of administration actions over the past 2½ years. What they do contribute is a sense of balance and a willingness to speak out where others have intoned the familiar epithets and slogans calculated to arouse feelings of distrust and enmity toward the President and his administration.

Mr. Speaker, it is my opinion that we can never move fast enough to guarantee equality of rights under the law for those who should have had such opportunities from the inception of our great Republic. The same rationale which causes me to support an equal rights amendment to the Constitution with respect to women's rights causes me to demand that the Civil Rights Act of 1964—and all subsequent legislation—be enforced in accordance with both the spirit and the letter of the law. And while I do not for a moment suggest that we ever rest on our laurels, I utterly fail to see what fairness there is in denying blacks the opportunity to breathe the sweet smell of success when, through their untiring and dignified efforts, they—not paternalistic white liberals—overcome one hurdle after another in their quest for full and complete social, political, and economic justice.

Therefore, Mr. Speaker, I welcome the remarks made by six Government officials to the effect that President Nixon's record is commendable, and I urge my colleagues to read the article which follows:

[From the Washington Post, July 26, 1971]

SIX TOP BLACK OFFICIALS DEFEND NIXON'S RECORD

(By Robert C. Maynard)

DETROIT, July 25.—A half dozen of the top blacks in the Nixon administration, including two who served the previous administration, declared tonight that the interests of black Americans are being better served now than in the past.

They attributed the negative reaction of blacks to the administration to two key factors—"a matter of style" and a bad press for Mr. Nixon's civil rights efforts.

They conceded that the Justice Department has not always helped their cause and winced at a mention of Vice President Agnew. But they insisted that, on balance, the Nixon administration is doing well in most areas—and better in a few—than previous administrations.

The views were expressed by Samuel C. Jackson, assistant secretary of housing and urban development, Arthur Fletcher, assistant secretary of labor; William H. Brown III, chairman of the Equal Employment Opportunity Commission; Robert Brown, special assistant to the President; Joe Simon, associate director of the Action Corps (successor to the Peace Corps and VISTA), and Stanley Scott, an assistant to Herbert G. Klein, Mr. Nixon's director of communications.

They presented their case in an unusual 2½-hour talk with journalists arranged by Scott.

"Under this administration there is a willingness of superiors to accept the opinion of black people in making policy," said Jackson. Under the previous administration, he said "the brilliant white liberals thought they knew it all."

To a man, the black officials maintained that the central difference between Mr. Nixon's approach to black problems and that of the Kennedy-Johnson administrations is one of style.

Presidents Kennedy and Johnson, they argued, frequently articulated the demands of the civil rights movement, as in the case of Mr. Johnson invoking the words "we shall overcome" in introducing the voting rights bill of 1965.

"I would be the first to acknowledge," Jackson said, "that the style of this administration is completely different, but the results are far more complete."

He was asked to square that statement with the nominations for the Supreme Court of Clement F. Haynsworth and Harrold G. Carswell. "I am not even going to try," Jackson responded, adding that "on balance" the Justice Department has done a good job of civil rights enforcement.

As for Vice President Agnew's reference to black leaders as "querulous," one of the black officials said, "It pained me . . . just when we are beginning to get our message across."

In getting that message across, the black Republicans maintained that they are having a hard time because they cannot get on television to tell their story.

Scott said that he tried to arrange for essentially the same group of blacks to appear on a major talk show, but that none would have them.

The story they say they want to tell is one of progress in enforcing laws against discrimination in employment and housing. Fletcher said, for example, that the Justice Department has filed and won 90 employment bias cases, a record he says exceeds that of any previous administration.

"As far as I am concerned," said William Brown, "even though we have made some inroads, the situation hasn't changed much since 1964. It's not happening fast enough, for me. We haven't done enough, but we have done more than any previous administration."

Brown and Jackson were members of the Equal Employment Opportunity Commission during the Johnson administration.

The black officials are here to address the National Urban League's annual convention that opened today.

Earlier in the day, an Urban League official warned that whites might turn to "massive repression" against blacks.

Harold Sims, acting director of the league since the death of Whitney M. Young Jr. last March 11, said he fears the frustrations whites are feeling over international and national problems.

"There is a danger," he told a news conference, "that they will continue to blame the victims . . . like in Nazi Germany," rather than work on solutions to the problems that face both blacks and whites in America today.

MINIMUM WAGE LEGISLATION AND PROTECTION OF HOUSEHOLD EMPLOYEES

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. FAUNTROY. Mr. Speaker, I am today introducing legislation that in several significant ways would improve and strengthen the minimum wage law of the District of Columbia. This legislation, prepared and submitted by the District government, proposes action on several different fronts to improve the lot of the working men and women in the District of Columbia.

First of all, this measure would increase the statutory minimum wage from the existing level of $1.60 per hour to $2 immediately and $2.25 after 1 year. The $1.60 per hour minimum was established in 1966 legislation and went into

effect in 1969. This is but a small step toward providing local workers with adequate incomes. Even with the increases proposed by this legislation, a worker toiling 40 hours a week for 52 weeks will only earn $4,160 a year, roughly equivalent to Federal poverty standards.

This bill will establish a floor upon which future gains can be built. Under existing law, the Minimum Wage Board has the authority, after investigations and hearings, to raise the minimum wage on an occupation-by-occupation basis, but the wage cannot be lower than the statutory floor. Using these procedures, the Board has established rates for many District employees that range up to the new $2.25 minimum proposed by this legislation. But the proposed legislation would give the board the basis for increasing the minimum salary of those now making less than $2.25 an hour and also of further increasing the hourly rate of those now earning more than the $2.25 floor that would ultimately be established.

Second, the bill would revise existing overtime standards by requiring that overtime be paid to employees working more than 8 hours in any one day. Under existing law, employees can be required to work more than 8 hours a day without receiving overtime compensation. Overtime is due only after the employee works more than 40 hours in a week. Under the legislation I am introducing today, an employee would be entitled to time and one-half for more than 8 hours work in a day, as well as for over 40 hours in a given week.

Finally, and perhaps most important of all, this legislation would bring the long suffering household worker under the protection of the District's Minimum Wage Act. There are few, if any, groups in this Nation who must endure such poor working conditions for such low pay. Nationally, there are between 1.5 and 3 million household workers, and in the District, an estimated 15,000. The vast majority receive no protection at all from legislation designed to provide minimum wage and safety standards because they are exempt from the Federal Fair Labor Standards Act and, in most cases, from similar State and local legislation. Only New York, Massachusetts, and Wisconsin cover household employees within the reach of minimum wage standards.

Household workers come from the most oppressed, unrepresented, and underorganized segments of our society. According to recent studies, two-thirds of household employees are black, and 98 percent are women. They have an average age of 46, and in 1968, earned an average yearly salary of $1,523. Beyond their failure to receive basic minimum wage protection, household workers are denied other fundamental rights that employees in other occupations have long taken for granted. Most employers of household employees virtually ignore social security legislation, and household employees rarely receive paid vacations, sick leave, or health insurance.

The legislation I am introducing today is one small step that holds out large symbolic importance as well as the promise of immediate and financial gain for the household worker. The bill would provide the household worker, as is true of other workers, a $2.25 minimum wage, within a year, and additional sums in overtime compensation. The Minimum Wage Board would be empowered to take into account future cost-of-living increases to order future wage hikes. Ultimately, what is most important about this legislation is that it would enact into law a public concern for the just grievances of household workers who have been ignored so long, and it would give legal recognition to the legitimacy of their claims for economic justice.

Until recently, household workers had no strong advocate, no instrument for organization that could dramatize their plight and exercise power to effect change. With the establishment of the National Committee on Household Employment and the emergence of local and national organizations to push the demands of the household worker, there is real hope for change. But the path is long and much more must be done. I, for one, will be working closely with these organizations not only to see that the legislation I am introducing today is enacted into law, but also to achieve for the household worker the basic employee rights enjoyed by other American workers.

The District government's letter of transmittal to the Speaker follows:

WASHINGTON, D.C., *February 1, 1971.*

The Honorable, the SPEAKER,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The Commissioner of the District of Columbia has the honor to submit herewith for the consideration of the 92nd Congress a draft bill "To Amend the District of Columbia Minimum Wage Act to extend minimum wage and overtime compensation protection to additional employees, to raise the minimum wage, to improve standards of overtime compensation protection, to provide improved means of enforcement, and for other purposes."

The Commissioner is of the view that all employed persons are entitled to wages sufficient to provide adequate maintenance and to protect health. According to the Congressional finding and declaration of policy, as stated in section 1 of the District of Columbia Minimum Wage Act, employment at insufficient wages—

". . . impairs the health, efficiency, and well-being of the persons so employed, . . . reduces the purchasing power of employees, and requires, in many instances, that their wages be supplemented by the payment of public monies for relief or other public and private assistance. Employment of persons at these insufficient rates of pay threatens the health and well-being of the people of the District of Columbia and injures the overall economy."

The Commissioner believes that realization of this announced goal of employment of persons at sufficient rates of pay to maintain the health and well-being of the people of the District of Columbia can be greatly aided by extension of minimum wage and overtime compensation protection to additional employees, by raising the minimum wage to provide a statutory minimum wage sufficient to achieve the level necessary to provide adequate maintenance and to protect the health of employees, and by improving the standards and enforcement of overtime compensation protection.

The bill therefore would increase the statutory minimum wage rate to $2.00 an hour for the year beginning sixty days after its enactment, and to $2.25 an hour thereafter, and require overtime compensation at one and one-half the employee's regular rate of pay for employment in excess of eight hours a day.

The bill authorizes the establishment of a special trust account in which will be deposited all unpaid wages recovered from employers for payment to the employees in whose behalf they were collected. Undistributed funds will become available, after being retained in the account for a period of three years, for payment to employees who were paid less than the require minimum wage.

Further, the bill would extend the minimum wage and overtime compensation coverage of the District of Columbia Minimum Wage Act to persons employed in domestic service or other employment in or about the residence of any employer. In connection with extending the coverage of the District of Columbia Minimum Wage Act to such employees, the bill would also relieve employers of employees in domestic service from various administrative requirements of the law.

Additionally, the bill would eliminate sections in the current law which are outdated and, therefore, no longer applicable, as well as provide for the revision of existing wage orders to provide for the payment of the statutory minimum wage and overtime compensation requirements.

The bill would also provide for injunctive proceedings to restrain any delay in the payment of unpaid minimum wages or unpaid overtime compensation or unpaid compensation for split shifts, excessive spread of hours, uniforms, tools, travel, and other items of expenses incurred by an employee as a condition of employment.

Finally, the bill would conform the District of Columbia Minimum Wage Act to Reorganization Plan No. 3 of 1967.

One of the objectives of the proposed legislation is to provide a statutory minimum wage which is sufficient to provide adequate maintenance and to protect the health of employees. It is believed that the interim rate will alleviate some of the impact the new minimum wage may have on employers. The existing statutory minimum wage of $1.60, established in 1966 to be effective February 1, 1969 by graduated steps, is no longer adequate to accomplish the stated policy of the District of Columbia Minimum Wage Act which is: "to correct and as rapidly as practicable to eliminate" wages insufficient to provide adequate maintenance and to protect the health and well-being of the people of the District of Columbia. The 1966 amendments to the Minimum Wage Law of 1918 provided, among other things, a statutory minimum wage and retained the procedure of revising the statutory rate administratively, occupation by occupation, after investigatory surveys, appointment of advisory committees, hearings, publications, and other actions had taken place. Revisions have been made by this procedure for two of the eight occupational classifications—the retail trade occupation and the laundry and dry cleaning occupation.

These revisions cover 17% of the employees covered by law. An increase in the statutory minimum wage by Congressional action will provide for all workers at the same time a wage sufficient to provide adequate maintenance instead of relying solely on the slow procedure of revising minimum wage orders one occupation at a time. The wage revision procedure is a necessary adjunct to a statutory minimum wage law but when the cost of living increases rapidly each year, it becomes

necessary to change the statutory minimum wage in order to accomplish the purposes of the law. Based on a cost-of-living budget prepared by the Minimum Wage Board, it is estimated that an employed person living alone in the District of Columbia as of August, 1970, needs $91.16 a week (or $2.28 an hour for a 40-hour week) in order to maintain a living standard which is sufficient to provide minimum adequate maintenance and to protect health.

Another objective of the proposal is to eliminate long workdays and spread employment opportunities by requiring compensation of time and one-half the employee's regular rate of pay for hours worked in excess of the standard eight-hour day. Although existing law requires overtime compensation for employment in excess of 40 hours a week, it does not require the payment of premium pay for hours worked in excess of eight per day. Accordingly, an employee may work more than eight hours for several days a week but will not receive overtime pay if the hours worked during such week do not total more than forty. The requirement that a premium rate be paid for employment in excess of eight hours a day should provide some protection against excessively long workdays, especially with respect to female employees.

Approximately 15,000 persons employed in domestic service in the District of Columbia receive no minimum wage and overtime compensation benefits because they are not covered by either the Federal or the District law nor are they represented by unions. The Commissioner believes that extension of coverage under the District of Columbia Minimum Wage Act to household workers would constitute a formidable weapon in the war against poverty by providing some economic security to a group of workers whose wages have historically been extremely low. The bill, therefore, would extend the minimum wage and overtime compensation coverage of the Act to persons employed in domestic service or other employment in or about the residence of an employer.

In connection with extending the coverage of the District of Columbia Minimum Wage Act to employees employed in domestic service or other employment in or about the residence of the employer, the bill provides that the employers of such persons need not comply with various administrative requirements of the Act to the same extent as the employers of persons employed in a place of business. A new section 15, which the bill would add to the Act, specifies that the authority to enter and inspect places of employment, as provided by section 5(a) of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36–405(2)), shall not apply to the place of employment of a person employed in domestic service or other employment in or about the residence of the employer. Such section 15 also relieves employers of employees in domestic service from the provisions of section 11 of the Act (D.C. Code, sec. 36–411), requiring an employer to furnish his employee with an itemized wage statement at the time of wage payment, and to keep detailed records which are to be available for inspection by the Commissioner or his authorized representative. With respect to recordkeeping, section 15 requires only that the employer of such domestic employees "shall maintain such minimum records as the Council may prescribe by regulation as necessary or appropriate for the enforcement of the provisions of this Act or of the regulations or orders issued thereunder". The employer of any such employee, furthermore, is relieved of the posting requirements of section 12 of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36–412), as well as from the prohibited acts detailed by section 13 (D.C. Code, sec. 36–413) and the penalties provided in section 14 (D.C. Code, sec. 36–414).

Another objective of the proposal is to eliminate the delay in restoring to employees the unpaid wages due them by providing injunctive relief. Very often the statute of limitations has run before the employees bring action to recover wages due and in many instances the employees are hesistant to take action to collect wages. The proposed injunction proceedings would not require active employee participation.

In the belief that the attached draft bill will be of benefit to a considerable number of persons employed in the District of Columbia and will better accomplish the purposes of the District of Columbia Minimum Wage Act, the Commission strongly urges its enactment. The District of Columbia Council has expressed its support for this legislation.

Sincerely yours,

GRAHAM W. WATT,
Assistant to the Commissioner
(For Walter E. Washington, Commissioner.)

THE LOAN BOONDOGGLE

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. GONZALEZ. Mr. Speaker, a few days from now the House will consider H.R. 8432. We are going to be told that this is a bill to save Lockheed. But the truth is that this bill provides for eight times the risk called for in the original Lockheed bill, and not half the protection to the taxpayer. This bill is not the Lockheed bill; it is a great boondoggle to create a general industrial relief fund.

We have had no hearings to consider the concept of this legislation. We do not have any idea what it does or what risks it entails. This is needless legislation, for it does far more than necessary. It is irresponsible legislation, for it has had no serious consideration. There is no need for this unseemly haste. We are setting a terrible precedent in this bill, and we ought to act with caution.

Mr. Speaker, I include in the RECORD at this point a copy of the views I have filed with the Committee on Banking and Currency concerning this unwise, needless and foolish legislation. I believe that we can save Lockheed, and that we should, but not at the expense and risk proposed in H.R. 8432.

The material follows:

DISSENTING VIEWS OF HENRY B. GONZALEZ

I am opposed to H.R. 8432.

This bill was originally intended to establish loan guarantees for one corporation. It has been made into a two billion dollar industrial slush fund that exposes the taxpayers to a risk eight times as great as envisioned in the original bill, without even the same protection provided for originally.

The bill reported by the Committee is a completely different conception from the bill that we had hearings on. Neither the House nor the Senate had any hearings on the concept contained in H.R. 8432. No one knows precisely what this bill means and no one knows what its consequences might be.

It is irresponsible to adopt a bill that has had no hearings. It is inexcusable to expose the government and taxpayers to the loss of two billion dollars without at least some attempt to determine the need to undertake such drastic action and without some effort to provide minimal protection to the public. Yet adoption of H.R. 8432 would do exactly that.

Urgent though the needs of Lockheed may be, that is no reason for us to be stampeded into adopting the language of the Senate bill. That language had no more consideration in the hearing record of the other body than it had here. We are being urged to adopt the first thing we see regardless of whether it will do the job intended or not. It is possible to save Lockheed and protect the public at the same time—but not by adopting this bill.

I cannot vote for a bill that has had no serious consideration. I cannot vote for a bill that exposes the public to huge risks, without having heard any evidence of some need to do this. I cannot vote for a bill that no one asked for, no one testified for, no one wants and no one really needs. H.R. 8432 as reported is an irresponsible, inexcusable folly.

I believe that we can save Lockheed and protect the public interest at the same time. H.R. 8432 entails needless, senseless risks. It is far too broad for the required and desirable rescue of a single corporation and it is inadequate for the task of saving even a fraction of all corporations that might want to make use of the two billion dollars that would be available. If we are going to rescue one company, let us do that. If we are going to rescue all companies, let us do that. This bill does neither, and at the same time sets an impossibly bad precedent by creating a risk that will know no end, without providing for any protection at all to the taxpayers who will foot the bill.

PUERTO RICAN CONSTITUTION DAY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. BADILLO. Mr. Speaker, 19 years ago yesterday—on July 25, 1952—the Commonwealth of Puerto Rico was officially proclaimed and the constitution drafted by the people of Puerto Rico became effective. Under this historic document the Governor, senators, and representatives of the island were to be elected by popular vote and some degree of self-government was finally granted. This historic event marked the successful culmination of the struggle launched in the late 19th century by the great Puerto Rican patriot, Luis Munoz Rivera, and carried on by his son, Luis Munoz Marin.

I am proud of the many fine achieve- Rican patriot, Luis Munoz Rivera, and the many and varied contributions they have made to our national life— in the arts, education, sciences, medicine, and sports.

This would also be an appropriate time to examine carefully our current relationship with Puerto Rico and to dedicate ourselves to working for full equality for Puerto Ricans, whether on the mainland or on the island. As I have observed on past occasions, Puerto Ricans have been treated as second-class citizens long enough and the time has come when we must stop being short-changed. We must be treated on the same basis

as all other American citizens and must be permitted to fully participate in and to benefit from Federal programs to the same extent as all other Americans.

Although we have been confronted with enormous obstacles and handicaps, our goals and aspirations are no greater than those of other ethnic and nationality groups. Puerto Ricans seek economic security and independence; full access to our educational, social and political institutions; and the enjoyment of human rights and freedoms. We desire to stand on an equal basis with other ethnic groups and to actively participate in the progress of this country. However, until the island and mainland Puerto Ricans achieve their full and fair share of Federal aid and are assisted and encouraged to the fullest possible extent, this goal will not be achieved. The Congress bears a special responsibility and must take the initiative in bringing equity to the treatment of Puerto Rico and to our fellow citizens on the island and mainland. There is no sound reason why Puerto Rico should not be treated the same as one of the 50 States and I again urge our colleagues to make certain that Puerto Rico is included and equitably treated in every piece of legislation which we consider.

I am deeply proud of my homeland and the progress which has been made over the past several decades. However, there is a great, untapped resource in the people and land of Puerto Rico and we must take all possible efforts to encourage and develop it. This potential must not be allowed to wither and die and we should promote meaningful and effective programs to help Puerto Rico achieve its destiny.

EMERGENCY PAY PHONE NUMBERS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. BIAGGI. Mr. Speaker, there are several bills being discussed in Congress that would provide for emergency numbers to report fires or contact the police. One such number, 911, has been in experimental use in several areas of the country.

I am including at this point in the RECORD a reasoned discussion of the use of these numbers in large cities such as New York. I hope my colleagues will benefit from the information contained therein:

SEPARATE FIRE EMERGENCY PHONE NUMBER FOR USE IN LARGE URBAN CITIES—DOUBLE O

Several Members of Congress have proposed various bills to provide grants to state and local communities who are seeking to establish regional 911 emergency communication centers.

While the idea is good, there are disadvantages to these proposals that would affect the operations of the Fire Departments in large urban cities. 911 works in the smaller communities simply because they are small. There can be no comparison between the emergencies or the problems encountered in a large urban city and those found in a small rural city or community.

In the large urban cities (over 1,000,000 population) the use of 911 as a fire reporting media is not feasible. The Police Department will be given the added responsibility of answering fire emergency phone calls and then referring the caller or the information to the Fire Dep't Dispatcher. In some cases, the Police complaint operator may either dispatch a radio car to see if the Fire Dep't is required or may decide that the call is not warranted and terminate it.

The inclusion of fire related calls to the already heavy police volume would overload the system so badly that 911 calls would be answered in minutes and not in seconds. This is one reason that the major cities never adopted 911. New York City, with well over 20,000 calls a day, has found this out. When the city is quiet, 911 works fairly well. During the peak traffic hours or unusual conditions (July 4th, other major holidays, major accidents or emergencies, civil disorders, open hydrant time, multiple fires, etc.) it becomes almost impossible to get through to 911. Calls stack up to a point where the system collapses due to the impossibility of calls being answered. Busy signals are common during this period or even no answer at all. Many calls are repetitious and greatly contribute to the backlog.

In February, 1971, the New York City Fire and Police Depts decided that once again the Fire Alarm Dispatcher would interrogate the fire caller while the 911 operator would listen in. This proved that a delay in time, wrong information, etc., took place when the caller phoned 911. In June, 1971, the Police Dep't issued a directive which confirmed the above statement. They admitted, that due to the high volume of calls received at 911, the response to emergency incidents has been seriously impaired. In one peak day, the Police received 40,000 calls. Frequently during peak hours, there are as many as 1800 calls per hour. This same directive also states that calls of a non-emergency nature (auto accidents, open hydrants, dis-orderly children, water leaks, etc.) should be referred to the local precinct and not to 911. The caller must now know what precinct he lives in or works in and another phone number for him to remember. He must also decide what is and what isn't an emergency call.

The American Insurance Association (formerly the National Board of Fire Underwriters) in its Special Interest Bulletin No. 322 on 911 comments that many calls to the Police are for an action already completed, such as a robbery or traffic accident, or for an action which does not demand immediate attention. Some calls require information only or need further information or investigation. They further state that since a fire call is an emergency in progress, it is evident that such calls be handled at once and therefore suggest that the operators be Fire Alarm Dispatchers. The relaying of the message or transferring the call from a 911 center to a Fire Alarm center increases the possibility of delay, error, confusion, and even the loss of the call. This is not a desirable operating procedure.

It can readily be seen that such backlogs and busy signals can cause serious delays in the response of fire apparatus to the point where the fire develops into a catastrophe.

For these reasons I am proposing that the major cities, including New York City, have a separate telephone number for fires and related emergencies. The number should be one that is easily remembered, simple to use and readily found on the telephone dial. The only available number which fits these qualifications is:

O-O—DOUBLE O

The use of O-O as a fire reporting number is workable and desirable. The telephone company has already installed equipment in most cities (or shortly will) to permit implementation of this code with minimum costs. The procedure is simple. When you now dial O (for operator) a holding circuit comes onto the line and waits 4 to 7 seconds for additional digits. If none are received, the call is routed to the local operator. If any additional digits are received within the holding time, the call would be routed through a special switching circuit known as TSPS. The purpose of this is to permit direct dialing of person and collect calls.

Under my proposal, when you dial O-O to report a fire emergency, this call would be received at the telephone central office where it would be translated into machine switching language. Then, it would be forwarded, via TSPS, to the Fire Alarm center. This eliminates the middle person.

Originally, the Double Zero concept was for a call to terminate with the operator on a special line. The operator, in turn, would have connected the caller to the proper department or agency.

The reason that I am familiar with the problem is that I am a Supervising Fire Alarm Dispatcher in the New York City Fire Department. Therefore, I respectfully request that Members of Congress who have proposals for 911 communication facilities and who represent large urban cities, consider the need of a separate fire emergency telephone number for the Fire Department in their community.

GENERAL ACCOUNTING OFFICE SUMMARY REPORT

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. BROOKS. Mr. Speaker, section 234 of the Legislative Reorganization Act of 1970 directs the Comptroller General of the United States to prepare and send to Congress monthly, a brief summary of all reports of the General Accounting Office containing its recommendations.

I call to your attention the very informative record of reports issued and released by the Comptroller General Elmer Staats in June 1971 which all Members have received individually.

Any report on this list which may be of interest to any Member of Congress is readily available upon his request.

To insure that this information is easily accessible to my colleagues, I ask that this helpful item be placed in the RECORD.

COMPTROLLER GENERAL
OF THE UNITED STATES,
July 6, 1971.

The President of the Senate and The Speaker of the House of Representatives

Public Law 91-510, the Legislative Reorganization Act of 1970, directs the Comptroller General, in Section 234, to prepare and transmit each month to the Congress, its committees, and Members a list of reports of the General Accounting Office of the previous month.

Reports issued or released in June 1971 are listed on the attachment.

Part I includes reports to the Congress, its committees and Members under the classifications of the Federal budget.

Part II identifies reports issued to the heads of departments and agencies. These reports contain findings and recommendations of concern chiefly to these officials and normally are not distributed to the Congress except on request.

The title of each report, file number, date of issuance and agencies reviewed or affected are provided.

Copies may be obtained from GAO's Report Distribution Section, Room 6417. Telephone: code 129–3784 or 386–3784.

ELMER B. STAATS,
Comptroller General of the United States.

I. REPORTS TO CONGRESS, COMMITTEES, OR MEMBERS

COMMERCE AND TRANSPORTATION

Improvements needed in management of highway safety rest area program. Federal Highway Administration, Department of Transportation. B–164497(3) of June 2.

This review in eight States of the safety rest program of the Federal Highway Administration showed that although the Administration has issued guidelines for the States to use in selecting sites for safety rest areas, it has not required the States to construct rest areas first where most needed.

The review said the States has constructed rest areas close to developed areas even though these facilities generally were not available along stretches of highway. The report said the Administration should require that rest areas be built first where comfort and convenience facilities are not otherwise available.

Audit of the Export-Import Bank of the United States—Fiscal year 1970. B–114823 of June 21.

The financial statements—except for the method of classifying certificates of beneficial interest—(a financing device) present fairly Eximbank's financial position as of June 30, 1970, and the results of its operations and source and application of its funds for the year. GAO believes that these instruments should be considered as borrowing rather than as sales of assets, as Eximbank clasified them. The report also provides information about Eximbank's borrowing on the private market at substantially increased interest costs when compared to borrowing from the Treasury.

COMMUNITY DEVELOPMENT AND HOUSING

Examination of financial statements of the Government National Mortgage Association for fiscal year 1970. Department of Housing and Urban Development. B–114828 of June 14.

The financial statements present fairly the financial position of the Government National Mortgage Association at June 30, 1970, the results of its operation and the sources and application of its funds for the year. The report provides additional information considered necessary to keep the Congress informed of the operations and financial conditions of the Government National Mortgage Association and the trusts.

Controls needed over the leasing of land acquired under the open-space land program. Department of Housing and Urban Development. B–168174 of June 16.

Under the Open-Space Land Program, Federal grants are provided to States and local public bodies or grantees to acquire and/or develop land to help curb urban sprawl; to assist in preventing the spread of urban blight; to encourage economic urban development; to provide parks and recreational areas; and to preserve conservation, scenic, and historic land areas.

GAO noted that some grantees were not complying with the provisions of the open-space contracts relating to the leasing of open-space land and had engaged in such activities without obtaining prior HUD approval. GAO believes that the actions taken or planned by HUD, to correct this situation, if fully implemented, should result in improved administration of the Open-Space Land Program.

GENERAL GOVERNMENT

Potential savings by replacing government-owned sedans each year. General Service Administration. B–158712 of June 9.

GAO recommends that GSA's sedans be replaced each year to save the Government an estimated $5.1 annually. Maintenance, repair, and tire costs are lowest during the first year of ownership, and the discount obtained by the Government when it purchases sedans substantially offsets the first year depreciation factor. Station wagons and light trucks are purchased and operated under conditions similar to sedans; replacing them each year should also produce substantial savings. Department of Defense vehicles are not subject to GSA replacement standards, but GAO's findings may have application in DoD as well.

Opportunities to improve the redistribution of the Federal Government's excess automatic data processing equipment. B–115369 of June 15.

This report contains no recommendations requiring legislative action by the Congress. It does contain information on weaknesses in the use of the Government's excess ADP equipment and suggestions for correction or improvement. The information should be of assistance to committees and individual Members of the Congress in connection with their legislative and oversight responsibilities relating to the utilization of the Government's excess ADP equipment.

Progress being made and difficulties being encountered by credit unions serving low-income persons. Office of Economic Opportunity. B–164031(4) of June 17.

GAO reviewed the activities of eight credit unions—six federally chartered and two State chartered—to evaluate; (1) progress made by the OEO-financed credit unions in becoming self-supporting, (2) benefits provided to low-income participants of the OEO credit union program, and (3) results of financial operation of OEO-financed credit unions. GAO recommended that the Director OEO take two steps:

Require each credit union to develop a plan showing its current financial status; its annual projections of expenses, income, and growth; and a target date for becoming self-supporting.

Provide guidance and assistance to credit unions experiencing difficulties in attaining established goals and encourage them to reduce expenses whenever possible.

Acquisition and use of software products for automatic data processing systems in the Federal Government. B–115369 of June 30.

This report contains a description and analysis of numerous management problems pertaining to the annual expenditure of between $2,000,000,000 and $3,000,000,000 by the Government for computer software products together with recommendations to executive branch agencies for strengthening management practices. The report suggests that the Congress explore these matters with the executive branch for the purpose of obtaining improvements in the Government operations in this area.

HEALTH

Problems in implementation of the Federal Coal Mine Health and Safety Act of 1969. Bureau of Mines, Department of the Interior. B–170686 of May 13, 1971; released by the Senate Subcommittee on Labor and Public Welfare, June 1, 1971.

At two Bureau of Mines administrative districts, the Bureau had made about 31 percent of the required safety inspections and about 1 percent of the required health inspections through December 31, 1970. Bureau inspectors cited mine operators for violations and required that they be corrected. Subsequent inspections of the same mines showed numerous new violations often of the same types. The situation is attributable, at least in part, to the fact that the Bureau's enforcement practices have not been as effective in inducing the operators of the mines to comply with the new act. These practices have been, in the words of the report, "at times, extremely lenient, confusing, uncertain, and inequitable." GAO expressed belief that the mine operators have had sufficient time to become familiar with all the requirements of the act. The report included a number of proposals designed to improve the situation; all but one of these were accepted by the Secretary of the Interior.

Opportunities for improving the neighborhood health services program for the poor administered by St. Luke's Hospital Center, New York City. Office of Economic Opportunity. B–130515 of June 15.

Certain improvements are needed if the project is to fully achieve the objectives of the Comprehensive Health Services Program—to overcome the shortcomings of the existing health care system for the poor. The existing system, measured against OEO guidelines, offers services widely recognized to be "insufficient and often inaccessible, impersonal, fragmented, lacking in continuity, and of poor quality."

Lengthy delays in settling the costs of health services furnished under medicare. Social Security Administration, Department of Health, Education, and Welfare. B–164031(4) of June 23.

This report is being sent to the Congress because of its interest in the problems which have occurred in the Medicare program relating to the reimbursement of costs incurred by the participating institutions.

Because of the lengthy delays by fiscal intermediaries in completing the settlement process, billions of dollars of Medicare funds paid out on the basis of estimated cost of services long since incurred have not been afforded an appropriate final accounting or a timely review by the intermediaries and the Federal Government.

There were delays in every step of the settlement process, from the preparation of cost reports by hospitals, through the audit of the cost reports by intermediaries, to the final settlement or agreement with hospitals concerning their actual and reasonable Medicare costs to be reimbursed under the program.

INTERNATIONAL AFFAIRS AND FINANCE

Economic advantages of using American ingredients to satisfy milk requirements in Western Europe. Department of Defense, Department of Agriculture. B–172539 of June 3.

GAO believes that this report is of timely importance and interest to the Congress because it presents a way in which U.S. agricultural surpluses can be used, the economic burden of stationing U.S. troops in Europe can be reduced, and savings by the Government can be realized.

NATIONAL DEFENSE

Problems of the deep submergence rescue vehicle program show need for improvement in management control, Department of the Navy, B–167325 of June 3.

A February 1970 GAO report on the Deep Submergence Rescue Vehicle indicated that the increased effectiveness to be obtained from producing four vehicles (in addition to two already on order (would be small in relation to their cost of purchase and operation. In December 1970 the Navy decided to confine the program to two rescue vehicles rather than six vehicles as planned. GAO's

report also noted increases in the program's cost and development time. Accordingly, a second review was made to determine the causes. This report points out opportunities, through tightened management control, to limit increases in cost and development time.

Premature production of the antisubmarine warfare directional low-frequency analysis and recording system. Department of the Navy. B–160877 of June 4. (This is an unclassified digest of a classified report.)

The Directional Low Frequency Analysis and Recording System (DIFAR) is regarded as critical to the proper operation of the Navy's latest techniques of antisubmarine warfare. The Navy awarded contracts in April 1968 for the production of DIFAR before satisfactory testing of the system, even though evidence was available that DIFAR would not meet requirements acceptably. This decision increased significantly the risk of receiving unreliable and unsatisfactory equipment and the likelihood of higher costs.

Determining Army major equipment needs—Problems and suggestions for improvements. B–163074 of June 8.

The Army relies on two computerized systems for information as to (1) its needs for major equipment—aircraft, combat vehicles, tactical and support vehicles, communications and electronic equipment, missiles, and weapons; and, (2) equipment of these same types already on hand. GAO tested the accuracy of the two systems, since information from each must be dependable for the Army to prepare accurate and timely budgets and procurement requests. Significant weaknesses existed in both systems. As a result of inadequate data, the validity of fiscal 1970 budget and procurement actions was highly questionable. Unless there is significant improvement, equipment imbalances may affect seriously the Army's ability to perform its mission effectively.

II. REPORTS TO HEADS OF DEPARTMENTS AND AGENCIES

Objective measurement and evaluation needed of foreign aid projects. (To the Secretary of State.) B–161882 of June 14.

Based on four recent reviews involving U.S. aid programs in Latin America, GAO believes that objectives and goals should be stated in such a manner that the results can be measured.

Opportunities to improve administration of the research program at the National Radio Astronomy Observatory. (To the Director, National Science Foundation.) B–133338 of June 15.

GAO made several recommendations designed to improve the system for allocating telescope observing time and for evaluating levels of research efforts.

Possible increase in export sales of surplus nonfat dry milk. (To the Secretary of Agriculture.) B–114824 of June 16.

A significant increase in sales of nonfat dry milk is possible if the Department were to modify its present restrictive procedures in order to accept all reasonable bids, and reduce prices as necessary to meet foreign competition.

Activities managed by Community Action Migrant Program, Inc., Fort Lauderdale, Florida. (To the Director, Office of Economic Opportunity.) B–130515 of June 16.

The program, in selecting participants for its various activities, should adhere to OEO's eligibility requirements, and improve its financial management.

Use of performance and delivery incentives in military contracts. (To the Secretary of Defense.) B–171644 of June 24.

Thirty-eight incentive features, or 75 percent of those GAO examined, were included in contracts when they were not needed and represented additional payments to contractors of $35.8 million.

Capital grant procedures and policies of the Urban Mass Transportation Administration. (To the Secretary of Transportation.) B–169491 of June 30.

The Administrator, UMTA, should ensure that applications for capital grants (used for urban mass transit systems) are supported by engineering studies, studies of economic feasibility, etc., and that UMTA's evaluations and conclusions be adequately documented.

THE MITZVAH CORPS

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. KUYKENDALL. Mr. Speaker, today I am including in the CONGRESSIONAL RECORD a most interesting article which recently appeared in the Memphis Commercial Appeal describing the Mitzvah Corps. This is a group of young people belonging to the Southern Federation of Temple Youth who participated in a 1-month program of study and community service in the city of Memphis this summer. This type of program which instills in our young people the fact that citizens have responsibilities as well as rights certainly deserves recognition.

The article follows:

CORPS GIVES MITZVAH FRESH MEANING

A Mitzvah Corps headquartered in a Catholic college dormitory might seem strange to some but to the 22 Jewish teenagers participating in the first Mitzvah Corps in the South, it was an advantage to their community living project.

The teenagers, ranging in age from 15 to 18, came from four surrounding states to work together in studying Judaism and doing volunteer work in five local service agencies.

Sponsored by Temple Israel, all of the participants are members of the Southern Federation of Temple Youth (SOFTY) of reform congregations.

The one-month experiment, which ended yesterday, concentrated on making the students aware of their obligations to the community, said Steve Mallenger, a student of Hebrew College in Cincinnati, who headed the corps.

"This has really been a successful experience for these youngsters," he said. "They have the opportunity to be able to live, work, study and pray together as a community."

The members of the corps lived in a rented dormitory at Siena College and ate their meals with the Catholic students.

Each day was spent in working in the volunteer projects but the evenings were spent in studying Judaism and Hebrew. Several of the teenagers wrote innovative worship services and the group even had a Sabbath service in the edge of a swimming pool one Friday night.

"We gathered around the pool for the service and when it was over, we jumped in for a swim," Mr. Mallenger said.

The students worked during the day at Lauderdale Court Children and Youth Project, the Department of Welfare, Arlington Hospital & School, B'nai B'rith Home & Hospital for Aged and Porter-Leath Children's Center.

"The students did any type job the officials asked them to, especially in the welfare department where they worked mostly in clerical duties," Miss Sherry Sachritz of 862 Kensington, a Memphis State University graduate student who was serving as a chaperone said. "At Arlington they worked with the mentally retarded children and at B'nai they worked with the elderly."

"The residents enjoyed them a great deal and saw them as grandchildren," Bernard Danzig, assistant director of the home said. "It made the residents feel a part of the community because of their kindness and interest."

The Mitzvah Corps was an experiment this year and Mr. Mallenger said he didn't know if it would continue next summer.

"Mitzvah means commitment and these young people are fulfilling their commitment to the community. Mitzvah is an obligation to respond to the world."

UNITARIAN UNIVERSALIST ASSOCIATION GENERAL RESOLUTIONS ON PUBLIC POLICY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like each of my colleagues to take time to read the General Resolutions of the Unitarian Universalist Association, adopted at the Tenth Annual Assembly recently held in Washington, D.C. Several of the resolutions may appear to be of a progressive nature but I feel the Unitarian Universalist Association should be commended for taking stands on controversial issues of our time.

UNITARIAN UNIVERSALIST ASSOCIATION GENERAL RESOLUTION

AMNESTY AND REPATRIATION FOR WAR RESISTERS

Because: the Canadian Council of Churches' 1969 estimate of the number of United States military refugees and draft resisters was 60,000 with projections of 20,000 per year together with substantial numbers of similar expatriates in other countries; and

Because: most of these young men left the United States after a decision of conscience over the prospect of assisting in an illegal, immoral Vietnam War; and

Because: Unitarian Universalists respect such demonstrated allegiance to personal conscience and to the affirmation of life;

Be it resolved: The 1971 General Assembly of the Unitarian Universalist Association direct its continental offices in Boston to use its powers of advocacy to bring about enactment of United States legislation which grants amnesty and repatriation to those men who are in prison or in self exile by reason of refusal to serve in the Vietnam War; and

Be it therefore resolved: That the 1971 General Assembly of the Unitarian Universalist Association affirms its support of the efforts of the Canadian Unitarian Council to raise funds from Unitarian Universalist societies and individuals to aid in ministering to the needs (physical and spiritual) of American expatriates.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

RIGHTS OF THE POOR

Believing that the rights of human beings include the rights to minimum income, adequate housing and legal services and dignity in old age; and

Believing that it is the responsibility of government to secure, protect and defend these rights, and to provide appropriate services to implement them;

Therefore be it resolved: The 1971 General Assembly of the Unitarian Universalist Association urges that the United States Government and the Government of Canada:

1. Provide family income through a program of income maintenance adequate to meet needs for food, clothing and housing; and

2. Commit whatever resources are necessary to provide a decent home for every American and Canadian family; and

3. Enact legislation to achieve equity in tenant-landlord relationships, protecting the rights of both tenants and landlords; and

4. Enlarge legal services for the poor and disenfranchised throughout the United States and Canada, with appropriate funding, without political harrassment, manipulation and intimidation.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

PENAL REFORM

Recognizing that the rapid increase of violent crime accompanies a vast public ignorance and prejudice about its causes and methods of correction as seen by modern experts;

Noting that the majority of persons arrested are males between 10–30 years, suffering such social injustices as poverty, racism, poor education;

Further noting that public pressure for punishment has resulted in barbaric prison and jail systems productive of more crime;

Be it resolved: The General Assembly urges its members and member societies undertake programs to: (1) educate members and nonmembers on the failure and inhumanity of punishment and on existing local, State and Federal detention facilities and prisons; (2) stimulate reforms of the present systems of criminal law and justice, giving emphasis to all rehabilitative services; (3) reform practices of pre-trial justice, including Bail Bond programs or others where local efforts can have substantial effect.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

CHILD CARE CENTERS

Recognizing that there is widespread need for child care centers, that millions of children in North America are receiving either substandard supervision or no supervision;

Aware that growing numbers of mothers take jobs because of economic necessity, desire for job training, and continuing education; that child care centers are needed for other reasons, such as illness in the family, special problems of handicapped children, or for other compelling causes;

Acknowledging that the needs of children, our best resources for the future, must receive immediate and special attention:

Be it therefore resolved: The 1971 General Assembly of the Unitarian Universalist Association

1. Urges that highest priority be given in the United States and Canada at all levels of government to funding and activating quality, professional child care centers with effective standards, licensing, inspection and enforcement.

2. Urges that funding be accomplished additionally through private grants and fees from parents where feasible.

3. Asks that member UU societies initiate study programs so that they can intelligently participate in the structuring of quality centers.

4. Asks that societies of this denomination consider use of their facilities for weekday child care centers.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

ENVIRONMENT

In view of the widespread and serious problem of pollution of our land, air and water;

In view of the rapid depletion of many of our non-renewable natural resources and the dangerous exploitation of our renewable resources; and

In view of the declining quality of life in our towns and cities, with ever increasing noise, crowding, and crime rates,

Be it resolved: The delegates at the General Assembly of the Unitarian Universalist Association, gathered in Washington, D.C.:

Urge all Unitarian Universalists individually and collectively to inform themselves about the hazards of overpopulation and pollution and to act in their personal and public lives to counteract those hazards in every way possible, and to influence others to act in the same manner;

Urge all Unitarian Universalist societies which have not already done so to establish and sustain environmental protection committees, including political action groups to influence public officials and others to act in environmentally responsible ways; and

Urge all Unitarian Universalists as individuals, as members of groups and as a continental denomination to press for legislation at all levels to diminish the level of pollution and to ameliorate the population problem in the hope that we may bequeath to the next generation a world ecologically stable and ethically sane.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

CIVIL LIBERTIES

Whereas, the Unitarian Universalist Association opposes any kind of surveillance of private citizens or government employees; and

Whereas, we feel that such surveillance leads to a potential for control and intimidation that is alien to our form of government and foreign to a society of free men and women; and

Whereas our society has progressively become more information-oriented, creating a potentiality for abuse and misuse of validly gathered information; and

Whereas, the U.S. Army Intelligence and others have had at least a few of our Unitarian Universalist churches under surveillance;

Be it resolved: The Unitarian Universalist Association go on record as opposing any governmental abuse of surveillance whether by means of professional data gathering systems, census forms, federal questionnaires, interviews, Army investigations, wire tapping, or data banks; and

Be it further resolved: The General Assembly of the Unitarian Universalist Association urges:

1. The President to exercise the moral leadership of his office as recommended by the Scranton Report on campus unrest.

2. Support of Congressional hearings to consider the total impact of data collection programs on the preservation of individual rights.

