under the supplementary medical insurance program for optometrists' services and eyeglasses; to the Committee on Ways and Means.

H.R. 10749. A bill to prohibit the sale or importation of eyeglass frames or sunglasses made of cellulose nitrate or other flammable materials; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 10750. A bill to amend the Internal Revenue Code of 1954 to increase to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for dependents, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. SAYLOR (for himself and Mr. ASPINALL):

H.R. 10751. A bill to establish the Pennsylvania Avenue Bicentennial Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. LATTA, and Mr. MAILLIARD):

H.R. 10752. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. STUBBLEFIELD:

H.R. 10753. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 10754. A bill to amend section 301 of the Federal Meat Inspection Act, as amended, so as to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat inspection program carried out by any State under such section; to the Committee on Agriculture.

By Mr. BLACKBURN:

H.J. Res. 873. Joint resolution amending section 5(b) of the Endangered Species Conservation Act of 1969 relating to worldwide conservation of endangered species; to the Committee on Merchant Marine and Fisheries.

By Mr. DON H. CLAUSEN:

H.J. Res. 874. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DICKINSON:

H.J. Res. 875. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. DOWNING:

H.J. Res. 876. Joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years; to the Committee on the Judiciary.

By Mr. STUCKEY:

H.J. Res. 877. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GARMATZ:

H. Con. Res. 403. Concurrent resolution expressing the sense of Congress with respect to the application of the cargo preference laws to military cargoes; to the Committee on Merchant Marine and Fisheries.

By Mr. DENT:

H. Res. 601. Resolution providing funds for the expenses of the Committee on House Administration to provide for maintenance and improvement of ongoing computer services for the House of Representatives and for the investigation of additional computer services for the House of Representatives; to the Committee on House Administration.

By Mr. ECKHARDT:

H. Res. 602. Resolution requesting the President to designate "National Check Your Vehicle Emissions Month"; 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. CELLER:

H.R. 10755. A bill for the relief of Masayasu Sadanaga; to the Committee on the Judiciary.

By Mr. DOW:

H.R. 10756. A bill for the relief of Tommaso Prestigiacomo; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 10757. A bill for the relief of Corp. Kenneth M. Schmitz; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

132. Mr. UDALL presented a petition of 811 active "duty enlisted men and women and officers at Fort Huachuca, Ariz., demanding an immediate end to U.S. intervention in Southeast Asia and stating the war is clearly not in the interests of either the Indochinese or the American people, which was referred to the Committee on Foreign Affairs.

SENATE—*Thursday, September 16, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

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

O Lord our God, we pause to open our hearts and minds to Thy presence. Come to us this day to assure us we do not go alone but that we walk and work with Thee. Keep our purposes clear and our visions keen that we may face today's challenges with high resolve. Arm the people of this Nation with the sinews of the spirit, with virtue and nobility, with high patriotism and pure religion. Grant us strength of character and purity of life to match the responsibilities of our days. May our duties, so solemn and so many, never push us from Thy presence and may we never be so harassed by many things that we miss the pull of the stars. Lead us over the highway of justice and peace to that kingdom whose builder and maker Thou art. In Thy holy name, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 15, 1971, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

The 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 nominations on the Executive Calendar, beginning with New Reports.

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

The PRESIDENT pro tempore. The nominations on the Executive Calendar, beginning with New Reports, will be stated.

U.N. SESSION REPRESENTATIVES

The second assistant legislative clerk proceeded to read sundry nominations of the U.N. session representatives.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

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

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

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

LEGISLATIVE SESSION

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

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

REPEAL OF THE EMERGENCY DETENTION ACT OF 1950

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 358, H.R. 234, and that it be laid down and made the pending business.

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

The assistant legislative clerk read the bill as follows:

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H.R. 234, to amend title 18, United States Code, to prohibit the establishment of detention camps, and for other purposes.

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

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that excerpts from the report on S. 592, the Senate companion bill to H.R. 234, be printed in the RECORD, together with a statement concerning the minor differences between the House and Senate bills.

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

REPEALS THE EMERGENCY DETENTION ACT

The purpose of this bill is to repeal title II of the Internal Security Act of 1950. The title alone is commonly cited as the "Emergency Detention Act of 1950." The bill S. 592 will repeal all of the substantive provisions of the Emergency Detention Act of 1950, without disturbing the congressional findings of fact with respect to the nature of the Communist Party which are a part of the title. The bill S. 592, as introduced is identical to the amended version of S. 1872, as favorably reported by this committee December 22, 1969 (Senate Report 91-632) and passed by the Senate the same day. The committee reaffirms the text of that report, as follows:

HISTORY

Title II of the Internal Security Act was enacted as part of a floor amendment, after previous motions to substitute it for title I, and to attach it to title I as an amendment, had failed to secure Senate approval.

As separate title of the Internal Security Act, the Emergency Detention Act has been an anomaly from the beginning, since it was opposed, during the earlier stages of the legislative process, by virtually all of the sponsors of title I (then known as the McCarran-Walter Act) and sponsored by virtually all of those who were opposed to the McCarran-Walter Act.

Although the late Senator Pat McCarran of Nevada, floor manager of the Internal Security Act and author of the legislation which became title I of that act, rewrote the Emergency Detention Act on the floor of the Senate, in what he described to the Senate as an attempt "to put due process into it," he warned the Senate at the time that even in its rewritten form, the title still raised serious constitutional questions.