3. Congress to uphold the constitutional protection of individual rights to privacy and the right of an individual to remain silent about himself and herself.

4. That the federal government inform the recipients of these questionnaires of their rights with regard to these forms, including the fact that the forms are voluntary, and the reason for the collection of the information.

5. Citizens should have the right to examine any governmental files concerning themselves. The President and the Congress are urged to issue appropriate executive orders and to pass legislation to effectuate this objective.

6. Urges our members to join and support the American Civil Liberties Union.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

PEACE IN SOUTHEAST ASIA

bly of the Unitarian Universalist Association

Be it resolved: The Tenth General Assem- urges the President of the United States:

1. To order the Joint Chiefs of Staff to issue a cease-fire to all American troops in Southeast Asia immediately; also, to announce and plan a complete and immediate withdrawal which in no way will be contingent upon the progress of peace negotiations.

2. To cease all aid by the State Department, Defense Department and all other agencies of government which contribute to the military buildup of the countries of Southeast Asia.

3. To promote creation of an interim coalition government for South Vietnam which will include representatives of all political factions of any appreciable size in the country.

4. In recognition of our basic responsibility for much of the destruction in Southeast Asia, to do two things:

a. Create an emergency relief agency charged with the responsibility for providing hospitals, medical care, food, sanitation facilities and housing.

b. Request an immediate appropration in the amount of six billion dollars to the United Nations Development Program, earmarking it for the development of industrial and agricultural productivity, education, public utilities, public health and social services in the countries of Vietnam, Laos and Cambodia.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

NATIONAL HEALTH PLAN

Convinced that a federally sponsored health insurance plan has become mandatory in view of the fact that the health care costs have continued to soar;

Be it resolved: The Tenth General Assembly of the Unitarian Universalist Association urges all member societies to support a National Health Act to be acted upon by the 92nd Congress of the United States, under which the federal government would provide the legislative and administrative machinery whose provisions would be identical throughout all fifty states of the Union, to make certain that hospitalization and medical services and materials be made available to all;

That specifically:

1. Adequate pre-natal, hospital and postnatal care be provided every mother and child.

2. Family planning, birth control, abortion services and information be made available to everyone wanting them free of charge without regard to age or marital status.

3. Pediatric care, inclusive of all immunizations necessary, be made available to every child.

4. Mandatory physical examinations be made of every child before entering school.

5. Adequate health care for the physical, mental and social well being of the elderly be made available including provision for custodial and terminal care.

6. All medical, psychiatric, psychological, dental, ophthalmic and other care and/or devices be provided to every person requiring them.

7. Medical research be provided for the purpose of extending the life span of men. (According to the 1970 Census, there are 74 men to every 100 women over the age of 65. We feel that medical research should investigate the reasons and possibilities of prevention of the early death of our male population.)

8. Outpatient Family Health (medical and mental) Clinics be available in both rural and urban areas.

And that the federal government, in collaboration with competent medical, sociological, and educational authorities, establish a greatly expanded program of medical education, so that an adequate number of people are prepared for the medical and paramedical professions to adequately take care of the future medical needs of all of our people;

And that this all inclusive health plan be financed by major Federal contribution but with participation by local government units, the private sector, and, where possible, by the individual consumer.

Adopted by the Tenth General Assembly of the Unitarian Universalist Association, held in Washington, D.C., June 11, 1971.

U.S. NAVY VERSUS SOVIET NAVY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. RARICK. Mr. Speaker, if the Soviet Navy is as good as its press agents claim and has world support from the communications media as it does in the United States our Navy is out-gunned, out-disciplined, and out-praised.

I insert two related newsclippings and two pertinent speeches by the Cuban-American patriot, Dr. Manolo Reyes, as follows:

[From the Washington Post, July 26, 1971]

RUSSIANS RAP U.S. SAILORS

Moscow, JULY 25.—Soviet Navy officials said today the Russian fleet is more popular than the U.S. fleet in Mediterranean ports because its sailors visit museums while the Americans are out "debauching."

They said the Soviet units had overcome Western propaganda against their presence in the Mediterranean because, in part, "the Mediterranean people got an opportunity to compare with their own eyes the two navys and their personnel."

[From the Chicago Tribune, July 26, 1971]

CHIEF OF SOVIET NAVY BOASTS OF FLEET'S GLOBAL NUCLEAR MIGHT

Moscow, July 25.—The commander-in-chief of the Soviet Navy today warned "imperialists" that his fleets can attack any point on the globe with nuclear missiles.

Adm. Sergei Gorshkov used the occasion of Soviet Navy Day to proclaim: "Never before has our navy been so powerful and efficient."

Gorshkov said in an article in Pravda, "The navy's regular maneuvers and exercises are proof of the Soviet Union's ever-growing strength as a naval power.

CITE OCEAN PERIL

"This is not to the taste of the inspirers of aggression . . . who are trying to frighten the world public with the threat of Soviet fleets on the world's oceans."

No one has felt that new found strength more than the United States 6th Fleet in the Mediterranean, which faces the possibility this year of being outnumbered and outgunned by an expanded Russian Black Sea fleet. Up to 60 Soviet warships now regularly patrol the Mediterranean, compared to about 40 U.S. vessels.

In the last eight years, the Soviet Union has transformed a small border fleet into the world's second largest naval force.

HAS NO CARRIERS

The Soviet Pacific, Baltic, Black Sea and Polar fleets today boast about 25 cruisers, 100 destroyers, 1,600 smaller craft and more than 400 submarines.

The Soviet Navy has no aircraft carriers but operates two new helicopter carriers each with 30 aircraft designed to hunt and destroy submarines.

Gorshkov said the United States has developed submarine missile systems with which it "hopes to divert from U.S. territory a considerable number of possible retaliatory nuclear strikes."

"Vain hopes," he declared. "No strategy, including this so-called 'ocean strategy' will save any aggressors, who risk waging war on the U.S.S.R. and other countries of the Socialist community, from a crushing retribution."

Gorshkov's top aide, Adm. Vladimir Kasatonov, backed up the warning by proclaiming in the Defense Ministry newspaper Krasnaya Zvezda [Red Star] that nuclear submarines are now the main striking force of the Soviet Navy.

87 ATOM SUBS

Latest figures reported by the U.S. Defense Department show the Russians have 87 nuclear submarines and have achieved parity with the United States.

Since 1968, the Soviet Union has been adding a nuclear submarine to its fleet at the approximate rate of one each month.

The Soviets still lag in the number of submarines capable of firing nuclear missiles—17 to 41—but U.S. naval experts feel this gap will close by 1973.

SPEECH BY DR. MANOLO REYES, LATIN AMERICAN NEWS EDITOR, WTVJ

In this the Twentieth Century, man has made his greatest technological and scientific discoveries and advancements. At the same time, civilization has created its greatest means of self-destruction.

The Second World War was an irrefutable example of how great devastation by naval and aerial power can be. In the last decade with the marvels of technology and precision, man has reached the Moon. Also during this decade, the unsuspectable limits of nuclear power have increased, incrementing the possibility of self-destruction with the development of the intercontinental offensive missile system.

I believe that the decade which is beginning with this year 1971, will have as a common denominator, man's submarine power. To support this theory is the fact that the United States, always in search of world peace, is trying to achieve on the highest level, a treaty to ban "submarine weapons."

By submarine weapons, I understand them to include the fixed nuclear missile silos on the ocean floor as well as the nuclear submarines themselves.

Perhaps to those who do not fully comprehend this matter, it might sound illogical to place nuclear weapons on the ocean floor, but this does present several high-low ranges. At 160 to 200 feet of depth a nuclear missile silo could be placed on a submarine platform without being detected by reconnaissance airplanes.

Precisely a few months ago on the 26th of February of this year, I read something which caught my attention. The prestigious newspaper "La Prensa" of Buenos Aires on page three, printed a cable received from United Press International, stating:

"In Mexico the Soviet Union announced that they are helping Cuba in their search for petroleum in the Caribbean. The announcement made in a news bulletin of the Russian Embassy in Mexico states that a group of specialists of this nationality are building a platform to be used in primary exploratory experiments in Cuban waters. A representative of the Russian Embassy declined to point out the exact location where these experiments will be carried out, or how many technicians are taking part in said affair."

This has filled me with doubt. It is apparently submarine work and the decade which is beginning is one to be dominated by those with submarine power. And Cuba (well-named the key to the Americas) is now more than ever the key to submarine power for the present and future of the Western Hemisphere.

Lamentably, Cuba is today the first colony of the Soviet Union in the American Continent. But, I trust that it will be the first and last. It is inconceivably threatening to imagine a collective Soviet force in the heart of the Americas.

On the 7th of August, 1962, we were the first to alert of the presence of 5,000 Russian soldiers in Cuba. At first we were not believed. Twelve weeks later the missile crisis of October 1962 occurred.

The 28th of April, 1969, we again announced the Russian military buildups in Cuba. Three months later, July 26th, a Soviet naval squadron visited Cuba for the first time in the history of Cuba and the American Continents.

During the last year we have personally gone on four occasions to the floor of the Congress of the United States and once to the Special Commission for the Security of the Organization of American States to denounce the Russian military presence in Cuba.

This month, only a few days ago, we went before this Commission of the Organization of American States to denounce the presence of Russian nuclear submarines in Cuban waters.

I would like to make clear . . . as I have always . . . that I am not an expert, much less a technician on naval or military matters. But I have received, and continue to receive, many reports from the Cuban Patriotic Resistance whose members risk their lives so that the free world may know the true situation inside the martyr island of Cuba.

They were my source of information when I reported the presence of a Russian nuclear submarine, displacing 5,000 tons and approximately 390-feet long, in Cuban waters last May. This type of nuclear submarine, the analysis indicated, was equipped with eight rockets or missiles called "Shaddock", (with a range of 500 miles). These rockets are surface-to-surface type.

Precisely one of the modern weapons which is of greatest expense is the nuclear submarine. These are those who have estimated their cost of construction at approximately eighty-million dollars. Hence, care and maintenance are very important.

In this sense, essential to the care of the nuclear submarine is a change of crews. We have learned that the training of a nuclear submarine crew lasts no less than three years. The selected personnel are hand picked for particular traits. It appears that if hostilities break loose among the men, the nuclear submarine rarely will come to surface. Thus the importance of a change and rest for the crew of a nuclear submarine is great.

The United States has three known bases in the world for their nuclear submarines. Officially, the Soviet Union has none. I maintain my opinion that, according to the reports from my fellow compatriots, the Russians do now have a base in Cuba.

Their base is in a Russian naval complex on the southern part of the island of Cuba, bounded by the Bay of Cienfuegos, Key Largo, Playa Giron and the Island of Pines.

The Bay of Cienfuegos, or Jagua Bay, discovered by Christopher Columbus in 1494, is 370 miles from the Bay of Guantanamo. Admiral Mahan, one of the greatest strategists

of the United States, noted in a statement published in "Commercial Cuba" in New York in 1898, that the Bay of Cienfuegos was the most important strategic point in the Caribbean.

Alcatraz Key, in the southeast portion of the Bay of Cienfuegos, is small, but larger than an aircraft carrier. The Russians have diligently been building for the last few months on its surface. The Cuban Resistance informed us that much of the material used in Alcatraz Key was pre-fabricated and brought from Russia.

Six Russian naval squadrons have been in Cuba since July of 1969. Many of the units of these squadrons have been to Cienfuegos, mainly at Alcatraz Key.

Precisely there were two large barges stationed there for quite a while. The Cuban Patriotic Resistance reported that in September 1970, there was a small leak of radioactive contaminated water from one of the Russian barges which caused the death of thousands of fish.

The area of Alcatraz Key has been taken-over totally by the Russians. Almost three-quarters of Cienfuegos Bay is in Russian hands and the Cubans have been removed from there. They are not even allowed to visit or fish in the area.

The buildings built in Alcatraz Key in the last months are two very long barracks and the Resistance reports that Russian sailors and military personnel are lodged there. There is also an area for the Russian officers to live.

In the center of Alcatraz Key there is a great recreation field, probably for playing football or soccer. The Resistance calculates the field as about one hundred meters long.

According to information received from the Resistance, Alcatraz Key has an enormous dock situated to aid in the unloading of nuclear submarines. In the surrounding area, there are storage warehouses for rockets or missiles. These warehouses are close to the northern coast of Alcatraz Key. It is common knowledge that submarines must have calm water for loading or unloading missiles. The calm waters of the Bay of Cienfuegos are exceptionally suited for this.

Alcatraz Key is not the Russian naval base. Alcatraz key is for logistic support of the Russian nuclear submarines and the Soviet Navy. It is there, according to Cuban Resistance reports, that the submarine units undergo mechanical checks and repair, and the Soviet crews can be based for change or rest and relaxation.

The true Russian Naval Base is located in the southeast of Cienfuegos, in Key Largo. Since 1960, Key Largo has been in Russian hands. The presence of Cubans, or their sailing nearby, is prohibited.

Over there is a Russian Naval High Command. The northern coast of Key Largo was dredged a few years ago by the Russians and readied for nucelar submarines. On the Eastern Coast, running water installations have been built. A large road crosses Key Largo from one side to the other. There is a vast airport on the western section and great installations used for the embarking and disembarking of the Russians at the Key. The Caribbean waters surrounding Key Largo are very deep and the Resistance states that submarines can enter and leave, and it is very difficult to detect them.

To end this exposition, I wish to publicly announce two reports received from the Cuban Patriotic Resistance.

First, it is very probable that the Fidel Castro Regime is awaiting the arrival in Cuba of a new Russian naval squadron—apparently larger than the former ones—for a display of naval force on the 26th of July.

We understand this second report to be of greater importance too. The Resistance states that the Russian military and naval presence in Cuba continues to increase. The Russians are penetrating all levels of life. Previously, their presence was felt only in the national order. But during the year of 1971, they have been appearing in groups in local life in the villages and small towns on the island.

Work especially directed for the submarine base by the Russians continues throughout the island. The most recent activity being on the northern coast of Oriente, in a place known as Saetia, near Nipe Bay, and in the province of Pinar del Rio on the peninsula of Guanacabibes.

All of this has led the Resistance to believe that if there were a confrontation in Cuba (on the exterior or interior), it is probable that the Russians would retreat as they did in the missile crisis of October 1962.

But the Resistance leads us to understand that if a year and a half more were to pass without a confrontation, and the Russians continue to become militarily and navally strong—particularly with their submarine installations—then they might not back down.

Therefore, the time for dramatic balance is NOW!

BEFORE THE SPECIAL ADVISORY COMMITTEE ON SECURITY OF THE ORGANIZATION OF AMERICAN STATES: JUNE 18, 1971

The undersigned, Dr. Manolo Reyes, Cuban Citizen, of full age, presently transitory resident at 243 S.W. 26th Road, Miami, Florida, without any representation of the Cuban People, but exercising the right to liberty and respect of human rights established in the Fundamental Letter of the Organization of American States, appears and respectfully declare:

That on November 24, 1970, I was officially invited to declare before the full Special Advisory Committee on Security of the Organization of American States, in connection with the Russian military increment inside of Cuba.

As it can be well remembered, at that time we stated the degree of Russian intervention in Cuba and the offensive presence of troops and Soviet military equipment inside the island. The Committee on December 11, 1970, informed the President of the Permanent Counsel of the Organization of American States about my accusation.

As essential element of said accusation was that I was pointing out, for the first time, the presence of nuclear submarines of an offensive nature in Cuban waters.

Today, I appear before the Committee to ratify with new information and material the most recent appearance of these Russian nuclear submarines in the Caribbean and in Cuban waters. These facts have been sent by the Cuban Patriotic Resistance.

DENOUNCEMENT

On July 27, 1970 and for the second time in less than a month, I appeared before the Congress of the United States to expose and denounce the Russian military incrementation in Cuba—particularly in the naval aspect.

Several days before—on June 29th—I also made a declaration before the Subcommittee of Internal Security of the United States Senate on that respect.

On July 27th, I testified before the Subcommittee on International Affairs of the House of Representatives.

On said appearance—which appears on page 179 of the U.S. Congressional Record—I stated that a naval Russian squadron was station in the Caribbean, on a permanent basis, and that said squadron was directed by a Russian nuclear submarine.

The President of the House Subcommittee, Congressman Dante Fascell, asked me in what place would said Russian naval squadron be based in the Caribbean, to which I answered, "In Cienfuegos or in Havana."

Today, after having received new information from the Cuban Patriotic Resistance. I ratify that the Russians have in the Caribbean a naval squadron directed by a nuclear submarine of offensive nature and that they use as a base ports and bays in Cuban waters.

The Cuban Patriotic Resistance informs that very recently, on May 1971, the sixth naval Russian flotilla arrived in Cuba, composed of a mothership AS–905 and a nuclear submarine, both from the Soviet Union.

This ratifies the first averment I made before the United States Congress on July 27, 1970.

Nuclear Russian submarines maraud in the Caribbean and frequently visit the Cuban waters.

The Cuban Patriotic Resistance informs to us that the nuclear Russian submarine that was seen in Cuban waters during this month of June, displays approximately five thousand tons and has approximately 390 feet longitude.

From the information received by the Resistance, we have come to the conclusion that the above mentioned submarine has a core with a uranium nuclear reactor and pressurized water. It also has two steam turbines. This nuclear Russian submarine has six torpedos having 21 inches in the prow.

Furthermore—and this is what we consider most serious—this nuclear submarine that just visited the Cuban waters has eight missiles named "Shaddock" with a thrust of up to 500 feet.

These "Shaddock" missiles are installed in the nuclear submarine in cylindric launchers. The length of each "Shaddock missile is 14 meters and the fuselage diameter is of approximately 2½ meters.

This missile, to which a nuclear head can be adapted, is of great naval importance. And it is a missile from surface to surface.

Therefore, the presence of nuclear Russian submarines in the Caribbean—using Cuba as their base—is a proven dramatic reality.

According to the Cuban Patriotic Resistance, a central operation base of these offensive nuclear submarines is located in Key Largo, southwest of Cienfuegos.

In Key Largo, Russian submarines can come and go without hardly being noticed. As well as the Russian military and naval officers, without having to go through highways or aerodromes, where they could easily be seen by the Cuban People. Since 1960, Key Largo has been practically a Russian possession, surrounded by the very deep waters of thousands and thousands of feet, of the Caribbean sea.

THEREFORE

I wish to inform you of all this, which constitutes a real threat, up-to-date and very serious against the security of the American continent.

Miami, June 18, 1971.

DR. MANOLO REYES.

THE VICE PRESIDENT

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. CORMAN. Mr. Speaker, I wish to compliment the gentleman from Michigan (Mr. DIGGS) for arranging this Special Order so that we may properly expose the shallowness of the Vice President's recent remarks in Spain.

I was appalled that in his remarks, Mr. AGNEW, attempted to distinguish among Americans on the basis of color. Ignoring the basic democratic principle that America has been built on a government of and by the people without regard to

race, color, or creed, the Vice President chose to single out black leaders in a comparison with the black leaders of Africa. In my 11 years in the House of Representatives, this is the first time I can ever recall an elected official from this country using a trip abroad as an occasion for verbally attacking our citizenry. Is this part of the administration's strategy to "bring us together?"

The Vice President is critical of American black leadership for failure to support this administration. But, he has failed to win that support in large part because of the administration's failure to utilize the broad source of qualified policymakers and administrators among black Americans. A more important reason may be that the Vice President's remarks disclose a subtle but detectible racism which is abhorent to many Americans, black, and white.

I am shocked the Vice President could make a statement that black leaders in America did not accurately reflect the sentiments of ordinarily Negro citizens, an observation which completely overlooks the outstanding achievements of men like Roy Wilkins, Ralph Bunch, Ralph Abernathy, Martin Luther King and Whitney Young, Jr., "ordinary Negro citizens" who knew how to relate to the needs of their brothers.

It was also amazing to note how comfortable Mr. AGNEW was in his travels in some African nations where economic, social and political discrimination are the expressed policy of the government. Living under such a government, it is not surprising that these African leaders would be unable to justify the publication of top-secret Pentagon papers on the Vietnam war. But to American leaders, black and white alike, the publication of these papers were vital in protecting the public's "right to know."

The Vice President's trip was originally planned as a good will mission to enhance America's reputation abroad, I regret Mr. AGNEW lost sight of that objective and feel that an apology to our distinguished black leaders is in order.

PUTTING THE BLAME ON NIXON

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. DEVINE. Mr. Speaker, the columnists, Evans and Novak yesterday charged that a so-called conference scheduled in Washington this week on the Pentagon papers is being held for the purpose of shifting blame for the Vietnam war to President Nixon.

This is outrageous.

It shows the depths to which those who hate the President and his success in ending this war will sink.

For the edification of all my colleagues, I attach the Evans and Novak column which appeared yesterday in the Washington Post:

PUTTING THE BLAME ON NIXON

(By Rowland Evans and Robert Novak)

Internal memoranda show that this week's conference on the Pentagon papers arranged by militant antiwar Democratic congressmen has a partial hidden motive of trying to deflect in Richard Nixon's direction some of the political shrapnel coming from the documents.

The Group, an informal organization of 13 prominent left-liberal Democratic House members, which is sponsoring the conference, includes congressmen unhappy that the political fallout from the Pentagon papers has hit the last two Democratic Presidents, John Kennedy and Lyndon Johnson, and not President Nixon. That's not a case of loving Mr. Johnson more but of loving Mr. Nixon considerably less.

Late in June, shortly after the Pentagon papers were leaked, the question was raised at a meeting of two New York members of The Group, Reps. John Dow and William Fitts Ryan, with staffers. A July 6 memorandum on that meeting reveals they proposed a conference on the Pentagon papers with the purpose of "arousing public pressure on the Congress" for a Vietnam pullout resolution.

"An inquiry aimed specifically at the policies and decision-making processes of the Nixon administration," says the memorandum on the Dow-Ryan meeting, "could effectively transfer the public outrage from the past tense of the Kennedy and Johnson administrations into the present tense of the current administration."

The agenda for the weekly meeting of The Group on July 7 makes this strategy explicit:

"The political focus must be shifted away from the Kennedy-Johnson administration. Nixon will argue in 1972 that he ended the war that the Democrats got the country into. It is critical that he not succeed. Only by undermining his present policies and by obtaining a Democratically-sponsored congressional action forcing the acceptance of the present Vietcong proposal can we recover lost ground."

The same theme is followed through in The Group's list of potential participants for the conference on the Pentagon papers—as in the case of Melvin Gurtov, one of the authors of the Pentagon papers who has just resigned as an analyst for the Rand Corp. think tank. In suggesting Gurtov, a staff memorandum notes that he has been "highly critical of the Nixon administration and says it is following the same policy as previous administrations . . ."

A footnote: Some members of The Group told us that the sole purpose of their forthcoming conference is to improve public understanding of the Pentagon papers and that the memoranda indicating a political motive reflect only the over-active imaginations of young staffers. Other members of The Group, however, confided to us that they regard as accurate the intent of the conference as outlined in the memoranda.

AMERICAN ARMS SHIPMENTS TO PAKISTAN

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. HARRINGTON. Mr. Speaker, on June 29 I sent a letter to Secretary of State Rogers asking him to comment on American arms shipments to Pakistan in light of the civil disturbances there. My specific concern, as expressed in the letter, was with our policy regarding military equipment in the supply pipeline prior to the administration's freeze on new transactions in late May.

Secretary Rogers' reply, as expressed through his assistant, Mr. Abshire, was completely inadequate. I was sent a general arms policy statement, with only a passing reference to my original question.

I feel that the situation in Pakistan is urgent enough to warrant a complete cessation of arms shipments from the U.S. Congressman GALLAGHER's amendment to the foreign aid bill, adopted by the Foreign Affairs Committee on July 15, would have this effect. I urge passage by the House of this portion of the bill as it stands.

We must exercise all our influence with the Khan regime to settle its differences with the East Pakistanis peaceably. Supplying Pakistan's Army with the means with which to butcher its own population does not further this end.

With this in mind, I include my correspondence with Mr. Rogers:

JUNE 29, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: The Wall Street Journal reported recently that American arms are still being sent to Pakistan. It is my understanding that no new licenses have been granted to U.S. exporters; the Government is allowing these firms to fulfill previous contractual obligations. In some cases, this equipment had been transferred to Pakistani representatives prior to a March 25 cut-off date. Although still in the U.S., these arms are legally the property of Pakistan, and are therefore not subject to any military aid embargo.

A similar situation exists in regard to British military sales to South Africa. There was debate in the U.K. as to the morality of selling arms to a regime which might use them to repress a sizable portion of its population. Mr. Heath's government decided to continue sales as a matter of policy; by so doing, that government gave up any claims to neutrality on the matter of apartheid.

In light of the brutality involved in the subjugation of Bengal, I fail to see how America can continue to ship arms to Pakistan. Our position is very much like that of Britain's in South Africa; we cannot hide our failure to make a moral choice behind the verbiage of good business. By supplying arms to the Khan regime, we ally ourselves with its policy of systematic terror and bloodshed. It is an alliance that should be suspended.

In view of the urgency of the situation, I would appreciate a statement of policy from you as soon as possible.

Yours sincerely,

MICHAEL J. HARRINGTON.

DEPARTMENT OF STATE,
Washington, D.C., July 21, 1971.

Hon. MICHAEL J. HARRINGTON,
House of Representatives, Washington, D.C.

DEAR MR. HARRINGTON: The Secretary has asked me to reply to your letter of June 29 requesting a statement of our military supply policy toward Pakistan.

In view of the considerable public interest in this matter, and with the object of clarifying misunderstandings which have arisen, we have prepared the enclosed full state-

ment of our policy, including an explanation of the actions we have taken as a result of the outbreak of civil strife in East Pakistan. I wish to point out that our earlier statement on military supply policy referred to the suspension of deliveries by the Department of Defense after March 25, 1971, of military equipment from its stocks under the Foreign Military Sales program. While this covered many important supply items from a military point of view, including ammunition, it did not take account of FMS and commercially supplied items previously licensed and still in the pipeline. I wish to assure you, however, that there was no intention on the Department's part deliberately to conceal or mislead.

The enclosed statement provides a complete explanation of our position on this matter. I hope this information is helpful to you. Please continue to call on me whenever you believe we might be of assistance.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

Enclosure: Statement on Military Supply Policy.

JULY 1, 1971—STATEMENT ON U.S. MILITARY SUPPLY POLICY FOR PAKISTAN

In 1965 when hostilities broke out between India and Pakistan, the United States placed an embargo on the supply of all military equipment to both countries. All grant assistance was terminated and none has been resumed except for modest military training programs.

In 1966 the embargo was modified to permit the sale to both countries of non-lethal end-items such as communications, medical and transportation equipment.

In 1967 the policy was further modified to permit the sale of ammunition and spare parts for those items of military equipment, such as aircraft and tanks, provided by the United States prior to the 1965 Indo-Pakistan conflict. A one-time exception to the continuing embargo on lethal equipment was announced in October, 1970. This authorized the sale to Pakistan of 300 armored personnel carriers and about 20 aircraft.

This policy on military supply to Pakistan has been based on the judgment that it is desirable for the United States to continue to supply limited quantities of military items to Pakistan to enable us to maintain a constructive political relationship. We have also wanted to ensure that Pakistan is not compelled to rely exclusively on other sources of supply.

The Government of Pakistan purchases Munitions List items either through the Foreign Military Sales (FMS) Program or commercially from the manufacturer or distributor. Items under the FMS program are purchased either from stocks which are under direct Department of Defense control or from the Defense Department's commercial contractors. All equipment either obtained commercially or delivered under the FMS Program to Pakistan Government representatives in the United States must be licensed for export by the State Department's Office of Munitions Control before it may be exported.

There are also items which are common to military as well as civilian use (such as certain automobile and truck spare parts) which are not on the Munitions List, but which may require a Department of Commerce license.

In light of the outbreak of fighting in East Pakistan on March 25–26, we have taken certain interim actions with regard to military supply for Pakistan. While no formal embargo was imposed, the following interim actions were taken in early April:

(A) A hold was put on delivery of FMS items from Department of Defense stocks; no such items have been released to Pakistan since then.

(B) The Department of State's Office of Munitions Control has suspended the issuance of new licenses and renewal of expired licenses (valid for one year) for items on the Munitions List—for either FMS or commercial sales.

(C) We have held in abeyance any action on the one-time exception arms supply offer announced last October; no item in that offer has been delivered to Pakistan or its agents, and nothing is scheduled for delivery.

By early April, when these interim actions were taken, the Government of Pakistan or its agents had obtained legal title to, and were in possession of, some items still physically in the United States. In addition, DOD commercial contractors under the FMS program, and other commercial suppliers, continued to utilize valid licenses issued before the actions taken in early April. Some of these items, legally the property of the Government of Pakistan, have been shipped to Pakistan from U.S. ports and it is likely that additional military supplies, under valid licenses, will be shipped in the future.

Our overall military supply policy toward Pakistan continues under close review.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 23, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: I have received your letter of July 21 regarding our military supply policy toward Pakistan. Although informative, your reply does not deal satisfactorily with the problem of material already in the pipeline. My question to you was about this specific area of concern.

I do not question the validity of Pakistani claims to ownership of certain equipment still physically within the confines of the U.S. I would not deny them what is theirs. But it is incomprehensible to me that we could allow these supplies to be shipped out now with the almost sure knowledge that they would be used by the Pakistani Army in a continuation of its policy of terror and violence in East Pakistan.

I see no reason why the Government cannot follow the example of Canada and suspend shipment of all military goods destined for Pakistan, regardless of who holds title. That equipment already owned by the Khan regime could be maintained by its representatives in this country; they simply would not be allowed to export it until the civil war is settled. American supplied arms have done enough damage in East Bengal; such a measure would at least insure that they would do no more.

I would appreciate a reply to this letter as soon as possible.

Yours sincerely,

MICHAEL J. HARRINGTON.

GUARANTEED INCOME PLAN COSTS EXORBITANT

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. COLLINS of Texas. Mr. Speaker, in yesterday's Dallas Morning News I read more comments on H.R. 1. The News keeps pounding out the facts every day. Dick West writes column after column on this timely subject of deficit welfare.

Our deficit last year was $26 billion. Just how high will it become if this guaranteed income bill ever becomes law?

Here are some of the highlights from the editorial of July 25 in the Dallas Morning News. The editorial director of the News, Dick West, gives you one more good reason to vote no on H.R. 1:

Last month, in Washington, the House of Representatives passed a new welfare bill. It has been called "The Monster."

Critics fear that its cost to the taxpayer will be prohibitive and that more people than ever will be on the rolls.

The reason is a highly publicized new feature called FAP (Family Assistance Plan). A family of four, if it qualifies—and it won't be too hard to qualify—will get a guaranteed annual income of $2,400 a year; with more than four, it is $3,600.

As in Social Security, that base of $2,400 will be increased gradually by politically conscious congressmen.

The "guaranteed annual income," fought by conservatives for years because they think it will bankrupt the government, was conceived by the Nixon administration.

The Ways and Means Committee of the House modified Nixon's proposals somewhat, but the basic features are retained in the new bill. It will be heard soon in the Senate, which killed a similar bill in a previous session.

Liberals in Congress and the Welfare Rights' Organization already have denounced the new bill as not going far enough in the annual subsidy: The $2,400, they say, should be around $6,000.

All of this, mind you, is tax-free.

A congressman who fought the Family Assistance Plan declared that "two sisters on welfare, plus income from their boy friends, could live together with an annual income of around $25,000—all tax-free." Welfare payments are not taxed.

It's a vicious circle—cost of the present program is now running nearly $500,000,000 a month. At the last count, around 10 million people were on the rolls.

But you haven't seen anything yet.

An exhaustive study by the U.S. Chamber of Commerce, based on state-by-state data and census counts, predicts that the new bill will make 25,000,000 people eligible for welfare.

Sen. Russell Long, warning about the new guaranteed annual income, predicted that "in eight years we would be living at a program level where aid to families with children would cost $100,000,000,000 (billions) a year."

On Feb. 1 of this year, Texas had 352,000 family members on AFDC (Aid to Dependent Children). Under the new bill, Texas would have 1,198,300 family members eligible—a 240 per cent increase—in 1973.

As we mentioned in previous articles, no welfare plan can be remotely successful unless sufficiently policed.

There must be constant investigation of families who get monthly checks.

The abuse under the present program are incredible.

But under the proposed new FAP (Family Assistance Plan), the stakes are higher—which means the temptation for graft will be higher. Average payment per month in the Dallas area is $117 a family; it will be $200 and up in the new bill.

If 25 million are eligible under the new program, you can imagine what the policing job will be.

One congressman said "an organization 1,000 times the size of the FBI" couldn't even scratch the surface.

At any rate, the prospect is for more cost to the taxpayer regardless of what happens. We have reported how costs are going up

under the present program—they are now $500,000,000 a month.

But if FAP is adopted—well, hold on to your wallet!

And if you "guarantee" some people a check every month, how many will get off the rolls and go to work?

D.C. ENVIRONMENT: THE CHIEF JUSTICE ON SURVIVAL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. RARICK. Mr. Speaker, the depths to which this once great city, Washington, D.C., the capital of the free world, has plummeted is astonishing. Crime is rampant; it is reported that even the Chief Justice of the Supreme Court of the United States has taken to opening his door at night with "pistol in hand, not knowing what might be lurking on his steps."

It seems a shame that the Supreme Court does not follow the lead of the Chief Justice and stand ready to mete out swift and sure punishment to the criminals of the land—instead of handing down decisions that handicap the law enforcement agencies and keep them from properly enforcing the law, or letting known criminals go free under legal technicalities.

By action, even if not by word, the Chief Justice is opposed to gun control.

I insert related news articles at this point:

[From the Manchester Union Leader, July 24, 1971]

CHIEF JUSTICE AT BAY

When the Chief Justice of the United States feels so insecure in Washington, D.C., that he greets reporters who call at his door in the evening with a loaded gun in his hands, this tells us more about conditions in our nation's capital than 10,000 words on the subject. It is certainly ironical that it is previous decisions of the same Supreme Court over which Chief Justice Burger now presides that are in large part responsible for the increase of crime in this nation.

At the top of our back page today we reprint a column from the Hampton Union entitled "The Big Wheels." This column gives not only an account of Chief Burger's gun toting but describes also two terrible events which recently happened, one of them, incidentally, while this writer was in Washington.

The rape and murder of the young woman took place NOT in some slum area of Washington, but instead in the parking lot of one of the best eating places in Washington. The murder of the naval officer and his son took place on a much traveled and well known public highway.

Sentimental judges and juries who have more sympathy for the wrong-doer than the victim, and the philosophy that it is not the criminal but society which is in the wrong, all have contributed to the freedom from fear which criminals in the United States now feel and this, of course, has led to increased crime.

This newspaper repeats, when the Chief Justice of the United States feels so unsafe in his own home that he has to come to the door with a gun in his hands, it is time for a change—and a mighty big change.

WILLIAM LOEB,
Publisher.

[From the Manchester Union Leader, July 24, 1971]

COLUMNIST WRITES ABOUT LIFE IN THE NATION'S CAPITAL: RAPE, MURDER, AND THE ARMED CHIEF JUSTICE

(By A. Spokesman)

Hogate's is one of the famous restaurants in Washington. It is on Maine Avenue which runs along the Potomac River just a few blocks from the White House and the Capitol.

On a recent evening a couple married only two years and in their 20s finished dinner and left the restaurant for its parking lot to ride home in their car.

Only a few paces from the door they were accosted by two men, one of whom put a gun to the couple. The young man and his wife were forced into their auto and forced to drive a short distance to an alley. There the young wife was brutally raped repeatedly, and murdered. The young husband had been bound and forced to witness this heinous crime.

A few evenings later a Naval Commander took his wife and children to see the fireworks on the Washington Monument grounds. Enroute home in their station wagon, the Commander was needlessly harassed by a tail-gating vehicle carrying several persons, including one female. As the Commander's wagon approached a traffic light the other vehicle sped around it and drew up sharply in front it. The Commander got out of his car to protest the actions of these devils and was immediately pounced upon. His 16-year-old son ran to the rescue whereupon one of the hoodlums drew a pistol and killed the Commander and his boy in cold blood.

On another recent evening two newspaper reporters knocked at the door of one Warren Burger, Chief Justice of the Supreme Court of the United States of America. The Chief Justice opened the door cautiously with pistol in hand, not knowing what might be lurking on his steps. As awful as are the foregoing facts, they related the times as they are in the city which is the home of our federal government.

You can't tell us such a condition is necessary if the people who run that government—all of them—were all doing their job. And if the leaders of government were truly marshalling the decent citizens of the land to do away with permissiveness and tolerance of wrong and lenience of punishment.

Samuel Leibowitz was a tough New York judge for some 30 years. He protected the innocent but meted out severe punishment to the scum guilty of crimes against public safety and public order.

The other night retired Judge Leibowitz was on the Dave Susskind show. He called for a return to respect for parents, and to fear of God, and to effective punishment of the guilty.

It's too bad New York can't return the Judge to the bench. It's too bad the City of Washington and the 50 states don't have many judges like Leibowitz.

HIRE THE VETERANS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. HOGAN. Mr. Speaker, the veterans now returning from Vietnam face serious obstacles in finding jobs. The opportunities seem to be few and far between for these men who have just returned from putting their lives on the line for their country.

One solution to this problem materialized with the inception of the U.S. Veterans Assistance Center. In a speech given to the Alpha Beta Gavel Club, Janice Vernon, a veterans benefits specialist and one of my constituents from Glenarden, Md., presented the accomplishments and goals of this program, as well as suggestions on what we can do to help.

I insert the text of this speech in the RECORD for my colleagues' consideration:

HIRE THE VETERAN

(By Janice Vernon)

Do you know that over 1 million servicemen and women will be discharged from the Armed Forces of the United States within the next several years because of the reduction of Armed Forces and withdrawal from Vietnam. Where do the veterans go after returning from Vietnam and other places around the world. Home, of course. That's first. Home to hugs and handshakes. Home to the family. Home from thousands of anonymous assignments around the world. BUT—after the uniform is off—what then? Where do they go with their maturity, their abilities, their ambitions? What will they do with the skills they've acquired in service—manual and technical skills, administrative and professional skills? What will become of the $3 billion yearly investment the Armed Forces spend for training? How will they use the over $1 billion available annually for education and training under the GI Bill. Do they go to work—or do they go to waste? It's up to you to help to hire the veteran. Perhaps you say to yourself—what can I do? Do you know that on January 30, 1968, President (Lyndon B. Johnson) directed that One Stop Assistance Centers be established for returning Vietnam era veterans. The purpose was to provide services and counseling over the total range of veterans benefits available with special emphasis on the transition of the recently discharged veteran to civilian life.

On February 19, 1968, the first center was opened at 25 K Street, N.E., Washington, D.C. Nine others followed as a part of a pilot project. As a result of the experience gained from these centers, there are now 71 centers providing assistance of this type over the United States. The USVAC in Washington, D.C. is unique. In this center, we have established our job bank which is successful and adding this dimension to the job bank of Department of Labor as well as the personalized services of the Staffing Assistance of the U.S. Civil Service Commission makes this office one of the most successful operations of the Veterans Administration. The Veterans Administration also assists widows and dependents in finding employment. If you have a job to give or a veteran seeking employment refer him to 25 K Street, N.E., telephone 638-2966. As you all know the President, Richard M. Nixon, has named Mr. James F. Oates, Jr., as National Chairman of Jobs for Veterans. Over 900,000 letters were mailed to employers all over the United States asking to hire veterans in direct hires; on-the-job training as well as apprenticeship type programs. Also on the local level, Veterans Administration mailed over 400 letters to employers of the Metropolitan Washington Area asking them to participate in the program. The response has been so successful, the office has assigned a Veterans Benefits Specialist to full time duty assisting these employers in the area of processing papers for on-the-job training and apprenticeship programs. One Veterans Benefits Specialist concentrates on making direct contacts for

immediate employment. Most veterans returning to civilian life seek jobs. For many, this is a period of uncertainty and difficulty. Veterans are trained to stay alert . . . think fast . . . learn fast. They've put a lot into the life they are leaving and gotten some valuable things out of it—self reliance, self discipline, maturity and training. Don't forget the disabled veterans they too have special vocational training. You can become a part of the job campaign—jobs for veterans—by telling your friends and prospective employers in helping to get veterans hired. Each returning veteran deserves the opportunity to find his place in our economic system. The challenge to the nation is to make effective use of the talents of all who have served. So Don't Forget Hire The Veteran.

REPORT BY EXPERTS PREDICTS ALARMING ENERGY SHORTAGE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. PICKLE. Mr. Speaker, I am not assuming the role of alarmist when I say that the energy supply outlook for the United States is bleak—even alarming—unless some changes are made in Government programs and policies with respect to energy industries.

It is true, of course, that our Nation still has a tremendous energy resource potential. But this potential can be realized only through use of effective incentives for the development of additional domestic supplies of energy fuels and a realistic coordination of effort between Government and industry. The potential supplies are no good to us unless we can use them.

This is not just my opinion. An interim report by the authoritative National Petroleum Council on the U.S. energy outlook, following an appraisal made at the request of the Department of the Interior, raises a warning red light which we will be well advised to heed.

The National Petroleum Council concluded that, as matters now stand, the the United States will have to increase petroleum imports fourfold between now and the year 1985. Such an increase would amount to 57 percent of domestic demand. The prospect of having to rely on undependable foreign sources for so much of our needed supply of petroleum is, to say the least, an unsettling one.

The report also declared that a searching review of the present system of Federal regulation of the natural gas industry is urgently necessary. I quote from the report:

> Continuation of Government policies would result in available gas supplies being equal to only about one-half of potential market requirements in 1985.

Mr. Speaker, that is only 14 years from now.

According to the National Petroleum Council, if existing policies continue in effect, gas supplies from the 48 contiguous States will drop from 21.8 trillion cubic feet in 1970 to 13 trillion cubic feet in 1985. This decrease would more than offset the amount of gas which it is estimated will be available under existing policies from Alaska's North Slope—when it becomes available, as to which there is no solid information at this time—synthetic gas from coal and naptha, and imports of natural gas, liquified natural gas, and liquified petroleum gas from Canada.

On the basis of these estimates supply from such sources in 1985 would fall 17.4 trillion cubic feet short of demand.

The basic problem lies in the constantly growing gap between total energy consumption and domestic energy supplies. The National Petroleum Council expects consumption to increase at an average annual rate of 4.2 percent while domestic supplies are increasing at a rate of only 2.4 percent. The result of this shortfall would be a drop in the proportion of the U.S. energy market supplied by domestic sources from 88 percent in 1970 to 70 percent in 1985.

It is hardly conceivable that our demand for energy sources will drop. This Nation lives on energy. Mr. Speaker, I believe that it is of imperative importance for this Congress to make a start toward placing our national energy policy on a sound and realistic basis.

A modest, but necessary, beginning can be made by enactment of legislation to place the stamp of validity—which is now lacking—on sales contracts between natural gas producers and interstate pipeline companies. This simple step is an essential one to encourage the search for and development of additional natural gas reserves. True, many other things must be done to alleviate the threat of a consumer-damaging shortage of a fuel for which the demand is constantly growing, but validity of contracts is a most important item.

If the gas producer could know how much he will be paid for his gas, how long he will be paid the price agreed on, how much gas he must deliver, and how long he must make deliveries—none of which he can know under present law—he would have greater incentive to go out and look for new supplies. This is the least which is needed.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

A REVIEW OF SOVIET RUSSIAN TOTALITARIAN IMPERIALISM

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Monday, July 26, 1971

Mr. TAFT. Mr. President, on July 22 as a part of Captive Nations Week celebration, I addressed a representative group of Americans concerned with Captive Nations in Cleveland. At that time it came to my attention a pamphlet comprising a review of Soviet Russian totalitarian imperialism as set out in documents of court proceedings of Captive Nations Week held in Cleveland this year. This book, "A Review of Soviet Russian Totalitarian Imperialism" was prepared by the Institute for Soviet and East European Studies, John Carroll University. It is an excellent and informative piece of work which was edited with introduction by Dr. Michael S. Pap, Ph. D.

I ask unanimous consent that the full text of the book be printed in the RECORD.

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

A REVIEW OF SOVIET RUSSIAN TOTALITARIAN IMPERIALISM

INTRODUCTION

This monograph on the Captive Nations is the result of the testimonies by representatives living in the United States of the oppressed nations under Communism. The reader is introduced to the history of Soviet Russian colonial practices. It is an irony of history that the most reliable allies of the free world are living under the totalitarian communist system and are almost completely forgotten and ignored by the West.

A glance at a world map shows what has happened since the Russian Bolshevik Revolution of 1917. One-third of the land surface is now communist reflecting the profound changes which have transpired during this short period. A new political order was established now embracing over one billion peoples—an order which endangers the very foundations of our democratic society.

In November, 1917, the world was surprised to learn of the sudden emergence of a new force on the ruins of the Tsarist empire. A mere 40,000 revolutionaries, calling themselves Bolsheviks, succeeded in overthrowing the Russian Provisional Government under Kerensky's leadership—a government which was recognized by the United States in March, 1917, and termed by our President Wilson as a "fit partner for a league of honor." The Provisional Government was unable to solve the pressing problems of peace, was reluctant to introduce the immediate land reforms and refused to acknowledge the right of the non-Russian nations within the former Tsarist empire to self-determination. It collapsed, therefore, a short seven months after its inception.

The Russian Bolsheviks, on the other hand, under Lenin's capable leadership, recognized the existing reality, introduced slogans acceptable to the great majority of the people, and won not only an easy victory in Russia itself, but initiated a blueprint for world conquest. As soon as Lenin assumed control, he declared that with the establishment of Bolshevik rule in Russia, the world was divided into two belligerent camps—that of socialism and capitalism—and he added that these two camps cannot coexist for a long period of time—one or the other must con-

quer. These declarations were not only made public, but the Bolsheviks insolently announced that they would use any means to reach their ultimate goal.

Once in power, Lenin continued the imperialistic policies of the Tsarist government, imposing Russian communism on neighboring countries. Among the forces which desperately fought the Russian Bolsheviks were the military units of the non-Russian nations who were defending their independence. In Russia proper, some remnants of the former Russian army took a stand against Lenin because they preferred to remain white rather than become Red.

The non-Russian nationalities took up arms in united opposition to the new Russian imperialist power—now camoflaged behind international slogans. These forces in the Ukraine, in Byelorussia, in the Baltic States and in the Transcaucasian Republics succeeded, at that time, in pinning down the Russian Bolshevik forces which otherwise might have been used elsewhere in Europe. Having recognized the communist danger from the very beginning, these non-Russians appealed to the Western democracies for assistance. Regrettably, this help was withheld from them at a crucial time in 1918 and, when it was reluctantly offered, it was too late.

Stalin continued the policy of genocide and during the Great Purges of 1934–1938 liquidated some twenty million persons termed "enemies" of the Soviet regime.

The Nazi-German attack on the Soviet Union came in June, 1941. In the initial period, the population of the Soviet Empire, especially the non-Russians, welcomed with open arms the invading German army and pledged its support in defeating the Kremlin's dictatorship. However, it soon became apparent that Hitler invaded the Soviet Union with the purpose of exploiting its peoples and resources. So long as these aims were hidden, the German army advanced rapidly and by the middle of 1942, it stood at the gates of Moscow. Whole divisions of the Red Army gave up the fight for the survival of Stalin's bloody regime. At the beginning of 1942, there were 3,500,000 Red Army soldiers in German prisoner-of-war camps. It is a historical fact that Hitler's cruel policies toward the peoples of Eastern Europe doomed him and rescued the Soviet system from a total collapse. Stalin himself admitted at the end of 1941 to Averell Harriman that he would not have survived without Hitler's blunders.

Acknowledging his helplessness, Stalin, a well-trained expert in propaganda tactics, utilized fully Lenin's teachings on taking advantage of all circumstances. He turned to the Western Powers for assistance in the struggle for "democracy." He issued a declaration by which he "changed" Soviet foreign policy. Without any hesitation or moral obligation, Stalin proclaimed on November 6, 1941:

"We have not nor can we have such war aims as the imposition of our will and our regime on the Slavic and other enslaved peoples of Europe who are waiting for our help. Our aim is to help these peoples in their struggle for liberation from Hitler's tyranny and then to accord them the possibility of arranging their lives on their own land as they think fit, with absolute freedom, no interference of any kind with the domestic affairs of other nations!"

This was a fine proclamation for export, although Stalin did not believe the Western Powers would forget Kremlin's deeds. He proved to be wrong. Churchill and Roosevelt felt that Stalin was sincere. They insisted that the Red dictator had learned his lesson of history. The ensuing events proved beyond a shadow of doubt that this was nothing but an old Russian propaganda maneuver designed not only to ensure the survival of the Soviet regime, but was also an attempt to strengthen the communist revolutionary movement all over the world with our unwitting assistance. Millions of people, among them even those who knew the Bolsheviks well, misinterpreted Stalin's declaration as his final retreat from Lenin's doctrines. These maneuvers won the Western Powers' readiness to grant the Soviet Union unlimited material and moral aid. Suddenly, the Soviet aggressions which were a part of the Hitler-Stalin conspiracy in 1939–41 against Poland, the Baltic States and Finland were forgotten. The cruel Stalin of yesterday became the likeable Uncle Joe of today. As soon as he was assured of our help, he ordered thousands of experts to work out plans for the rearrangement of the post-war world. We were interested in winning the war; Stalin was interested in expanding his empire.

To impress the Soviet Government with Western good intentions and trust in the future peaceful co-operation between East and West, the Western Allies made many concessions and often deviated from some of the most important principles upon which our democratic societies are based. We agreed not only to the Soviet occupation of large areas in Europe with a total population of over 100,000,000 people but also to the forcible repatriation of the former prisoners of war, about 3,000,000 who survived the Nazi concentration camps and found themselves in the Western-controlled areas.

We agreed to this despite the fact that Article 133 of the Soviet Constitution provides that desertion is "punishable with all the severity of the law as the most heinous of crimes." We betrayed Poland, turned the Baltic States over to Stalin, ignored the pleas of millions of peoples of East Central Europe *not* to leave them at the mercy of the Russian Communists. All in vain; the price of friendship with the Soviet Union was never regarded as exorbitant!

The Yalta Agreement of 1945 gave Stalin a chance to expand his empire to include: Latvia; Lithuania; Estonia; Poland; East Germany; Czechoslovakia; Hungary; Rumania; Bulgaria; and Yugoslavia, which fell under the Soviet sphere of influence. The Yalta Conference will stand in history as a disgusting monument to the stubborn idealism and naivete of the attending American delegation. It has always been a distinguishing mark of American foreign policy that we deal with each major problem as an end in itself. The First World War was the war to end all wars. Yet our victory did not prevent the Second World War. Nonetheless, we again felt that once Nazi Germany and Militarist Japan were defeated, a viable peace would be assured. Winning the war was one thing—securing a lasting peace was another. The thought that the two might be essentially related was put aside as complicating matters.

Some of our diplomats were aware of the basic tenets of communism, and of the many acts of the Russian government that had been in direct opposition to the principles necessary for a peaceful world under God. Yet, they continued to reassure themselves that the Soviets were going to be good boys from now on. Of course, the Bolsheviks had flagrantly violated treaties in the past; of course, the Bolsheviks had never given a second thought to depriving men and nations of their natural rights; of course, the Bolsheviks had murdered millions, lied, cheated and committed every crime in the books—but they are not going to do these things anymore. We will have amicable relations for 100 years with our traditional friends, the Russians. The President wanted to be sure Stalin understood our sincerity.

After Stalin's death the Soviet empire once again was facing an internal crisis of major proportions. Khrushchev initiated a policy of peaceful co-existence and secured our promises not to interfere in the affairs of the communist-controlled nations. As soon as the crisis within the Soviet Empire abated early in 1957, Moscow returned to the policy of blackmail, intimidation, provocation and saber rattling, all designed to paralyze our will to defend and promote liberty.

It must be stressed that the Soviet leadership does not desire a major conflict. It realizes that its aggressive expansionism has aroused the West to a point where further unveiled military moves would entail the definite risk of total war. The Kremlin is, therefore, shifting from overt expansionist tactics to a strategy of wooing the neutral nations in Africa, Asia, and Latin America and of seeking to create conditions for future seduction and subversion. As Khrushchev stated:

"I am sometimes told that I too often stress that Socialism will win, will get the upper hand over Capitalism. Yes, I wholeheartedly believe that in the peaceful competition of the two systems the Socialist System will triumph. And as long as our heart beats in our body, we will not give up our teaching because it is the correct progressive teaching. The days of Capitalism are numbered. . . . We are marching toward Communism without war. We do not need war, it would undermine our cause."

How do we fare against such zig-zag tactics? While in the economic sphere we are successful and our military is still superior, in the realm of psychological and ideological warfare we are very weak. Our policy toward the Soviet colonial empire is based on confusion, uncertainty and, often, indecision in times of potentially great opportunities.

In order to see the state of complete confusion about the most important aspect of our strategy against Russian colonialism, all we need is to compare the statement of Dean Rusk making Georgia, Armenia and the Ukraine a part of the Russian historical state, with that of Ambassador Adlai E. Stevenson before the General Assembly of the United Nations on November 25, 1961. Mr. Stevenson identified the Kremlin masters as colonialists by pointing to the brutal Russian oppression of the once independent national states of Ukraine, Georgia, Armenia and others.

The question is, who is right? Who knows the facts? What actually is United States policy toward this last Colonial Empire of Moscow? The communist strategist will have little difficulty in counteracting this regrettable lack of appreciation on our part of the historical reality of East-Central Europe and the diplomatic inconsistencies it creates. The basic reason for this confusion is that our diplomats become aware of the many crucial problems of our time only after leaving their responsible positions within the Government.

The documents of the Court Proceedings on the 10th Anniversary of the Proclamation of the Captive Nations Resolution should serve as a guideline for our foreign policy towards the Communist Empire. These documents demonstrate the essential truth that the nations under communist domination will never tire of strugglings for their rights to self-determination and freedom. These Captive Nations must be regarded as the best allies of the Free World. The tragedy is that Moscow knows this only too well while the Western Powers are often reluctant to recognize this reality.

MICHAEL S. PAP., Ph. D.,
Director, Institute for Soviet and East European Studies, John Carroll University.

CAPTIVE NATIONS WEEK,
July 8, 1970.

His Excellency A. DOBRYNIN,
Ambassador of the Soviet Union to the United States, Embassy of the U.S.S.R., Washington, D.C.

DEAR AMBASSADOR DOBRYNIN: You are hereby advised that members and friends of the American Nationalities Movement of Greater Cleveland have organized and will hold a forum directed to world public opinion, on Friday, July 17, 1970, from 7:30 p.m. to 9:30 p.m., at St. John's College Auditorium, Cathedral Square, E. 12 and Superior, Cleveland, Ohio.

The subject of the forum will be the alleged subjugation of the captive nations of Europe and elsewhere through communist oppression, and involving concommitment issues such as Soviet imperialism, colonialism, oppression of religious, racial and nationality minorities, and whether the Soviet Union poses a threat to world peace by its current policies.

Granting that this forum does not possess jurisdiction over the principal parties nevertheless the above matters will be explored on moral grounds in order to review the conduct of the Soviet Union vis-a-vis the captive nations for the purpose of reminding world public opinion of such events as affect world peace, sovereignty of nations and true independence for all peoples.

A number of representatives for the captive nations will present five minute statements. A panel of judges, comprised of leading jurists and leaders of this community will preside. A prosecutor will present and summarize the case against the Soviet Union. In the tradition of fair play you are invited to attend and to respond to the accusations which will be presented at that time.

Naturally, only a representative of the rank of ambassador, or at the least, a first secretary of the embassy, will be satisfactory for these purposes so that a sufficiently authoritative defense may be contemplated.

In addition to the group of speeches above mentioned the agenda will also include, we anticipate, a spokesman for the Jewish community regarding alleged Soviet Anti-Semitism.

At the conclusion of the statements a final summation will be made by the prosecutor. If you send a delegate for the purpose of response every courtesy will be extended to grant equal time for defense and final argument. The chief judge will then, with the judicial panel, take the matter under advisement, and thereupon submit the issues to world public opinion.

These proceedings have been prepared in commemoration of Captive Nations Week, initiated by Congressional Act passed on July 17, 1959, which authorized former President Eisenhower to declare the third week of July as Captive Nations Week. A photocopy of that resolution is enclosed.

Because of this commemoration this world forum of local persons and personages intends to appeal to world public opinion to review recent historical events so as to confirm the fact that such events, detrimental to world peace, have not been forgotten nor pardoned. This invitation is courteously extended to you in the hope that you may see fit to arrange for a suitable representative to appear and respond.

Yours truly.

NICHOLAS A. BUCUR,
Program Chairman.

[Public Law 86-90, 86th Congress, D. J. Res. 111, July 17, 1959]

JOINT RESOLUTION providing for the designation of the third week of July as "Captive Nations Week"

Whereas the greatness of the United States is in large part attributable to its having been able, through the democratic process, to achieve a harmonious national unity of its people, even though they stem from the most diverse of racial, religion, and ethnic backgrounds; and

Whereas this harmonious unification of the diverse elements of our free society has led the people of the United States to possess a warm understanding and sympathy for the aspirations of peoples everywhere and to recognize the natural interdependency of the peoples and nations of the world; and

Whereas the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples; and

Whereas since 1918 the imperialistic and aggressive policies of Russian communism have resulted in the creation of a vast empire which poses a dire threat to the security of the United States and of all the free peoples of the world; and

Whereas the imperialistic policies of Communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Viet-Nam, and others and these nationalities were added to the list; Cubans, Croatians, Serbians, Slovaks, Slovenians, and Jews; and

Whereas these submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their Christian, Jewish, Moslem, Buddhist, or other religious freedoms, and of their individual liberties; and

Whereas it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive; and

Whereas the desire for liberty and independence by the overwhelming majority of the people of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace; and

Whereas it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the third week in July 1959 as "Captive Nations Week" and inviting the people of the United States to observe such week with appropriate ceremonies and activities. The President is further authorized and requested to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world.

Approved July 17, 1959.

[Proclamation 3303—Captive Nations Week, 1960—By the President of the United States of America]

A PROCLAMATION

Whereas many nations throughout the world have been made captive by the imperialistic and aggressive policies of Soviet communism; and

Whereas the peoples of the Soviet-dominated nations have been deprived of their national independence and their individual liberties; and

Whereas the citizens of the United States are linked by bonds of family and principle to those who love freedom and justice on every continent; and

Whereas it is appropriate and proper to manifest to the peoples of the captive nations the support of the Government and the people of the United States of America for their just aspirations for freedom and national independence; and

Whereas by a joint resolution approved July 17, 1959, the Congress has authorized and requested the President of the United States of America to issue a proclamation designating the third week in July, 1960, as "Captive Nations Week," and to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world:

Now therefore, I, Dwight D. Eisenhower, President of the United States of America, do hereby designate the week beginning July 18, 1960, as Captive Nations Week.

I invite the people of the United States of America to observe such week with appropriate ceremonies and activities, and I urge them to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the peoples of those captive nations.

In witness whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this seventeenth day of July in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

DWIGHT D. EISENHOWER.

By the President:

[Declaration of Independence, Philadelphia, Pa., July 4, 1776]

CREDO FOR INDEPENDENCE OF THE CAPTIVE NATIONS

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truth to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness . . .

AMERICAN NATIONALITIES MOVEMENT OF GREATER CLEVELAND, OHIO, INC. CAPTIVE NATIONS WEEK—JULY 13TH TO 19TH, 1970 WORLD FORUM FOR CAPTIVE NATIONS, ST. JOHN'S COLLEGE AUDITORIUM, CLEVELAND, OHIO

Bailiff Jack Dudek: This extraordinary session of the World Court for Captive Nations is called into session and is open for business pursuant to adjournment. The Honorable Ralph J. Perk, Chief Judge, presiding. Ladies and gentlemen, you may be seated.

Honorable Ralph J. Perk: The court offers its greetings to the people, the panel, the distinguished guests and participants, as well as to the audience, the friends of all Captive Nations. The World Forum for Captive Nations is now open. This Forum is sponsored

by the American Nationalities Movement of Greater Cleveland.

Our purpose is serious. No demonstrations will be permitted. The atmosphere of a courtroom and decorum will be respected. It is requested that there be no applause. I repeat, no applause.

Captive Nations Week was started by an Act of Congress approved on July the 17th, 1959, which authorized the President of the United States to declare the third week of July as Captive Nations Week until freedom and independence have been achieved for all of the Captive Nations. Since 1959 there has been no lessening of world tensions due to the aggressive conduct of the masters in the Kremlin and their allies, who have provoked one crisis after another. The world has overlooked the real historical conduct of this super power. It stands accused today of genocide, brutality, tyranny, suppression and subjugation of small nations. We shall hear testimonies from accusing witnesses regarding these accusations.

As in every trial, the judge introduces the participants; and in this case, we will introduce the judges. I shall first introduce our distinguished panel who represent not only the law but also wide areas of public opinion in our community including education, labor, business, science, art, politics and the minorities.

Starting on my left, at the judicial bench in front of me is William Petro, Sr., distinguished attorney and businessman; towards the center from Mr. Petro is Professor Michael Pap, Director of the Institute for Soviet and East European Studies, at John Carroll University. On his right, the distinguished professor of law, Howard Oleck, of the faculty of Cleveland Marshall Law School and Cleveland State University. To his right is Mr. James Iafelice, District Director of the International Association of Machinists, AFL–CIO. On the elevated bench to my right, is the honorable Norman Fuerst, Judge of the Cleveland Municipal Court and former member of the Ohio Legislature. To his left, is the honorable Perry B. Jackson, Judge of the Common Pleas Court, a former legislator and a former councilman. To my immediate left is the Honorable Mr. William O. Walker a member of the cabinet of the Governor of Ohio, a former councilman, and the editor and publisher of the *Cleveland Call & Post*. To his left, is the Honorable Alvin I. Krenzler, a member of the Board of Cleveland State University and judge of the Court of Appeals. My name is Ralph Perk. I shall act as the Chief Judge.

The bailiff who opened this session is Jack Dudek who is the bailiff of the Common Plea Court and former National president of the Fraternal Order of Police. I should like to introduce at this time the gentleman on my right, in front, Attorney Nicholas A. Bucur, who will act as Chief Prosecutor in these proceedings. The Chief Prosecutor will present the accusing witnesses in alphabetical order.

As I previously stated, our purpose is the presentation of accusations by persons who represent various Captive Nations. Obviously, this panel of judges, and I, and all participants, are all aware of the fact that we do not have jurisdiction over the subject matters of this proceeding. We intend, therefore, to present the evidence in order that world public opinion, which will act as the jury, may be apprised and reminded of the allegations herein presented for such action as world opinion and posterity may face. We do this not to castigate nor insult nor to degrade any nation or people; but to inform and enlighten world public opinion in the interests of freedom, justice, and peace for all people.

The Soviet Ambassador, Mr. Dobrynin, has been invited to appear with us to hear the accusations and to respond. He has neither replied to the invitation, nor appeared, nor has he sent a representative on his behalf. I have nevertheless noted that on the stage here is a chair which is assigned to the Soviet Union.

Each accuser will present a five-minute statement on behalf of each Captive Nation represented here today. That will be followed by filed information by the Prosecutor. At the closing by the panel of judges and myself, these proceedings will be concluded with ecumenical prayers for peace—the latter being not in regular courtroom proceedings, but necessarily in this extraordinary session.

Mr. Prosecutor, will you proceed?

Chief Prosecutor Nicholas A. Bucur: Your Honor, Ladies and Gentlemen of the World who serve as our jury, permit me to inform you first of all that the accused party herein, that is, the Communist Government of the Soviet Union, was notified of these proceedings by Certified Mail. An invitation was sent to Anatol Dobrynin, Ambassador to the United States. At this time, I offer you as evidence the letter which was sent to Mr. Dobrynin, consisting of two pages, and I further offer into evidence the return receipt card signed by an attaché of the Embassy.

Due to the fact that Mr. Dobrynin has not seen fit to respond to this invitation, the defendants will be tried in absentia; and therefore, I cannot make the usual opening statement customary in proceedings of this kind. Instead, I shall waive a formal opening statement and at this point interject the plea on behalf of the defendants of "not guilty," of which fact the court is now apprised; and the defendants will be symbolically represented by the sign at the chair stating "Soviet Union."

At this time, therefore, I shall proceed with the prosecution. Ladies and gentlemen of the jury, so that you may know which people are the Captive Nations, I shall read the list to you. Not every nation from this list will be represented here. We have approximately fifteen witnesses. But this is the list contained in the Derwinski Resolution in the House of Representatives of April 20, 1970, which is the latest: Armenia, Azerbaidjan, Byelorussia, Cossackia, Georgia, Idel-Ural, North Caucausia, Ukraine, Southeastern Republic, Turkestan, Mongolian Peoples' Republic, Estonia, Latvia, Lithuania, Albania, Bulgaria, Serbia, Croatia, Slovenia, and others in Yugoslavia, Poland, Romania, Czecho-Slovakia, North Korea, Hungary, East Germany, Mainland China, Tibet, North Vietnam, and Cuba.

It is on behalf of these people that the accusations are brought. I call as my first witness a representative for the Byelorussian delegation. Born in France of a Byelorussian father, he studied in Europe two years ago and has recently graduated from a large Mid-Western university. He will speak on Russia's extreme measures of genocide, political terror, and cultural genocide against the people of Byelorussia, especially during the long reign of—Joseph Stalin. I present to you Mr. Andrei Orlovich.

Mr. Andrei Orlovich (Byelorussia): By the Treaty of Riga on March 18th, 1921, about two-thirds of Byelorussia was handed over to the Soviet Union; Poland acquired the rest. Russian suppression of its new conquest, however, came long before 1921. Throughout its history, Byelorussia, or White Ruthenia as it was called, has been the prey of the surrounding predatory powers.

irst, during the Portions of Poland in the later 18th century, Russia acquired all of the Byelorussian sections, which was then known as the Grand Duchy of Lithuania. The Tsars, on the other hand, eagerly suppressed all free expression of culture and even the use of the people's language in the schools.

During the first two decades of the present century, Byelorussian youths and students were active in organizing various revolutionary groups. Their purpose was not the immediate overthrow of the Tsars, but the eventual independence of their country from the Poles and the Russians. The police, however, were quick to halt any anti-Russian publications.

The Communists have not behaved much better than their royal predecessors. After the Bolsheviks were finally established in Moscow, they sent out agitators to Byelorussia to recruit members for the Communist Party. They only seem to have succeeded among the non-Byelorussian urban proletariats. In early 1919, the BSSR (Byelorussian Soviet Socialist Republic) was created, and the Communist Party declared token independence for the country. This and later attempts on the part of the Soviet Union to grant the BSSR constitutional rights were a mere facade in the face of the world.

In reality, however, Russia is the one in full control of the nation's life. Often, Byelorussia has received the brunt of Bolshevik anger when the latter has been in a good international and internal position. From 1922 to 1928, Lenin's New Economic Policy (NEP) was introduced, though armed uprisings and other anti-Russian expressions were common in the Republic at this time. The Byelorussian Communist Party membership was only 3,000. Russia had to find a way to appease its northwestern conquest. Many schools were closed, including the State University in Minsk, the nation's capital. The cultural Byelorussian forces had taken advantage of the opportunities given by the NEP to further their own good and literature, the arts and sciences had flourished.

Russia was anxious to Russify the country. The suppression of the peoples' language was only one method used in Russification. About 1929, Moscow launched its campaign of systematic genocide and political terror. Those Byelorussian officials who openly opposed Soviet colonialism were quickly ousted from their posts and replaced by Russians. The height of the terror was the forced collectivization imposed on the people, many of whom were imprisoned or exiled because of non-cooperation. They responded with acts of sabotage against the intruders by destroying homes and livestock. The arrests increased in number and frequency while the labor camps of Siberia became more and more crowded.

The 1930's witnessed three great waves of mass arrests. The concentration camps became filled with Byelorussian government officials, writers, scholars. Many were falsely accused of belonging to secret, underground anti-Communist groups, and of cooperating too closely with the rebellious Ukrainians. Death was Russia's answer to such a problem.

In the early 1930's, Moscow also caught wind of a supposedly planned revolt set in 1933 or 1934 against Russia, and promoted supposedly by the Polish General Staff and the Ukrainian National Organization to free Byelorussia. All Byelorussian intellectuals who might be linked with these plans were soon deported. Thirdly, the wave of arrests of 1936–1938 victimized many writers, and others in the arts. Many Byelorussian Communists, charged with treason, were also caught. Many of them committed suicide.

Moreover, if the accused was ever given a trial, it was a mere formality. The person charged was considered guilty from the start. Sometimes there were "Show Trials" staged for the public. These "trials" made ideal propaganda since it was the prisoner who was forced to ask for his own punishment.

It is hard to estimate the actual number of people that Russia destroyed during its reign of terror. It is known that during the short period between 1929 and 1931, the process of forced collectivization claimed one and one-half million lives; while the total number killed during the Communist rule of Byelorussia surpasses four and one-half

million. This, of course, does not include those killed indirectly through famines resulting from the reduction of the natural increase by the Soviets.

When discussing Communist aggression against Byelorussia, one must also consider the campaign of cultural genocide of the 1930's. Religious works and buildings, some dating back to the 12th century, were systematically destroyed. Many fine churches, Orthodox and Catholic, as well as Jewish synagogues, lost valuable works in sculpture and paintings because of this vandalism.

Literature also received the brunt of the attack. In 1935 alone, were destroyed 10,773 listed names of books and journals numbering some 12 million copies. Among these were collections of Byelorussian folk literature and the Byelorussian archives and academic journals.

Religion, because it posed ideological problems for the Bolsheviks, had also to be eliminated. A Byelorussian priest, reporting before the U.S. Select Committee to investigate Communist Aggression, stated: "We priests were sent to Siberian slave camps or shot. By 1937 all the clergy of Byelorussia were liquidated; the churches locked or destroyed; services completely stopped. While speaking about freedom of religion in their Constitution, Communists closed all churches, approximately 2,000, at the same time in the whole of Byelorussia. All the bishops and clergy were arrested, starved to death, tortured, or lost in the slave camps of Siberia."

Another revealing fact is that of the 2,445 churches and 23 monasteries existing before World War I, there was in 1941 not a single one truly serving the religious needs of the population of the USSR. In all, the Communists were not only destroying churches merely as religious symbols, but also as national symbols. Signs of a national spirit, however, are still alive despite repeated suppressive attacks.

These same years, the 1920's and the 1930's, witnessed the establishment of numerous Byelorussian underground organizations. All these, of course, were soon liquidated by the Russian police; but their very existence created a renewal of national spirit in the people. Even the Byelorussian Communist Party was soon infiltrated by National Democrats.

The 1940's were not much more propitious for the Byelorussian people. First, there was Stalin's wave of terror; then came the Second World War resulting in the occupation of the western part of the country by the Red Army. Byelorussia is still controlled by the Russian Communists today.

What presently goes on inside Byelorussia, does not make as many international headlines as does Czechoslovakia, but the situation is similar in both countries. These people want true independence. Both people have suffered at the hands of foreigners, the Russian invaders. It is time for independence that the people declared for themselves on March 25, 1918. It is time for freedom.

Chief Prosecutor Nicholas A. Bucur: Your Honor, ladies and gentlemen of the Jury, I'm going to ask that the remaining witnesses be sure to limit their remarks to five minutes. We have quite a number to cover; and while the first one lasted a little longer because it laid the groundwork in the foundation for most of the other remarks and the context in which they will be said, I shall ask you to discuss only the high points of your evidence. In the event that the remaining witnesses do not at the expiration of five minutes finish their remarks, I will ask that the remainder of their remarks and any of the material which is supplementary to their statement plus documentary evidence and data, be offered into evidence, and accumulated at the end of the entire case, in the interest of saving time.

I call as my next witness Mr. Theodore Abjanic, on behalf of the Croatian people.

Mr. Theodore B. Abjanic (Croatia): Honorable Judges: The case of the Croatian Nation held captive under the communist regime in multi-national Yugoslavia is hereby submitted for the attention and judgment of this tribunal and the Free World.

Yugoslav communist imperialism has been patterned after the Russian communist imperialism since it was under the aegis of the Russian trained Tito and the power of the invading Red Army which established communism and all of its attendant horrors in the forcefully recreated Yugoslav state after World War II.

Whenever atrocities are mentioned today in connection with the Second World War, Americans quite naturally tend to think of the horrendous nature and scope of crimes committed by their World War II enemies. Equally abhorrent, however, were the atrocities committed by America's communist allies particularly in the aftermath of the war when power was being consolidated and centralized by the new Eastern European regimes, and to which scant attention and very little, if any, public opinion was engendered against.

In communist Yugoslavia alone, hundreds of thousands of Croations, in particular, were brutally liquidated. Widespread and indiscriminate slaughter marks the history of newly communist dominated Yugoslavia whose rivers, fields and mountain ravines tainted by unending piles of mutilated Croatian corpses, military and civilian. The plan was successfully carried out under the slogan "Croatians must die so that Yugoslavia may live".

Thus, during the immediate postwar days, *Milovan Djilas,* (the then fiery Minister of Propaganda and Provocation), together with *Koca Popovic,* one of the highest ranking members of the present Belgrade regime, and *Aleksander Rankovic,* the organizer and long time head of the infamous Yugoslav secret police, and *Mitija Ribicic,* the newly appointed Yugoslav Foreign Minister, and *Josip Broz Tito,* continuing head of the regime, were the chief order-givers to squads of order transmitters and executioners who carried out one of the bloodiest peacetime purges in the annals of civilized man.

So horrible and extensive were the killings and imprisonment that *Time Magazine* had finally alluded to them near the time they were taking place. On page 28 of the September 16, 1946 issue, *Time* reported that Tito's secret police patterned after the Russian NKVD and headed by "the able, notoriously cruel Aleksander Rankovic," together with the Partisans liquidated an estimated 200,000 people and imprisoned an estimated 100,000.

A recent article in the February 21st, 1970 issue of London *Spectator* noted that under the newly appointed Yugoslav Foreign Minister, Mitija Ribicic, thousands of anti-communist nationals were murdered in the forests of western Yugoslavia after the war. According to the documents and eye witness testimonies compiled by Croat sources and revealed in the recently published book *Operation Slaughterhouse* at least 80,000 Croats were murdered at the massacre sites attributable to "Mitija the murderer". Literally, 600,000 Croatians have been liquidated in Yugoslavia from 1945 until today. Many thousands of Croats are still imprisoned in Tito's labor and torture camps while several hundred thousands more have been fleeing Yugoslavia these many years and constitute 80% of all exiles in the free world from Yugoslavia.

The Yugoslav communist government still continues a terroristic campaign against those opposing the Yugoslav state. This has been done through deploying the Yugoslav secret police, U.D.B.A., on extraterritorial assassination operations. During the last two years, in West Germany alone, ten Croatian exile leaders were assassinated and several others were wounded in attacks by U.D.B.A. agents. Tito, himself, announced such a policy in his speeches and the official Yugoslav press has boasted about the "silencing" of the "emigres and diversionists living abroad". This was reported in the *London Times* in early November, 1969 issue and in the *Los Angeles Times* in the November 2nd, 1969, issue.

As the spokesman for Captive Croatia, I submit the above information to this Forum for consideration and judgement and further submit the following summation of facts pursuant to the Croatian position in Yugoslavia:

1. The Croatian Nation finds itself still in an oppresive dual captivity of totalitarian communism and a forcefully established state, the so-called Federal Socialist Republic of Yugoslavia.

2. The Croatian Nation has never declared itself in free elections for this nor any other Yugoslavia but that this state was imposed on Croatians through fraud and force and is being held together through the dictatorship of the League of Yugoslav Communists comprising the central Belgrade regime.

3. The central Belgrade regime is exploiting the Croatian people not only politically, socially and economically but, moreover, is deliberately destroying its national identity, its national culture, its national language and all those traits which make it a separate nation with a proud tradition, and a long heritage and history.

Therefore, having all the above stated facts in mind, in behalf of Captive Croatia, I accuse the Yugoslav communist Government of crimes against humanity through its genocide perpetrated against the Croatian Nation and through its systematic suppression of Croatian national, economic, social, religions and cultural development and demand:

1. The removal of the one-party, totalitarian, communist regime and police dictatorship in Yugoslavia through the establishment of free elections and other democratic procedures.

2. The establishment of a free, independent and democratic state of Croatia and the freedom of the other nations held captive in Yugoslavia because this is the only natural solution for a better and happier future of all these nations, and is the condition by which their peaceful coexistence in the community of the free and independent nations of the world will be assured.

Thank you.

Chief Prosecutor Nicholas A. Bucur: I call as the next accusing witness, Mr. James Kocian from the Czech community.

Mr. James Kocian (Czechs): Honorable Presiding Judge Ralph J. Perk and Honorable Members of the Jury: From 1948 to 1967 the situation in Czechoslovakia became so critical (failing economy, rigid press censorship, etc.) that the younger and more moderate forces in the ruling Community Party realized that a change in the methods of ruling the nation was necessary. After a protracted struggle in the Central Committee of the Party and its Presidium, the Stalinist, Novotny was replaced as First Secretary of the Party by the comparatively young Slovak, Alexander Dubcek (Jan. 5, 1968) who finally was also compelled to resign as President on March 5, 1969.

This change in leadership was accompanied by a restoration of freedom of speech and the press, a review of the political trials of the 1950's, the establishment of new economic reforms and an independent judiciary, and a general easing up of travel and other cultural limitations.

This whole movement from January to August 1968 has often been characterized as socialism with a "human face," and the transition from the hard-line Stalinist poli-

cies to more liberal policies took place nonviolently and almost democratically.

But, with all its liberal tendencies and humanistic facets, it must also be noted that Czechoslovakia still strongly asserted its strict adherence to the Warsaw Pact alliance. In other words, the Czechoslovak leaders wanted conditions improved internally (humanistic reforms for the people) while at the same time asserted that they would follow the Moscow Line in foreign relations.

The Soviet Union, however, soon began to take a very dim view of the course Czechoslovakia appeared to be taking. The Soviet press stepped up its criticism of the Dubcek regime, the Soviet troops were being deployed along the Czechoslovak border. The result of crucial talks with Soviet leaders, held at Cierna and later in Bratislava, was at first considered favorable to Dubcek, but proved to be abortive. The Soviets wasted little time in dispelling any doubts about their attitude to Czechoslovakia's humanistic experiment. On August 21, 1968, the USSR—assisted by Bulgarian, East German, Hungarian and Polish contingents—invaded and occupied Czechoslovakia.

A complaint was lodged at the U.N., but no action was taken. The invasion was justified according to the Soviets by the "Brezhnev Doctrine" which holds that the community of socialist states (Moscow's satellites) has the right to intervene in any single Socialist state in which internal developments are endangering the survival of socialism. In practice, of course, this amounts to an assertion of the full right of the Soviet Union to intervene in any socialist state in which there are developments disapproved by Moscow—which is utterly incompatible with the U.N. Charter (of which the Soviet Union is a party too).

The aftermath of the invasion consisted of the repression of all liberals (both inside and outside of the Party), the replacement of liberal high government and party officials by pro-Moscow hard-liners, and virtual economic collapse due to the passive resistance of the Czech population.

The new Prime-Minister, Gustav Husak, is following Moscow now, and for that reason, he is unpopular with the people. He is also being criticized by the ultra-conservative Trotskyites who want even stricter repression of any party deviates.

The end result is that the people of Czechoslovakia maintain faith in Western values (freedom and justice as interpreted by Masaryk) but have given up hope for much help from the West.

As a prosecuting representative of the free Czechs and their captive homeland, I am charging the Soviet Union in their invasion of Czechoslovakia on August 21st, 1968, with violating the territorial rights of this country, oppressing 15 million Czechs and Slovaks, damaging historical buildings, hospitals, homes and factories and killing without cause many unarmed civilians.

Also, at this time, I would like to be granted permission to call upon a witness, whose brother was killed in 1968 by the Soviet soldiers on a street of the city of Prague:

What is your name?

My name is Jindrich Gref.

Where did you come from, Mr. Gref?

From Prague, Czechoslovakia.

When and how was your brother killed?

On the way to work my brother was killed by fragments of a shell from a tank gun shot by the Soviet soldiers on August 21st, 1968 in Prague.

Thank you Mr. Gref, no further questions.

Honorable Judge and Jury: You have heard a witness of just one Soviet atrocity in Czechoslovakia. His statement will give you a clear picture of the inhumanity of the Soviets and their imperialistic deeds.

I am asking at this trial for the free world to impose upon the Soviet Union the strongest penalties possible.

This is their record in my homeland.

Chief Prosecutor Nicholas A. Bucur: Honorable Perk: At this time I should like to make this comment, that it took a good deal of courage on the part of the previous prosecuting witness, Jindrich Gref, to take the stand in the full glare of publicity and to state what happened to him and his family having full knowledge that everything that is said here can be, and is, communicated abroad.

I call as my next witness Toivo Karios on behalf of the Estonians.

Mr. Toivo Karios (Estonia): Gentlemen of the jury, Estonia is the northernmost Baltic country with a small population of one and a quarter million people and an area of about 18,000 square miles. On February 24th, 1918, Estonia proclaimed her independence as a democratic republic and was subsequently recognized by the allies and all the rest of the free world. On November 28, 1918, the Soviet Union attacked Estonia, thus violating her own declaration proclaimed on November 15th, 1918 according to which all peoples of former Tsarist Russia were declared free to secede from Russia. On February 2nd, of 1920, after having valiantly repelled the Communist invaders for 14 months, Estonia succeeded in signing a Peace Treaty with the Soviet Union, by which Russia unreservedly recognized the independence and autonomy of the State of Estonia and renounced voluntarily and forever all rights of sovereignty held by Russia over the people and territory of my country. For approximately 20 years Estonia enjoyed the fruits of democracy and proudly joined the rest of the free world nations.

But with the outbreak of the Second World War, Estonia again was placed under the sphere of Soviet influence by a treaty signed in Moscow by the Soviet Union and Nazi Germany. In September of 1939, under threat of war, a mutual assistance pact was forced upon Estonia by which the country was compelled to establish a number of Soviet naval and air force bases on its territory. The following year the Soviet Union presented an ultimatum demanding the establishment of a new government "friendly" to the Soviet Union and the granting of a free passage for additional Soviet troops to my country. On June 17th, 1940, the day following the ultimatum, the Soviet army marched into and occupied Estonia. A new government, completely subservient to the Soviet Union, was imposed on Estonia.

With these steps, my country was converted into a Soviet colony. This transition was effected in all the Baltic countries according to the same blueprint. The Sovietization of the country was effected under unprecedented terror in order to purge the country of all undesirable elements and to force the country into submission. From the very onset, the Soviets led mass arrests and executions. The arrests were usually carried out at night to heighten the sense of terror throughout the nation. During this period, the following atrocities were committed by the Soviet Union.

Arrested were almost 8,000 persons of which 1,950 were later exhumed from mass graves, most of them being shot in the neck. The remaining were never found or were sent to prison camps in the Soviet Union. In June, 1941, 10,205 persons of all ages, many of them women and children, were deported. In addition, 33,000 were recruited into the Red Army and upon retreat these men were taken into the Soviet Union. One of them was my Father. During this period, close to 60,000 Estonians, the majority of them young men and women, as well as government leaders and public servants, skilled workers and farmers, were lost by Estonia. This number represents about 5% of the total population of the country at that time.

Estonians are suppressed and exploited but will never reconcile themselves to the status of the Soviet colonies. Soviet colonialism is a strange oddity especially at a time when the principles of freedom and self-determination for all peoples in the world have found universal recognition as a guiding idea of the century and is being practiced in all parts of the world. We accuse the Soviet Union of the aforementioned atrocities and for the denial for the Estonian people freedom and self-determination.

Chief Prosecutor Nicholas A. Bucur: At this time, the prosecution calls Mr. Joseph Bauer who will speak on behalf of the East German people.

Mr. Joseph Bauer (East Germany): Your honors. With no disrespect or sympathy for other nations, whose place in the world is being dictated by the armed might of the Soviet Union, the case of Eastern Germany must certainly represent the most blatant subjugation of the people in the annals of modern history. The pages of history are often filled with the examples of Great Walls being erected as a means of protection of people inside, but one would have to look very long and hard to find an example of free people constructing a wall to imprison themselves.

Facts speak for themselves.

And because the facts so speak for themselves nowhere in the world can one find a more vivid example of complete failure of a system of government imposed by the Soviet Union upon the people as well as the complete servitude enforced by the presence of their armies. The Berlin Wall has, and should be, considered a monument—the monument for the entire free world to observe for what it really symbolizes, the complete subjection and imprisonment for the populace behind these confines as well as the complete failure of the government imposed upon the people.

Pages upon pages can be filled with examples of the ruthless and barbarian act of tyranny imposed upon the people of East Germany as I'm certain will be offered this evening by other nations within the sphere of influence of the Soviet Union. As in Czechoslovakia and Hungary, the East German people have risen and fought their oppressors with stones, fists, and yes sticks, only to be humiliated and put into place by guns and tanks and the armies of the Soviet Union. Mothers and fathers, husbands and wives, children and friends, longing only to embrace each other, speak to each other through barbed wire under the watchful eye of the armed guards with their hearts filled with despair at the sight of the loved one so close and yet in another world.

As once said by our late President, John F. Kennedy, on his visit to Berlin: "There are people who say the future belongs to Communism. Let them come to Berlin!" Yes, let the world come to Berlin. Let the world witness East Germans, including mere children, ripped apart by bullets from the Soviet Union laying in the barbed wire wall, pleading for mercy in their agony yet allowed to have their lives slowly seep from their bodies. And after witnessing such a slaughter, let us reflect as to the reason for such brutality. Are these people murderers? Spies, or thieves escaping the authorities? No. Merely men, women and children tortured to a point when a faint hope of freedom has driven them to an attempt to gain such freedom even if they're most certainly to lose their life in the attempt. These acts, above all else, are a dramatic proof of the desperation and despair of those persons residing behind the Wall.

By analogy, how many persons have tried to climb the barricades in an attempt to *enter* East Germany? All of the rhetoric, arguments, and fancy slogans ever published by the Soviet Union cannot hide the Wall. It is the symbol of their brutality and failure not only in East Germany but in the entire world. On behalf of the people behind such walls, not only in East Germany but all of

the enslaved nations, let us here tonight condemn the Soviet Union and resolve her complete and everlasting destruction. Thank you.

Chief Prosecutor Nicholas A. Bucur: The prosecution calls at this time Mr. Geza Irati on behalf of the Hungarians.

Mr. Geza Irati (Hungary): Honorable judges. The Hungarian people accuse the Soviet Union of being the most aggressive Communist Nation in the world. After World War II, the Soviet Army induction service deported 500,000 Hungarians, civilians, as well as military, to the Soviet Union, namely in Siberia. From these, only 400,000 returned, many of them crippled and incurably sick. Since the Communist Party could not receive more than 13% of the vote in national elections, they were forced to resort to terror. They liquidated or jailed anyone who dared to resist their orders. Their main targets were churches of all denominations, all types of business, landowners and the intellectual class and their descendants.

When the Treaty of Paris took effect on September 15th, 1947, the occupation of Hungary came officially to an end but the Soviet Army remained using more than 80,000 motorized Russian infantry and several tank units. Through false accusations, they sentenced Cardinal Mindszenty to life imprisonment. This was the start of mass arrests and terror.

Non-Communist organizations were forbidden. I could call several witnesses from within the City of Cleveland who have been arrested, badly tortured, and have suffered from the inflicted sickness of the jail. In 1952, four years after I joined the Catholic Youth Group, I was arrested and sentenced to fifteen years in prison for active membership "in a philosophical conspiracy against the Peoples' Democracy". By 1952 there were 20,000 people either in state prisons or concentration camps. This was called the Big Leap Towards Communism.

Outside of the prisons the workers were denied the choice of jobs. Everybody worked in the factory to which he was assigned. The farmers have been forced into collectives. Students from the age of 14 have been assigned to different types of schools according to their parentage. College education was denied to anyone who had intellectual parentage.

In 1956, the Hungarian people revolted to regain freedom and independence. The demands came from many sources, meetings, resolutions, and radio broadcasts. The Hungarians wanted only national independence with a multi-party and a parliamentary system with free elections.

In addition, these people called for an end of their economic exploitation by international communism and terror. On October 31st, 1956, all these goals were reached. The Russians had to evacuate the country, the multi-party system was re-established, prisoners were freed, and concentration camps abolished. Freedom of press and speech was assured. After ten years of suffering, with bare hands, Molotov cocktails and revolvers, the Hungarian people gained back their national freedom, independence and self-esteem.

On November 4th, 1956, the Soviet army attacked Budapest. 300,000 troops, 2,000 tanks and the Soviet air force held the capital under siege for days, and after a valiant struggle, in which 20,000 Hungarians lost their lives, Hungary was again occupied by the Red Army. The U.N. declared the Soviet Union as an agressor against the Hungarian people. Meanwhile, the new Communist puppet government fully cooperated with their masters and reprisals against the Hungarian people began. They executed even the revolutionary Prime Minister along with several other politicians, writers, students, and Freedom Fighters. About 60,000 young *students and workers* were deported to Siberia. Many thousands are still languishing there.

The Hungarian Puppet government invited and agreed to keep 60,000 Russian troops which are stationed even today throughout occupied Hungary. The case of the one hundred and fifty Hungarian Freedom Fighters who were imprisoned and not tried for two years until they reach the age of eighteen, because the "law" did not permit death penalty under eighteen years of age created world-wide outrage. Their execution took place in May of 1958 in spite of an international press campaign. Even worse, a genocidal abortion system was introduced and encouraged in Hungary. Encouragement is a very mild word—it should be "enforced." Her natural increase has faltered and fallen to the extent of being the lowest in Europe.

Now even the cynics have to agree that there is something in the vision of a nation's slow but sure death in the middle of Europe. May I call the honorable judges' attention to something I learned when I was seventeen years old, which was taught to us in a Hungarian school. "The Soviet Union won the territory of the Soviet Union in the First World War. The Soviet Union gained half of Europe in the Second World War. In the Third World War, we will rule the world."

I hereby solemnly testify, therefore, against Soviet Russia and her agents in the Communist Party in Hungary now called the Revolutionary Workers and Peasants Party. They, and their co-conspirators, contrary to the principles of humanity, peace, and dignity, have participated singly and collectively over a period of years since 1945 in depriving the thousand-year-old independent country Hungary and the Hungarian people of their freedom and dependence. All of these acts were committed willfully against the will of the Hungarian people by using terror, unlawful methods, tricks and complete economic exploitation of the oppressed people of Hungary. Thank you.

Chief Prosecutor Nicholas A. Bucur: Your honors, ladies and gentlemen of the jury, the next witness will testify regarding oppression of minority groups within the Soviet Union. Testimony thus far has been with regard to Captive Nations. Inasmuch as the Soviet Union itself is not a Captive Nation, but is accused of being the Captor, testimony will be in a slightly different vein.

I call at this time upon Dr. Herbert Caron who will testify regarding allegations of Soviet anti-Semitism.

Dr. Herbert Caron (Anti-Semitic): Your honors. Members of the court. I am grateful for this opportunity to speak on behalf of 3 million Jewish citizens of the Soviet Union. These people represent one-quarter of all Jews remaining in the world after the murder of 6 million in Hitler's death camps. The Soviet Union defines the Jews as a nationality; and if so, they are truly a captive nationality. They're not newcomers in this part of the world. For example, the Jewish community of Soviet Georgia is at least 2,000 years old. These are three points to be made in the brief testimony.

First, the Soviet Union is willfully attempting to crush the Jewish sense of identity and self-respect by eliminating Jewish culture and religion. It has even deleted references to Judaism in standard encyclopedias and history textbooks.

Second, the Soviet Union has willfully slandered the Jewish people in public propaganda and is encouraging anti-Semitism among the masses of people when it publishes openly anti-Semitic books, cartoons, and newspaper propaganda.

Third, the Soviet Union has denied Jews the right to leave the country and to settle elsewhere. This is a serious deprivation in view of the intolerable conditions imposed on this Jewish community in the Soviet Union.

I'll take these points in order. First, the official crushing of Jewish identity and self-respect. Officially, Jews are a nationality in the Soviet Union; but there is no organization that represents the large Jewish community. In the last reported census, 1959, 20% of the Jewish population declared "Yiddish" or "Jewish" to be its native language; yet there's not one single Jewish school or other educational institution whether in either Yiddish, Jewish, or Russian. As recently as 1940, there were 90,000 youngsters in Jewish schools in the Soviet Union serving an estimated 20% of all Jewish youth. In 1934, there were 467 Jewish schools in the Ukraine alone. After World War II, Stalin destroyed this educational apparatus and his successors have continued this policy.

Article XXI of the Soviet Constitution guarantees that instruction in the schools be provided in the national language. There are forty-five languages of instruction in the Soviet Union, but the Jews remain an exception. Yet the 3 or 3½ million Jews are not a small or insignificant group in the USSR. They are actually the 11th largest nationality in terms of population, and they have made significant contributions to the life of the country. Yet references to them have been practically eliminated from official Soviet history. In a recent article, William Quary documents an analysis of 15 elementary and secondary school history textbooks used in Soviet schools, and I will submit this in evidence rather than read it. He points out that encyclopedias as well have seriously deleted the number of Jewish references. I'll refer to just one small section in the major Soviet encyclopedia *Bolshava*. In the 1932 edition Jews were given 117 pages; in 1952, there were only 2 pages devoted to Jewish history.

In the same way, even Jewish heroes have been removed from the published lists of medal winners, even though they were very active in the fight against the Nazis. The list only goes by nationality groups—Ukrainians, Moldavians, etc., but the Jews, although they are separate nationalities, are simply lumped under "Other Nationalities."

In this cultural deprivation, Jewish children cannot grow up with the knowledge or pride in their tradition or pride in the contributions their people have made to their country. Even the famous poet Yevtushenko was severely criticized when he published "Babi Yar" which is essentially a poem in memory of the Ukrainian Jews slaughtered by the Nazis.

On the other hand, and this is my second main point, anti-Jewish writings are praised and encouraged by the Soviet governmental agencies. The notorious anti-Jewish book by Norman Kichkov *Judaism Without Embellishment*, published in 1963, describes Jews as parasites who were taught by their religion not to work but to live off others. Anti-Semitic cartoons—I'll show you some of them here, and I'll submit these—shocked the world with their similarity to Nazi propaganda. This one for example shows a Jewish man in a prayer shawl and a long nose reaching into a till of money, presumably at a synagogue. When letters of protest were received about such provocations, the Soviet government defended them. This was called a "scientific" book and was finally withdrawn from circulation after protests by the French and Italian Communist Party. However, the author, Norman Kichkov was honored again in October, 1967. Although he has written more extreme anti-Jewish works, his works are mild compared to some of the more recent publications, particularly by Yuri Ivanov. All of these, of course, are official publications of the Soviet Union, and must be officially sanctioned. Keep this fact in mind in interpreting the charge published in the D'agastan official newspaper *Kommunist* "that Jews sold diluted Moslem blood which

they drank as a holy ritual." This anti-Semitism was published in a predominately Moslem area.

Even in international broadcasts, distortion and slander can be documented. On December, 1968, the British Broadcasting Company picked up a broadcast to Arab countries and Africa indicating that a large group of Jews had received 100,000 ampules for sterilizing the Arabs, and these Jews were about to embark on a massive campaign of sterilizing Arab people. It need hardly be said, of course, that this story is entirely false—it's not even believable.

The whole picture of Soviet Jewish policy certainly shows amazing degrees of hatred and prejudice, expressing the official action of a "model nation." How can it be explained? There are various interpretations. Some, of course, tie it to the Soviet efforts to win favor with the Arabs against Israel. Others tie it to the crudity and personal anti-Semitism of the type of person who typically achieves high leadership under the Communist system. Still others tie it to the failures of Communism to provide a satisfactory life for its people. A public scapegoat is needed. The public is told "Blame all your troubles on a minority group—the Jews—and leave the government alone." This technique may have some merit—at least, it seems to work. Perhaps all three explanations are true.

In the words of the International Commission for Jurists—a party affiliated with the United Nations—anti-Semitism represents the most dangerous form of racialism in the world. No question of expediency can ever justify its use as a political, social, or economic weapon. This Commission did a detailed study of the recent wave of economic Show Trials in the Soviet Union. These Show Trials were largely directed against Jews, where 300 people were executed, 80% of them Jews. And the Commission report—and I'll put this in evidence—concludes latent anti-Semitism in the USSR, possibly being used by the Soviet authorities as a weapon to render unpopular economic offenses which appear to be rampant. This is probably the most charitable view to be taken of the apparent anti-Semitism which seems to have influenced Soviet policy. It is earnestly hoped that even if this were the dominating factor, they would continue to realize the real and grave injustices which must be dealt in such accord.

Finally, a brief word on emigration. It is almost impossible, as we all know to leave the Soviet Union. Even Jews who may have been separated from their families during the holocaust in World War II, would usually lose their jobs and homes if they emigrated. 50 Jews recently signed a statement that they would like to leave and recently we have read that many have been arrested on what is clearly a trumped-up charge of high-jacking an airplane. I think this is the first case in which the hi-jackers were clearly hi-jacked. They were not even on the plane. They were accused of having the intention of hi-jacking a plane.

In conclusion, Jews remember with sadness that in the present generation, in the present century, anti-Jewish pogroms in Russia have been second in violence only to those of Nazi Germany. The civilized world cannot tolerate the rebuilding of an atmosphere in which vicious mass hatred may again break out. A dangerous illness is incubating that may run a long and devastating course if not checked in its beginning stages. This illness is the concern of the whole world, for unchecked, it makes a dangerous precedent and destroys the security of all nationality groups. Thank you.

Chief Prosecutor Nicholas A. Bucur: At this time, the prosecution calls upon the Latvian representative Mr. Erics Ievins in the Case of Latvia and the People of Latvia Versus the Communist State, commonly known and identified as the Union of Soviet Socialistic Republics or Soviet Union.

Mr. Erics Ievins (Latvia): Latvia is one of the three states on the eastern shores of the Baltic Sea, the other two being Estonia to the north and Lithuania to the South. To the east lies Russia. Since the Soviet Union is a historical extension of the Tsarist Russian Empire, it has retained many features of Tsarist Russian regime. These include:

1. Colonial Imperialism and Expansionism.
2. Lies and Violence as instruments of policy to implement article one.
3. International Treaties used as a vehicle of and for enslavement of nations bordering Russia.
4. Exploitation and forced Russification of nations and their territories subjugated to Russian rule by deceit and/or military conquest.
5. Total terror and physical and mental torture as instruments of policy enforcement in the areas conquered.
6. Mass deportations to slave labour camps and, in conjunction with article 5, physical and mental destruction of people suspected as so called "enemies of the state". These are primarily people of non-Russian origin in the conquered territories.

The free and independent State of Latvia, all treaties to the contrary not withstanding, from the years of 1940 to 1941, and from the years of 1944 to 1945 to present, has been illegally occupied by the Soviet Union and is a victim of the policies of the Soviet Union as described and delineated in some of their major aspects in the articles preceding.

Therefore, the Latvian people in Latvia, as well as those deported by the Soviet Union to Siberia and other lands of Soviet Union, as well as those thousands of Latvians who have been brutally tortured and murdered by the Soviet Union, as well as those thousands of Latvians who are in exile in the free world seeking refuge from the atrocities of Soviet Union, as well as Americans of Latvian descent residing in numerous communities in the United States coming to the aid and defense of their ancestral homeland enslaved and held captive by the Soviet Union:

Do herewith charge and accuse the Soviet Union with the following major premeditated criminal acts of violence and aggressions against international justice and humanity in the case of the illegal occupation and detention of the free and independent State of Latvia, against the free will of the Latvian people.

Charge 1: Violation of the Treaty of Riga of 1920 in which the Soviet Union recognized the free and independent State of Latvia.

Charge 2: Violation of the non-aggression pact of February 4, 1932 which on April 4, 1934 was extended to December 31, 1945.

Charge 3: Planned and premeditated genocide of Latvian people and forced Russification of their ancestral homeland.

Charge 4: Persecution of all religious denominations and those who believe in God.

Charge 5: Violation of United Nations declaration on national rights of independence.

Charge 6: Violation of United Nations Declaration on Colonialism.

Charge 7: Violation of United Nations Declaration on Human Rights. Note on charges 5, 6 & 7: Soviet Union is a charter member of the United Nation and a signatory on the documents whose violation is cited.

Charge 8: Total denial of the basic rights and freedoms to the Latvian people.

In support of the charges concerning genocide in Latvia a volume listing the names of Latvians deported to the Soviet Union during the first year of Soviet occupation is presented for examination. This list contains over 30,000 names. The total loss of life in the first year of Soviet occupation of Latvia exceeded 34,000 out of a population of 1.9 million people. In the appendices of this list is a map showing the major slave labour camps in the Soviet Union and translations of Soviet directives concerning the mass deportations of Estonians, Latvians and Lithuanians. To date, by careful evaluation of all available intelligence data, it is calculated that approximately 200,000 Latvians have been deported to the Soviet Union and the forced Russification of Latvia continues.

The plaintiffs demand in the court of World forum that freedom and liberty must be restored to Latvia and the Latvian people and that the Soviet Union must pay reparations to the renewed free and independent state of Latvia to at least recover the massive material and economic damage caused by the Soviet exploitation and that the Soviet Union must repatriate all deported Latvians to their ancestral homeland of Latvia.

Chief Prosecutor Nicholas A. Bucur: The prosecution presents at this time Algirdas Sirvaitis on behalf of the Lithuanians.

Mr. Algirdas Sirvatis (Lithuania): In late September, 1939, the Soviet Union began to actively carry out its ambitions in the Baltic Region. It is known that the Soviet Union wanted to absorb Lithuania and the other Baltic States. Stalin himself spoke of this intention as early as 1925, five years after the Bolsheviks had signed a Peace Treaty with Lithuania, Latvia and Estonia, renouncing forever any territorial claims in the Baltic area.

Stalin's pact with Hitler in 1939, which divided eastern and southern Europe into spheres of influence, laid the groundwork for the Soviet Union's carté blanche manipulations in the Baltic area. In order to cover up their intentions, the Soviets forced on neutral Lithuania a treaty of Mutual Assistance whereby 75,000 Soviet troops were to be stationed in the country.

On October 10 of 1939 after the Lithuanian government was coerced into signing the Mutual Assistance Pact, the Deputy Commissar of the NKVD, Serov, signed a document in Moscow forshadowing a nightmarish future for the Lithuanian citizenry. The Soviet secret police (NKVD) issued order #001223 in Moscow whereby a program for a massive purge in Lithuania was put into operation. This included not only the deportation of Lithuanians into uninhabited regions of Siberia for slave labor, but also the extermination of what the Soviets considered potentially dangerous elements of the Lithuanian population. That order was supplemented later by procedural considerations—apprehending, processing, loading into wagons, and destination. NKVD officers prepared an initial list of 700,000 persons to be purged. The list included in its own words, "socially and politically dangerous elements" regardless of concrete data concerning anti-Soviet activities.

During the year of Soviet rule, from June 15, 1940, to June 22, 1941, the Lithuanian nation lost upwards of 60,000 of its people in two massive purges. One of the massacres was on the night of June 14th and 15th, 1941, a week before Germany attacked the Soviet Union. Citizens were also arrested individually throughout that year. Frequently they were never to be heard of again, although some were subsequently found in shallow graves in NKVD prison compounds.

The Soviet massacres of Panevezys, Rainiai and the labor camp in Praveniskes, merits particular mention for they are comparable to the well published Soviet massacre of Polish officers in the Katyn Forest in 1941. In Northeastern Lithuania, the entire student bodies of the Plunge Commercial School and Telsiai Latin School were mutilated and killed. NKVD's documents show that there were to have been more purges, but the German attack on Russia in 1941 spoiled those plans.

On June 14, 1940, at 11:30 p.m., Molotov, Soviet Commissar for Foreign Affairs presented to the Lithuanian Minister of Foreign Affairs, at that time in Moscow, a Soviet ultimatum with an eight hour deadline. The

Kremlin demanded prosecution of certain government officials of the Republic of Lithuania, formation of a new government, and free passage for Soviet troops through Lithuania. Even as the ultimatum was issued, an additional 350,000 Soviet troops stood at the Lithuanian border ready to invade the country.

The Lithuanian government reluctantly agreed to yield to the Soviet ultimatum. The Red Army began to invade within hours. The next day the Deputy Commissar of Foreign Affairs V. G. Dekanozov, with some Russion functionaries and the Secret Police officials, arrived in Lithuania and pieced together the so-called People's Government. It was one of the first examples of a mode of Soviet behavior which was to repeat itself many times in the next quarter century, dramatized most recently by the 1968 Soviet invasion of Czechoslovakia.

The Soviets immediately began a massive reorganization of Lithuanian political, social, cultural, and religious life exemplified by arrests and dismissal of priests, teachers, administrators, and others. All teaching having to do with the Lithuanian nation was forbidden. Songs, poems, books and prayers were banned. Private property was confiscated, with no compensation. All industries and businesses were nationalized. Farmers were forbidden to improve the land. All were warned that they would soon be living on collective farms. Production dropped and there was a panicky run on consumer goods. The Secret Police were ever present and added new victims to their lists. By their own admission, the Soviets destroyed a valuable democratically-oriented and social system. I quote: "In one year, we have knocked down what it took the Lithuanians 20 years to build," boasted a Communist official in declaring the country's salvation, from what he termed "bourgeoisie decadence."

It is no wonder then, that when the Lithuanians staged a bloody rebellion it cost them twice as many casualties in one week than two years of fighting the wars of independence following World War I. The Soviet return in 1944, disrupted the Lithuanian nation with renewed vengeance. Another reign of terror began as the Soviet secret police issued new massive purges. In the five months between August to December, 1944, 37,000 Lithuanians were deported or liquidated while tens of thousands of refugees streamed westward in search of safety. In subsequent purges, upwards of 600,000 more Lithuanians were deported or liquidated. These purges ran from 1945 until early 1951.

Aside from policies of genocide, one of the greatest signs of the arbitrary oppressive nature of the Soviet rule was the massive national resistance movement which kept Soviet forces on a war-time alert for 2 years after World War II.

The vestiges of the anti-Soviet partisan movements remained until the death of Stalin in 1953. Human bondage, both moral and physical, continues under the Soviet Lithuania today, though it is more subtle than in the previous quarter century. Education in occupied Lithuania is still aimed at Sovietization and Russification.

A decree in 1958 made the Russian language the major tool for teaching various subjects. Similarly, cultural activities of the regime are aimed subtly but consistently at inculcating Russian culture in all Soviet occupied areas.

However, the people have evolved the cultural resistance, just as they had done under the Tsarists. In order to stifle nationalistic tendencies among the Captive Nations of the Soviet Union, the regime imports large segments of the population from Lithuanian cities in hopes of washing out Lithuanian culture. Several years ago the Soviets had been reported summoning 40,000 persons from Asiatic Russia into the major Lithuanian population centers. This program of Russification was a calculated policy of cultural genocide. Forced labor continues, but it is not on the same level as the slave labor of the 40's and the 50's. About 10,000 persons per year are deported to various remote areas of Russia, including Siberia, where they stay for designated amounts of time.

The war against religion continues unabated in Soviet ruled Lithuania, a nation with a long-historical tie with Christianity. Of 1,022 parishes, missions, and other churches, less than one-half are open today. In 1940, there were 37 monastaries in Lithuania. Today, there are none! At the same time, there were 3 rabbinical academies. Now, there are none. Similarly, the Protestant theological academy is no longer in existence. Religious youth associations, having memberships in the hundreds of thousands in the pre-War days, have been banned. In their place, the Soviets have formed the Supreme Council for Atheism, which finances various anti-religious activities under the auspices of the Communist Party. According to Soviet sources, teachers are all required to give periodical anti-religious lectures. Scientists are to concentrate on destroying the value of religion, etc.

Statutes #96 and 97 provide three-year prison terms for any parent taught teaching religion to his children, and children are encouraged to report on their parents.

The other fundamental freedoms of speech, press, assembly, which we take for granted here, are non-existent in Soviet-ruled Lithuania. Lithuania, as the other Captive Nations, has experienced for the past quarter-century the Orwellian world of 1984, which we here in America view with disbelief, for indeed that world is out of tune with the spiritual and intellectual progress man has made in this modern era.

For the aforementioned reasons, including terror, purges, genocide, exploitation, suppression of human rights, and fundamental freedoms, her stifling of our nation's heritage and culture, we accuse the Soviet Union of permitting and continuing an international crime against Lithuania.

The Soviet Union has violated, and continues to violate, the United Nations Charter, the Atlantic Charter, the Convention on Suppression of Crimes and Genocide, and the Universal Declaration of Human Rights. All these documents bear the signature of the Soviet Union. We appeal to the conscience of mankind to perceive the magnitude of the injustices perpetrated upon Lithuania and to support efforts toward the restoration of liberty to Lithuania and the other Captive Nations. Thank you.

Chief Prosecutor Nicholas A. Bucur: I must ask again that the remaining witnesses confine their remarks to five minutes, and that if the remarks are over that period of time, to tender them as an exhibit to the Court. The last testimony was ten minutes. I will ask you to please bear in mind that the other witnesses had consideration for the remaining witnesses.

The next witness is Mr. Richard Jablonski for the Polish group.

Mr. Richard Jablonski (Poland): Honorable judges, representing 35 million Polish people, we submit the following accusations against Communist Russia from September 17, 1939, to the present day.

1. For signing an Aggression Pact with Hitler, and for the invasion of Poland and the stealing of Polish land from the River Bug to the eastern boundary.

2. For sending and deporting 2 million Poles in 1940 and 1941 to all parts of Russia, and especially to Siberia, where the temperatures range to 50 below 0. Making matters more unbearable, this was done in the middle of winter in cattle trains with no food or water. The weaker and hungrier the Poles got, the further the Russians sent them, hoping that death would intervene.

3. For stealing and impounding all materials, equipment, and machinery, private and government property.

4. For hunger, and for issuing the Death Sentence for the smallest infraction and for inhumane treatment of the old and sick.

5. For breaking the agreement of giving amnesty to all political prisoners, in the Autumn of 1941, and in the Spring of 1942, and for refusing to transfer Poles to Iraq and Persia after granting such amnesty.

6. For the brutal murder of 10,000 Officers, professors, doctors, and intellectuals in Katyn Forest. All evidence secured proves to this day that Moscow was responsible for this horrible act.

7. For breaking diplomatic ties with the Polish Government-in-Exile in London and for releasing propaganda against the Polish people and everything they stand for.

8. For the Warsaw Uprising in 1944. As Churchill and the Polish Government in London believed, Stalin deliberately waited until the Polish Home Army had been liquidated. As Stalin said, the Soviet troops had to wait while their defenses were strengthened because the German hold in Warsaw was too strong, but the Poles who survived the Warsaw Uprising in 1944 had no doubt as to Moscow's motives in allowing Nazi planes and tanks to destroy Warsaw. The Vanguard of the Polish Underground Movement supported the Polish Government in exile. Many Poles charge that Stalin wanted this group to be liquidated so that he could replace it with a puppet government.

9. For creating the first Communist Polish Government in Lublin, Poland, and completely ignoring the true government in London. This Lublin Government persecuted the remaining citizens in Poland which was headed by the Polish Communist Boleslav Bierut.

10. For the sell-out to Russia at the historic Conference at Yalta in 1945. On July 5, 1945, Stalin took Poland for himself. Although a diplomatic agreement it was done fictitiously and underhandedly.

11. For the imprisonment after the Yalta Agreement of the Polish Home Army, headed by General Okulicki who in turn was liquidated in Moscow. Many Poles died in Russian prisoner and labor camps.

12. For forcing the present Communist Polish Government, headed by Walter Gomulka, to approve and sanction the Russian invasion of Hungary in 1956 and Czechoslovakia in 1968.

13. Finally, for the constant creation of havoc, misunderstanding and turmoil throughout the world, especially in Viet Nam and Cambodia. We all are aware of the Russian plan which is to dominate and rule the world with Communism.

The United States, as the leader of the Free World, must be on guard and ever on the alert against the cunning tactics of Communist Russia. And as the Poles say all over the world, we must never again permit another Yalta. Thank you.

Chief Prosecutor Nicholas A. Bucur: Thank you Mr. Jablonski. The prosecution at this time calls upon Miss Ljubica Chukovic who will speak on behalf of the enslaved Serbian people in Yugoslavia.

Miss Ljubich Chukovic (Serbia): In the name of the enslaved Serbian people in Yugoslavia I accuse the Soviet Union and International Communism of enslaving the Serbian people by the Red Army in 1944, and imposing the Communist Dictatorship in the person of their puppet Josip Broz Tito, who was appointed by Moscow as Secretary General of the Communist Party of Yugoslavia in 1937.

I accuse, the drunked barbarian immoral conquerors of the Red Army for breaking the Tehran and Yalta Agreements, for committing countless murders of innocent citizens,

looting, and raping, children and grandmothers.

I accuse, Yugoslav Communist leaders who were thoroughly indoctrinated, as well as fully acquainted with Soviet interests and the Party line, who had been completely trained in the Soviet Union for the mission which was assigned to them, and for committing innumerable crimes during the revolution until the present time. Thousands and thousands of Serbs of every walk of life and every age have died without trial, their remains are scattered throughout the Serbian land, in the so called "dog graveyards"!

I accuse, Tito's Communist Regime for murdering over 10,000 Serbians in Kocevje in 1945.

I accuse, the Communist conquerors of Yugoslavia for mobilizing over fifty thousand Serbian teenagers who were sent to the "Sremski Front" in 1944, barearmed, without any military training, to be crushed between Hitler's tanks and Soviet "Kacusas".

I accuse, Communist tyrants for eliminating the elite of the Serbian people, their intellectuals, political and national leaders, also the high spiritual leaders of the Serbian Orthodox Church. I accuse them for murdering General Milan Nedic, Metropolitan Joanikeje and Metropolitan Josif, numberless scholars, and especially I accuse them of sadistically murdering my God Father Bishop Varnava, who was born in Gary, Indiana.

I accuse, the Communist dictators for their political murder of General Draza Mihajlovic who was murdered on this day 1946, who was deprived the right of fair trial, deprived of the right of witnesses. Over 600 American fliers whose lives were saved from Germans by Draza's Cetniks were not permitted to testify at the so-called "trial". In expressing the gratefulness for this humane and heroic act toward the American soldiers, President Truman decorated the deceased General Mihajlovic with the highest medal given to a foreigner, The Congressional Medal of Honor.

I accuse, tireless terriorist Josip Broz Tito for active support of the bloody and "peaceful" subversive activities of the Kremlin in South East Asia, the Middle East, Africa, and South America.

I accuse, the blood-thirsty cynical Stalinistic Regime of Josip Broz Tito for the unknown number of murders of Serbian students throughout the universities in the bloody summer of 1968–1969.

At last I accuse the Communist Regime of Josip Broz Tito for torturing and murdering my father and my uncle and terrorizing my mother and other members of my family.

Due to the lack of time, for Communist crimes are immense, let me finish by quoting the Soviet author Arkadije Belikof who turned in his Soviet Writers Association Membership card in August, 1968, and said "I am turning my card in because I consider it unworthy of an honorable man to remain in the organization which with the 'faithfulness of a dog' serves the most cruel, the most inhumane, and the most unmerciful political regime human history has ever known!"

Mr. Frank Stipkala (Slovaks): Honorable judges, we Slovaks, as representatives of the great majority of our people in the city of Cleveland who are anti-communist and desire the liberation of the Slovak nation from communist tyranny and oppression in their historic homeland of Slovakia, go on record in accusing the government regime ruling Czecho-Slovakia the past quarter of a century (1945–1970) of the following crimes perpetrated against the Slovak nation:

1. The imposition of a postwar communist rule by force and violence in violation of every democratic principle of freedom, self-government and self-determination.

2. A rule of terror, imprisonment and death on a nation-wide scale since the end of World War II.

3. Wholesale persecution of the Church by the following official measures:

a. Imprisonment of hundreds of priests, nuns and Religious leaders arbitrarily.

b. Confiscation of Church properties.

c. Confiscation of monastic properties.

d. Suppression of all Religious Orders.

e. Confiscation of hospitals administered by Religious person (nuns).

f. Suppression of all private schools.

g. Disbanding all Religious Orders.

h. Interference with Church administration.

i. Prevention of candidates for admission to Religious life.

4. Economic exploitation of the country by outsiders.

5. Censorship of the news media, namely, the press, radio and television.

6. Censorship of writers, poets and playwrights.

7. Censorship of the mail.

8. Discrimination practiced against native Slovaks in government positions, industry and education.

9. Confiscation of private lands under the guise of "collectivization" accomplished by terror, force and violence.

10. A concerted and consistent anti-American propaganda campaign in compliance with the policy of the Kremlin as a long-range measure and weapon designed to destroy our effectiveness morally, and militarily.

We, therefore, accuse both the Soviet Union and its subservient ally, the government of Czecho-Slovakia, as guilty of the above-mentioned crimes before the bar of international justice and the tribunal of God.

We do not seek revenge . . . only justice . . . we are free American Slovaks who speak for fellow Slovaks who are not free in their own country in which they are victims of a tyrannical government regime imposed upon them against their volition.

United with all other nations suffering unjustly under communist domination and oppression, we dedicate ourselves to the objective we all hold in common, namely, the liberation of all these peoples whose human rights to life, freedom and peaceful existence in God's world have been trampled upon for too many years by a godless regime that respects no law either of God or man.

Chief Prosecutor Nichols A. Bucur: Your honor, we have two more witnesses remaining. At this time the prosecution calls upon Mr. Milan Zajec on behalf of the Slovenians.

Mr. Milan Zajec (Slovenia): Your honor, my name is Milan Zajec, I was born in Slovenia, Yugoslavia. I am now a citizen of the United States and live in Cleveland, Ohio.

During the last war I joined the Slovenian Home Guard Army. This Army of volunteers was organized for the sole purpose of preventing the Communist terrorist from terrorizing the Slovenian population and to prevent the reprisals by the Occupators. This army has never fought outside Slovenian territory and has in the course of the war, rescued many Allied fliers shot down over Slovenian territory. Many of its officers were arrested by the Nazis and sent to concentration camps, after their anti-Nazi activities were discovered.

In the Spring of 1945, the Red Army entered Yugoslavia, contrary to an agreement between the Allies. The Soviets brought with them Communist brigades and the Slovenian Home Army left the country to reach the Western Allies. At camp Viktring, near Klagenfurt, Austria, our Army asked for the protection of the British Army. Instead, we were forcefully repatriated to Yugoslavia and the whole Army, around 15 thousand men was massacred by the Communists within three weeks.

I too was brought to the place of massacre, but the bullet missed me and I fell in the mass grave alive. For five days I watched as hundreds upon hundreds of my friends and comrades fell dead and wounded into the grave. Finally I was lucky enough to escape and later reached safety in Italy.

I should stress that at no time during our captivity, was any of us given any kind of a trial or a chance for defense.

I, therefore, accuse the Yugoslav and Slovenian Communist Party as well as the Soviet Communist Party, of the greatest, most horrible mass murder in Slovenian history.

To support my accusation I respectfully submit for the record of this Court, copies of the White paper, written in English, describing the circumstances of the above mentioned crime, and a copy of *Bela knjiga*, a Slovenian language book, which contains the names of about a half of all the victims of the Communist revolution in Slovenia as well as the names of about six thousand members of Slovenian Home Guards, who were returned to Yugoslavia by the British and massacred by the Communists.

I beg this Court to do all in its power that the full magnitude of this crime against Slovenian people be made known to the American and world public.

Chief Prosecutor Nicholas A. Bucur: And now our last witness on behalf of the Ukrainian people, Mr. Bohdan Futey.

Mr. Bohdan Futney (Ukraine): Your honors, ladies and gentlemen of the jury, we accuse the Russian Communist Party and equally the Russian Communist Government of the following crimes against the Ukrainian people:

Armed aggression

Armed aggression against the Ukrainian National Republic, an independent and sovereign state, in 1918.

Political subjugation and persecution

A. The invasion and occupation of the Ukrainian National Republic by Russian Communist forces in 1918–20 in full violation of international treaties and solemn agreements as follows:

Treaties of Brest Litovsk (Feb. 9, 1918) and (March 3, 1918).

De facto recognition of Ukraine by France and Britain.

De jure recognition of the Ukrainian National Republic by the Russian Soviet Government, Dec. 17, 1917.

B. The invasion and occupation of Ukraine in the Second World War in 1939–1945.

C. The imposition by force of arms of a puppet Communist Government upon people of Ukraine.

D. The destruction of democratic political and social forces in Ukraine by forcibly imposing an alien, totalitarian, one party system. The Communist party became the only legal party in the new political structure and non-members of the Communist party reduced to second-class citizens.

Religious persecution

A. The destruction of the Ukrainian Autocephalous Orthodox and the Ukrainian Catholic Churches.

B. The deaths, through brutality, imprisonment or execution, of the Ukrainian Catholic and Orthodox hierarchy and clergy.

C. The closing of substantially all churches in Ukraine.

D. The closing of all Ukrainian Seminaries and religious institutions, schools, and publications.

E. Stripping of Ukrainian Churches of their religious and art treasures.

F. The destruction of many ancient and historical church buildings in Ukraine.

G. The persecution of other Ukrainian Christian denominations, Ukrainian Jews and adherents of the Islamic faith; the closing of their houses of prayer; and arrest of their religious leaders.

H. The creation of militant atheist institutions for waging a relentless war against all religions in Ukraine.

Genocide

A. Creating a famine in 1932–33 to subdue the entire Ukrainian nation and to force collectivization on the Ukrainian farmers resulting in the deaths by starvation of some seven million Ukrainians.

B. The executions of hundreds of thousands of Ukrainians for political dissent by the State Security Police (Cheka, GPU, NKVD, NVS, & KGB.)

C. The deportation of millions of Ukrainians to Asia (Khrushchev stated at the XXth Communist Party Congress in 1956 that Stalin wanted to "deport all Ukrainians").

D. The murder of 12,000 Ukrainians in Vinnytsia by NKVD between 1937 and 1939, whose mass graves were discovered in 1942.

E. Executions, imprisonment and the deportation of members of the Union for the Liberation of Ukraine (SVU), the Association of Ukrainian Youth (SUM), and Ukrainian Military Organization (UVO), the Organization of Ukrainian Nationalists (OUN) and the Ukrainian Insurgent Army (UPA).

Political murders

Murders of Ukrainian leaders by the Soviet Security Police operating in the free countries:

A. Simon Petlura, head of the Ukrainian government-in-exile, assassinated on May 25, 1926 in Paris, France.

B. Col. Eugen Konovalets, head of the OUN, assassinated on May 23, 1938, in Rotterdam, Holland.

C. Dr. Lev R. Rebet, a Ukrainian nationalist writer, assassinated on October 12, 1957, in Munich, Germany.

D. Stephan Bandera, head of the revolutionary OUN, assassinated on October 15, 1959, in Munich, Germany.

Cultural persecution and Russification

A. The waging of a relentless war against Ukrainian cultural and social institutions, and progressively limiting the number of Ukrainian language publications.

B. The down-grading of the Ukrainian language. The imposing of the Russian language upon Ukrainian schools, institutions and administration in Ukraine.

C. Denial of the enjoyment of Ukrainian cultural life to eight million Ukrainians residing in the Russian Soviet Federal Socialist Republic and other parts of the USSR by prohibiting Ukrainian schools, Ukrainian language publications and the development of Ukrainian institutions.

D. Conducting a population policy detrimental to the Ukrainians.

E. Conducting purges against Ukrainian intellectuals resulting in the death of thousands of Ukrainian scientists, writers, poets and educators.

F. The deliberate destruction of Ukrainian historical documents and records; archival treasures; and historical and ancient monuments.

Economic exploitation

A. The economic exploitation of Labor and National resources of Ukraine by the Russian Communist Government and the Russian Communist Party.

B. The Destruction of a traditional free farming system in Ukraine and imposing collectivization against the will and welfare of the Ukrainian people.

C. Taking indiscriminately from Ukraine all industrial and agricultural output with little or no return.

Secret trials 1965–70

For conducting illegal secret trials (1965–70) at which hundreds of Ukrainian intellectuals (writers, scientists, and educators) were sentenced to imprisonment or deported to slave labor camps.

Your honor, ladies and gentlemen of the jury, this is the evidence I ask for your help so that we once again may restore freedom of an individual and freedom of Ukraine. Thank you.

Chief Prosecutor Nicholas A. Bucur: Thank you Mr. Futey.

Distinguished judges, ladies and gentlemen, members of the Nationalities Movement, friends, people of the world who serve as the jury!

It has been my duty to serve as Chief Prosecutor at this forum, having been assigned this task by the American Nationalities Movement of Cleveland; and they have chosen to commemorate Captive Nations Week in this particular way, by having this World Forum for Captive Nations.

It was originally created—Captive Nations Week—by an Act of Congress on July 17, 1959, as was told to you by our Chief Judge, the Honorable Ralph Perk.

My first comment in the course of exercising my prerogative as a Prosecutor is to say to you that I am extremely grateful that men so distinguished in their vocations and their professions, genuine Judges, professors, laymen, lawyers, heads of unions, heads of newspapers, have been gracious enough to serve on our panel of judges, and that they have taken of their invaluable time to listen to the parade of witnesses who approached that microphone.

I'm grateful to the very brave witnesses who testified, because many of them have relatives in the nations of which they spoke. I'm grateful to Mr. Jack Dudek for having served as our bailiff.

And also I'm grateful to you ladies and gentlemen who came here tonight to participate in this World Forum. It isn't easy to sit and listen to a long parade of people saying many of the same things. I can't say that it gets boring, because no recital of terror, of murder, of atrocity, can ever become boring. If any of you are ever privileged to truly sit in a real trial, you will observe that it takes sometimes days merely to select a jury; it takes days sometimes just to hear one witness who is exposed to direct examination and cross examination; and you have had the privilege this evening of hearing in capsule form the life history of nations, in an hour and a half! And so you have not made a great sacrifice by coming. You have paid tribute with your presence to the courage of oppressed people who are still in the Captive Nations.

I just wonder where are the many others who could have graced this audience with their presence tonight to give further moral support to this cause, because the cause is meritorious and solemn. There are still many, many millions of people who cannot enjoy the prerogative of coming to a meeting of this kind and sitting and listening to a recital of atrocities by a government. You have seen a total of 16 witnesses, from the nations whose names I read to you as we progressed.

The obligation of a prosecutor is to review the evidence that he has presented and interpret it for the jury from his point of view. You may not agree with me, as you listen to my recital—my interpretation. You may say in your own minds that I am wrong. That is your prerogative. That is the prerogative of any jury; but it has been my function to present the witnesses who will by their testimony prove—establish by burden of proof— beyond a reasonable doubt that the accused is guilty of the charges brought against him.

That is the burden of proof in the usual criminal trial: beyond a reasonable doubt. Now whether that has been done in this case, for there's been no opportunity for the Soviet Union to cross examine (although they were *given* the opportunity to appear at this tribunal and given due notice)—it's for you to decide. When I say you, I mean not only the people sitting in this audience but the people of this land and people of this world who serve as a jury through their public opinion; because these proceedings are directed to the world that the world may know and record what we have said here!

And so—the jury—the world—will decide in its good discretion, for itself and for posterity—for history—the truth of our allegations.

In the usual criminal proceedings, there are a number of elements that have to be established; and they're talked about in a normal trial: the nature of the accusation; the nature of the offense; the defendant himself; motives; the victim or victims; injury; damage; possibility; punishment; defenses such as ignorance or mistake; lack of information; lack of capacity; alibi; rehabilitation; but above all in criminal cases, there's an interesting doctrine which is known as the Doctrine of Similar Acts, and I shall call upon you to recall that Doctrine by analogy in these proceedings, Your Honors, because if there is one thing that has stood out from the parade of witnesses before you this evening, it has been the steady pattern of brutality, of coercion, of murder, of confiscation, of deportation, of genocide, from each and every witness! Which means that we can invoke the Doctrine of Similar Acts and can say that since this pattern has occurred in all of these cases, then certainly intention, design, and plan can be demonstrated without doubt.

Therefore, it is my view, gentlemen of the panel, that we have clearly established the guilt of the Soviet Union from *direct testimony,* some of which was adduced by witnesses who spoke of their *own* particular grief and sorrow; and also by reason of *Similar Acts.*

Now we are faced with a dilemma. This World Court does not have jurisdiction over the sovereign nation of the Soviet Union. We can't even get the Ambassador to come here because we don't have the power to *compel* him to come. We don't have jurisdiction over the Kremlin Masters; and while a number of different actions may be taken, in certain world courts between sovereign nations, which mutually *consent* to submit to the jurisdiction of that particular international court, we have yet to see International Law evolve to the point where private individuals may, on their own, file petitions and bring in a sovereign nation on a petition to respond to charges. And so jurisdiction is nonexistent here, legally speaking. But we can do this. We can examine the issues; we can judge the issues; and we can submit them to the world for further action. And that is to apprise the world of the real, historical conduct of the Soviet Union in the past in order that we may better cope with the world tensions of the present.

May I say to you that no later than this have we noted with grave concern the problem of rising tensions in the Middle East of which President Nixon said in an interview with three network executives—newsmen—that the Middle East is now "terribly dangerous." It is like the Balkan area, wherein some nations are now Captive Nations a tinder-box before World War I. In the Middle East, two super powers, the United States and the Soviet Union, can be drawn into a confrontation that neither wants because of differences and conflict between much smaller powers.

And so it is our purpose here to remind ourselves and the world of the true nature of the defendant . . . the accused Soviet Union which, while it purports to support the United Nations Charter is guilty of hypocrisy in not carrying out the directives of that Charter in its historical conduct.

Our goal then is to search for truth. To strengthen ourselves for this task we unite here. We search for truth not on the basis of emotion, not on the basis of name-calling or condemnation, but objectively and dispassionately.

It would be easy to resort to name-calling, but this is not the purpose of the sponsors of this event. It is our purpose to seek—based on what you have heard here—a constructive and meaningful approach to the solution of our world problems; to seek the ways in which the Captive Nations can be free and that all people anywhere in the world may be free.

And so the question of the Captive Nations is not passe; it is not a moot point decided once and forever—done and forgotten—it is still a thorn in the side of justice!

So, people of the world, ladies and gentlemen of the jury, we cannot forget—we cannot forget the Captive Nations. We are *here to* speak for souls who cannot speak for themselves. The silent victims of tyranny, terror, oppression, still under the shackles of barbarism, cannot give voice to their agony. We are here resolved to speak for them; and that is what we are doing here and now. Let history record that on July the 17th, 1970, there was a panel of judges composed of distinguished men who sat and listened to a recital of accusations against the Soviet Union . . . that we met here—in this place—with these people for that sacred task, and let them take note of what we have said here.

The "prosecution" has the burden of proof. We believe that we have presented sufficient evidence to convince reasonable minds beyond a reasonable doubt. We have no guidelines of International Law to guide us. We could only offer you testimony in the flesh, the living proof of our witnesses.

We have a second dilemma; and that is, the dilemma of the Nuremberg Principle. Is it that the might creates right? Do the conquerors decide the guidelines for the war criminals? Are losers perforce war criminals? If we should wait until some holocaust has occurred before we record our opinion for the world, then we would be guilty of contributing to the notion that only the conquerors decide the issues; and so we have "tried" the Soviet Union here today on moral grounds, for crimes committed against humanity. We serve as a tribunal for lack of a better one, a real one and hopefully, a future one.

The day of the small nation has not passed; and the day of the empire has not come again. Are men such wretched creatures that only men like Tamerlane, Genghis Khan, Napoleon, Hitler and Stalin, shall triumph and be noted in history? Tamerlane who allegedly built a mountain of the skulls of his conquered foes in front of a city as a warning that no one may trespass there. Hitler, who murdered millions of Jews in the most horrendous and massive fashion—in the most terrible campaign of genocide in history, and Stalin, who cynically murdered millions more to seize and keep power. Are these the men who shall be recorded in history? These subjugators and brutal oppressors? Can the meek inherit the earth from such as these? Is there hope?

I remind you of the Charter of the United Nations, which says: "We the peoples of the United Nations determine to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights in the dignity and worth of the human person, and the equal right of men and women, and of nations, large and small. . . ." We are told by the founders of the United Nations that there is hope. That every human being has the right to pursue happiness; to earn his piece of bread; to enjoy the fruits of his labors, to live in a beautiful and peaceful world, and to be free. Many nations signed this noble document, including the Soviet Union!

What kind of hypocrisy is this? How can we deal with this defendant now that we've proved our case? How can the Kremlin Masters pretend to support principles of this kind and yet mount a campaign of tyranny against the Captive Nations? Against a captive people within its borders, Russian Jews?

I'm here, therefore, not only to review the evidence for you, but to suggest what should be done. As chief prosecutor, I respectfully urge you, honored judges, ladies and gentlemen of the jury, people of the world, to join in a crusade of world public opinion. We live in an astounding age. We live in an age when men have reached the moon. I appeal to your reason and good will. We live in an age when information is communicated by satellite, through television, instantaneously around the entire globe; when men and women everyday are becoming more and more enlightened—more and more self-determining. It's a question of time until all the peoples of the world can unite and with enlightenment and good will sufficiently influence their leaders—in the Soviet Union, here, everywhere—to desist from tyranny and war. Live and let live, is our cry!

Let the human spirit rise with your voices on this Blessed Oasis in space. Let not guns and bombs be substitutes for words. Let people everywhere awaken to the fact that they can change a world by using their public opinion. Let us take the path of peace, the alternative path in lieu of war for mutual recognition of mutual rights. Make our voices heard in Russia, here, in the neutral nations, everywhere; because I remind you that the men of the Kremlin are only *men*. They were born, and they *die* like any other man! It's what they do during their lifetime that men should be concerned with. They cannot ignore united world public opinion.

And so we have surely established the pattern of tyranny, imperialism, oppression and conquest. Why? Because we must know with whom we deal. Can we now believe the Soviet Union? Is the Soviet Union of the 1920's the same as the Soviet Union of today? The Soviet Union which invaded Hungary in 1956, Czecho-Slovakia in 1968, now, in July, 1970 appears ready to invade Romania? Let me digress a moment because Romania should be one of the nations to be discussed here today; but I could not take off my hat as prosecutor and walk over to the other side to serve as a witness. But I say to you that Romania today struggles to gain independence in the face of titanic odds. Some of her people have been deported to Siberia by Soviet invaders. Her resources have been looted. Though under Communist rule she seeks independence from the shackles of the Russian masters, in spite of tremendous pressure and coercive tactics. But I cannot reiterate all of the points as to each Captive Nation. You have heard them all. You will decide the issue of guilt. Having done so, enlist others to help. Let world opinion make its effect known. Let world opinion eliminate genocide. Let *world opinion* fulfill man's greatest realization of his dreams. I call upon you in the name of mankind, in the name of human compassion, in the name of survival, to declare your verdict!

Speak out, people everywhere! Join our voices in one great unified irresistible human cry which no tyranny can stifle for long. Let our voices influence our leaders so that in this world we may have no more wars, no more genocide, no more Captive Nations! Let there be freedom, justice, and peace for the Captive Nations. Freedom, justice, peace for all peoples in Russia, the Soviet Union, Europe, Asia, Africa, and here in the United States for people everywhere—freedom, justice and peace for everyone! Freedom! Freedom! Freedom!

Your honors, the prosecution rests.

Honorable Ralph Perk: On the basis of the testimony given here today, the prosecutors appeal to this panel of judges to take action. The judges have listened attentively and have formulated the following course of action.

#1. That this case be certified by this court to the United Nations and further that it be given over to the jury, which is world public opinion, for its final verdict to be recorded in history.

#2. That these proceedings be bound in a complete written record, to be prepared in book form. This publication to be made available to scholars, librarians, institutions of learning, and such parties as are interested in these matters.

#3. That an appropriate resolution be prepared and sent to the Secretary General of the United Nations, and to all persons who are interested in these proceedings. On behalf of the judges, the prosecutors, the accusers and all participants in these proceedings, the court now turns this matter over to the jury, which is world public opinion, for further deliberation and for such action as the people of the world in their good sense, in their spirit of human compassion, and in the need for survival, to decide and implement a positive and constructive action.

The court requests the following clergymen to read ecumenical prayers for world peace.

Reverend Gaide, pastor of the United Latvian Lutheran Church in Cleveland; the Very Reverend Branko Kusonjich, pastor of St. Sava Serbia Orthodox Church, and Canon Leo Telsh-Catholic Chaplain of Polish Veterans.

After the prayers, the bailiff will conclude the proceedings; so please wait for his final instruction.

We are grateful for your attendance, participation, cooperation throughout this World Forum for Captive Nations, which has not at this point come to an end; but is merely a reminder that we may now go about the business of building a better world. I call upon the reverend clergy without further introduction.

Reverend Gaide: Let us pray. Heavenly Father, Creator of all. We turn to Thee in this hour of need, as we do so often, knowing that our counsel and our strength are as nothing unless we receive Thy grace and blessings. We turn to Thee, as we remember the deadful waves of violence against free countries and millions of innocent people. We turn to Thee as we remember our brothers and our sisters, friends, and children, the ones who were taken from their homes, and their loved ones, and deported to mass slavery and mass graves in a far and unkind land. The captivity of our brothers, their sufferings and their death, then as even now, remind us again and again to ask that freedom be restored to those nations and people to whom it rightfully belongs. We turn to Thee, O Lord, to thank for the freedom we all enjoy here in this land; protect this country and its people; bless this government, by the people, for the people, of the people. Teach us to comprehend and accept Thy grace, which descends each new day upon us. Make us more mindful of *all* of the blessings we receive. Bless all those who fight for its just peace and freedom in the world. Help us to do more than to feel pity for the oppressed. Help us to keep faith for ourselves and to help others to keep it. Faith in Thee. Faith in human dignity. Faith in freedom and justice for all. Help us form the hearts of men everywhere that they exalt peace above war, service above gain, and righteousness above glory. Help us always to witness in word and deed. Help us to be witnesses of freedom, justice and peace—here and forever, Thy will be done. Amen.

Reverend Kusonjich: In the name of the Father, and the Son and Holy Spirit, Amen. O Lord, Almighty God our Father, demand Thy faith from us who are assembled here, far from the lands of Aurelian war, and successors, and who call upon Thee with all our hearts, incline Thine ear and hear our prayers. Remember, O Lord, all the territories of these lands, on which Thou hast poured forth abundant benefits, and grant them progress in all virtues. And remember, O Lord,

all Thy faithful believers. Thank them and enable them to rule out and extinguish every impiety whose valour won and speedily destroyed freedom.

Remember, O Lord, our brothers and sisters enslaved in all the lands who are sentenced to hard labor in concentration camps. Protect them and strengthen them—who continue their Faith in Thee till death; but remember, O Lord, our brethren. They are to be remembered, particularly those martyrs who laid down their lives in defense of the Faith and who lie asleep in unmarked graves and repose in Thy kingdom. Remember, O Lord, the youth in slave camps. Send down into their hearts, their minds, and their lips, the spirit of wisdom, of understanding, of piety and reverence for truth, that they may become instructed in the Divine Law; and we pray that the people of the United States of America be strengthened in unity, to preserve the enlightened principles on which this country was founded. And that these nations shall continue to lead people everywhere to freedom from oppression, enslavement, and even aggression. Hear us, Oh God, the Hope of all ordained together, and show mercy upon us, sinners, and be merciful unto us. We ask this, Oh God, in the Name of your Son, Jesus Christ. Amen. (repeat "in the Name of your Son, Jesus Christ" in whatever language that you wish to use.)

Canon Leo Telsh: My prayers are taken from the liturgical book of the Catholic Church, and I need your participation. Kindly, if you don't mind, participate with its prayers since the ethnic powers have no means to solve the problems and bring your help to the Captive Nations.

Ask God Almighty to bring us all together, children of God, and bring peace condescending on all nations. In the Name of the Father and of the Son and the Holy Spirit, Amen. The grace of our Lord Jesus Christ and the love of God and the fellowship of the Holy Spirit be with you all. I am the Resurrection and the Life. He who believes in Me, even if he dies, shall live; and whoever lives and believes in Me, shall never die. God our Almighty Father raised his Son, Jesus Christ, from the dead. Let us ask Him with confidence to save His people, both living and dead. We ask this in faith. My brothers and sisters, let us join together in prayers to God for all the victims of persecution, also for the Silent Church in the Captive Nations, for the peace of the world, and for our own salvation. Let us pray to the Lord. Lord hear our prayer. That all the deceased, killed and murdered, who receive the promise of eternal life at Baptism, may have everlasting fellowship with the saints, let us pray to the Lord. (—response: Lord, hear our prayer.)

That all our brothers and sisters who died under the yoke of persecution and who were fed with bread of eternal life—the Body of Christ—may be raised to life on the last day, let us pray to the Lord. (—response: Lord, hear our prayer.) That God may welcome into the light of His presence all who died in prison with the hope in the resurrection, let us pray to the Lord. (—response: Lord, hear our prayer.) For all who suffer persecution, the love and pain of separation, that God console their hearts, and alleviate their misery, let us pray to the Lord. (—response: Lord, hear our prayer.) For those who died of violence and war, our Light of Love care that they forgive and we accept forgiveness with a contrite heart, let us pray to the Lord (—response: Lord, hear our prayer.) For the pastors of the Silent Church throughout the world, especially in Captive Nations, that their preaching may be reinforced by the example of their heroic life, let us pray to the Lord. (—response: Lord, hear our prayer.) For all who serve us in public office, that they may work for justice and the peace, let us pray to the Lord. (—response: Lord, hear our prayer.) For all who suffer pain in mind or of body, that they may *never* feel that God has abandoned them, let us pray to the Lord. (—response: Lord, hear our prayer.) For all of us gathered here in faith and unity that we may feel a share with every man the warmth and radiance of a true commitment and someday be gathered into the Lord's kingdom, let us pray to the Lord. (response: Lord, hear our prayer.) Let us pray with confidence in the Father in the words Our Savior gave us:

Our Father, who art in Heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us and lead us not into temptation, but deliver us from evil. Deliver us Lord from every evil, and grant us peace in our day. In your mercy, keep us free from sin and protect us from all anxieties as we wait in joyful hope for the coming of our Saviour Jesus Christ, for the kingdom, the power, the glory are yours now and forever. Amen.

The peace of the Lord be with you always. May Almighty God bless you—the Father and the Son and the Holy Spirit. Amen.

Bailiff Jack Dudek: Hear ye! Hear ye! Hear ye! This extraordinary session of the World Forum for Captive Nations, held and convened this 17th day of July, nineteen hundred and seventy, at St. John's College Auditorium in Cleveland, Ohio, is now in adjournment. God speed to all of you who have been here this day and to all who were not. Whoever you are, wherever you are, may you live as long as you want and never want as long as you live. God bless you.

APPENDIX

The Nationalities Movement of Greater Cleveland protest against the Lenin Centennial Resolution in the United Nations

On Thursday, April 21, 1970, a plenary session of the Nationalities Movement of Greater Cleveland was held with over 200 representatives of the 22 nationalities present. At this session the Resolution prepared by Dr. Michael S. Pap, Professor of History and Director of the Institute for Soviet and East European Studies was unanimously adopted. This Resolution was sent to the President of the United States, Richard Nixon; The Secretary General of the United Nations, U Thant; The American delegation in the United Nations; and the Ohio Senators and Congressmen. The Resolution is as follows:

The Representatives of the American Nationalities Movement of Greater Cleveland (Albanian, Bulgarian, Byelorussian, Croatian, Cuban, Czech, Estonian, German, Hungarian, Irish, Italian, Latvian, Lithuanian, Polish, Puerto Rican, Rumanian, Russian, Russin, Serbian, Slovak, Slovenian, Ukrainian) assembled on this 21st day of April 1970, the Eve of Lenin's Centenary (He was born on April 22, 1870, in Simbrsk) protest vehemently against the Resolution adopted by the United Nations Human Rights Commission at the 25th Session in March, 1969, which approved arrangements for a "Centenary of Lenin and notes the historical influence of his *humanistic ideas* and activity on the development and realization of economic, social and cultural rights."

We applaud the United States Delegation for voting against this resolution which makes a mockery of Human Rights. We are at a loss to understand the logic of the resolution passed by the United Nations Human Rights Commission for the following reasons:

1.) Lenin established in November, 1917, the most antihuman regime in Russia, using systematic terror against anyone who dared to challenge the Bolsheviks' right to impose their will on the majority of the nations of the former Russian Empire.

2.) Lenin brutally suppressed the Constituent Assembly, the only Legislative Body in Russian history elected by free, secret ballot, after only one day in session in January, 1918 (the Bolsheviks controlled only 24% of delegates).

3.) Silenced the growing opposition to his terror system by suppressing the non-Bolshevik newspapers, books and other media of information and communication. It was the "humanist" Lenin who coined the phrase: "When in doubt, liquidate."

4.) Ordered the Red Army to invade, terrorize and silence the neighboring countries, which proclaimed their independent and democratic states after the downfall of Russian Empire, known as the Prison House of Nations. With complete disregard of the Right of Nations to Self-Determination, loudly proclaimed by Lenin before the revolution, he ordered the Russian occupation of Byelorussia, Ukraine, Armenia, Azerbaidjan, Georgia, Cossackia, and Turkestan.

5.) In the name of Lenin and Leninism, Stalin extended the Soviet Slave Empire after World II by imposing brutal communist dictatorship over formerly independent states of Estonia, Latvia, Lithuania, Bulgaria, Czechoslovakia, Hungary, Poland, Rumania, East Germany, Yugoslavia, and aided communist takeover in China, North Korea and North Viet Nam; while Nikita Khrushchev, in the name of Leninism, aided Communist takeover in Cuba.

6.) It was the "humanist" Lenin who initiated the greatest hate campaign in history of mankind against liberty and democracy and divided the world into two belligerent camps—Capitalism and Socialism—and promised a bitter struggle until the Communist victory would be achieved.

7.) It was the "humanist" Lenin who made a mockery of the elementary human rights such as freedom of speech, assembly, worship, ordering his Secret Police to silence individuals and nations demanding this right.

8.) In the name of Lenin and Leninism, Stalin murdered over 20 million non-Russians and held more than 10% of the population in the dreadful concentration camps; his successors, Khrushchev and Brezhnev, insist on the validity of Leninism by silencing intellectual opposition.

9.) In Lenin's name, the Communist Parties the world over are busy undermining peace; waging guerrilla warfare; creating anarchy, lawlessness; engaging in assassinations, wholesale murders; and plotting the overthrow of the non-Communist political systems.

For these and many more reasons, we protest the United Nations resolution which makes a mockery of Human Rights for the protection of which United Nations was organized.

CAPTIVE NATIONS WEEK

The American Nationalities Movement of Greater Cleveland held a World Forum for Captive Nations on July 17, 1970, at St. John's College Auditorium, Cathedral Square, East 12th and Superior Avenue, at seven thirty in the evening.

Accusations against communist oppression of Captive Nations were presented by "accusors" on behalf of each oppressed nation.

A panel of judges presided over this World Forum representing various areas of public opinion: labor, business, science, art, politics, education and minorities.

Among the judges were: Appeals Court Judge John M. Manos, Common Pleas Judge Alvin I. Krenzler, Common Pleas Judge Perry B. Jackson, Cleveland Municipal Court Judge Norman Fuerst, Professor Michael S. Pap, Institute for Soviet Studies, John Carroll University, Professor Howard Oleck, Cleveland Marshall Law School of Cleveland State University, Mr. James Iafelice, District President of the International Association of Machinists (AFL–CIO), Attorney William Petro, Sr. and Honorable Ralph J. Perk, founder and chairman of the Movement, who acted as Chief Judge.

The chief purpose of the World Forum was to commemorate Captive Nations Week and to remind ourselves and the entire free world of the real historical conduct of the Soviet Union, marked by genocide, brutality and tyranny. The World Forum ended with ecumenical prayers for all victims of communist persecution and for world peace and freedom for all nations.

Some 500 persons were in attendance.

AGNEW'S BLACK LEADERS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. CLAY. Mr. Speaker, Mr. William Raspberry has written a most perceptive article in the Washington Post which I want to share with my colleagues. Mr. Raspberry's column entitled, "Agnew's Black Leaders" points up the fact which many people have missed; namely, "The Vice President's quarrel is not with black leaders as such; it is with those who have 'arrogated unto themselves' the role of black leadership."

AGNEW's problem, as Raspberry indicates, is that we as black leaders have not climbed the ladder which white America has set up—and the Vice President resents the fact that we have made it to the top through this so-called self-arrogation. For if we followed those rules which AGNEW favors we would undoubtedly still be at the bottom rung.

Raspberry states that AGNEW does not like this new black trend and the roots of his dislike stem from his experience as Governor of Maryland—at that time he ordered black leaders in Baltimore to end the civil disturbances which confronted that city and get the blacks back into line. "The black leaders ignored him—walked out on him, in fact, and he has been understandably unforgiving ever since."

Well, we do not intend to follow those old procedures which blacks once had to follow to get to the top. We have made it to the top with the support of the blacks in this country and we will always keep their interests at heart. If that means "complaining and carping," we will do just that. This administration, with the help of our illustrious Vice President, has demonstrated over and over that its concerns do not lie with black America. If Mr. AGNEW cannot stand the heat of our "querulous complaints and constant recriminations" he can always get out of the kitchen.

The article follows:

AGNEW'S BLACK LEADERS

(By William Raspberry)

Spiro T. Agnew is a subtle man, and it is no surprise that so many people have misinterpreted his recent criticism of "those in the United States who have arrogated unto themselves the position of black leaders."

The Vice President's quarrel—and this is the point most people missed—is not with black leaders as such; it is with those who have "arrogated unto themselves" the role of black leadership.

The acceptable way of becoming a black leader is not through self-arrogation but through ordination. No black man can lay just claim to the title "black leader" until he has gone through the proper ritual and been appointed by white folk. (The ritual, you may recall, entails a certain amount of shuffling, head-scratching and Tomming.)

The whole procedure used to be common knowledge. It didn't matter whether you were preacher, principal or supreme exalted potentate of the local lodge, you weren't a black leader until white people said so—or more specifically, until white reporters came to ask you what black folk were thinking about the latest racial controversy.

But this protocol, like so many ancient virtues, has been abandoned by the young and headstrong. Black people no longer are waiting for white ordination but are "arrogating unto themselves" the right to decide who their leaders shall be.

Mr. Agnew, who remembers the old way, doesn't like the trend. I'm not even sure he was aware of the trend until the spring of 1968 when, as governor of Maryland, he ordered Baltimore's black leaders to do something to halt civil disturbances and otherwise keep black folk in line. The black leaders ignored him—walked out on him, in fact—and he has been understandably unforgiving ever since.

Nor is that all that's bothering him. He might have been able to make the necessary adjustments, one supposes, except for another breach of protocol.

Black leaders not only are refusing to be selected by white people, but they also, Mr. Agnew observed, "spend their time in querulous complaint and constant recrimination against the rest of society."

It might as well be said right now: The Vice President was right.

Show me a black leader in the United States and I'll show you a "querulous" complainer. Mr. Agnew, being a gentleman, didn't name names, but you know who he's talking about.

Take the congressional Black Caucus, those people who have "arrogated unto themselves the position of black leaders" in spite of the fact that they were mostly elected by black, not white, people.

They engaged in "carping and complaining," to use the Vice President's words, because they sought, and were refused for 14 months, an audience with the President.

Roy Wilkins and other officers of the NAACP have been "carping and complaining" because they believe the administration is more concerned with politics than with the rights and dignity of black people.

Elijah Muhammad and the Black Muslims have been, well, querulous, because their cattle herds have been poisoned in Alabama, proving that white people won't leave you alone even when being left alone is all you want.

George Wiley of the National Welfare Rights Organization has been particularly querulous in his insistence that the country can afford to make a reasonably adequate income a matter of right.

Bayard Rustin was in town just the other day to complain, querulously and very eloquently, that the administration is inadequately committed to ending racial discrimination in housing opportunity.

And so it goes. About the only black leader who isn't behaving querulously, who in fact spends a lot of time praising the Nixon-Agnew administration, is Clay Claiborne, head of the Black Silent Majority Committee.

Since the seed money for Claiborne's organization was put up by the National Republican Congressional Committee (which is to say, white people) it appears he has taken the traditional route to black leadership.

It still isn't clear who his followers are.

A CLARIFICATION

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. VAN DEERLIN. Mr. Speaker, last month, I caused to be published in the RECORD an account of some shortcomings in the new Amtrak railroad passenger service that had been prepared by an old and cherished friend, Oliver H. Williamson, of Del Mar, Calif.

Mr. Williamson described the adventures and misadventures experienced by his wife and himself on a recent rail roundtrip from Del Mar to San Jose. In wry detail, he told of locked depots, overcrowding, hit-or-miss eating arrangements and other circumstances to test the resolve of even the most determined passenger.

In response to my RECORD entry, I have received a detailed letter from the California Railroad Association, expanding on some of the points made by Mr. Williamson, taking issues with others.

Since I do not feel the RECORD can be complete in this matter without the views of the California Railroad Association, I am including at this point their letter of July 2 to me:

CALIFORNIA RAILROAD ASSOCIATION,
Sacramento, Calif., July 2, 1971.

Hon. LIONEL VAN DEERLIN,
Congressman, 37th California District,
Cannon House Office Building,
Washington, D.C.

DEAR MR. VAN DEERLIN: Reference is made to your comments appearing in the Congressional Record of June 7, 1971. A portion of your statement is devoted to the reproduction of a letter from Mr. Oliver H. Williamson recounting the experiences and frustrations encountered during his trip from Del Mar, California to San Jose, California and return on the new Amtrak system.

It is not my purpose to answer the allegations made by Mr. Williamson nor to belabor the points he has raised, as I am sure Mr. Williamson is most sincere in relating his feelings toward the incidents he has reported. I would appreciate, however, setting forth the problems to be encountered had Southern Pacific acted in accordance with Mr. Williamson's recommendations regarding the movement at San Jose on May 30, 1971.

In his statement Mr. Williamson states as follows:

". . . Back to San Jose Sunday morning. In the absence of posted signs, we asked at the ticket counter where we should go to get aboard the Amtrak train. Track 5 was the answer—down a ramp, through a subway. Okay.

"By the time the train was due to arrive there were about 30 passengers with approximately 120 pieces of luggage lined up aside track 5. Two-thirds of these were children under 12 and women over 50. Track 5 seemed the proper one to come in on, as all other tracks in the yard were filled with San Jose-Sunday. But when the train came, the operator in the tower threw the switch to bring it in on track 1, where it could not possibly get through.

"I thought it would be a simple matter to back the train 500 feet, call the tower and get the proper switch. But no, Southern Pacific had a different idea. Send for a yard switcher to remove the commuter cars ahead . . ."

Mr. Williamson continues to relate that the passengers were required to handle their own baggage through the subway back to Track 1 to board the train.

The situation to which Mr. Williamson refers arose because an inexperienced interlocking operator erroneously lined Train 98 down the wrong track, and the Western Seniority District engine crew, which operated on the train out of Oakland, was not aware of being lined down the wrong track. The crew was not familiar with the trackage, since, under AMTRAK, the train operation was new; during Southern Pacific operation, the train originated at San Francisco and was handled by a Coast Seniority District engine crew through San Jose.

However, under the applicable provisions of the agreements between this company and the organizations representing engineers, conductors, firemen and brakemen, as interpreted by decisions of various tribunals, once a road crew has yarded its train on a yard receiving track, it is a contract violation to thereafter require it to perform any service in connection with that train, based on the conclusion that it constitutes the performance of yard service. Therefore, once train No. 98 was yarded on Track 1 at San Jose, to have required the road crew to back up said train and yard it on Track 5, as Mr. Williamson suggests, would have caused the railroad to pay each member of the road crew an additional day's pay at the yard rate.

In addition, the railroad would also have been subjected to claims for a day's pay at yard rate for the three switchmen who stood for the service on the extra list at San Jose, on the basis that they should have been used to perform the yard service involved.

Furthermore, the facts which we have developed from railroad personnel who were at the scene, including the General Yardmaster, differ considerably from what is stated by Mr. Williamson.

Mr. Williamson states that Track 1 was blocked by commuter passenger cars, while the railroad's investigation discloses that Track 1 was clear, but it was necessary to wait for a herder (switch tender) to line a switch to enable that train to enter said track. The reason for the delay was due to the fact that the herder (switch tender), who also expected Train 98 to use Track 5, after properly lining switches at the west end of the passenger yard for Train 98 to enter Track 5, had proceeded to and was at the east end of said yard lining switches in preparation for the departure of said train. Where herders (switch tenders) are employed other employees are prohibited, by union agreements, from handling switches involving the movement of trains.

Mr. Williamson states ". . . . about 30 passengers with approximately 120 pieces of luggage . . ." were waiting alongside Track 5 to board the train. The railroad was unable to ascertain how much luggage was involved, however, it is believed there were considerably fewer number of pieces because the records show that only eight passengers (Mr. Williamson, his wife, and six others) entrained at San Jose.

In connection with Mr. Williamson's remarks about handling baggage, while there is an employee assigned to handle checked baggage, there are no employees assigned to handle baggage on the platform, but there are self-service carts available for use of patrons in handling "personal" and "carry-on" type luggage.

Mr. Williamson is correct in his statement that, on his arrival at San Jose at 7:15 p.m., May 28, 1971, the ticket counter was closed, but this situation has since been corrected and the ticket counter is now manned until 7:30 p.m., after the arrival of train No. 99.

As is often the case what would appear to be a simple solution to the uninitiated is often impractical or impossible and beyond the control of the railroad. The contractual agreements between the railroad and its employee representatives allocating work to specific crafts are inflexible and often deny the railroad the efficient and logical use of its facilities.

The modernization of our outdated agreements and work rules is of prime importance to the railroad industry. The current dispute between the United Transportation Union and the railroad industry is over the very work rules which are involved in this instance. The modernization of the antiquated work rules in the railroad industry will contribute greatly to the modern, efficient form of transportation the public expects from the AMTRAK system. Mr. Williamson concluded ". . . A termite exterminator is needed. There are worms in the woodwork." Modernization of our work rules will exterminate one of the worms to which Mr. Williamson referred.

Sincerely,

LEONARD M. WICKLIFFE.

MEDIC ALERT FOUNDATION FILLS GREAT MEDICAL NEED

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. McFALL. Mr. Speaker, we all know about that proverbial pebble, which when tossed into a pool, spreads ripples to each shore.

Fifteen years ago, something in that spirit was started in the city of Turlock, Calif., by a creative physician, Dr. Marion Collins.

A daughter of the doctor needed emergency medical care and received a dose of a medicine which was toxic to her. The girl suffered immensely from the medicine, administered by a competent practitioner, who simply could not and did not know of the allergy.

Deeply concerned, not only because his daughter was involved, but because he realized that similar situations probably were happening daily across the country, Dr. Collins went to work immediately to seek and find a solution to such a widespread problem.

The result was an organization, known as the Medic Alert Foundation, located in Turlock. From its small beginnings, the Medic Alert Foundation has grown, received national attention and recognition for filling a great medical need—supplying immediate, special, and accurate medical information about its members to medical practitioners in emergency and routine situations.

For years, Medic Alert has acted as a round-the-clock information bank for hundreds of thousands of people across the Nation, and probably is responsible for saving countless lives of persons who suffer allergies to various types of medication, or who need special treatment by medical practioners.

Thus, for the information of the Members and to show the national recognition the Medic Alert Foundation has received, I insert Sylvia Porter's "Your Money's Worth" column, which appeared in the July 16, 1971, edition of the Stockton Record, in the CONGRESSIONAL RECORD:

YOUR MONEY'S WORTH

(By Sylvia Porter)

Say you're allergic either to tetanus antitoxin (as I am) or to pencillin, you're away from home and you're injured in an auto accident. Unconscious, you are rushed to the nearest hospital, where the emergency physician—unaware of your allergies—routinely orders shots of both tetanus anitoxin and penicillin. The results could be tragic.

You wouldn't get those damaging shots, though, if you had a Medic Alert identification on a neck chain or bracelet which alerted the physician or nurse about your nonobvious condition and by so doing averted the chance of error.

This weekend the summer '71 vacation travel season roars into full swing—and now the more than 40 million of us who have a hidden medical problem may be needlessly putting ourselves in danger. Our nonobvious conditions may range from the simple wearing of contact lenses to the taking of anticoagulents for a heart condition, to allergies to penicillin or tetanus antitoxin, to a long range of serious diseases.

CONSEQUENCES

Whatever the hidden condition, improper medication or treatment can have serious consequences. And whatever the problem, an American Medical Assn. study indicates that one of every five of us—possibly one member of every family—lives in constant danger that in the event of an accident or emergency our condition will not be recognized. (How many strangers would recognize your allergy?)

In familiar surroundings at home, our families or friends may be some protection. Away on a vaction or business trip—particularly if you're alone—the situation is entirely different.

Thus, a medical-financial bargain for you well may be a lifetime membership in the non-profit Medic Alert for $7, tax deductible. This provides you with a stainless steel bracelet or disc on which is engraved your medical problem, a serial number and the telephone number of Medic Alert's computerized central answering file at Tulock, Calif. You also get a wallet card with additional medical information. If the information on the disc or card is not sufficient, any physician, nurse, police officer, etc., can call the center collect 24 hours a day from anywhere in the world for additional facts.

FIFTEEN YEARS

Although I've just learned about Medic Alert, it was founded back in 1956, now has more than 425,000 members and is gaining new members at the rate of 1,000 a week.

Businessmen have become key supporters, with many companies offering paid memberships to employes as a fringe benefit. Among them: S. C. Johnson & Son, New England Life Insurance Co., IBM World Trade Corp., Scovill Manufacturing Co., Industrial Indemnity Co., Olin Chemicals. S. C. Johnson and Industrial Indemnity go a step further and extend the offer to retired employes and dependents as well.

The membership is not mostly older people, though. Among the 60,000 who joined last year, the largest single groups were 19, 20 and 21-year-olds. The reasons they joined were in order of frequency: Penicillin allergy, diabetes and contact lenses.

Also, says Dr. Marion C. Collins, founder and president of the organization, many well-known people apparently have no objections to wearing an identification disclosing a medical problem. Among them: Dan Rowan of Rowan & Martin's TV show "Laugh-In," diabetes; New York Mets manager Gil Hodges, a heart condition; pro football player Chuck Walker of the St. Louis Cardinals, contact lenses; actress Joan Fontaine, allergies; pro hockey player Bill Hicke of the California Seals, asthma.

Medic Alert's whole support, Collins says, comes from the $7 membership fee plus some contributions—and the lifetime service, he adds, is assured by the fact that part of the fee goes into a trust fund held by a Chicago bank to guarantee its continuation.

OPPOSITION TO ADR

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. VANIK. Mr. Speaker, on June 22, the Treasury announced that it had issued multibillion-dollar depreciation regulations—the ADR system—over considerable public opposition.

(See exhibit 1.)

As I have repeatedly warned the Treasury, these expensive regulations are an unlawful encroachment by the executive on the congressional taxing power. The view has been reflected in numerous editorials across the country. I introduce some of those into the RECORD for consideration by my colleagues.

(See exhibit 2.)

The unlawful Treasury action is especially disturbing because of the undemocratic and closed Treasury decisionmaking process. I personally testified at the IRS hearings on the regulations and was disturbed at the refusal of Treasury and IRS officials to consider alternatives to the issuing of illegal regulations. It would have been easy, for example, for the Treasury to propose legislation to Congress for careful consideration.

That Treasury had prejudged its decision and regarded the hearings as an unwelcome formality was clear to news reporters present. I enclose for the RECORD several accounts of the undemocratic Treasury decision process as reflected at the hearings.

(See exhibit 3.)

I urge my colleagues to join me in opposing this multibillion-dollar usurpation of congressional powers by the executive branch.

EXHIBIT No. 1

[From the San Francisco Chronicle, June 23, 1971]

BUSINESS TAX CUT, NADER SUIT THREAT

WASHINGTON.—President Nixon's plan to spur the economy by permitting businessmen to cut their tax payments by $39 billion over 10 years was formally adopted yesterday by the Treasury Department.

An associate of consumer advocate Ralph Nader immediately said he would file a suit in an effort to convince the courts to overturn the action. He said only Congress has the authority to enact such a tax change.

The Treasury's action—final unless the courts intervene—set forth new regulations to permit businessmen to accelerate by 20 per cent the depreciation tax writeoff on machinery and equipment. The regulations are retroactive to last January 1.

The Treasury estimated the measure would reduce total business tax liabilities by 5.8 per cent.

Mr. Nixon announced the plan January 11 to stimulate business investment which would, in turn, create jobs and help combat unemployment. The jobless rate at the time was—as now—6.2 per cent, the highest since 1961.

The measure already has touched off a lively political controversy. Senators Edmund S. Muskie, Birch Bayh and George McGovern, all potential Democratic candidates for President, have denounced the plan as a giveaway to big business.

Thomas Stanton, a Washington lawyer and a Nader associate, said the Treasury's public hearings on the proposed regulations were a farce because opposition views were not considered. He said Treasury officials "had already committed themselves to the outcome" before the hearings began.

Director Randolph W. Thrower of the Internal Revenue Service conceded that the officials did not face the hearings with an open mind.

"The fundamental decision was not affected by the presentations that were made in opposition to it," Thrower said. "These were pretty well taken into consideration (and rejected) in advance."

The new regulations are amendments to a depreciation liberalization adopted in 1962 as part of an effort by President John F. Kennedy to wrench the economy out of a slump.

The 1962 regulations imposed "guideline lives" for depreciation of various types of machinery and equipment.

Mr. Nixon's plan permits a businessman to adopt any depreciation period he chooses from 20 per cent shorter to 20 per cent longer than the guideline lives. For office furniture, that would be an 8–12 year range.

EXHIBIT No. 2

[From the Dayton (Ohio) Journal Herald, July 5, 1971]

CORPORATE TAX BREAK

(By D. J. R. Bruckner)

The Administration's new business tax rules—called the accelerated depreciation range (ADR) system—distort the tax system. Treasury put them into effect June 22. It tried to in January, but protests from members of Congress and public interest groups induced it to delay. Now some of these protesters intend to sue in an attempt to void these new rules.

ADR is really a corporate tax break, continuous and cumulative, worth $3.9 billion a year for the next decade on the average, and probably more thereafter; it is the biggest tax break of its kind in history and was instituted without congressional action. Treasury announced it, but it was mostly concocted under direction of the White House staff.

At the heart of ADR is an option allowing U.S. businesses to depreciate, or write off their assets against income for tax purposes, either 20 percent faster or 20 percent slower than writeoffs allowed under 1962 Treasury guidelines.

Those guidelines, and a set of standards called the Reserve Ratio Test, were established in an attempt by government to roughly relate depreciation to the real usable life of plant and equipment, and the actual time an asset was used by business. ADR eliminates the Reserve Ratio Test and accelerates depreciation, which is already the great bookeeping game these days.

If a business has equipment which it uses for 10 years, it can write off against income in eight, or in 12 years, as it chooses. Since tax is calculated and paid annually, a spread of four years in 10 can make a great difference in a corporation's cash flow. The White House claims this gimmick will stimulate investments and jobs, and thus the economy.

Most economists say this is nonsense; investment is undertaken with the prospect of increased sales and profits, and investment is drawn as needed from capital markets. One suspects the ADR will simply increase profits. The tax break will grow with a boom and contract with a recession, which is an effect precisely opposite the White House's claim.

Thus, corporate net income for tax purposes will always be severely understated as compared with net income for, say, a stockholders' report or any other report in which the corporation wants to look good. Treasury rulings and legal changes in the last 20 years had already introduced gaps between real income and taxable income; the ADR system challenges the very concept of a tax on the real income of business.

Treasury's statement on ADR talked at length about the difficulties of administering Reserve Ratio Tests and old guidelines; it amounts, in fact, to a confession of administrative breakdown. So, under the new rules, there will be an office of industrial economics, (OIE), to determine from tax returns and studies how guidelines, repair allowances and other tax-determining criteria can be updated.

These fellows just have to be kidding. Business has been startingly successful ever since 1954 in obtaining tax breaks from a large, stubborn, conspicuous Congress, you can just imagine what kind of influence it will be able to bring on a small, unprotected, bureaucratic OIE—which has the power to recommend rule changes, changes which mean tax savings and increased cash flow.

Thomas F. Field, director of the public interest lobby Taxation and Representation, raises some philosophical questions about all this: "We seem to have moved far from the basic concept of tax on income," he says. "Are income taxes really fair any more? Whatever happened to the idea of income tax as envisioned by the liberal reformers of the early 20th Century, the idea of the fairest, most equitable, efficient tax? Should not Congress consider present tax laws and rules in the light of that question? Or should it consider moving to an entirely different type of taxation?'

Disturbing question. Income tax still appears to be the fairest. Well, the idea looks that way. The practice looks otherwise more and more, for some privileged and influential people.

[From the New York Times, June 24, 1971]

ERODING THE TAX BASE

Despite the probability of a challenge in the courts, the United States Treasury is putting into effect its liberalized tax depreciation rules, retroactive to Jan. 1. The Treasury has sought to buttress its new rules against legal challenge by linking the useful lives of plant and equipment as claimed for depreciation purposes to the actual lives of such assets.

Meanwhile, the cost of the depreciation speed-up has been boosted; the Treasury now estimates that the revenue loss will amount to $39 billion in the next decade. So huge a tax cut to business should have been determined by Congress after a full examination of its costs and benefits in relation to the nation's urgent and growing need for funds. In the years ahead, as both the President's annual economic report and the Brookings Institution review of the 1972 budget have shown, the country is going to be strapped for funds to meet expanding social needs. Through the first half of the 1970's, Federal expenditures already in the budget will increase as fast as full-employment revenues, even assuming an end of the Vietnam war. No scope will be left for new programs unless taxes are raised. In the circumstances it is irresponsible for Congress to permit a tax cut of nearly $4 billion a year—a 5.8 per cent reduction in business taxes—to be instituted without full debate on Capitol Hill.

In the absence of such open discussion and decision by Congress, public interest

groups are now seeking to sue the United States Treasury as a means of blocking this huge surrender of public resources. The court test is likely to turn on the legality of so huge a tax cut by administrative action—and on the right of public interest groups to sue the Treasury. Both are important issues. But the even more crucial issue is that of allocating funds to meet the nation's social priorities—an issue that only Congress not the courts, can resolve.

[From the New York Times, July 14, 1971]

POWER OF THE PURSE

Ralph Nader, Representative Reuss of Wisconsin, John W. Gardner's public-interest lobby Common Cause and a number of other plaintiffs have brought suit against the United States Treasury to force it to withdraw its new Asset Depreciation Range (A.D.R.) system that would reduce business taxes by an average of $3.9 billion a year over the next decade.

Each of the plaintiffs charges that his interests have been injured by the new rules, which would allow businesses to write off new capital equipment 20 per cent faster than heretofore. Representative Reuss raises the novel complaint that the Administration has undermined his fiscal responsibilities as a Congressman and thwarted his efforts to achieve "an equitable distribution of tax burdens." Others charge that the cut in business taxes would reduce revenues needed to finance Federal programs they support.

The Treasury, insisting that it has the authority to adopt the new depreciation system under the Internal Revenue Code of 1954, contends that faster write-offs will increase capital investment, raise productivity and accelerate economic growth. Hence, the Treasury argues, the gross loss of $39 billion in tax revenues over the decade may be more than offset by higher tax revenues.

Economists, using different econometric models, reach different conclusions on the probable stimulative results of the new depreciation rules, ranging from no effect at all to a strong thrust. There is general agreement, however, that liberalized depreciation is unlikely to have more than a modest impact on business investment right now because the economy is in a period of excess capacity and is recovering from a long investment boom. Many economists believe that liberalized depreciation rules are a less effective stimulant to business investment than would be the restoration of the investment tax credit, which Congress repealed at the request of the Nixon Administration in 1969 in order to damp down the capital spending boom and shift national priorities from investment to consumption.

While economic issues are not the basis of the public-interest suit before the United States District Court for the District of Columbia, they serve to emphasize the significance of the legal issue of whether the Administration has the right to adopt so huge and far-reaching a tax change without asking Congress for legislative authority.

The Administration would be well advised to ask Congress either for a new depreciation system or for restoration of the investment tax credit if it now believes that additional stimulus to investment is needed. It has only created problems for its economic program and uncertainty for the business community by circumventing the legislative process.

[From the Sacramento Bee, July 12, 1971]

NADER'S ATTACK ON BUSINESS TAX BREAK

Ralph Nader, the David in many a battle against Goliath interests, now has tackled the United States government over the Nixon administration's granting of a $39 billion tax break to big business by allowing business swifter tax writeoff depreciation allowances.

Nader contends—in a lawsuit in federal court which cost him only a $15 filing fee—that the administration's unilateral action, without congressional taxing-power approval, is illegal.

The accelerated depreciation tax benefit, he claims, amounts to a direct revision of the taxing structure of business and this is a power the Constitution reserves for Congress.

At the time President Richard Nixon gave business the tax break many critics contended it would not achieve his announced goal—that of stimulating business to expand its capital investment in order to juice up the economy.

That was in January and economic surveys indicate it has had no such result. The economy lags and capital investment has fallen far short of Nixon's expectations. Meantime, however, the tax concession stands as a break for business through tax savings estimated to run $3.5 billion a year for the next 10 years.

Whether Nader will be successful in his court action—in which he has been joined by Common Cause, headed by John W. Gardner, and several labor and consumer groups—remains an open question. Ticklish points of law are involved, such as whether the plaintiffs have what is called "a standing" in court with a direct economic stake. The decision on this could be historic because it would mean public interest groups do indeed have such standing.

Nader pledges to take the issue all the way to the US Supreme Court if necessary. Even if he fails, Congress still has the power to assert its taxing prerogative and by legislation overturn the President's questionable windfall to business.

[From the Washington Post, June 28, 1971]

GIVE POOR A TAX BREAK

(By William Raspberry)

DEAR MR. PRESIDENT: If I understand your proposal for liberalizing tax deductions for depreciation of plants and equipment—and I'm not at all sure that I do—it is a scheme for encouraging manufacturers to replace aging equipment and, thereby, increase capital outlays and quite possibly jobs.

In short, the $3 billion-a-year tax break is aimed at stimulating the nation's lethargic economy.

The trouble with your proposal, which some opponents, including Ralph Nader, have branded outright illegal, is that its direct benefits would accrue only to the rich, the owners of big companies. The rest of us would have to have faith that the big businessmen would reinvest the savings and "trickle down" to us such benefits as increased employment.

Faith being an increasingly scarce commodity, let me suggest, sir, that if you are serious about wanting to use tax breaks to stimulate the economy, you are starting at the wrong end.

Big business might well decide to reinvest the tax savings that your proposal would provide; then again it might decide to increase dividends to stockholders. That is much too "iffy" a cure for a very sick economy.

But if there is any certainty in the universe, it is that poor people will spend at least all the money they have; they really haven't a choice.

This being the case, my proposal is that you move to grant a tax break to poor folk.

The "trickle down" effect of tax breaks for big business is a matter of big business's options; the "trickle up" effect of tax breaks for the poor would be a certainty. Poor folks, if they obtained such breaks, could be counted on to buy more television sets, cars, furniture—whatever the manufacturers manufacture—and everyone would be happy.

Poor folks would be happy with their new purchasing power, and big business would be happy with its increased income. (Why should a businessman care whether his bank account grows fatter through tax breaks or through increased sales?)

Nor should there be much difficulty in working up a proper rationale for such a policy.

Your justification for the $3-billion tax break is that, since equipment purchases come out of a business's profits, it is fair to permit businessmen to deduct the cost of such purchases for tax purposes. Depreciation is simply a device for deducting such costs over a period of years rather than all at once. Your proposal would permit a businessman to shorten by 20 per cent the period over which equipment would depreciate to the point of theoretical worthlessness.

Administration spokesman acknowledge that not all equipment wears out, or becomes outdated, at the same rate. But to work out item-by-item depreciation schedules would be too burdensome, they say.

What you propose, in effect, is to let each individual businessman decide for himself his own depreciation rate. That strikes me as a little risky, but that's another question.

The justification for my own scheme is based on the common knowledge that poor people pay too much for nearly everything, whether appliances, loans, rent, groceries—or taxes. They also get the worst of governmental services: schools, police and fire protection, sanitation, and so on.

Any competent government statistician could work up figures to show by approximately what percentage poor people pay more and get less. That would furnish the basis for granting a tax abatement of 30 per cent or whatever the figure turned out to be.

The attractive feature of my scheme is that it is calculated to work itself out of existence. A poor family that got a 30 per cent tax break might soon find it possible to move to a neighborhood that offered better schools and police protection, which would reduce the need for the income tax abatement.

More important, the things they would buy with their newly available cash would lead to more production, which means more jobs. And with more jobs open to the poor, there would be fewer of them and therefore, fewer people getting the tax break.

The result would be more of everything for everybody, and more taxes for the government. If you move quickly enough to institute my scheme, it might start to show results in time for the 1972 elections.

In any case, I'll leave the timing and the details to the experts on your staff. I am, after all, just a newspaper guy.

Sincerely,

———.

[From the Baltimore Sun, July 10, 1971]

NADER FIGHTS $37 BILLION TAX GRAB BY THE UNITED STATES

He doesn't have a suite with an outer office. He doesn't have a secretary. He doesn't have a car. At 37, he doesn't even have a wife. He is Ombudsman, dedicated and self-appointed, to the American people.

Yes, Ralph Nader—son of Lebanese immigrants; he now has another little job on his hands, to stop a tax grab of $37 billion. But it is a special kind of give-away, engineered by the Nixon administration itself. It has overtones more important than the money.

They involve a constitutional point: who has the right to levy and collect taxes, any way? Congress or the White House? And there is another point likely to go right up to the Supreme Court: the right of the little man to have "standing" in a court. Traditionally you cannot bring a suit—you do not have standing—unless you have a direct, economic or similar stake in an issue, not even if you are a taxpayer and you think the government is preparing illegally to give away some of your money.

Recently courts have broadened this idea of standing. Now the thing will have a bigger test. Ralph Nader, and John Gardner's Com-

mon Cause, and a consortium of other hard-headed idealists have had the impertinence to bring suit against the United States Treasury.

Laughable, eh? That's the way General Motors felt when Ralph Nader first took out after it. He was just a whipper-snapper from Princeton and Harvard Law School, and had written his book in 1965 "Unsafe At Any Speed." GM feels differently now. GM is the world's largest industrial corporation. Its annual revenue is greater than that of any foreign country save the Soviet Union and Britain. It has around 750,000 employees and it hired as one of them a detective to investigate Mr. Nader's private life when he began to get difficult. Result: out-of-court damage settlement to Mr. Nader in 1970 of $425,000.

And he has brought the whole damn auto industry under government regulation. Also he has got major changes in meat inspection, in health, in federal regulatory agencies and is even trying to get the government to do something about enforcing its laws on coal-mine safety.

Well, so now we come to the big new chapter. The subject is so crashingly dull that just to mention it is a switch-off phrase, so I will try to creep up on it. I am closely associated with two boys, 9 and 7, who have recently been given a new walkie-talkie. What is the life expectancy of the outfit? With the judgment of sad experience I would base the rate of depreciation for tax purposes at about five days.

And now that we have got into depreciation, the government has guidelines for the assets of 50 groups ranging down from gas and electricity transmission—30 years; railways—14; mining—10; aerospace—8. As assets depreciate, taxes fall under these complicated guidelines, and steel plants are like walkie-talkies.

Last January, the administration announced it was allowing companies to depreciate their assets for tax purposes over a period shorter by as much as 20 per cent over the old 1962 guidelines. It was like telling the two small boys that a reasonable life expectancy of their walkie-talkie was four days and not five and there would be no reprimands if they made it go that long. This action meant a tax bonus to big business of something over $3 billion a year for 10 years, or a total of around $37 billion.

Ralph Nader was en route to Japan when this happened. But he has a garrison of permanent Nader's Raiders in Washington, mostly fresh out of law school and with a controlled zest for the public interest surpassing that of a Wall Street tax lawyer drooling for a half-million-dollar fee.

So Tom Stanton (who gets paid by Nader $4,500), and his colleague Sam Simon, on their own initiative immediately filed suit the same day, January 11, pointed out that the Treasury had said nothing about public hearings, which are required by law. The Treasury caught its breath, coughed and said it had merely forgotten to mention them. It was the first of several coincidences.

Mr. Nixon, in his original statement, said that it was "essentially a change in the timing, and the Treasury Secretary at that time, David M. Kennedy, said it just meant a "postponement" of tax payment.

"These statements are false," observed a Northwestern University tax expert, Robert Eisner, at the subsequent hearing. Senator Edmund S. Muskie released a confidential memo from John Nolan, deputy assistant Treasury Secretary, warning his bosses that the big tax giveaway might be illegal without consulting Congress. Mr. Nolan quickly said that he had changed his mind.

It was also shown that last September a presidential task force led by a former member of the Nixon-Mitchell Wall Street law firm explicitly said that Congressional action would be needed.

A big tax loophole for business means that others must pay more taxes. That was the argument Mr. Nixon used in vetoing the school bill a year ago he call it "painful, but necessary" to save taxes. It was peanuts compared to this, only $453 million.

[From the Rural Electric Newsletter]

CONVERSATION PIECE: NADER ON TAX REGULATIONS

(Note.—Ralph Nader, well-known for his advocacy of consumer causes, is a co-plaintiff in the suit against Treasury's new Asset Depreciation rules, along with NRECA and others (see story, page 1). Following are a portion of his remarks at a press conference held Wednesday. These comments point out the compelling reasons why all Americans have a vital stake in the outcome of the suit.)

A national tax system has a number of callings if it is to promote respect for its burdens by the citizenry and achieve its fiscal and motivational goals with equity and reason. It is clear that during the past several decades these callings—proper authority, proper procedure, proper rationale, proper administration and access—have been distorted or destroyed by the rapaciously relentless impact of special interest corporate groups on the Treasury. Similar pressures at crucial times have been exerted on the Congress which has centralized within itself decision making initiatives in tax policy in the hands of a very few members of that institution. But Congress is not as convenient a forum as the Treasury for these lobbies for a number of reasons inherent in the difference between a legislative body and a rule-making, administrative body in the Executive branch of government. Thus, there is constant pressure to widen the discretion according Treasury in its rule-making function well beyond what was provided through Congressional enactment. Treasury, with its penchant for secrecy in deliberations between itself and business groups right to the point of decision-making, if not beyond in some cases, has become an ideal access for the manipulation of the kind of administrative discretion which violates the authority accorded it by the Congress.

The Asset Depreciation Range System, promulgated without proper authority, procedure, proper rationale and, predictably, proper administration, "relieves the taxpayer of the duty to estimate any actual useful life for assets in his business" and is "inconsistent with the depreciation principle of Sec. 167 of the Internal Revenue Code, which requires that the useful life of property in the taxpayer's business be the benchmark of depreciation deductions." The main beneficiaries of this drain on the Treasury—estimated by the Treasury to be about $39 billion over the next ten years—will be large corporations. The rate of $3.9 billion a year is about $50 per individual taxpayer annually.

Given the high government deficit, this big business tax break may well affect Federal spending on important programs of alleged national priority. Last year, for example, President Nixon vetoed the Education Bill because Congress exceeded his request by $453 million, and the Housing Bill because it exceeded his request by $514 million. As the President said at the time, "My veto of these bills is painful, but necessary to hold down the high cost of living. We cannot have something for nothing. When we spend more than our tax system can produce, the average American either has to pay for it in higher prices or higher taxes. . . ." The multi-billion dollar tax break that is ADR will similarly be paid for by the ordinary taxpayer, either in higher taxes or in reduced government services.

The action taken today can be considered a challenge to a growing trend by Treasury, under special interest pressure, to usurp the prerogatives of the Congress under the U.S. Constitution and the Internal Revenue laws. From the initial challenge, last January to the present action, the process of citizen-taxpayer advocacy has raised issues relating to the Treasury Department's administration of the tax laws and its propensity to make tax law far beyond its allowable discretion which will relate to other decisions, past and present, which have been or will be made without regard for the several critical callings of an equitable and authorized tax system.

EXHIBIT No. 3

[From the Wall Street Journal, May 4, 1971]

TREASURY'S HEARINGS ON EASIER GUIDELINES FOR DEPRECIATION BEGUN

WASHINGTON.—The Nixon administration opened three days of hearings on its proposed liberalization of depreciation guidelines for business, with the architects of the proposals sitting as judges.

Sixteen witnesses testified at yesterday's session, conducted by Internal Revenue Service Commissioner Randolph W. Thrower and his chief counsel, K. Martin Worthy; Edwin S. Cohen, Assistant Treasury Secretary for Tax Policy, and his deputy, John S. Nolan; along with several other IRS and Treasury officials.

All the witnesses reiterated previous contentions about the proposals. Supporters claimed that the earlier write-offs were essential to stimulate investment and meet foreign competition and that the Treasury has the authority to make these changes administratively. Opponents generally charged that the "tax cut" for business is economically undesirable and only could be implemented by Congress.

The treatment accorded the witnesses differed sharply, however. Critics of the administration proposals frequently were peppered with technical questions, particularly from Mr. Cohen and Mr. Worthy. But advocates of the changes often were praised for their "definitive" analyses or for being "recognized experts" on the subject and often were only asked to elaborate on the benefits of the liberalized depreciation guidelines.

Although Mr. Cohen promised yesterday that all views expressed at the hearings will be considered, the administration has repeatedly emphasized it plans to implement the changes regardless of what transpires at these sessions.

The administration proposals would create an "asset depreciation range" where businessmen could take depreciation deductions up to 20% shorter (or 20% longer) than currently allowed in the IRS' standard guidelines. The proposals also would abolish the "reserve ratio test" requiring businessmen to prove they're actually writing off equipment at about the same pace as they're replacing it, and would allow a larger deduction in the first year.

The Treasury estimates that the revenue loss from the liberalized depreciation would be about $3 billion in fiscal 1972, starting this July 1, and that through fiscal 1980 the tax loss would total about $36.8 billion.

Some critics of the proposals were visibly annoyed by yesterday's proceedings. "Worthy looked like he was conducting a cross-examination rather than listening to the important contributions that were brought out," charged Thomas H. Stanton, a lawyer with Ralph Nader's Public Interest Research Group. Another opponent complained that supporters of the liberalized write-offs "were thrown one lob after another" in the questioning.

The question of the Treasury's authority to administratively activate these changes also was sharply debated. Two Illinois Republicans, Sen. Charles H. Percy and Rep. John B. Anderson, strongly defended the Treasury's authority to act administratively on depreciation guidelines and said Congress wasn't being illegally bypassed.

But Democratic lawmakers, including Sen. Birch Bayh, of Indiana, Rep. Charles A. Vanik of Ohio and Rep. Henry S. Reuss of Wis-

consin, argued that only Congress could make such changes. Sen. Bayh said he "strongly suspects that all of us here today merely are participating in an elaborate charade." Rep. Vanik worried aloud about "rumors" that "we're just here to celebrate a hanging that's already been decided."

Mr. Cohen insisted this wasn't the case and said he's "certain there'll be some changes before the final promulgation of new depreciation guidelines.

Others testifying against the proposals were Nathaniel Goldfinger of the AFL-CIO, Robert Eisner, a Northwestern University economist; Martin David, a University of Wisconsin economist; Richard Pollock, a University of Hawaii economist, and Bernard Wolfman, dean of the University of Pennsylvania law school, who was representing Common Cause.

The other supporters of the changes included Clifford D. Siverd of the Manufacturing Chemists Association; Dale W. Jorgenson of Data Resources Inc., testifying on behalf of American Telephone & Telegraph Co.; Norman B. Ture of PRC Systems Sciences Co.; Ernst Anspach of Loeb, Rhoades & Co.; C. Lowell Harriss, a Columbia University economist, and John Ellicott, counsel for the National Machine Tool Builders' association and the American Machine Tool Distributors' association.

[From the New York Times, May 4, 1971]

BAYH TERMS BUSINESS TAX CUT HEARING A "CHARADE"

(By Eileen Shanahan)

WASHINGTON.—The Internal Revenue Service began three days of hearings today on the Administration's plan to cut business taxes by allowing bigger deductions for depreciation—hearings that the first witness, Senator Birch Bayh, characterized as "an elaborate charade."

Senator Bayh, an Indiana Democrat, based his charge on "the repeated statements by high Treasury officials" that the proposed changes in the depreciation rules "will go into effect regardless of what is said or done at these hearings."

Assistant Secretary of the Treasury Edwin S. Cohen, responding to the same accusation when it was made by another witness, said that he could "assure" the witness that "it will be a meaningful hearing, and we will take into account your views."

WANT PLAN WITHDRAWN

Mr. Cohen added that he was "certain there will be some changes" before the new rules are promulgated.

Senator Bayh and other opposition witnesses asked, however, not just for modifications but for complete withdrawal of the proposed rule changes, which the Treasury has estimated would reduce the taxes paid by businesses by $3-billion to $5-billion annually.

There was, however, no indication from any of the Government officials who participated in the hearings—all of them officials of the Treasury Department or the Internal Revenue Service—that there was any possibility that the rule changes woud be scrapped.

Those who were questioning the witnesses—Mr. Cohen, his deputies, John S. Nolan and Joel E. Segall; Internal Revenue Commissioner Randolph W. Thrower, and others—all made clear their support for the proposed changes.

SEE BENEFIT FOR NATION

The witnesses who supported the proposed changes disputed opponents' contentions that the Administration did not have the authority to adopt the planned liberalization without asking Congress for authority. They did not, however, speak to the issue of whether the hearings themselves were being conducted improperly.

The advocates, instead, voiced their belief that shortening the period of time over which businesses could depreciate their equipment—which is the principal feature of the proposed rule changes—would benefit not only the economy but also the nation.

A typical spokesman for this viewpoint was Clifford D. Siverd, president of American Cyanamid Company, who testified on behalf of the Manufacturing Chemists Association.

Mr. Siverd said that national concern with pollution of the environment "has accelerated obsolescence in the chemical industry" to a degree that was not foreseen when the present time periods for depreciation equipment were set in 1962. He said that larger depreciation deductions were needed if the chemical industry were to have the money needed to minimize its pollution.

Opponents of the changes criticized both their legality and their probable economic effectiveness.

Dean Bernard Wolfman of the University of Pennsylvania Law School also challenged the legality of the hearing on the ground that the Treasury had never made public the economic basis for its decision to liberalize the depreciation rules. Therefore, he said, opponents were not able to make an adequate response.

[From the Washington Post, May 6, 1971]

NADER CHARGES ADR PREJUDGMENT

(By James L. Rowe, Jr.)

Consumer advocate Ralph Nader, who initiated the attack on the administration's proposed liberalization of depreciation policies, yesterday told the leading Treasury tax official that he should resign from a panel hearing testimony on the proposals.

Nader cited a newspaper article quoting Edwin S. Cohen, Assistant Secretary of the Treasury for Tax Policy as saying businessmen could rely upon the depreciation rules going into effect.

The rules—called the Accelerated Depreciation Range system—would permit businessmen to write off the cost of their investments 20 per cent faster than they can now, cutting business taxes by $3 billion next year and $37 billion over the decade.

Tuesday, Cohen refused to retract the statement while questioning one of Nader's Public Interest Group tax lawyers, Thomas Stanton.

Nader charged yesterday, "This explicit prejudgment means that the many earnest and able speakers before you have been talking into a void, whenever their comments touched upon the basic unlawfulness of the ADR regulations."

Cohen told Nader he would give the disqualification request "my every consideration." However, he said, his position was the necessary one "unless those who propose the regulations do not pass upon them." The Treasury proposed the specific regulations in March.

Cohen said he conceived of his obligation to "think these proposals through as much as possible in advance," before making them specific. He said his assurance to businessmen meant that in the hearings "nothing so fundamental will be called to our attention that will cause us to change our mind completely."

The Treasury's proposals would also abolish the so-called reserve ratio test—a test instituted in 1962 which forces businessmen to justify the length of time taken to write off investments as being the actual length of time the asset is used.

Nader cited deputy Assistant Secretary of the Treasury John Nolan's statement Monday that a large number of corporations have failed the reserve ratio test—they wrote off their equipment faster than they used it up.

Nader said, "One must wonder whether this is not a classic example of a special relationship existing between the Treasury and favored constituents. Rather than enforce the regulations to the best extent possible, the Treasury simply proposes in the ADR system to abolish the otherwise applicable law."

The Treasury claims enforcing the reserve ratio test presents unfathomable administrative problems.

The three days of hearings on the proposed regulations ended yesterday with 53 witnesses testifying either in support of, or against, the regulations.

The Treasury panel, including representatives from Treasury's tax policy branch and the Internal Revenue Service, will re-look at the proposals.

Treasury officials predict some final determination—which will probably be a modified form of the current proposals—by early next month.

There is currently legislation in both Houses of Congress to block the regulations and Nader's group has promised to fight the proposals, which it considers unlawful, in the courts.

CAN THE HEALTH CARE CRISIS BE SOLVED?

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. CORMAN. Mr. Speaker, everyone who has ever paid a doctor bill, a hospital bill, insurance premiums, and paid out-of-pocket for what insurance fails to cover knows there is a medical care crisis in the Nation. It is a crisis felt by rich, poor, and middle-income Americans alike as shortages of health personnel persist, as access to regular medical care becomes increasingly difficult, and as dissatisfaction with long waits, impersonal treatment, and high prices mounts.

The question is not whether we have a health care crisis, but whether the present health care crisis can be solved.

Mr. Speaker, I believe it can. I believe we can begin to make a quality system out of the present nonsystem of health care through enactment of the Health Security Act of 1971, which I have cosponsored along with 79 of my colleagues in the House. Apropos to this, I commend to the attention of my colleagues an excellent article by Alice M. Rivlin which appeared in the Washington Post on Sunday, July 25. The article outlines the barriers to solutions to the health care crisis, but points out that uncertainty should not be an excuse for inaction. At the very least, Miss Rivlin concludes, the Government should act to reduce the uncertainty. Had it done so 10 years ago, Miss Rivlin continues—through a vigorous program of experimentation with new forms of medical care and new types of reimbursement—we would at least be at the stage where we could ask how we can further refine our health system rather than, "Can the health care crisis be solved?"

The article follows:

OBSTACLES TO SOCIAL PROGRESS—II: CAN THE HEALTH CARE CRISIS BE SOLVED?

(By Alice M. Rivlin)

Some of the major problems of American society seem at first glance to be easily soluble if anyone really wanted to solve them. Take the medical care crisis, for example.

One would think that a nation with our technical competence—we do pretty well on telecommunications and rocket design, after all, not to mention open heart surgery—could solve the relatively simple problem of making sure that everyone gets medical care. Yet we are obviously not doing so.

Millions of poor families in cities have no access to regular medical care. They depend on the desperately understaffed emergency rooms of dismal city hospitals. Whole areas of the countryside are without any doctor at all. Moreover, one does not have to be poor to be dissatisfied with the medical care system. Long waits, impersonal treatment, high prices and the bankrupting cost of major illness have left almost everyone with a strong sense that there must be a better way to run a medical care system.

The easiest explanation of this dismal state of affairs is a villain theory. If a problem this basic is not getting solved maybe someone is preventing its solution. A typical villain theory casts the doctors as grasping insensitive clods who are not genuinely concerned about giving quality care to the poor of even the middle class. All they want is to make money and drive a Cadillac to the golf course on Wednesday afternoons. Subsidiary villains are the hospitals—how coud they have the gall to charge $100 a day for that crummy room?—and the insurance companies with their pious advertisements and their high rates that never seem to cover one's particular illness. Moreover, after watching the medical establishment veto appointments to high posts in Washington, it is not hard to believe that they have political power and that they may well be using it to prevent solutions that would provide more people with better care. Senator Kennedy voiced this view recently when he said, "The American Medical Association puts the lives and well being of American citizens below its own special interest in ordering its priorities."

The medical establishment on the other hand has its own villains. It points the accusing finger at government bureaucrats with their endless forms and hypochondriac patients who just want attention and want someone else to pay for it.

An alternative explanation—the powerlessness theory—holds that there actually are few villains on the medical stage. Doctors, nurses and other medical personnel are mostly dedicated, hard-working people, doing the best they can to serve their patients. The basic trouble is that everyone—doctors, hospital administrators, insurance executives—are caught in a system which they are individually powerless to alter and that system has a whole web of perverse incentives built into it. It offers doctors irresistible monetary rewards for practicing in the suburbs rather than in the ghetto and for entering rare specialties rather than dispensing family medicine. The fact that most people have hospital insurance rather than more comprehensive coverage encourages over-use of hospitals and emphasizes treatment rather than prevention of disease. The rules under which insurance companies and governments reimburse suppliers of medical services give the latter little or no incentive to hold costs down. The whole system is just too badly designed to deliver good care efficiently to those who need it.

So why don't we get busy and design a better system? The main reason seems to be that, although almost everyone is dissatisfied with the present set up, no one is sure what a better one would be like or how to get there.

The essential difficulty in designing a better medical care system is not so much reconciling the interests of different people, but reconciling objectives that are held by almost everyone. Most people would agree that the first objective is to ensure everyone care. The idea that medical care should be a basic right, not a luxury for the fortunate, is now widely accepted. The second objective—harder to define—is good quality care. No one wants second rate medicine. The third is reasonable efficiency. No one wants to pay the costs of wasting scarce medical resources. The real problem is that these objectives conflict and it is hard to design a system that satisfies all three of them at the same time.

An obvious first thought is to make medical care freely available to everyone either through a national health service or through a comprehensive national health insurance system. National health insurance would accomplish the first objective of ensuring everyone care, but it might endanger the efficiency objective by reducing both the doctor's and the patient's incentive to economize. If the government or some other third party is paying the bill, doctors tend to put patients in hospitals who do not absolutely need to be there and to order expensive medical tests or even surgery of less than clear necessity. Moreover, third parties have traditionally reimbursed supplies of medical services for their actual costs or customary charges without exerting much pressure to keep costs down.

One approach to controlling costs is to have the patient pay part of the bill, perhaps through a health insurance policy with deductibles and coinsurance provisions. The theory is that if the patient pays an appreciable portion of the cost both he and the doctor will be more cautious about embarking on unnecessary hospitalization, drugs, or surgery. Moreover, doctors and hospitals will try to hold their prices down because they know the patient is burdened with part of the bill. But such an approach penalizes the poor, denying care to those who need it but cannot come up with their share of the bill. Moreover, third party payment is already so widespread, and patients are at such a disadvantage in negotiating with doctors and hospitals—or even understanding what they are buying—that it hardly seems realistic to rely on the cost consciousness of patients to hold prices down.

A different approach to controlling costs is to change the way in which doctors, hospitals and other suppliers are reimbursed for their services. Third party payment need not lead to waste if the third parties give the suppliers incentives to be efficient and to give only the services the patient actually needs. The most usual suggestion for change is to reimburse doctors or hospitals for the care of a given number of patients for a specified time, rather than for particular services rendered. One version of this idea, currently being touted as a solution to the efficiency problem, is the Health Maintenance Organization (HMO), a group of doctors connected with a hospital which undertakes to provide each enrollee with needed care for a year for a single fee. Here the theory is that an organization which is paid a fixed sum for taking care of a patient for a year, regardless of the number and kind of services performed, will give the patient only what he needs and will emphasize preventive medicine lest the patient develop a more costly illness through lack of foresight.

But here one runs into the third objective: maintaining quality. Will doctors or groups of doctors give second-rate assembly-line medicine if they are being paid only on the basis of the number of patients they handle?

Enthusiasts of health maintenance organizations have two answers to the quality question: peer review and competition. They claim quality can be ensured by regular reviews of the organization's procedures by qualified professionals who do not work for the organization. Moreover, dissatisfied patients should be free, as they are now, to move to other competing health maintenance organizations or to other doctors—a threat which should encourage efforts to keep patients satisfied.

The point is not that no solutions can be found—indeed some other countries seem to do better than we do—but that the problem is complex and no solutions are obvious. At the moment it seems reasonable to hope that HMO's can deliver good care in a more efficient manner than conventional medical organizations but the reasonableness of the proposition is about all we have to go on. There is some evidence that existing HMO's, like Kaiser-Permanente in the West and Group Health in Washington deliver good care at a comparatively reasonable price and that the hospitalization rates of their patients are lower than average. But the populations served by these plans are self-selected and in some respects untypical. It is not yet clear that the results can be replicated on a wider scale or how patients and doctors would react to the spread of prepaid group medicine. Even more uncertainty surrounds the possible impact of new cost-reducing reimbursement plans for hospitals or for doctors who are not members of HMO's.

But uncertainty should not be an excuse for inaction. At the very least the government should act to reduce the uncertainty. If a vigorous program of experimentation with new forms of medical care and new types of reimbursement had been undertaken 10 years ago there would now be a body of experience to answer questions like: How do alternative systems work, what do they cost, how do patients like them, how doctors like them, and do they produce better health? The surprising thing is that not much effort is going into answering these questions even now. Maybe it is not too late.

DRUG-ABUSE CONTROL PROGRAMS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. SCHEUER. Mr. Speaker, on July 15 I submitted an incomplete compilation by the administration of Federal agencies which operate drug-abuse programs. Although still not entirely comprehensive, the following list includes additional programs in the Veterans' Administration and the National Institute of Mental Health:

LIST OF FEDERAL DRUG ABUSE CONTROL PROGRAMS COMPILED BY ADMINISTRATION OFFICIALS

DEPARTMENT OF AGRICULTURE

Prevention

The Department of Agriculture has been involved in drug abuse prevention efforts through its 4–H educational programs. These programs are underway in at least a dozen States. For a brief description of several of these programs, see attached letters. Other informational efforts are directed toward farmers and aimed at the identification and eradication of marihuana.

Treatment

No programs.

Research

No programs reported which are directly related to nonenforcement aspects of the drug abuse problems.

Training

No information available beyond what is contained in the attached prevention program descriptions.

DEPARTMENT OF DEFENSE

Prevention

Information and preventive campaign involving American Forces Radio and Television Service and wide dissemination of information including posters, handbooks for commanders, programs currently in operation for military dependents in Pacific, Atlantic, and European areas. More than nine dependents' high schools have established pilot programs involving the use of high school age students to communicate about drugs to younger students. These programs are modeled after Dope Stop in Phoenix, Arizona. Implementation of drug abuse prevention education in Overseas Dependents' Schools cost $85,472 in school year 1970–71. The Domestic Action Program of DOD can also be seen as being preventive in nature providing alternatives to youth involvement with drugs (see attached article).

Treatment

DOD reports that information to reply to this section is not available at this time. New reporting procedures will furnish this information for future reports.

Research

See DOD report for description of types of research being conducted and surveys to determine (1) percentage of hard drug users in the separated population, and (2) prevalence of drug abuse and demographic factors related to the problem.

Training

The Army, Air Force, and Marine Corps have all had personnel attend DHEW-sponsored drug abuse training programs. (Only figure reported indicating the numbers of personnel involved was 94—that many spaces were provided to the Air Force at one of the DHEW Training Centers.)

The Navy has been operating a Drug Abuse Education Specialist School since early this year. The school has a current capacity of graduating 20 students a month. Plans are underway to increase this capacity to 30 per month. An East Coast school is also contemplated. Current training capacity would then be 240 students per year. As plans are implemented training capacity could increase to 360 or double that amount if an East Coast school with identical capacity is opened.

Fifty dependents' school teachers will receive training in drug abuse educational procedures during the period June 21–June 17, 1971 in Wiesbaden, Germany. Hq. U.S. Army (Europe) has received funds from the Educational Professional Development Act for this purpose.

OFFICE OF ECONOMIC OPPORTUNITY

Prevention

The Office of Economic Opportunity is authorized to conduct a "Drug Rehabilitation Program" under Section 222 (a)(9) of the 1969 Amendments to the Economic Opportunity Act of 1964. The authority relates to discovering the causes of and providing treatment and rehabilitation for drug dependency and narcotic addiction. The major emphasis is on treatment and rehabilitation services, developing community support, and utilizing neighborhood resources and ex-addicts as staff. Community education and prevention activities take place in the context of comprehensive treatment and rehabilitation programs rather than separately, and our programs are by and large funded in such a way that they relate closely to existing OEO-funded Neighborhood Service Center and Neighborhood Health Center delivery systems. Research activities are service program oriented. Funding levels are as follows:

Fiscal year 1970	$4,500,000
Fiscal year 1971	12,800,000
Fiscal year 1972	18,000,000

(Requested budget, about $15,000,000 would be available for new programs)

TREATMENT

See Table 1, Treatment Program for Heroin Addiction and Other Drug Dependencies.

Also, in the area of treatment and rehabilitation there are two contracts for operational Integrated Addict Rehabilitation-Manpower Training Programs: one in Baltimore, Maryland, and one in New Orleans, Louisiana. Each contract will run for a 24-month period, will cost about $1,000,000, and will serve 650 addicts. (That is, the total for the two contracts will be $2,000,000 with 1,300 clients served.) The projects will utilize methadone maintenance, counseling, residential services, and supportive modalities. In addition, Department of Labor funding (about $1,500,000 for each project) will be obtained to provide job-training and employment services. This will be a major effort to develop a coordinated system of services and to open up the private employment sector to ex-addicts. Followup, evaluation, and cost effectiveness systems will be a major part of the effort. The REP is out and proposals will be due about July 15, 1971.

Research

A national evaluation contract which will provide a base for comparative drug treatment program evaluation is scheduled for completion June 30, 1971. This project is to evaluate OEO-aided Drug Rehabilitation Program, providing comprehensive analysis of relative program effectiveness including descriptions of various program components, their relationships to each other, and patterns of client-flow through various services.

Training

A grant is being made for the period 6/1/71–6/31/72 in the amount of $430,000 to the Center for Human Services to operate a National Training Institute in Washington, D.C. This will provide an intensive 6-month training program for ex-addict staff from various local projects with followup back at the local program. It will also provide shorter courses for professional staff and program administrators, especially focused on the peculiarities of an OEO-funded program in terms of its orientation toward the community and its goals of assisting clients out of poverty in addition to providing drug treatment services. There will also be a technical assistance capability to help local programs utilize ex-addict staff more effectively and to develop career ladders and certification procedures. The training project is based on a previously funded research grant which looked at present patterns of utilization of ex-addict staff, effectiveness of ex-addict staff, and current training practices. No capacity for this training endeavor was given.

TABLE 1.—TREATMENT PROGRAMS FOR HEROIN ADDICTION AND OTHER DRUG DEPENDENCIES

Locale	Period	Modality	Approximate number serviced	Total expenditures
Detroit, Mich	July 1, 1970 to July 31, 1972	Outpatient methadone maintenance (Therapeutic community serving 50 clients to be developed)	1,200	$1,200,000) [2] (1,000,000
L.A., Calif.[3]	July 1, 1970 to Aug. 31, 1971	Drug-free outpatient with hospital detoxification, counseling, crisis intervention, job placement	800	690,000 [2] (340,000)
Washington, D.C	July 1, 1970 to July 31, 1972	Youth program (under age 17) utilizing drug free residential treatment, outpatient counseling and family service.	300	480,000 [2] (110,000)
Chicago, Ill	Aug. 1, 1970 to Dec. 31, 1971	Hospital detoxification, residential (halfway house), outpatient counseling and vocational services. Drug-free.	300	330,000 [2] 120,000
Boston, Mass	July 1, 1970 to Sept. 30, 1972	Outpatient and residential services for youth (under age 16) experimenting with drugs	500	550,000 [2] (150,000)
New Jersey (Hudson, Essex, and Monmouth Counties)[3].	Aug. 1, 1970 to Aug. 31, 1971	Drug-free therapeutic community. Outpatient counseling and supportive services. Small methadone maintenance (about 50 clients) being developed.	[2] 200	1,000,000 [2] (500,000)
New York City	July 1, 1971 to Sept. 30, 1972	Part of comprehensive system involving primarily drug-free inpatient and outpatient modalities.	[6] 1,500 [7] 4,000	4,000,000 [2] (2,500,000)
Philadelphia, Pa	July 1, 1970 to Dec. 31, 1971	Methadone maintenance (outpatient) with supportive services	200	250,000 [2] (110,000)
Atlanta, Ga	July 1, 1971 to June 30, 1973	Methadone withdrawal, methadone maintenance (about 100 clients), drug-free outpatient and inpatient services, group therapy, counseling, crisis intervention and supportive services.	500	900,000 [2] (250,000)
El Paso, Tex	July 1, 1971 to June 30, 1973	Community outreach, followup and counseling services. Development of contacts with existing methadone maintenance and drug-free modalities for low-income Mexican-American heroin addicts.	400	580,000 [2] (250,000)
Tucson, Ariz	July 1, 1971 to June 30, 1973	Similar to El Paso project	300	500,000 [2] (150,000)
Southern Alameda County, Calif	July 1, 1971 to June 30, 1973	Outpatient and residential drug-free modalities for low-income youthful drug abusers	300	550,000 [2] (150,000)
Vermont (statewide)	July 1, 1970 to Dec. 31, 1972	Drug-free inpatient and outpatient services primarily to drug abusers (nonopiate). Therapeutic community being developed.	400	550,000 [2] (150,000)
Richmond, Va	July 1, 1970 to July 31, 1972	Therapeutic community and outpatient counseling, supportive and rehabilitative services. Drug-free modalities for heroin addicts. Also provides supportive services for methadone maintenance program.	500	730,000 [2] (220,000)
Los Angeles, Calif	July 1, 1971 to June 30, 1973	Drug-free residential, supportive and job-placement services for incarcerate and heroin addicts.	300	590,000 [2] (300,000)
South Carolina (Statewide)	July 1, 1971 to June 30, 1973	Counseling and group therapy services for addicts and drug-dependent persons in correctional facilities coupled with supportive services in community pre-release centers.	500	830,000 [2] (250,000)
Chattanooga, Tenn	July 1, 1971 to June 30, 1973	Methadone maintenance and therapeutic community (drug-free) services for heroin addicts.	200	350,000 [2] (100,000)
Cincinnati, Ohio	July 1, 1971 to June 30, 1973	Residential, outpatient, group therapy, counseling, and supportive srevices. Part of ex-offender halfway house system.	200	350,000 [2] (120,000)

[1] All figures given represent annual estimates.
[2] Non-Federal unds.
[3] Funding to be assumed by NIMH.
[4] Inpatients.
[5] Outpatients.
[6] Adults.
[7] Youth.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

Prevention

OE has funded a wide variety of preventive efforts in FY 71. $6 million was appropriated for programs to be conducted in FY 72.

$2 million will go in grants to 55 State Education agencies to support continuing programs to train educational personnel.

Twenty-six comprehensive community projects will be supported for a total of $2,100,000. These projects are intended to involve a variety of community agencies and groups in a cooperative effort to deal with local drug abuse problems.

Twenty college-based projects have been funded for a total of $700,000. These are intended to serve as pilot projects. They are initiated, designed, and directed by students.

Eleven drug education projects have been initiated by local school districts using $1.3 million in ESEA Title III funds. These programs call for heavy community involvement.

Seventeen programs are being supported by the Office of Nutrition and Health Services of OE. The programs for the most part are being funded under Title I of the Higher Education Act. ESEA Title III funds are also being used as well as funds under Title IV Regional Research Program. These programs are primarily educational and informational in character, intended to involve and educate a variety of target groups including students, teachers, law enforcement personnel, hospital and nursing home staffs, and the general public regarding drug use.

For a list of 13 projects supported by the Bureau of Higher Education under Title I, HEA, see attached chart. According to the information given, these projects with two exceptions are due to be completed on or before June 1971. An estimated 11,460 persons have been or will be involved as participants in these programs which are primarily, but not exclusively, educational in character. (For other projects specifically concerned with training, see section on Training below.)

Treatment

While no OE funds have supported treatment programs per se, $197,847 from the Bureau of Adult Vocational Technical Training has been awarded to the Blackman's Development Center in Washington, D.C. for a multi-occupational training program designed to offer occupational alternatives to drug users and addicts. (According to Department of Labor figures approximately 200 drug addicts are serviced by the Blackman's Development Center.)

Research

The National Center for Education Research and Development of OE is supporting a project which is designed to study and evaluate current trends in drug abuse education. This project is being conducted by the Far West Laboratory for Educational Research and Development in Berkeley, California and is scheduled for completion late this year. It has received $44,712 in Federal funds.

Training

A total of $2 million will be expended to provide formula grants to State Departments of Education. In 1970 over one million educators and students were trained through the National Drug Education Program.

The Awareness House project will be expanded to serve as a training center for community personnel who will be trained to develop community drug abuse prevention projects. It will be funded at a level of approximately $200,000. No information on the capacity of this project is given in the OE report.

A project to train 50 teachers in schools for Department of Defense dependents in drug abuse educational procedures has been funded at a cost of approximately $100,000.

Of particular interest in a program being funded in FY 72 by the Division of College Support, under EPDA, Part E, entitled "Institute on Drug Education for Personnel of Eight Black Colleges," Alabama A&M, Huntsville, Alabama ($68,000). No estimate as to the number of participants is given.

Several of the projects being funded by the Bureau of Higher Education involve training programs. An estimated 100 persons participated in a training program entitled "The Development of Resource Personnel for Community Drug Abuse Programs" (University of Georgia). Another BHE project for FY 71 was entitled "Seminars for School Personnel on Personal Problems of Teenagers with Special Emphasis on Drug Abuse." An estimated 2,000 school personnel and youth counselors participated (Medical College of Virginia—Virginia Commonwealth University).

BHE has also funded a project entitled "Students in Community Service" involving some 500 students as participants. These students have worked under faculty direction with a community of young people at Odyssey House in Newark, New Jersey. The purpose of this project is to provide social support for the patients at Odyssey House.

Food and Drug Administration

Prevention

FDA efforts in this area are minimal.

Treatment

No programs.

Research

The Bureau of Drugs of FDA reports that its efforts in research related to narcotics and dangerous drugs are concerned with drug testing methodology and with the screening of new analgesics—defining their propensity for causing habit formation and physical dependence.

Training

No programs.

National Institute of Mental Health

Prevention

NIMH prevention activities take the form of promoting the development and dissemination of education materials. These materials and their distribution are described in the attached Fiscal Year 1971 Summary and "A Guide to Drug Abuse Education and Information Materials."

Treatment

The National Institute of Mental Health funds treatment and rehabilitation programs for narcotic addicts and drug abusers under both grant and contract mechanisms. The grant program includes staffing grants to comprehensive drug treatment centers under Part D of the Community Mental Health Centers Act and special project grants for single or separate services under P.L. 91–513, the Comprehensive Drug Abuse Prevention and Control Act of 1970. The contract program is limited to the Narcotic Addict Rehabilitation Act of 1966 (NARA).

The grant program. Currently there are twenty-three community-based grant funded programs for the treatment of narcotic addicts and drug abusers. Eighteen of these funded programs are now operational and the additional five are in the process of commencing operations (New Orleans, D.C., Pittsburgh, Miami, Philadelphia). The number of individuals treatment approaches and location for these grants are shown in the accompanying Table T_1. At the present time, it is not possible to separate funds used for treating narcotic addicts from those used for other drug abusers. The Institute is currently reviewing grant applications pursuant to section 256 of P.L. 91–513 (detoxification, institutional, aftercare services). It is anticipated that up to fifteen new programs will be funded in Fiscal Year 1971 with the $5 million appropriated under this authority.

The contract program. The contract program under NARA includes examination and evaluation services, inpatient treatment services, and aftercare services carried out in facilities other than Fort Worth and Lexington Hospitals. The majority of examination and evaluation and inpatient treatment services, however, is carried out at these two hospitals. On March 31, 1971 there were 2,074 individuals in the NARA program distributed as in Table T_2.

The FY 1971 expenditures for the NARA program are as follows:

Examination and evaluation	$276,000
Inpatient treatment	1,197,000
Aftercare services	5,721,000
Fort Worth CRC	4,805,000
Lexington CRC	6,422,000
Total	18,421,000

The number of NARA contractors by State is shown in Table T_3.

Research

The attached materials (Attachment Nos. 3, 4, 5, 6) describe grant and contract research activities of the Division of Narcotic Addiction and Drug Abuse. Although not specifically prepared for this report, they are written in a style intended to be comprehensible to a layman.

Training

The NIMH has funded three regional training centers under contract since September 1970. The centers have trained more than 600 physicians and more than 900 allied health personnel, educators, law enforcement officers, students and government officials. These centers are located in New Haven, Conn., Hayward, Calif., and Norman, Oklahoma. The total expenditure for these centers in FY 1971 is $1 million.

In addition, four drug abuse training grants have been funded in FY 1971 for a total of $292,695 as follows:

1. University of Kentucky Research Foundation Grant #T01 MH12257–01, $57,652.

To train students for careers as professional sociologists specializing in deviant behavior including drug abuse.

2. Los Angeles Center for Group Psychotherapy Grant #T15 M12319–01 $81,443.

To train 90 school counselors, probation officers and mental health professionals in group techniques appropriate for treating adolescent and young adult drug abusers.

3. Roosevelt Hospital (New York) Grant #T15 MH12320–01. $3,222.

To train physicians in the scope of the drug abuse problem and prevention and treatment techniques.

4. University of California (Berkeley) Grant #T01 MH12564–01. $150,378.

To establish a specialized drug abuse training unit in the Post-Master's Community Mental Health Program of the Department of Social Welfare.

Social and Rehabilitation Service

Prevention

SRS has supported a number of projects in the prevention area.

Examples include the Community Services Administration's support of family life education efforts in various locales and other educational programs which include a focus on drug abuse prevention among children and youth.

The Youth Development and Delinquency Prevention Administration of SRS has supported or is supporting a variety of projects in the area of drug abuse prevention. These include the recently funded project of Boston Model Cities Administration. This project focuses on an informational approach to prevention as well as providing counseling and referral services. Other projects in this

area supported by YDDPA include the "Drug Use, Misuse and Abuse Education Program" conducted by the State Planning Bureau in Atlanta, Georgia; the Youth Drug Abuse Prevention Project conducted by Flight, Inc., in Rochester, N.Y.; and the "Store-Front Drug Program" conducted by the Berkshire Farm Institute For Training and Research, Inc., Canaan, N.Y.

Treatment

See Table 1, Treatment Programs for Heroin Addiction and Other Drug Dependencies.

Also in the area of treatment and rehabilitation, the Rehabilitation Services Administration is planning to stimulate and implement 15 to 20 Expansion Grant projects aimed at increasing substantially the number of drug abusers rehabilitated into gainful employment.

Research

The major emphasis of the demonstration project of the Oregon State Mental Health Division is to evaluate the effectiveness of two methods of treatment on the vocational rehabilitation of young adult drug abusers. Pre- and post-data on performance variables and psychological and social functioning will be collected and compared. This project is being supported by Division of Research and Demonstration Grants, SRS, monies.

The Division of Disability Services, Rehabilitation Services Administration, SRS, is planning to develop and initiate four to five Research and Demonstration projects designed to find new and improved methods for rehabilitating the drug abuser.

The Community Services Administration of SRS is soliciting information on whether adult public assistance recipients are known by the public welfare agency to be suffering from drug addiction.

Training

The Rehabilitation Services Administration of SRS plans to support five bi-regional training conferences for State rehabilitation agency staff in rehabilitation of the drug abuser.

The Rehabilitation Services Administration also supports a training grant program authorized under the Vocational Rehabilitation Act. This program is aimed at increasing the supply of personnel in the rehabilitation fields by helping training programs to expand and by offering aid to students. The objectives of this grant program also include working with professional groups to improve the quality of preparation; facilitating communication and working relationships among the professional rehabilitation fields; and to give workers in the rehabilitation field opportunities to improve their skills. No figures were given as to the capacity of these training efforts.

The Community Services Administration of SRS has supported a variety of training programs sponsored by State public welfare departments. The purpose of these training programs included the development of the skills and capacities of a variety of social service staff. Community Services Administration does not maintain data on the capacity of these training programs for prevention, community organization, and treatment personnel in specific problem areas such as drug abuse.

TABLE 1.—TREATMENT PROGRAMS FOR HEROIN ADDICTION AND OTHER DRUG DEPENDENCIES

Locale	Period	Modality	Approximate number serviced	Total expenditures
Washington, D.C.	Fiscal year 1971	VR services to methadone maintained	240	$112,008
Minneapolis, Minn.	do	VR services to hospital inpatient narcotic addicts	75	27,770
Nassau County, N.Y.	do	Evaluation and VR services to disadvantaged addicts	250	25,810
Hartford-Waterbury, Conn.	do	VR services and counseling	75	38,330
Tulsa, Okla.	do	Counseling and psychiatric	25	12,500
Portland, Oreg.[1]	do	Individual or group psychotherapy, detoxification and medical, vocational, social, occupational, recreational, and educational services in addition to family casework services and religion.	100 clients annually	[2] 194,095
Brooklyn, N.Y.[3]	July 1, 1970–June 30, 1971	Detoxification as often as necessary under medical supervision, group treatment (Guided Group interaction model).	25 girls, ages 12 to 16	168,866
Anchorage, Alaska[3]	Not given (recently funded)	Halfway house to aid drug users in kicking their habit and reentering society	150 to 250 youths, 16 to 22.	55,414

Note: The first 5 programs are in the Division of Disability Services of SRS.
There is no data available on drug dependence or addiction treatment per se from the Office of Service Delivery, SRS.

[1] This program is in the Psycho-Social Study Section, Drug Abuse Research and Demonstration Project, SRS.

[2] 2d year, $209,000; 3d year, $207,000.

[3] These programs are funded by the Youth Development and Delinquency Prevention Administration, SRS.

DEPARTMENT OF HOUSING AND HUMAN DEVELOPMENT

HUD was unable to comply with the deadline set for receipt of information because this information is available only through its regional offices. The regional offices of the Department have been contacted and should be responding to the request for program information within a week or two. HUD will then send this information to NIMH to be collated and forwarded to the White House at the earliest possible date.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Prevention

The Prevention/Public Education program has been attended to largely in Large City/County Special Grants Program. Likewise, the Narcotics and Dangerous Drug Control Program (K–1 and K–2) have also provided a vehicle by which this area can be addressed. The major focus of prevention has been directed at the nation's youth through the development and implementation of preventive education programs in all grades of the public school system; e.g., grammar, junior high, and senior high. State and local medical, educational, and law enforcement personnel have worked jointly in the preparation and presentation of these programs. The National Institute of Mental Health and BNDD have likewise assisted in the development of informational materials for this purpose.

A second major focus of the Prevention/Public Education response to the narcotics/dangerous drug abuse problem is seen in programs developed for presentation to parents, civic groups, church organizations, and other interested citizen bodies. The intent here is perhaps three-fold: (1) to inform the adult community of the nature and extent of the problem; (2) to inform adults of what is being done; and (3) to prepare them for a possible personal confrontation with drugs as it may affect their own children.

Treatment

See Table 1, Drug Abuse Programs (Discretionary Grants Only—Action Grants Not Available) FY/71 Available Data.

Research

Information regarding only two discretionary grants involving research/data collection is available for FY 70–71. These are the Police/Community Information Program in Anchorage, Alaska funded for $40,000 and the Commission on Drug Abuse-Treatment Program and Facility, Memphis, Tennessee, funded for $75,000. The Anchorage, Alaska project involves establishing a data and information bank. The Memphis, Tennessee project involves studying and researching the causes of alcoholism and drug abuse related problems.

Training

Intensive training for the members of these special enforcement units have been emphasized throughout LEAA programs, the establishment of close liaison between local and state agencies and BNDD have been insisted upon regarding development of training programs, utilization of existing programs, and further continuous unit training. No figures representing the number of persons trained or to be trained were given.

TABLE 1.—DRUG ABUSE PROGRAMS (DISCRETIONARY GRANTS ONLY—ACTION GRANTS NOT AVAILABLE) FISCAL YEAR 1971 AVAILABLE DATA

Locale	Period	Modality	Approximate number serviced	Total expenditures
Broward County, Fla.	Aug. 1, 1970–July 31, 1971	Detoxification, physical and psychiatric evaluation, rehabilitation through psychiatric treatment and counseling, guided group interaction therapy.	500 (30 to 40 in residential care program).	$200,000
Chicago, Ill. (drug abuse rehabilitation program—addict offenders).	Aug. 24, 1970–Aug. 23, 1971	Group and individual counseling	200 to 300 addict offenders.	200,000
Boston, Mass. (Norfolk County comprehensive interconventional drug addict treatment program).	Apr. 15, 1971–Apr. 14, 1972	Includes methadone maintenance and a self-help-type halfway house, therapy, and counseling.	No estimate given	154,318
Whitmore Lake, Mich. (serving adolescents from Detroit, Flint, Grand Rapids, and Highland Park) adolescent drug use limitation and treatment.	Aug. 15, 1970–Aug. 14, 1971	do	360 adolescents	92,475
Royal Oak, Mich. (alcohol and drug abuse treatment center).	Fiscal year 1971	No information given	No information given	101,045

Locale	Period	Modality	Approximate number serviced	Total expenditures
St. Louis, Mo. (community-based treatment and supervision of selected offenders—narcotics).	Dec. 1, 1970-Dec. 30, 1971	Prewithdrawal counseling, withdrawal under medical supervision, short-term residential accommodations, crisis intervention, varied counseling and guidance.	Estimated 200 can be handled on a post-release basis.	79,285
Trenton, N.J. (drug addiction treatment, rehabilitation, and prevention)	July 1, 1970-June 30, 1971	Includes residential treatment center (modeled after Dayton Village, New York City, with total utilization of ex-addicts as staff).	Residential center designed to serve 70.	139,600
Columbus, Ohio (preventive program for metro narcotics and drug abuse enforcement).	September 7, 1970-September 6, 1971.	Includes medically supervised withdrawal program	No information given	75,000
Memphis, Tenn. (commission on drug abuse-treatment program and facility).	August 15, 1970-August 14, 1971.	Psychological and sociological counseling included in voluntary treatment program.	22-bed facility	75,000
Travis, Texas (comprehensive treatment program for young drug users).	September 7, 1970-September 6, 1971.	Inpatient and outpatient therapy, including voluntary "walk-in" referral and crisis services.	No information given	52,470

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

Prevention

BNDD's efforts in the area of prevention include a public inquiry program which responds to requests for information on the problem of drug abuse, drugs being used, and various aspects of the drug problem as related to preventive enforcement and the problem of illegal drug use in the community. In addition, a community organizational program involving 13 pilot projects is being conducted. The emphasis of this is to promote a total community effort to prevent drug abuse, which includes law enforcement and other elements in the criminal justice system.

BNDD's preventive efforts also include a dissemination of information on drug laws and regulations to the registrants under the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Other preventive efforts include stimulating program activities among the pharmaceutical manufacturers and associations. Other developmental activities in which the Bureau has been involved have recently included a conference for artists to explore means of utilizing the artistic community at the local level in providing alternatives to drug abuse. Other activities have involved the clergy, educators, law enforcement, and media people.

Treatment

BNDD has no treatment programs.

Research

See BNDD report (attachment 1).

Training

No estimate of numbers of persons who can be or have been trained through BNDD was contained in its report.

Major training efforts are conducted for professionals in the enforcement field and related areas to orient them to the need and the advantages of preventing drug abuse as opposed to concentrating only upon the enforcement aspects of the drug problem.

DEPARTMENT OF JUSTICE

Bureau of Prisons

Prevention

No programs reported on.

Treatment

Two categories of treatment programs: one functioning under the Narcotic Addict Rehabilitation Act (NARA); the other—Drug Abuse Program—treating offenders currently in the Federal prison population who have drugs as a contributing cause to their criminal behavior and who do not qualify under NARA. See Table 1, Treatment Programs for Heroin Addiction and Other Drug Dependencies.

Research

No research findings as yet to report. Collection of data in progress to help determine significant variables affecting treatment outcomes.

Training

Since NARA provides for an aftercare phase, a series of conference workshops with community agencies and probation agents have been held. (No figure is given as to the numbers of persons who have participated in these programs.)

Of some interest is the fact that several of the releases from the NARA programs have been hired by community organizations who are concerned with the "drug problem." The releasees are functioning as counselors and lecturers to various groups in the community. The Bureau of Prisons has contracted with some of these releasees to help in the continuing development of an effective treatment program.

TABLE 1.—TREATMENT PROGRAMS FOR HEROIN ADDICTION AND OTHER DRUG DEPENDENCIES

A. NARA (NARCOTIC ADDICT REHABILITATION ACT)

Locale	Period	Modality	Approximate number serviced (capacity)	Total expenditures
Danbury, Conn	Fiscal year 1971	Primarily therapeutic community approach	200	See below.
Milan, Mich	do	do	50	Do.
Alderson, W. Va	do	do	100 women	Do.
La Tuna, Tex	do	do	100—50 women	Do.
Terminal Island, Calif	do	do	100 men, 50 women	Do.
Five programs funded for				[1] $560,400

[1] Salaries, $436,200; operating costs, $124,200. Also, $525,000 in aftercare contracts have been let with community agencies, fiscal year 1971.

B. DRUG ABUSE PROGRAM (FOR THOSE NOT QUALIFIED TO RECEIVE TREATMENT UNDER NARA)

Facilities at Lewisburg, Pa.; Petersburg, Va.; Terre Haute, Ind.; El Reno, Okla.; and Lompoc, Calif., will be providing treatment in fiscal year 1972 for drug abusers who do not qualify under NARA. To date, $80,000 has been allocated for fiscal year 1971 to cover the costs of construction.

The major emphasis of the information program on drug smuggling and abuse by the United States Bureau of Customs is to stress law enforcement activities. This serves several purposes: one, it reinforces that there is a drug abuse crisis and tells the public what is being done to combat the problem; two, it asks the public to cooperate with local, state and federal authorities so that more can be done to solve the problem; and, three, it acts to deter amateur smuggling of illegal drugs into the United States.

This information program by Customs is implemented: from the speaker's platform; through news releases that generate editorials, news and feature articles; and, by use of posters, flyers, and radio and television public service announcements to inform the public of certain inconveniences they may experience because of the search for illegal drugs.

The Bureau cooperates with the travel industry and other government agencies in programs to slow drug smuggling and abuse in the United States. It has also participated in presentations by the White House for the television and radio industries on ways to curb drug abuse in America.

Additional information may be obtained from the Bureau of Customs, Office of Information and Publications, Treasury Department, Washington, D.C. 20226. Telephone 202-964-2475.

DEPARTMENT OF LABOR

Prevention

A special film and other educational materials are being developed specifically for lower class and inner city populations because of the paucity of suitable material for Job Corps training programs. Guidelines for conducting drug education and counseling have been prepared for use in Job Corps training programs.

Treatment

See Table 1, Treatment Programs for Heroin Addiction and Other Drug Dependencies.

Other efforts supported by DOL in the treatment and rehabilitation area include the VERA Institute of Justice of New York City which takes people arrested for less serious crimes and, prior to trial, gives these people (many of whom are drug addicts) an opportunity for rehabilitation and training.

Another similar program—not specifically geared to drug abusers but involving many—is Project Crossroads in Washington, D.C. This project is sponsored by the National Committee for Children and Youth and funded by the Department of Labor. It is a pretrial diversion program for youthful offenders. The program stresses career development, using employment, training, and other supportive services. Project Crossroads, like the VERA Institute of Justice program, relies heavily upon nonprofessional staff.

Research

DOL has contracted with the New York State Narcotic Addiction Control Commission to make some special tabulations from an ongoing survey of drug use among the general population of New York State in August 1970 which would show the extent of drug use among different occupational

groups in the labor force. See the attached report for further specifics regarding the survey findings.

Training

A most extensive training effort has been undertaken by the Job Corps in DOL. The Job Corps organized a series of nine technical assistance seminars which could aid in the recognition of symptoms and in dealing with drug users. The first seminar was held in mid-January 1971 in Washington, D.C. Other seminars are scheduled for June 21–23 in Philadelphia. The six remaining seminars will be conducted July through September 1971. No specific information is given as to the number of persons who can participate or who have participated in each technical assistance seminar. The DOL report states that approximately 70 people in each Manpower Administration region were found to need background information and training in the drug area. This would bring the intended number of participants to no less than 630 persons.

TABLE 1.—TREATMENT PROGRAMS FOR HEROIN ADDICTION AND OTHER DRUG DEPENDENCIES

Locale	Period	Modality	Approximate number serviced	Total expenditures
Washington, D.C., Residential Manpower Center	Mar. 15, 1971	Methadone treatment (program for detoxified addicts who are physically and psychologically capable of undertaking job training).	No information given	No information given.
Baltimore, Md., Westinghouse Learning Corp	Fiscal year 1971	Job training and placement of ex-addicts	3 treatment programs but no information re-number services.	Do.[2]
New Orleans, La., New Orleans Association of General Contractors.	do	Job training and placement of ex-addicts	No information given	Do.[3]
Washington, D.C., Blackman's Development Center.	February 26, 1971	Institutional training program for rehabilitated drug addicts (training courses 26 weeks in length).	200	$325,000 (plus $198,000 from HEW).

[1] 2 other similar demonstration projects are scheduled to begin prior to the end of fiscal year 1971 at 2 other Job Corps yet to be announced.

[2, 3] On both of these projects DOL is working in conjunction with OEO. OEO plans to award operating contracts for 8 more cities in fiscal year 1972.

VETERANS ADMINISTRATION

Prevention

No programs reported on.

Treatment

The VA began a special medical program for treating drug dependent veterans in the middle of FY 1971 by establishing five drug dependence treatment units in existing VA Hospitals, which are located in these cities: Houston, Texas; Battle Creek, Michigan; New York, N.Y. (Manhattan); Sepulveda, Calif. (Los Angeles area) and Washington, D.C. Another 13 treatment units will be activated July 1, 1971. For the first five drug units in FY 1971, the VA allocated $330,000 for six months of operation. The FY 1972 budget calls for $3,060,747 for 18 units, and the FY 1973 budget is projected at $14,926,835 for 46 units. If resources permit, the VA plans to treat an estimated 9,000 drug dependent veterans in the next two years, with each center reaching a maximum caseload of 200 outpatients. Units average 15 beds for necessary inpatient care. Various treatment modalities will be used.

Research

A new approach to evaluating the effectiveness of several therapeutic modalities and of the treatment units is now being designed for inclusion in the program of each unit (also see report).

Training

VA has extensively utilized NIMH training facilities at Hayward and Yale as well as training facilities at Lexington, Kentucky and Fort Worth, Texas.

In June 1971 an administrative conference was held with representatives of each planned drug unit in attendance. Other training sessions have been held and is being encouraged. (No estimates of numbers receiving training given.)

IN COMMEMORATION OF CAPTIVE NATIONS WEEK AND THE 15TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. ROE. Mr. Speaker, I trust that last week's observance of Captive Nations Week helped to remind all of us of our individual responsibilities to each other in renewing our devotion to the heritage of our national resolve and conveying to the long struggling, freedom-seeking peoples of the captive nations of the world our warm understanding and sympathy for their aspirations in continuing to maintain the dignity of man, restore their individual national recognition among all countries and achieve their independence.

Many of those fortunate enough to escape from the horrors of oppression and tyranny are now citizens of our own country who recall the fear as well as the fierceness of the battle. The date of October 23, 1956 will mark the 15th anniversary of the Hungarian revolution that sought free elections and the end of the Communist government that had taken control of the Hungarian people in 1947. By October 30, 1956 the revolution had succeeded but the Hungarian people's independence was shortlived and the Communists regained control the following month. It is estimated that 160,000 Hungarians fled the country and several thousand lost their lives in the fighting.

As a nation comprised of people of all nations, many of whom are descendants of or have personally experienced oppression and tyranny in foreign lands, our United States of America is deeply sympathetic to the plight of these people. We are linked by bonds of family and principle to those who love freedom and justice on every continent; our democratic process has achieved a harmonious national unity of people with the most diverse of racial, religious and ethnic backgrounds; and as a united people we recognize the natural interdependency of the peoples and nations throughout the world upon each other. In fact, it was upon this preamble that the Public Law of 1959 was enacted authorizing and requesting the President of the United States to issue an annual proclamation designating the third week in July as Captive Nations Week and inviting the people of the United States to observe this week with appropriate ceremonies and activities.

It was a distinct pleasure for me to join my colleagues in last week's highly important commemoration and to speak out in tribute to the courage, fidelity and dedication to the principles of representative democracy manifested by the pioneering efforts of the people of captive nations throughout the world. This past week gave all of us an opportunity to consider the fate of some of these countries including Hungary, Czechoslovakia, Poland, Bulgaria, Rumania, Latvia, Estonia, Lithuania, the Ukraine, East Germany and Albania. It was most reassuring to note from my participation in this solemn observance that these courageous people are encouraged and continue to provide renewed hope to their homelands that they will once again be free and I am indeed pleased to have had the opportunity to make known our deep concern for these people in order to keep alive their independent spirit and deep desire to continue their pursuit of freedom and happiness, achieve their national goal and share the just and rightful endowment of our free world which they so richly deserve.

TAKE PRIDE IN AMERICA

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

Asked what he liked about America Bob Hope said:

In a few paragraphs it isn't an easy assignment. America has a sense of humor. Everybody seems to want to laugh. Cab drivers, salesmen, elevator boys lean on you with the latest story.

The torch on the Statute of Liberty has been my Aladdin's lamp. I rubbed it and have received bounty and blessings beyond anything I could have dreamed or asked for. I cast a few crumbs upon the water and get the whole bakery.

THE HUMAN STORY OF WELFARE

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert into the RECORD a series of articles describing the personal lives and problems of some of our people on public assistance. The articles, which appeared in the Detroit Free Press, were written by Helen Fogel, one of the country's finest journalists. They are stories pointing out the unmet human needs of these individuals, which must be recognized if ever we are to secure effective and meaningful welfare reform.

The articles follow:

ANNA ELIZABETH, BOOTS, AND WELFARE

(Sometime this month, Congress will begin to debate the first major welfare reform with a chance of becoming law since the Social Security Act established aid programs for those who cannot work back in the '30s.

(The reform bill has at least one feature which almost all critics of the current legislation applaud: It would establish an income floor, $2,400 for a family of four, throughout the country.

(It would also make welfare primarily the business of the federal government rather than that of the states and counties.

(It probably would not decrease welfare costs. More people would be eligible for benefits than ever before because, for the first time in some states, working people would be eligible for benefits.

(Whether or not the new legislation would eliminate what the experts see as the worst evil of the present system remains to be seen. This is the denial of human dignity to those who must resort to welfare to live.

(Authorities say too that many of our ideas about welfare recipients are myths. For instance, statistics indicate that only two percent of those now on welfare could work IF work were available.

(Though there is some fraud among welfare clients, almost all of it is of the penny ante variety and administrators say it costs more to chase it down than it does to pay for it.

(Welfare can become a very impersonal thing—a matter of statistics and huge sums of tax money—to those who are not its recipients.

(But for every welfare statistic there is a human being with problems of great magnification to him or to her. To help readers keep the human being in mind as Congress debates welfare reform, the Free Press today begins a series describing incidents in the lives of some Detroit welfare clients.

(No special effort has been made to report hardship cases. The stores are about people picked at random.

(All of the names are fictitious, because in each case the person felt shame in having his identity as a welfare recipient revealed. The incidents are real, however, either witnessed or documented by staff writer Helen Fogel.)

(By Helen Fogel)

Anna Elizabeth Brown sucked her lips in thin and stared up at her teen-age son, Liberty.

On the table between them sat a shiny bright pair of new patent leather boots, ankle-bone high and narrow, with elastic insets and a loop in back to pull them on with.

"You mean to tell me," Anna said softly, "that those boots only cost you $4.50?"

"That's right, Momma," said Liberty. "They were on sale." He ran a soft finger over the boots. Then he lowered them carefully into the plain gray bag.

Anna Elizabeth continued to look up at her son, and for a moment he glanced into her direct glaze. He uttered a funny, gurgling little laugh and looked down at the table.

At 15, Liberty is Anna Elizabeth's oldest son—the closest she has to a man in the house.

Out on the streets, among his friends, Liberty is already a man, and his mother doesn't like to put him down at home.

She knows as sure as she does it too often, Liberty won't come home at all. At least now she knows where he is part of the time. She wonders where he could be when the counselors say he isn't in school.

Anna Elizabeth has been this route before.

That's how she happens to be on The Welfare.

ANNA'S GROWING UP DAYS IN INKSTER

Though she doesn't look it, Anna is close to 40 now, small and plump—a sweet, high brown woman with a merry smile.

She's the kind of lady that folks call "fine."

Recently, she's been going without a wig some, and the silver threads stand out clearly in her short, kinky black hair. But somehow her own hair makes her look even younger and softer than before.

She grew up in Inkster with her mother who did day work to support Anna and her brother.

"I haven't seen my Daddy in 20 years," she said.

Growing up, she learned how it was to be without things the other kids had and never to have enough of the things she needed. She learned how it was to have her Momma away all day, tired and cross at night—and lecturing, always lecturing.

Mothers who can't be at home to see what their children are doing sometimes try to build fences with words.

"It was a hard struggle," says Anna off handedly.

As she talks you can almost see the young Anna, full of mirth, skipping school and sneaking away from her grim and earnest mother whose sole protective stance was reproach.

Anna understands her mother better now, but then all she wanted was to laugh and dance and have fun. Anna's Momma didn't allow dancing.

"I never did make it to high school," says Anna, shaking her head.

After eighth grade, she just didn't go back to school.

Instead, she looked for the brave new life that she would control herself.

She married her boyfriend and together they moved to Chicago.

HER HUSBAND, A DRINKING MAN

Now she shakes her head and twists her face into a wry mask—another sweet dream gone astray.

As she talks about her marriage, you can tell she is still struggling with the love dream where the two pretty people marry and live happily ever after, with only the sort of problems that bring lovers closer together.

Now she chuckles heartily at her own naivete.

Only her dark somber eyes betray the pain born of a small nagging belief that it was not the dream but she who was wrong.

After all, one has to hope for something.

After 16 years of marriage I had to pack up and leave. I couldn't get along with my old man, I tried," she said.

Her eyes are soft now, and they rest gently on the narrow head of 7-year-old Daniel, the youngest of her six children. Then she glances into the living room where Liberty is sprawled on the floor in front of the television set.

"One reason, I tried to stay with my husband was I knew how it was to grow up wanting this and that," she explains.

Her husband, she says, was a drinking man. "I was afraid of him. So were the kids."

Almost defensively, she adds, "I tried to stay, but I'd get knocked around." She shows you the scars on her face.

"Finally one day, I said, 'I don't have to take this,' and I packed up everything I'd paid for and left."

That was four years ago.

She came back to Detroit and got a job as a checker in a dry-cleaning shop, and a divorce, in that order.

Her eyes crinkle up at the corners and the laughter returns to her face as she assures you the divorce is real and legal.

"That was one man I wanted to get rid of," she said.

For the first two years after she returned home, she worked first in the dry cleaners for $1.45 an hour and then as a waitress in a chain operation. As a waitress, she worked the night shift for 90 cents an hour so she could be home in the day with the kids. With tips, she usually made a little more than she did as a checker.

She worked hard—going in at 5 in the afternoon and not getting home until 4 or 5 in the morning.

"I couldn't hardly take those hours," said Anna.

But she thought she was making progress. She'd paid for her divorce, and she was working towards a separate home for her family. They had been living with her mother which made it possible for Anna's grandfather to babysit with the children.

"It was with my oldest girl the problems started," said Anna.

Suzie at 17 was having emotional problems. "She wouldn't do anything my grandfather said," said Anna. She was gone from home a lot and from school—sometimes days at a time.

The social workers thought maybe it had something to do with Anna's working.

So Anna quit work and went on welfare. After the prescribed 90 day period she was approved for Aid to Dependent Children.

She believed then that her ADC grant was a short-term expedient. She would get her family back together and go back to work. For Anna working was not so much for the money which was less than $3,700, as it was for pride.

But by now, Anna's oldest daughter was a heroin addict and the mother of a baby. The following year, Suzie had another child. She left both children with Anna who took both babies in.

"My mother told me I should find Suzie and make her take care of her children," said Anna. My little boy is in school now. I didn't need any more children.

"But what was I going to do?" she continued. Put them up for adoption? Throw them out on the street?

"I don't have the money to spare for looking for her," said Anna. "If I found her she would only leave again. She'll never take care of the babies now."

Then a year ago, Anna's next-to-oldest daughter got pregnant too. She now has a three months old child. Like her mother she's a welfare baby.

But this time Anna is making different plans. With reality as a guide, Anna will see that this daughter takes the Pill. She has begun to nag too—like her mother. She wants her daughter to go back to school.

At the same time, she's looking forward to the day when all the youngsters will be in school. Then she wants to go back to school to learn to be a nurse's aid.

Then she will have a skill.

In the meantime, she's doing the best she can to feed, clothe and house her family on an ADC grant—and to overcome the effects of their earlier demoralization in spite of the strain.

BACK TO LIBERTY AND HIS BOOTS

Her chief concern is Liberty. She's satisfied the others are making some progress.

School does not interest Liberty much, and he shrugs off all Anna's moralizing about what will happen next year or five years from now.

"I could choke him," says Anna with sudden savagery.

But Anna Elizabeth Brown is a determined woman and she hopes to win this one.

Before Liberty left for school in the morning, Anna had given him a $10 bill, all the money she had, to shop for some much needed shoes to replace his one pair—out at the sole and badly worn. She told him not to spend more than $5.

She needed the rest to buy food, a little meat and some vegetables to go with the beans. The family was out of fresh milk too.

Anna stared over at her son who looked back uneasily.

"The boots really were on sale, Momma," said Liberty.

"I believe that," said his mother. She wanted to scream and curse and hit her child hard. At least that would relieve her pain.

Instead, quietly controlled, she pursued the subject.

"What happened to the change?" she asked.

"I took the bus and bought lunch and I had some expenses at school," Liberty explained, his eyes fastened to the edge of the table.

"You had $5 worth of expenses?" asked his mother in a pleasantly terrible voice.

"Liberty," she demanded, "What happened to the change?" Liberty sighed deeply and looked up at his mother.

"There wasn't any change, Momma," he said.

AND HER DESPAIR IS TOTAL—HONORE'S CRIPPLED AND ALONE

(This is the second in a series that looks at the lives of some welfare clients in the Detroit area. No special effort has been made to report hardship cases. Today's story, like others in the series, is about a person picked at random. The names are fictitious, but the incidents are real.

(Contrary to popular myth, almost no one goes onto welfare rolls expecting to stay there. Almost all cases are off the rolls within five years. When this is not true, as with people who are physically unable to support themselves, despair is total. Today's installment addresses itself to such a situation.)

(By Helen Fogel)

She drops it like a small rubber ball—right into the middle of a militant dialogue about the evils of the welfare system.

"I really don't want to live any more."

For a moment, you think she's kidding.

But she sits there, eyes down, her crippled legs stretched out in front of her, and her hands, balled up in fists, scrunched in tight between them.

Before you have politely managed to conceal the horror on your face, she has seen it.

"But you asked me about my problems," she said. "This is one of the problems I have—that I'd rather go ahead and die—because I don't want to go on living this degrading life."

Honore Ryan who now receives an Aid to the Disabled grant was not always a welfare case or even a poor woman.

Her husband was in real estate, and he and Honore and their daughter lived well. They had all the things they needed and other things too, like the nice home in a fashionable affluent northern suburb.

Honore and her daughter still live in that house which has begun to look a little worn now because a welfare check doesn't stretch to property upkeep.

Several years ago, Honore's husband quit his $30,000-a-year job, his wife and his child, and went to Puerto Rico to make a new life with another woman, younger and prettier—and heathy.

HER BODY WRACKED WITH PAIN

In spite of the fact Honore manages to get around with crutches, she is severely disabled. As a child she had polio and rheumatic heart disease, which left her with a weak heart. She now suffers from rheumatoid arthritis.

Over a period of years, both before and after her marriage, she had 31 operations including three spinal fusions.

When the weather is bad, she has trouble sleeping because her body is wracked with pain.

She says, however, that she kept a cheerful face throughout her marriage, and her husband always came home to a warm meal on the table—even those nights when he came home late.

They'd had some marital problems. He didn't like her to have an allowance. When she needed food in the house or something for herself, he bought it and brought it home.

She'd argued with him about it and even seen a marriage counselor. In the end though she had relented and done things his way.

Maybe Honore was too good—too perfect to live with.

For whatever reason, her husband left for good without telling her. Since he was often away on business trips, Honore didn't know he was gone until a bill collector came to her door and told her he had left his job.

When he left, Honore had a little food in the house, but nothing else. She had no money at all.

SUBURBANITES DON'T UNDERSTAND

Honore broke off suddenly in her narrative.

"Suburbanites," she said bitterly, "Don't understand the poor. Out here people are so affluent." Her voice broke and she just shook her head.

A welfare mother from the Cass Corridor might find it hard to believe she and Honore had anything in common. Honore has her home with its spacious, though somewhat seedy back yard. There's even a little patio in the building—made from used brick scrounged from building sites well after dark.

Poverty is a relative thing, and Honore believes it is harder for her to manage at the poverty level than it is for people who have been poor all their lives.

At one time, she was used to having nice things, and she has a richer set of neighbors to keep up with.

But she had to turn to welfare because she had no alternative.

STILL SICK OVER VISIT

She remembers the first time the social worker came to her fine home. She still feels sick about that first visit.

The worker, a middle-aged hard-bitten man, went over all her precious possessions—her paintings, her grand piano, her furniture—even her lace-edged underwear.

Each time he came upon something new, he said, "You'll have to sell this. You know you're on welfare now."

"My daughter was 11 at the time, thought her world was falling apart," said Honore. "First her father was gone and then there was this."

"Besides," she continued angrily, "He lied. You don't have to sell your personal possessions."

Honore believes the worker was intentionally trying to humiliate her—kick her when she was down.

She acknowledges that people have asked her why she continues to live in an affluent suburb "where no one understands."

She explained her house payments have been less than what she would have had to pay for an apartment. Now that may change too, because taxes are going up . . .

The other things—furniture, paintings and clothing were already paid for.

Honore has plenty of room in the house now, and she'd like to take in a boarder. If she did, she'd have to report the income and it would be deducted from her welfare check which hardly makes the work worth the trouble.

ONE OUTFIT OF CLOTHING

During his first visit, the worker explained in some detail to Honore and her child, those things they might have even though they were now on welfare.

"He said my child could have one pair of underwear, one slip and one dress. I asked him when I would wash these things, and he told me they could be washed on the weekend."

"He wanted to make me feel small and worthless," Honore continued. "The more he tried, the more the dander in me came out."

She and her daughter learned to cope.

Her daughter learned to sew, and would vary her wardrobe by taking her old clothes apart, washing the material, and making new skirts and dresses.

As bitter as Honore is about the welfare system, she saves her special venom for the church and a society that calls itself Christian.

She is particularly angry with those who tell her her predicament is "God's will."

Irish to her toes, Honore is a gut Catholic—practicing, believing—a real moral nag.

"God does not will that her children suffer," she fumed. "God loves you."

"Senator Eastland gets welfare," she declared.

"Farmers who don't plant crops get paid for not planting them. That's welfare," Honore charged.

"Our Michigan legislators wanted to vote themselves a dental care plan. On Aid we don't get money for dental care."

The legislators, she said, do not understand the moral nature of the decisions they make.

Honore believes in the equality of all souls, and does not believe God rewards the Good with affluence and punishes the Bad with poverty.

But she also understands that many of the assumptions that Americans have about the poor derive from the Calvanistic doctrine.

So she continues to make a nuisance of herself with churchmen.

When she sees a church yard being paved or a new building being raised, she makes a point of seeing the clergyman of the parish and asking him what the church had done for the poor in its congregation—before it had started construction.

As she described her conversations with the clergy, her eyes began to twinkle, and her laughter bubbled out. You realize that calling a hypocrite by his real name is one of the few pleasures Honore Ryan can afford.

Other than that, she has her daughter.

Most of her family acquaintances deserted along with her husband and the $30,000-a-year income.

The few that stuck, she considers friends, and she has joy in them.

In complete innocence, she admits that what she misses most about being rich was her freedom to be Lady Bountiful.

But what really worries her is the situation with her daughter.

She wants the girl, who has been a welfare child for nine years, to be free when she gets through school. She does not want her to be chained to caring for a sick mother.

So, daily, she sits alone in her unheated home and mulls over what she can do to insure her daughter's freedom from the welfare bureaucracy.

At night, when the pain is too much for sleep, she gets up and slowly paces the floor on crutches thinking over and over again how she must send her daughter away and never see her again.

As things are now, that is the only way Honore can save her daughter from having to support her when she has graduated and found a job. The state insists on relatives who are able supporting a member of the family who is disabled.

But Honore has not really discussed these matters with her child, and she does not know if the girl will go, even if Honore insists.

So when she is alone or the pain is to great, though every fibre of her body screams, "sin," she considers a darker alternative.

FOR JOSEPH—NO JOBS, NOT EVEN SWEEPING

(It is harder for a man to accept public assistance than it is for a woman. Common belief in a woman's social role in the home protects the woman on welfare to some extent from public scorn.

(Take for instance the story told in this third installment of a series telling the human side of Detroit's welfare problem.

(Society considers a man inferior, a bum, if he does not work. Increasingly, however, men are unable to get work and so far the Work Incentive program—a program designed to give welfare clients enough skills to find basic jobs—hasn't even scratched the surface.)

(By Helen Fogel)

Joseph stared glumly out of the car window into the bright blue day.

"I'm not proud of what I do," he murmured, "but I will do anything to see my children do not starve."

He had just finished explaining how he answered newspaper ads offering free pets to good homes, how he lied to get the pets, and how he took the animals and sold them to buy milk for his children.

"It is not that I do not love animals," he explained carefully. "It is only that I love my children more."

Joseph feels bad about the animals. He described one of them, a beautiful dog, lovingly in great detail. He would like to have such a pet himself.

He also feels bad—but less so—about the batteries and hubcaps he stole from autos parked in an area of west Detroit.

These too, he sold to make money for food for his five young children.

Joseph was a skilled tradesman until a drunken driver plowed into his car at an outstate intersection. The accident left him with permanent back injuries which made it impossible for him to do the heavy lifting which was part of his job.

So Joseph became an unskilled worker and one with a disability upon which industrial personnel people didn't want to take a chance.

He couldn't even find a job as a sweeper.

Joseph is a proud man with all the entails to one of Mexican-American descent.

He's painfully aware of his wife's middle American background and his own minority status. Even now he can't tell her family of their problems.

He did not want to go to the County for money to support her.

He believes now the pride which kept him from the welfare rolls while the food in the house dwindled to nothing and his children went hungry, was false pride.

He sold everything he had—the home furnishings, his tool box, his wife's jewelry—even her wedding rings, until he had nothing left to sell.

It was not until even his infant son had nothing but sugar water to drink, and there was no prospect of buying more sugar or anything else that he turned to welfare.

Like all people who seek welfare, he first went to the county for emergency and general assistance. He was eligible for Aid to Dependent Children of Unemployed Fathers (ADC–U) and if everything worked as it should, he would have received it within 90 days after he began receiving general assistance.

But as it often does, the welfare system failed. His application for ADC–U was delayed more than 18 months leaving him to fend with the County staff which everyone acknowledges is overburdened, overworked and sometimes mean.

(It is little wonder the County assistance workers seem callous. They are expected to deal with at least 40 cases during their 8-hour day—40 cases of tragedy each day.)

Joseph and his family live in the bottom half of a duplex on one of the most wretched blocks of Detroit's inner east side where the dingy houses in their dusty, littered yards tilt at small crazy angles as though they were trying to avoid one another.

When a visitor knocks, his wife moves the curtain ever so slightly, then quickly opens the door enough to permit entry. As quickly, she closes and locks the door. Joseph's wife is afraid of the neighborhood she lives in.

She is a small, sweet-faced woman with long blond hair.

Her face is incredibly young, but her compact, broad-hipped body in the old apron-covered pink sleeveless dress moves in harried starts and jerks. Her bare feet are shoved into worn scuffs. She peers at you with nervous eagerness through thick glasses.

She is happy to have company, and you can understand why.

Their home is a crush of four tiny, hot rooms where her four older children (the oldest is five) play. Her youngest, a five-month old infant, is crying in the crib.

Not many people come to see the family, and the children are excited by the novelty, too. In the excited running back and forth, the toddler, barely a year old, cracks his head against the corner of a table, and he begins to cry too—bedlam in the four close little rooms that smell of bug poison.

Joseph's wife flies, first after this child, then that. She picks up the crying infant and rubs the head of the crying toddler.

She smiles an apologetic "I don't know what's got into them," and turns angrily to the older children. "Your Daddy's going to get you," she hisses.

She seems childishly vulnerable, sitting on the edge of her chair in her little locked-in rooms, surrounded by her children. She looks like a little girl playing at being Mama in a cruelly infinite game of House.

Joseph and his wife believe it is unsafe for her and the children to venture outside unless he is with them. So, though the day is sunny and bright, they stay in their self-imposed prison. She keeps a long kitchen knife on the ledge of the locked window beside the door.

She points out that the dope house down the block, raided the day before, is already back in business. There are others she says, that haven't been touched at all.

Besides that, there are the street attacks she has heard about, and the break-ins. So even when people come to her door, she doesn't open it unless she knows them.

A neighbor woman drops by to say a jitney will be leaving some food on the neighbor's steps. Joseph's wife scolds her for letting it sit out without watching.

She returns to perch once again, on the edge of her chair, and once again she assaults your emotions with that bright, expectant look.

Mostly she talks about the horror experiences the family has had as general assistance clients.

How she was refused admittance to a hospital when she was in labor because she hadn't been to their clinic and how she was sent into the night with a drunken ambulance driver to Wayne County General.

How the doctor found her anemic and refused to let her nurse the child, but how the welfare worker denied Joseph money to buy baby bottles and a sterilizer saying, "If your wife weren't so lazy, she'd nurse the child," so her husband sold blood to get the money.

How the rats jumped out of the stove when Joseph opened it to light it; and how the rats kept jumping at him until they were killed, and the family was sure the rats must have been rabid.

How the County delayed in replacing the glasses which were stolen off her face and she couldn't see and tripped over a chair and dropped her infant son.

How when Joseph decided he must get a vasectomy, the County denied him funds, but offered to finance a sterilization for his wife.

Though she tells her story unemotionally, the anger is there.

You can feel it when she declares that she will make sure her kids "know how it was so they will never treat others the way we have been treated."

And there is defiance in her statement, "My husband and I are not going to let the welfare people put us down."

But there are other things too.

There is fervent love and respect.

"I am so proud of my husband," she said. "Other men would have walked away from things like this. He could have walked out anytime. I wouldn't have blamed him."

And they have hope.

They have finally qualified for ADC–U, and they expect to find a better place to live.

If financially troubled Wayne County Community College manages to stay open, Joseph is going to school to learn a new way to make a living. His tuition will be paid by scholarship.

"I know when he finishes school, he will get a good job," said his wife.

All things being equal, there will be no more children. Joseph obtained a privately financed vasectomy. His wife, just to be sure, is taking the Pill.

And they are making happy plans for the children. they do have. This one will be a pilot—that one, a doctor.

Joseph's wife is calmly confident when she says, "Their sights will be higher than ours have been."

MEET A VICTIM OF POVERTY PARANOIA

(Most people who come fresh into the welfare system, the victims of bad fortune, still have a feeling of their intrinsic worth as human beings.

(Trying to survive, they are shattered by the message they get from the massive, overburdened welfare machinery:

("To us you are just another case. Nothing so special about that."

(Self-preservation makes some persons adopt a state of mind which may be called poverty paranoia.

(It's easier for that person, trapped in the inertia of welfare bureaucracy, to believe he is the victim of persecution, than it is for him to admit he is so unimportant and impotent that he cannot even move another human being when he is screaming for help.

(Such a victim of poverty paranoia is described below in the fourth of a series on Detroit welfare clients. The name is fictitious, but the incidents are real.)

(By Helen Fogel)

There's an echo of the World War II era in Elinor Faltroni's self-conscious the-show-must-go-on style.

You can almost see her, as a kid, modeling herself after the big movie stars of the day. Back in 1949, her efforts were rewarded when she was named Miss DSR. That moment is still with her.

Now, head erect and shoulders firm, she walks into an unknown future with a tight little wiggle, a bright smile poignantly pasted under the little-girl eyes in her heavily pancaked face.

She is Betty Grable dancing through a hundred heartaches, and spunky Betty Hutton chasing the wolves from her little sister's door.

But for some who do not see her as she sees herself, she is a damn nuisance.

She is a woman who will not stay in her place at the end of the bread line. She demands her rights—and some of her wrongs too.

Those who would put her down, she threatens with her connections—the Ku Klux Klan, a cop she dates, newspaper reporters, the governor of Michigan.

Like many women, she has come to welfare by way of the divorce court. She is currently receiving General Assistance and is in line for Aid to Dependent Children.

Her divorce has been one where, though the decree has been granted, the bitter fighting continues—over payment of child support, over visitation rights, over custody of the children.

In a few short years, in her frantic attempts to get people to do things her way, she has alienated the Friend of the Court workers, the police, the sheriff's deputies, her own attorneys, her case worker, and the judge.

As this story is written, she is facing a long-delayed custody hearing. Her two beautiful children have been removed from her care by the court and placed in a children's home.

VICTIM OF A PLOT

She says to one and all who will listen that she is the victim of a plot instigated by her ex-husband whom she suggests has sinister underworld connections.

Her story is filled with references to drug-addicted teenage hustlers, pushers with long conviction records, late night visits by men who break her windows, and possible syndicate men who pose as welfare workers to gain entry to her home.

Judges, police, social workers—everyone—maybe even her own attorney, she says, are in league against her—under the influence of her husband's underworld connections.

She has her story haphazardly documented in a big black notebook filled with records of convictions of those whom she says wish to destroy her. There are records of court appearances and letters from a variety of officials to certify she has been to see them or talked to them about the case.

The collection ends triumphantly with reports from two psychiatrists which indicate she is neither emotionally unstable nor incapable of caring for her children.

She shows the collection to anyone who evidences sympathy.

She mutters how the Klanner men from her southern Ohio family would know how to handle her ex-husband's intransigence.

After she finishes her well-knit narrative, you have only one question: "Why wasn't some one who was that great a threat to the underworld powers done away with long ago?"

No answer.

It takes quite a lot of calm reassurance to talk Elinor out of one of her flights of fancy and into a state where she can act in a realistic frame of mind.

SHE MUST STOP NAGGING

Her attorney you assure her is working very hard in her behalf. She is very lucky to have such a high type, well qualified attorney. Not all people in her position do.

She must stop calling and nagging him about her case—demanding, demanding. He'll throw her out. He's already done it once, and she has had to get someone less qualified and she lost her kids as a result.

He'll get them back if she just stays cool.

She mustn't call and threaten the people at the home where her children are. They'll put her back in jail.

Her welfare case worker is just a welfare case worker, you explain. He wants to be her friend. She's very lucky to have one who is really sympathetic to her cause.

WHERE ARE GRANDCHILDREN?

Then, Elinor's aged mother who has been sitting in the corner of the shiny white kitchen of the far eastside home listening to you and Elinor talk, begins to weep.

"Where are my grandchildren," she sobs. "What have they done with them? Why can't I see them?" Her voice gets thinner and higher and she snuffles like a child, and wipes her nose with the back of a thin-skinned, blue-veined hand.

"I brought my children up to do right. Why did they take our children. We have always been God fearing people."

She is really crying hard now, and her old body shakes with the great sobs and the tears flow in rivers down the loose skin of her wasted face.

"Why," she begged, "Why are they doing it to our children."

MEET MICHAEL, A CLIENT-ORIENTED SOCIAL WORKER

(The Welfare World is a Grimms' fairy tale place with the case worker cast as the hateful stepmother humiliating clients, denying them basic necessities, making them wait hours or days, even months for a check to pay the gas bill or have an aching tooth removed. That is the client's perspective. In today's story, the sixth of a series examining the human scene in Welfare, we get a welfare worker's point of view.)

(By Helen Fogel)

Michael Murphy doesn't look like a Gothic figure. He looks like the kid in the second row, left, at a Steppenwulf concert.

His tall, lanky, jean-clad frame is topped by a luxuriant mane of shining hair that falls well below his shoulders. He does not sit in a chair as much as, with unconscious grace, he drapes himself over it.

Though he looks like a Grosse Point rebel, he's a veteran of the welfare wars. A welfare child himself, he's grown up to become a welfare case worker.

He freely admits that wasn't the way he planned it, but that is the way it happened. In his own way, now, he's dedicated to making the best of what he believes is a very bad scene.

You may not have recognized him right away, but Michael Murphy has appeared in these stories before. He is the man whom Elinor Faltroni believed might be a syndicate spy gaining entry to her home by saying he was from the welfare department.

Murphy shrugged his shoulders at the story.

"Nobody trusts a person who doesn't give them what they need," he said. "We case workers don't trust our administration."

He gives you a long searching are-you-going-to-laugh-at-me-if-I-say-this look and plunges on.

"In fact, I have this assumption," he said. "They are effectively keeping us so confused, there is no way we can get together and say we have to stop this madness."

The Department, he explained is undergoing reorganization. Divisions are moving about. All-important papers get lost.

Non-degree people are being hired to do the massive intake work which, hopefully, will free the social workers to do social work—make home calls and seek services for their clients.

However Murphy said, the new system will have some built in hang-ups.

Intake work, dealing with whether people are eligible for welfare benefits, is among the most complex of the many duties the department performs.

Eligibility for welfare in general and each benefit specifically is determined by as dazzling and complete a set of rules and regulations as was ever created by legislative or administrative fiat.

Almost every day brings a memo eliminating an old rule or adding a new one.

With more than three years experience in the Department, Murphy believes he could spend his entire working day trying to keep on top of what the newest regulations are on eligibility.

In addition to that, intake workers are the welfare clients' first contact with the Department of Social Services. The new workers will be the least experienced and least paid members of the staff.

"Clients think they're getting taken now," Murphy groaned. "Just wait, in a couple of weeks, all hell is going to break loose around here."

And, of course, the number of cases each worker will be responsible for will be increased, because, theoretically, at least, the work load is being decreased.

Now Aid to Dependent Children workers may handle as many as 100 cases. The new intake workers will be expected to keep track of the eligibility of 250 cases—each one a person with needs as great as any we have written about, each one a person down so low, the Department of Social Services looks like up to him.

IT'S MORE THAN A JOB

Murphy considers himself, like his clients, a victim of the misery business the welfare system has become. Rationally, he knows he is better off than his clients because he is making a regular income which is well above the poverty level (though not above the moderate income level) from the system.

Rationally, he knows, if he picks his companions carefully, at the end of the workday, he can leave the misery business behind him and think of other things. His clients must live with it all the time until they find a way to become self-supporting.

But, says Murphy, he doesn't manage to get away from it.

He is one of the group of case workers in the department called "client oriented."

For them, their work is more than just a way to make a living.

They sympathize with the client's problems. They understand his point of view, and try to make the system work to his benefit.

For such "client-oriented" social workers, the welfare system is a source of endless frustration.

Murphy wraps it up in a succinct sentence.

"You do the state's work first, then the client's work."

The state's work includes paperwork in multiple copies for every request, it includes the regular checks on current client's eligibility. It includes more paperwork because regulations require several documents to justify each expenditure.

HOW TO GET TEETH FIXED

For instance, getting teeth fixed for a welfare client is a little like getting an automobile repaired by an insurance company. The client must go to the dentist and get cost estimates and an estimate on whether the bad teeth are undermining his health.

The social worker collects the estimates and certification of necessity and requests an expenditure for the service. He sends it on its way.

Along the way, it must get signatures of approval from each supervisor on the line, each of whom may send it back to the social worker for more information and documentation, and the process starts all over again.

If final approval comes, it takes several months.

Murphy says it is practically impossible to get an approval for repair of teeth. Most welfare clients with tooth problems have the teeth pulled.

"A client must be practically without teeth and starving from inability to eat before

the Department will approve bridgework," said Murphy.

All requests for expenditure must go the same route and get all supervisors signatures before the checks are disbursed. It's a hassle that can last weeks.

Now because of the reorganization, papers sometimes get routed to the wrong place and may lie on someone's desk for weeks before they get properly rerouted.

Murphy has his favorite story.

An ADC client of his, living in a west side neighborhood where rats abound was having a problem with her children.

The kids would wake at night screaming either from the reality of rats or from terrible nightmares caused by the presence of rats in their yard and alley.

The house was shabby and in poor repair, so Murphy requested a strong rat wall be put up to keep the rats outside.

Such a request is fairly routine, he explained. It is justified and usually gets prompt attention. No one in the department wants a child injured by rats as the result of delay.

So Murphy sent the request along with great faith. Weeks went by, and he didn't hear from it. He began to check the stops the request would make along the route. No one knew where it was.

He was about to start the process all over again when he stopped to visit a friend in another division of the department. As he sat and chatted with his friend, his friend's supervisor called out "Does anyone know anything about——?" He gave the name of Murphy's client.

Murphy yelled and ran for the office.

There it was, neat as a pin—the authorization for his client's rat wall, completely off its prescribed routing pattern.

It's one of Murphy's few happier-ever-after tales, and he tells it with obvious gratification.

THEY TRY OTHER WAYS

Many workers with Murphy's commitment to the client simply do not last in the Department. Unable to deal with their own frustrations, they quit and look for other ways to do what they think the department should be doing.

Murphy quit once too. He had taken his college degree in speech and drama. He tried to make it in radio and TV but didn't.

He looked for other jobs, but jobs were scarce. He lived for a while on credit. Unfortunately, he says, his credit was good. In the end, he built up such a string of bills, he had to take the only job available. So he went back to the Department of Social Services.

He believes he has learned to handle his frustration better now.

"It's odd," he mused, "How you can get used to people needing furniture—beds. You're just past it all."

Now, he said, he works on the assumption that when his clients need something, there is someplace he can get it—if not through the Department of Social Services, somewhere else.

In each case of need, he goes the route of every public or private resource he has learned of in his years of trying to provide for people who can't pay.

He does everything he can to teach his clients to take advantage of all the workings of the system to get what they need. Then, if everything fails, he is at least satisfied he has done his part to make it work. That way, he explained, he escapes the bitterness of acknowledging personal failure.

FRUSTRATION FOR ALL

All Department social workers, he said, suffer in some degree from his own sense of frustration, whether they are "client-oriented" or not.

"Even those who are just here to do the job," he said, "want to be able to do a decent job. Nobody wants to be a bad guy."

"I'm very pessimistic," he said. "It's going to get so much worse."

He reminisced briefly about his growing up as a welfare child—his inability to keep up with his schoolmates in clothes and style. He spoke of the high school teachers who took him aside and worked with him to raise his sights. Because of their extra time and work, he went on to college—the only child in his family to do that.

He doesn't believe many welfare kids in the Detroit schools get that kind of break.

He spoke of how he came into the welfare system to work, aware of the social worker's pitfalls—having seen them from the other side of the fence. He knew what he didn't want to be.

But he shook his head at the terrible, final futility of all his good intentions.

"I find myself," he said, "doing the things that were done to us."

WE CAN CLEAN UP THE WELFARE MESS

(By Helen Fogel)

Generally, we learn of the horror of our nation's welfare mess through statistics.

We learn that 6.3 percent of the population, or 13.5 million persons, are receiving welfare payments that cost the nation $14.2 billion last year and that next year's cost will be even greater.

We learn that nationally seven out of 10 of the people on welfare are white, that in Michigan a family of four on welfare receives $3,720 a year for personal and household needs compared with the Bureau of Labor Statistics lowest standard budget of $4,922 a year.

We learn that the average time spent on welfare is 2.1 years.

If we would let them, the figures would tell us that we have failed.

We have failed both the poor and the taxpayer. Those who must foot the bill for the skyrocketing welfare costs are not getting results for their money.

Over the past five days, the Free Press has tried to present the welfare story in a different way—through the experiences of welfare recipients and case workers.

None of the four people, whose stories we have written, is on welfare because he or she wants it that way.

Anna, an ADC mother, had family problems and had to quit her job to care for her children. She had no marketable skills, and could not make a living wage if she went to work.

Honore is totally disabled, Joseph no longer has a trade and is unable to find an unskilled job.

Elinor, who was a computer punch-card operator, didn't work while she was married and now must get a training brush-up before she can get a job.

Michael Murphy, the welfare worker, explained the dilemma of the case worker, the middlemen in the mess. Pressured, hassled, overworked, some of them react by taking their frustrations out on the welfare clients. Almost all of them have to turn themselves off to the din of misery stories they hear constantly in order to function at all.

In the cases of Anna and Honore, we see the pressures poor families must cope with in a society where affluence is the norm. In the case of Elinor we see how much deprivation can effect a person's ability to function rationally.

If we are sensitive and thoughtful people, we know their problems are our problems because we have created a society where material things are a badge of worth and poverty is a badge of shame.

We have created a society where minorities and women do not have the same opportunities to learn and earn as white men. We have created a society which worships the young and the strong and would like to ignore the infirm, like a careless housewife sweeping the dirt under the rug.

Our poor come predominantly from these classifications, the old, the infirm, women and minorities.

It is unfair at this point to blame the poor for the monster, we, as a people, have created.

As philosopher cartoonist Walt Kelly wrote, "We have met the enemy and they is us."

The question must not be "Should we do something?"

The question must be "What will we do and how?"

The welfare system should not be reformed. It should be replaced.

We must design a system that is not a welfare system at all. We must design a system that is an income maintence system as President Nixon's Family Assistance Plan (FAP) is at its best.

The only eligibility requirement should be lack of income at a certain level. The suggested FAP level is $2,400 which critics say is too low.

The government should become an employer of last resort—provide work for those unemployed who are able to work, but such work should be paid at the minimum wage, not at the $1.20 an hour suggested in current legislation-either FAP or the plan designed by Wilbur Mills.

To force the poor to work at less than the minimum wage is the rankest sort of discrimination and punitive action.

Besides it doesn't do the job. Even workers making the minimum wage are poor. They do not make in a year of 40-hour weeks more than the Social Security Administration's poverty line figure of $3,960.

We must change the welfare system, because it's right that we do—because it is our mess and we have created it, and because it is our country and our future which is at stake.

PRIVATE BROADCASTERS UNDER ATTACK

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. RARICK. Mr. Speaker, another incident in the series of concerted attacks which seem to be designed to undermine the public confidence in free enterprise broadcasting occurred July 22, 1971.

A tax-free grant supported institution calling itself the Stern Community Law Firm has petitioned the FCC to force broadcast stations to disclose heretofore private yearly financial statements. Profit to people like the Sterns is immoral.

The next logical step is to force these broadcasters to disclose all of their activities, connected with broadcasting or not.

Such activities that follow the pattern established by the contrived uproar over the congressional attempt to cite CBS for contempt can only result in a public cry for nationalized broadcasting systems—one of the last steps that this country must take to reach total socialism.

I ask that a related news article detailing the filing of this petition by a firm operating under a $150,000 tax-free grant from the Philips M. Stern Family Fund be inserted in the RECORD.

The article follows:

[From the Washington Star, July 22, 1971]

FORCE DISCLOSURE OF BROADCASTERS' FUNDS, FCC URGED

(By Stephen Aug)

A Washington public-interest law firm has urged the Federal Communications Commission to force broadcast station owners to disclose their heretofore private yearly financial statements.

The Stern Community Law Firm requested in a petition filed late yesterday at the FCC that the commission amend its rules to make annual financial reports public.

At the same time it proposed that the FCC also require broadcasters to state just how much money they are spending on various types of public service programing.

The firm argues that only through such information can the public determine whether a broadcaster is devoting adequate resources to operating his station in the public interest.

The proposed rule, which is likely to be strongly opposed by the broadcast industry, would also require each broadcaster to list separately programming expenditures for news, public affairs, locally produced programs and other non-entertainment programs.

OTHER GROUPS INVOLVED

The Stern Community Law Firm—which has been operating about a year largely through a $150,000 grant from the Philips M. Stern Family Fund—filed the petition in its name and on behalf of the National Citizens Committee for Broadcasting and The Citizens Communications Center, both Washington-based organizations involved in broadcast research, the media problem and activities at the FCC which include obtaining greater citizen participation in broadcasting.

In justifying the proposal, the petition notes that both the FCC and the courts have said that a broadcast station's performance should be measured at license-renewal time in substantial part by the extent to which it reinvests its profits and resources in locally oriented programming.

"Nevertheless, the commission rules have placed the financial information it receives in confidential status, hidden from public view," the petition says.

IMPORTANT YARDSTICK

As a result, community groups which want to evaluate the performance of their local stations at renewal time are told that one important yardstick of past performance is the station's dedication of profits and revenues to community-oriented programming.

"Yet, at the same time, they are told that the financial information by which that decision is measured is unavailable to them," the petition argues.

The FCC has made financial information available in the past, but only when it was convinced there were persuasive reasons for making it available. However, the Stern group notes that when this information "is occasionally and reluctantly released, it is provided in a form which does not reveal the actual extent to which stations devote their resources to specific programming catagories—such as news, public affairs and other community service programs."

PREVIOUS REQUEST

The proposal follows by less than a week a request by the Stern firm for permission to inspect the annual financial reports of three major television stations in Albuquerque, (New Mexico)—KOB-TV, KOAT-TV, and KGGMTV.

In the New Mexico matter, the Stern firm is representing with out charge the Alianza Federal de Pueblos Libres, a New Mexico group whose stated aim is to eliminate discrimination against Mexican-Americans. It represents more than 3000 families, of whom more than half earn less than $3 thousand a year—the national poverty level minimum.

The move to seek the financial statements is likely in preparation to file petitions urging the FCC to deny license renewals to nearly every broadcast station in New Mexico. The Alianza believes that Albuquerque broadcasters in particular have not devoted enough of their time or resources to the problems of the Mexican-American population, the largest single minority group in New Mexico.

LEGISLATION TO AID SPONSORS OF NONPROFIT HOUSING

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. FAUNTROY. Mr. Speaker, I am introducing today legislation designed to provide the District government the tools to mount an attack on the severe housing crisis facing this city.

One of the most pressing problems facing the District of Columbia is the need for decent, safe, and sanitary housing for persons of low and/or modernate income. It has been estimated that over 100,000 families—one-third of the households of this city—live in dilapidated, overcrowded, or overpriced housing, of whom 51,600 consist of low- or moderate-income families that would qualify for housing construction under existing federally aided programs. The housing need in this city is not less than 10,000 new or rehabilitated housing units per year. Anything less than that will be inadequate because it will mean that in 10 years this city will still not have an adequate number of housing facilities. Right now, over 30,000 families are within the range of public housing which has a waiting list of over 5,000 applicants.

The Washington metropolitan area will need 270,000 units within the next 10 years if it is to meet the rise of population. There has been no progress toward that goal. Unless progress is realized, people will continue to live in overcrowded and substandard housing. At least 10 percent of the District's housing is overcrowded with more than 100,000 children growing up here under housing conditions which create psychological, social, and medical impairments that render home life all but absolutely intolerable.

The difficulty that has been faced in attempts to develop additional housing units for low- or moderate-income families under existing Federal mortgage programs has been the inability of potential nonprofit sponsors of such housing to obtain needed funds prior to construction so that such organizations can move forward with worthwhile housing plans. This legislation would create a revolving housing seed money fund from which nonprofit sponsors could borrow, with no interest, to defray preconstruction costs.

This city's housing crisis cannot be overstated. The development of new housing through nonprofit sponsors could make a significant contribution toward alleviation of the distressing housing conditions of many moderate-income persons and families. By establishing the proposed revolving fund to provide preconstruction capital—"seed money"—for these sponsors, a beginning would be achieved in the direction of meeting these urgent needs.

I have set forth below a detailed analysis of the bill which was transmitted in a letter from the District government to the Speaker:

THE DISTRICT OF COLUMBIA,
Washington, D.C., January 26, 1971.

The SPEAKER,
U.S. House of Representatives,
Washington, D.C.

MY DEAR MR. SPEAKER: The Commissioner of the District of Columbia has the honor to submit herewith a draft bill "To establish a revolving fund for the development of housing for low and moderate income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes."

The proposed legislation is composed of two titles.

Title I, to be cited as the "District of Columbia Housing Seed Money Act", establishes a revolving fund consisting of appropriated monies, monies repaid to the fund, and sums from any other source, including monies from unclaimed intangible property in the custody of the District Government. These monies would be loaned to nonprofit housing sponsors for planning purposes. A more detailed summary and justification of this title of the bill is attached.

Title II, to be cited as the "District of Columbia Unclaimed Property Act", would adopt for the District of Columbia the Uniform Disposition of Unclaimed Property Act now effective in eighteen States. The legislation would make the Government of the District of Columbia the custodian of unclaimed intangible property in the District. A more detailed summary and justification for this title is also attached.

For the reasons stated in the attached justification the Commissioner of the District of Columbia urges the enactment of the bill by the Congress. The District of Columbia Council has expressed its support for this legislation.

Sincerely yours,

GRAHAM W. WATT,
Assistant to the Commissioner.
FOR: WALTER E. WASHINGTON,
Commissioner.

SUMMARY AND JUSTIFICATION OF PROVISIONS OF THE DRAFT BILL "TO ESTABLISH A REVOLVING FUND FOR THE DEVELOPMENT OF HOUSING FOR LOW- AND MODERATE-INCOME PERSONS AND FAMILIES IN THE DISTRICT OF COLUMBIA, TO PROVIDE FOR THE DISPOSITION OF UNCLAIMED PROPERTY IN THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES"

TITLE I—DISTRICT OF COLUMBIA HOUSING SEED MONEY ACT

One of the most pressing problems now facing the District of Columbia is the need for decent, safe, and sanitary housing for persons of low or moderate income. An approach to providing such housing showing significant promise for alleviating the housing shortage for those most in need is through existing federally aided mortgage programs which enable nonprofit organizations to enter the housing development field. To some extent there has been encouraging activity in the District of Columbia on the part of nonprofit groups which indicates that through private initiative much can be accomplished in meeting these needs. Nevertheless, there is clearly an urgent demand for many additional housing units to be developed under the sponsorship of nonprofit organizations. It has been estimated that approximately 51,600 households in the District

consist of low or moderate income families that would qualify for housing constructed under existing federally aided programs. However, the difficulty that has been encountered in attempts to develop additional housing units for low or moderate income families, under the existing federal mortgage programs, has been the inability of potential nonprofit sponsors of such housing to obtain needed funds prior to construction so that such organizations can move forward with worthwhile housing plans. This inability to obtain so-called "seed money" frequently frustrates attempts to develop this vitally needed housing.

Section 101 of title I of the draft bill provides for a short title. Section 102 contains definitions.

Section 103 of title I establishes the District of Columbia Housing Revolving Fund. It provides for the payment into the fund of monies appropriated for that purpose; monies repaid to the fund by those receiving advances from the fund; and any sums made available for the fund from any other source. It also authorizes the Commissioner to deposit into the fund monies received pursuant to the proposed District of Columbia Unclaimed Property Act (title II of the bill). Such monies from dormant accounts are expected to provide a significant source of revenue for the proposed District of Columbia Housing Revolving Fund. Although no information is available at this time with respect to the amount of revenue such dormant accounts might produce, it is believed that they may provide sufficient sums for deposit in the revolving fund so that appropriations for the fund may not be necessary.

Section 104 authorizes the Commission to make noninterest bearing short-term advances to nonprofit housing sponsors for housing projects. Such advances may be used only to defray the preconstruction costs of such projects.

Section 105 authorizes the District of Columbia Council to make rules, regulations, and orders to carry out the purposes of the title. The final section of the title authorizes appropriations to carry out its purposes, to the extent there is need for such appropriations.

The housing crisis in the District cannot be overstated, and the development of new housing nonprofit sponsors under existing federally aided mortgage programs could make a large contribution toward alleviating the distressing conditions of law and moderate income persons and families. By establishing the proposed revolving fund to provide the preconstruction capital for such sponsors, a major step would be achieved in the direction of meeting these urgent needs.

TITLE II—DISTRICT OF COLUMBIA UNCLAIMED PROPERTY ACT

Enactment for the District of Columbia of the 1966 revision of the Uniform Disposition of Unclaimed Property Act approved in 1955 by the National Conference of Commissioners on Uniform State Laws, and by the American Bar Association, already in effect in eighteen States either in its original form, or in the revised form, would provide a fair and adequate basis for dealing with the troublesome problem of unclaimed intangible property, such as dormant bank accounts, unclaimed funds held by life insurance companies, deposits and refunds held by utilities, undistributed dividends and distributions of business associations, property of business associations and banking or financial organizations held in the course of dissolution, property held by fiduciaries, property held by the courts and by public officers and agencies, and miscellaneous personal property held for another person. This title also deals with the matter of multiple liability on the part of a holder of unclaimed property over which two or more jurisdictions seek to assert a claim. Finally, the title makes it possible for those persons who have unclaimed property in their possession to close out the account relating to it, thereby relieving themselves from maintaining a current record of the property.

The foregoing is not to say, however, that the owner of any such property would be deprived of his rights in it. The Uniform Disposition of Unclaimed Property Act is custodial in its nature, and its operation does not result in the loss of the property rights of the owner of the unclaimed property which is made subject to the provisions of the Act. Under title II, the District of Columbia would, after a specified period of time, take custody of the property and remain the custodian in perpetuity. This means, of course, that the District would have to keep a record of the property on a permanent basis, so that if the owner of the unclaimed property should present a claim for it, his claim would be honored. In this respect, the proposed legislation differs from the escheat type of statute, under which the right of the owner of the property is foreclosed.

Title II consists of thirty sections, the first two of which respectively provide for a short title and define terms. These are followed by sections defining and describing the circumstances under which various classes of property are to be presumed abandoned under the title. Separate sections deal with property held or owing by banks or other financial organizations, insurance corporations, public utilities, other business associations, trustees in corporate dissolution proceedings, fiduciaries, and courts and other public agencies. Section 210 is an omnibus section covering all other items held or owing "in the ordinary course of the holder's business." Section 211 is the key section of the title, for it contains the provisions which preclude the possibility of multiple liability being imposed upon the holder of unclaimed property against which two or more jurisdictions seek to assert a claim. The remaining sections of the title deal principally with procedural matters, including the reporting of unclaimed property, the giving of notice to owners, delivery of property into the custody of the District, and various provisions pursuant to which the owner may subsequently present his claim to the District and recover his property.

The proposed Uniform Disposition of Unclaimed Property Act, if enacted for the District of Columbia by the Congress, will serve to protect the interest of owners; relieve the holders of such property from annoyance, expense, and liability; preclude multiple liability on the part of the holders of such property; and give the District the use of considerable sums of money that otherwise will remain dormant and unproductive.

SUBVERSIVE ACTIVITIES CONTROL BOARD FUNDING EXAMINED

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to call to the attention of my colleagues an editorial which recently appeared in the Washington Evening Star. This analysis of the Subversive Activities Control Board is worthy of every Member's attention and I believe it would be advisable for all to consider the arguments contained in this editorial before deciding on this important issue tomorrow. It follows:

FUNDED AND IMPOTENT

The Senate has come up with a masterpiece of illogic in its plans for the future of the Subversive Activities Control Board.

First, by a vote of 47 to 40, the senators defeated an amendment that would have killed the board by cutting off its funds. Then, by a vote of 51 to 37, they opted against expanding the board's powers as requested by President Nixon. This means, if the Senate has its way, that the board will continue to exist for at least one more year, that its five members will continue to draw $36,000 salaries, that it will have $450,000 to spend and that it will have nothing to do.

The legislators should have adopted the suggestion of Senators Proxmire and Ellender. They should have let the bureaucratic anachronism fade away along with the other memories of the witch-hunt years. But they didn't. And so the conference committee must now choose between the Senate version of the appropriation bill and the administration proposal, accepted by the House, that would expand the board's duties and responsibilities. Given those dismal alternatives, the committee should go along with the Senate.

That means that the taxpayers will be shelling out close to half a million dollars a year to maintain an organization that is approximately as effective as a stuffed dinosaur. On the other hand the alternative proposal of bringing the beast back to life is even less appealing.

The President's move to expand the board's activities to the investigation of all suspected subversive groups was an acknowledgement that times have changed since the days when Joseph McCarthy held the Senate and nation in thrall. Today there are other things to worry about in addition to Reds. There are nutty right-wing organizations, too, and some whose goal appears to be disruption and destruction without any discernible ideological alternative to the present system. But a witch hunt is not made more acceptable by adding demons and goblins to the game.

Subversion is now and always has been a threat. There are those who believe that bombing is a proper way to redress a grievance, that revolution and violence are the logical means of effecting change, that the rights of others are expendable. But there are laws. And there are law enforcement agencies on the local and federal levels that are trained and equipped to take action when specific laws are violated.

The surest way to fan the spark of revolution and violence is to over-react to the threat, to curb constitutional liberties in an attempt to maintain the status quo, to lose faith in the due process of law, to establish bureaucratic vigilante committees to inquire into the thoughts, the words and the associations of citizens of the United States.

AMENDMENT TO BE OFFERED TO LABOR-HEW APPROPRIATIONS BILL FOR DEVELOPMENTAL DISABILITIES FACILITIES CONSTRUCTION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mrs. ABZUG. Mr. Speaker, mental retardation is one of our most neglected national problems, and the lack of trained personnel in this area keeps thousands of retarded children from achieving meaningful education and training for the difficult life which lies ahead of them.

The Labor-HEW appropriations bill, H.R. 10061, which will be considered on

the floor tomorrow, contains no money for the construction and operation of new university affiliated facilities for the mentally retarded, despite the fact that it is there that the best, most modern training can be obtained. Mrs. MINK, Mr. RYAN, and I intend to offer an amendment to the bill which would provide, in fiscal year 1972, $10 million for operation and $5 million for construction of such facilities.

Retarded children are a heavy financial burden on their families and on society. Compassion requires that we assume some responsibility for them. Our amendment, whose text I will include in the RECORD at the conclusion of my remarks, is designed to help insure that there will be adequate facilities to train the personnel who can educate these children to take care of themselves and to assume a productive role in society. We hope that you will give it your full support.

The amendment follows:

H.R. 10061

Amendments to Title II to be proposed by Mrs. ABZUG:

Page 12, line 9: delete "$266,704,000", insert "$281,704,000."

Page 12, line 20: after "90–457)", add "; $5,000,000 shall be available without fiscal year limitation for grants for construction of public and other nonprofit facilities for persons with developmental disabilities which are associated with a college or university, pursuant to section 121 of the Developmental Disabilities Services and Facilities Construction Act (42 U.S.C. 2661); $10,000,000 shall be available for grants to cover costs of administering and operating demonstration facilities and interdisciplinary training programs for personnel needed to render specialized services to persons with developmental disabilities, pursuant to section 122 of the Developmental Disabilities Services and Facilities Construction Act (42 U.S.C. 2661a)"

WICKES CORP. SHARES IN A UNIQUE INTERNATIONAL BUSINESS ENTERPRISE

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. HARVEY. Mr. Speaker, it is with great pleasure that I bring to the attention of all Members a most unique business enterprise involving an American company, the Wickes Corp., with headquarters in our Eighth Congressional District, Saginaw, Mich., the Blood Indians of southern Alberta, Canada, and the Canadian Government. Formal dedication of a new housing plant at Standoff, Alberta, took place on July 10 with Prime Minister Pierre Elliott Trudeau and Alberta Premier Harry Strom participating in the ceremonies, along with Wickes Board Chairman and Chief Executive Officer Daniel M. Fitz-Gerald; Chief Jim Shot Both Sides, chief of the Blood Indians; and Roman Catholic priest, Father Denis Chatain, industrial development coordinator for the unique project.

I intend to include at the close of my remarks a newspaper article by Business Editor John D. Tucker of the Saginaw News, Saginaw, Mich., of July 18, which provides all the details on the Kainai Industries Plant on the Blood Reserve. The plant will employ 250 when in full production and produce three sectional houses per day.

The uniqueness of this project is not that it just involves an American company, the Blood Indians and the Canadian Government, but that labor actually hired management.

Officially, Red Crow Developments is the corporation representing the 4,500 Blood people on the 352,000-acre reserve. They are part of the Blackfoot Confederacy. The agreement was signed with HaiCo Manufacturing of the nearby community of Lethbridge, a Wickes subsidiary. Red Crow Developments financed and owns the fixed assets of the $1.4 million plant and HaiCo provided the $1 million of operating capital. Together they formed Kainai Industries.

Canadian governmental agencies, both on the Federal and Provincial levels, the Department of Regional Economic Expansion and the Department of Indian Affairs and Northern Development provided incentive grants and loans to Red Crow Developments to complete a joint effort.

I also share the comment made by Mr. Fitz-Gerald who said that the project could be the forerunner of other self-help projects in both Canada and the United States. I have taken the liberty of writing to Secretary of the Interior Rogers C. B. Morton to determine if this type of cooperative venture could be applicable for our own American Indians residing on reservations.

The complete article follows:

[From the Saginaw (Mich.) News, July 18, 1971]

WICKES, INDIANS NEW PLANT LINKS

(By John D. Tucker)

Formal dedication of a new plant at Standoff, Alta., has focused attention on a unique agreement between Saginaw-based Wickes Corp. and the Blood Indians of southern Alberta.

Highlighting the recent event was the presence of Prime Minister Pierre Elliott Trudeau and Alberta Premier Harr Strom.

Kainai Industries plant at Standoff is on the Blood Reserve. It covers 80,000 square feet, is owned by the Blood people and employs 100 Indians in the manufacture of sectional housing. It will employ 250 when in full production and provide Standoff and the area a $1 million annual payroll.

Production, now at one house a day, is expected to exceed three a day later this year. All production has been sold for the next three years.

Officially, Red Crow Developments is the corporation representing the 4,500 Blood people on the 352,000-acre reserve. They are part of the Blackfoot Confederacy. The agreement was signed with HaiCo Manufacturing of nearby Lethbridge, a Wickes subsidiary. Red Crow Developments financed and owns the fixed assets of the $1.4 million plant and HaiCo provided the $1 million of operating capital. Together they formed Kainai Industries.

More importantly, and what makes the operation unique, labor hired management.

The Department of Regional Economic Expansion provided $876,000 in the form of a regional incentive grant to Kainai Industries and Blood people also provided a loan of $410,000 to Red Crow Developments for financing the plant. The Department of Indian Affairs and Northern Development provided a loan of $694,000.

The Kainai board is made up of three representatives of Red Crow Developments and three from HaiCo. Manufacturing, Todd Haibeck, president of Haico Manufacturing, Ltd. is also president of Kainai.

The Blood People provided the initiative for the plant through establishment of an Economic and Industrial Development Committee. The committee hired a Roman Catholic Priest, Father Denis Chatain, as industrial development coordinator.

Said Father Chatain, "We have many places in Canada where manufacturing plants have been established on reserves but this is the first time where the Indian people will own the fixed assets and are in effect hiring the management of the plant."

In working with HaiCo, the Bloods are dealing with a firm whose parent company, Wickes, has been in business for more than 100 years. Wickes has mobile home manufacturing plants in seven states and is the largest distributor of building material in the world.

Since Kainai went into production, a supermarket has been opened by the Blood people on the reserve and the Bank of Nova Scotia has opened a branch at Standoff, the first on an Alberta Indian reserve.

Prime Minister Trudeau, making his first visit to the area, received an enthusiastic welcome by the several thousand spectators who swarmed about his helicopter as it landed in the prairie country.

The prime minister toured the plant before making his way to the speakers' platform in front of the plant. He greeted workers as he made his way through the sectional home assembly line, stopping to ask questions and taking time to commend the individual Blood Indians at their jobs.

Speaking without a prepared text, the prime minister congratulated the Bloods for their initiative. He termed it a demonstration of cooperation among the people, the government and industry.

He delighted the group with his informal speech and a keen sense of humor. When Fr. Chatain made the inevitable adjustment of the microphones, the prime minister turned to him with a smile and asked, "Are you trying to hide my face?"

Earlier, while donning a hard hat for the factory tour, he took the hat from an Indian and commented, "Perhaps I should have a feather in it."

Chief Jim Shot Both Sides, who has headed the Blood people for 14 years (his father was chief for 42 years) called Kainai Industries "a wonderful reality".

He said, "It demonstrates that there are many ways for us to become masters of our own destiny. It has given new life to many Blood Indians and deeply affected the lives of all of us. It has also affected the lives of Indian groups across Canada because if we can do it, so can they."

Kainai did more than give the reserve a plant. Because of Kainai, basic services were brought to Standoff—water, sewer, industrial power, natural gas, telephones. What's more, 35 new homes have been completed, there is a new recreation center, a kindergarten is under construction and an elementary school is planned. There are also the supermarket, the bank, a post office and snack bar.

This fall a shopping center will be built. It will also house new tribal administration offices, a public health clinic, a medical-dental clinic, a restaurant, Blackfoot Radio and Kainai News for the Indian news media and a junior department store.

Chief Jim Shot Both Sides said, "we seek out companies who are willing to provide management training and expertise while we maintain ownership and control. Kainai Industries is totally owned by the Blood

Tribe. Management is provided by contract with HaiCo. As our people acquire management skills, HaiCo Manufacturing will phase out. This is not a vague promise. It is the very basis of our management agreement with HaiCo.

"We are proud", the chief said, "of our association with the business world. Together we have opened new doors. We are proud to call you our friends."

Premier Strom also commended the project.

Wickes Board Chairman and Chief Executive Officer Daniel M. Fitz-Gerald also spoke.

"Although we represent two sides of a national border," he said, "our interests are the same—the success of Kainai Industries."

He said the operation at Standoff served a social as well as economic need.

"The initiative exhibited by the Blood Indians in this enterprise indicates, even at this early date, that this kind of project is practical, that it is meaningful and that it will succeed.

"This enterprise is unique in Canadian and United States industrial history. The transition by the Blood Indians from welfare to employment has resulted in, what Father Chatain has very aptly called, a 'positive revolution of hope.' "

Fitz-Gerald said Kainai Industries had a third partner in the Federal and Provincial governments, "without whose dedication and cooperation we would not be here today."

He said the project could be the forerunner of other self help projects in both Canada and the U.S.

Kainai is also unusual in that it offered a working situation to people who had never had one before; men in their 50's having a work situation for the first time in their life.

Philip Aberdeen, who checks on training and on absenteeism, also a Blood, attributes most absenteeism to drinking.

"Monday is bad," he said. "On an average Monday, absenteeism will average 10 with the highest hitting 19."

He thinks the plant is "really good. It is very bad for us people with our education, but we have young people getting more schooling . . . our aim is to cut down on welfare. We have to do it."

Aberdeen feels alcoholism is more prevalent among the younger Bloods who feel hopeless. "They feel," he said, "they are nothing, no schooling, no training."

Larry Rabbit, 28, is an electrician apprentice. Both he and his wife, Patsy, work for Kainai. She runs the cafeteria.

"It is a great opportunity for us," said Rabbit. "Me, I've got a trade going."

He said the plant was something the Blood people needed.

"It is my feeling," he said "it is the best thing that ever happened."

Rabbit has his own home. He paid $12,000 for it about five years ago.

"I have 20 years to pay for it," he said. He is grazing 80 head of cattle with his father. Rabbit has two sections of land while his father, Bill Rabbit, farms more than 300 acres.

His children go to school at Fort McLeod although the youngest—5 years old—went half days to Cardston, some 45 miles from home.

"It was pretty rough on a 5 year old," he said, "and in the winter she only went about twice a week. This year she goes fulltime, making the 90 mile round trip daily.

Mrs. Florence Scout, a home vistor employed by Kainai, visits the wives of employes and looks for domestic problems.

"I think the plant is great," she said. "It gives the guys a chance to get a job. We have more than 100 employes and they are building nice homes."

Mrs. Scout has two children and her husband, Wallace, farms 270 acres. They also have a half section of grassland for haying.

Sturdy, friendly 70-year old Eli Walter from a nearby Hutterite colony has high praise for the new industry.

"I know half the Indians," he said. "They are all good. That Plant is all right."

His colony of 99 people occupies 10,000 acres. All goods are owned in common.

GEORGE H. BLACK

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. MIZELL. Mr. Speaker, at this time I would like to bring to my colleagues' attention yet another installment in the continuing saga of George H. Black, the world's foremost brickmaker and one of my most famous constituents.

As many Members of this House will recall, Mr. Black made a name for himself several months ago when CBS News correspondent Charles Kuralt found him, at age 92, busily at work behind his house in Winston-Salem, making bricks.

Mr. Black's unusual talent was the subject of a feature on the CBS Evening News, and the gentleman was shortly thereafter summoned to the White House by President Nixon.

The President offered Mr. Black a diplomatic mission to the developing nation of Guyana, and George Black became Ambassador Black, brickmaker extraordinaire. He was given the job of helping the Guyanese learn the art of brickmaking as part of their growing development program.

As I reported to my colleagues some time ago, Mr. Black's diplomatic assignment was a complete success. He won the respect of thousands of Guyanese and dined regularly with that nation's Prime Minister.

Back in the United States now, Mr. Black continues to pile honor upon honor. The North Carolina Brick & Tile Service, Inc., last month inducted Mr. Black as an honorary life member of their organization in ceremonies in Winston-Salem.

I know my colleagues in this Chamber wish to join me in congratulating Mr. Black for this latest of many awards, and we wish for him continued success in his notable endeavors.

At this time, I insert in today's RECORD an article from the June 25, 1971, edition of the Winston-Salem Journal, reporting on Mr. Black's recent award and on his future plans. The article follows:

WINSTON-SALEM'S BEST-KNOWN BRICKMAKER GETS NEW HONOR

George H. Black, Winston-Salem's 92-year-old brick-maker, says more pictures have been made of him recently than "anyone in the world." And another was made yesterday as he received another award.

The North Carolina Brick and Tile Service, Inc., a clay products promotional organization, inducted Black as an honorary life member at a luncheon meeting at the Holiday Inn North.

Black was given a plaque and certificate of membership. The man who has shaken hands with President Nixon and dined regularly with the prime minister of Guyana thanked the group and said he would like to see them in heaven.

"You folks have treated me with no mind about black and white, and that's what I think heaven will be like," he said.

He and his granddaughter, Miss Evelyn Abrams, watched as a CBS News film narrated by Charles Kuralt was shown. The film shows Black at his brickyard behind his home on Dellabrook Road, Black walking by buildings in Old Salem made with his bricks, and Black explaining how he and his brother walked from their home in Liberty to Winston-Salem in 1889.

Kuralt spent a week with Black in Guyana and filmed a second story on the South American trip which probably will be shown as a half-hour special this summer.

Black's fame has grown so in the last year that orders for bricks have begun pouring in to Winston-Salem. One prominent colonial-style architect has requested several thousand bricks for his next building.

Black talked about his goodwill mission to Guyana, sponsored a few months ago by the Agency for International Development. "I never seen a place that needs more bricks," he said. "And the women learned how to make bricks faster than the men."

Black, his granddaughter and two assistants spent March and April in the tiny banana republic on the north coast of South America. The country builds its buildings with lumber, and Black and his helpers supervised the building of one brick works and picked the sites for two more.

Black and his assistants are repairing his mud mill which has not been used for about a year, because four men from Guyana will be coming to Winston-Salem in a few weeks for more training in the art of brickmaking.

Black uses a cane to walk, but his desire to travel has never been bigger.

"I might go back to Guyana next December," he said. "It don't get cold down there, and I can help the people learn brickmaking all winter long."

THE NORTHERN IRELAND SITUATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. BIAGGI. Mr. Speaker, the situation in Northern Ireland continues to serve as an insult to free people the world over. The denial of basic rights to the minority in Northern Ireland must stop. I have introduced a resolution expressing the sense of Congress in support of a plebiscite of all Irishmen to permit them to determine their own future.

I am inserting at this point in the RECORD an article from the Irish Independent dated July 19, 1971. I know my colleagues will find the information reported therein most shocking:

"A CAMPAIGN OF TERROR"

(By Martin Brennan)

Residents in Catholic areas in Derry are locking their doors in fear of the soldiers of the Royal Scots Regiment who have been accused of "carrying out a carefully-calculated campaign to outrage the Catholic community."

Last night S.D.L.P. M.P. Mr. Ivan Cooper, attacked the troops of this regiment for their vicious conduct and language.

The first daylight searches of houses the Creggan area began over the weekend and

these were followed by angry confrontations between the soldiers and residents.

Eye witnesses said they saw soldiers spitting at Catholics and there were numerous complaints that the soldiers used vulgar, foul and filthy language against the residents, the Pope and girls living in the estate.

Mr. Cooper, who has a dossier of complaints and has visited all the searched houses, said last night that as many as 20 homes were searched and at least one house was damaged. Articles were taken from other houses.

He accused them of driving their Saracen armoured cars and Landrovers recklessly through the streets of the Creggan estate without care for playing children.

He also demanded to know if, in fact, the soldiers were out of control, and recalled that early yesterday a stone was thrown at him by a British soldier.

Since the "Jocks" arrived in Derry, a double line of fortifications has been strung around the Bligh's Lane Army post and with their base secure from attackers the troops are now patrolling the streets carrying rifles and sub-machine guns.

Mr. Cooper has called for the evacuation of the Bligh's Lane post by the British Army.

"This is a planned campaign on the part of the Army or else the troops are out of control," he said.

"Yesterday morning workers entering the Essex factory at Bligh's Lane were stoned again by the Scots.

"This is nothing, other than provocation and I have got the impression that the British soldiers are trying to provoke another Sharpville."

At the weekend when Mr. Cooper, Father M. Rooney, the priest in charge at Creggan, and leaders of youth clubs and tenant associations in Creggan, went on a deputation to the Army they were refused a hearing and told to make their complaints through the proper machinery—the R.U.C.

The complaints have now been reported to a Chief Superintendent of the R.U.C. in Derry.

FEDERALIZING STATE JUVENILE COURTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1971

Mr. RARICK. Mr. Speaker, judicial tyranny under the guise of "judicial reform" in this country has taken another giant step down the road to absolute Federal control of independent State judicial systems through a dialog leading to a uniform code of laws and standardized judicial procedures for juvenile courts.

The implications of the announcement of the creation of a "justice" panel that would "seek to formulate national standards of justice for those under 18 years of age" are shocking.

The problems faced by the youth of New York City are not the same as those faced by the young people of a small country town. To attempt to impose a "national standard of justice" through uniform codes of law and standardized judicial procedures on young people from which such radically different environments is absurd unless we are ready to admit our children are no better than robots.

I include a news article from the New York Times on Monday, July 26, 1971, at this point in the RECORD.

TWENTY-SEVEN APPOINTED TO JUSTICE PANEL: TO ADVISE ON A 1-YEAR U.S. STUDY OF JUVENILE COURTS

The names of the 27 persons—judges, lawyers, public officials and others—who will serve on an advisory committee for a one-year study of juvenile justice to be coordinated by the Institute of Judicial Administration were made public yesterday.

The project was announced in June by Attorney General John N. Mitchell, who said it would seek to formulate national standards of justice for those under 18 years of age. It will be financed by a $164,341 grant from the National Institute of Law Enforcement and Criminal Justice.

The institute, in announcing the names of the advisers, said in a statement:

"Recidivism among juveniles is discouragingly high. According to one source, 74 per cent of juveniles found guilty of an offense will later be rearrested. Critics of the present juvenile system argue that rather than rehabilitating youthful offenders, the system is creating future criminals."

"BASIS FOR MODEL CODES"

The statement noted that "public concern about crime and the availability of Federal funds make this an excellent time to start significant reforms in court proceedings as well as such important related areas as police and correctional practices." It went on:

"The standards which result from this project would provide the basis for model codes and administrative guidelines for such diverse topics as the selection and training of judges and other criminal justice personnel, the role of prosecutors and defense attorneys, probation and parole procedures, diversion of cases for nonjudicial treatment, and correctional programs."

The chairmen of the advisory committee are Roger M. Blough, the president of the institute of Judicial Administration, and Judge Irving R. Kaufman of the United States Circuit Court of Appeals for the Second Circuit.

The other committee members are:

Judges Florence Kelley and Nanette Dembitz of the New York Family Court;

Deputy N.Y.C. Police Commissioner Theresa Melchionne;

Arthur Zitrin, a professor of psychiatry at New York University;

Nocholas deB. Katzenbach, former United States Attorney General and now the general counsel to the I.B.M. Corporation;

Allen Breed, director of the California Youth Authority;

Justice William H. Erickson of the Colorado Supreme Court;

Judge William Fort of the Oregon Appeals Court;

William T. Gossett of Detroit, former president of the American Bar Association;

Erwin N. Griswold, United States Solicitor General;

Patrick Healy of Chicago, the executive director of the National Association of District Attorneys;

John Irving, the director of the Illinois Law Enforcement Commission;

Jacob Isaacs of New York, the chairman of the American Bar Association's section on family law;

Judge Norman H. Johnson of the Superior Court of the District of Columbia;

Norman Lefstein, the deputy director of the District of Columbia public defender agency;

Judge James Lincoln of the Detroit Probate Court;

Richard Lindsey, the chairman of the Pennsylvania Board of probation and parole;

Judge Sam P. McKenzie, of the Georgia Superior Court;

Monrad Paulsen, dean of the law school of the University of Virginia;

Cecile Pool of San Francisco, chairman of the American Bar Association's section on individual rights;

Milton Rector of Paramus, N.J., executive director of the National Council on Crime and Delinquency;

Mrs. Margaret Rosenheim, professor of social service administration at the University of Chicago;

Ivan Scheier, a psychologist, of Boulder, Colo.;

Daniel Skoler of Washington, the staff director of the American Bar Association's commission on correctional facilities and service;

Robert Switzer, a psychiatrist at the Menninger Clinic, Topeka, Kans.;

Mrs. Patricia Wald, a lawyer and a member of the Center for Law and Social Policy, Washington.

HOUSE OF REPRESENTATIVES—*Tuesday, July 27, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

My soul, wait thou only upon God: For my expectation is from Him.—Psalm 62: 5.

Eternal God, our Father, who art the source of wisdom, power and love, whose mercy is over all Thy works and whose will is ever directed to Thy children's good, grant that with increasing faith in Thee we may find light to lead us, strength to sustain us and spirit to steady us in the midst of the swiftly moving scenes of these days.

Bless thou our country with the power of Thy presence—our leaders in church, in state, in court, in business, in labor, and all our people that we may stand before the world as a nation devoted to righteousness and justice, to truth and good will.

In the mood of the Master we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4762. An act to amend section 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans Affairs to establish and carry out a program of exchange of medical information.