SUBCOMMITTEE RECOMMENDS REPEAL

The Internal Security Subcommittee has twice recommended repeal of title II of the Internal Security Act. The first time was in the subcommittee's report on the bill S. 2988, in the 90th Congress. The second time was in the subcommittee's report on the bill S. 12, the proposed Internal Security Act of 1969, reported to the full Judiciary Committee in January of this year.

AUTHOR'S EXPLANATION

Senator Inouye, author of the bill S. 1872, has explained the purpose and background of his bill very well in a letter addressed to the chairman of the committee. The text of this letter is as follows:

U.S. SENATE,
Washington, D.C., December 4, 1969.

Hon. JAMES O. EASTLAND,
Chairman, Judiciary Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Early this year I introduced, with 25 other Senators, S. 1872, a bill to repeal title II, the emergency detention provision of the Internal Security Act of 1950. I understand that you have received a letter dated December 2 from Deputy Attorney General Richard G. Kleindienst speaking for the Justice Department supporting S. 1872. Since this bill's introduction, I have received, as I am certain my colleagues have, many resolutions, petitions, and letters urging this law's speedy repeal. I, therefore, hope that your committee will be able to quickly and favorably report this measure to the Senate.

Title II of the Internal Security Act gives the President the power to proclaim an "internal security emergency" in the event of any of the following: (1) invasion of the territory of the United States or its possessions; (2) declaration of war by Congress; (3) insurrection within the United States in aid of a foreign enemy. Following the declaration of an internal security emergency, title II gives the President or his agent the power to detain persons "if there is reasonable ground to believe that such a person will engage in or probably will with others engage in acts of espionage or sabotage." Following the person's arrest, title II details the procedures for the continued detention of a person. Generally, this course of action is at odds with normal judicial procedure and in fact the procedures detailed in the act would, I believe, have the effect of changing the presumption of innocence to a presumption of guilt for the accused.

As you may remember, the Internal Security Act of 1950 became law over President Truman's veto. In referring to the great majority of the provisions of this act, President Truman declared that they "would strike blows at our own liberties." Title II, I believe, violates a number of our established freedoms and constitutes a threat to our constitutional rights.

I introduced this measure when I became aware of the widespread rumors circulated throughout our Nation that the Federal Government was readying concentration camps to be filled with those who hold unpopular views and beliefs. These rumors are widely circulated but are believed in many urban ghettos as well as by those dissidents who are at odds with many of the policies of the United States. Fear of internment, I believe, lurks for many of those who are by birth or choice not "in tune" or "in line" with the rest of the country. There is a current mood of tension among some citizens in our land which does not permit these rumors of concentration camps to be laid to rest. These feelings of malaise and discontent have deeply permeated our society and have created a climate whereby such rumors fall on receptive ears. For some, additional credence was given to the possible use of concentration camps by a House Un-American Activities report of May 1968, which contained a recommendation for the possible use of these detention camps for certain black nationalists and Communists.

I believe that the emergency provision of the Internal Security Act of 1950 stands as a barrier to trust between some of our citizens and the Government. As President Truman stated in his veto message "it is not enough to say that this probably would not be done. The mere fact that it could be done shows clearly how the bill would open a Pandora's box of Opportunities for official condemnation of organizations and individuals for perfectly honest opinions * * *"

Many would respond to these rumors of concentration camps with the refrain "This couldn't happen in America." However, in times of stress and crisis, American justice has not always withstood these pressures. I am naturally reminded that during World War II, 109,650 Americans of Japanese ancestry were arrested, their property confiscated and were detained in various "relocation camps" for most of World War II.

For these reasons I hope your committee will immediately and favorably consider S. 1872, my legislation to repeal the emergency detention provision of the Internal Security Act of 1950. The speedy repeal of this statute would forever put to rest the rumors and allay the fears of some of our citizens. As the Justice Department stated in announcing its support for S. 1872, the gains to be made from repeal of title II will outweigh "* * * any potential advantage which the act may provide in a time of internal security emergency."

Some have defended the existence of this statute by stating that no President would use this provision. However, if it is not to be used, it should be repealed. It is the responsibility of the Congress to repeal this statute and I believe we should do so immediately to forever allay the fears and suspicions of many, and to remove this threat to our liberty and freedoms.

Sincerely,

DANIEL K. INOUYE,
U.S. Senator.

RE DIFFERENCES BETWEEN S. 592, TO REPEAL TITLE II, AND H.R. 234

H.R. 234 contains a provision which is not contained in S. 592. It reads as follows: "No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress."

The purpose of amendment is that no detention camps can be authorized without the acquiescence of Congress. The Legislative history on House floor states that this provision is not intended to eliminate any detention practices now authorized by statute or judicial practice or procedure. Representative Poff on House floor (page 31541—September 13) stated that amendment was not intended to alter stop and frisk procedures by law enforcement officials, searches by border patrolmen and customs officials, detention of suspects for identification, detention for those necessary to maintain order in courtroom, judicial authority to revoke bail or parole.

It would appear dubious that this clause would be interpreted by the courts as limiting the Executive's inherent powers to act during an emergency in wartime.

II. H.R. 234 also repeals in toto Title II. However, S. 592, while repealing Title II, retains the preamble for Congressional findings.

The findings retained by your bill are also found in Title I and are, therefore, not necessary. House debate on this issue found on page 31765, September 14th.

III. H.R. 234 contains also two technical amendments that deletes convictions under Title II from those offenses which permit the denial of Federal retirement benefits and veterans benefits.

Mr. INOUYE. Mr. President, in the wake of House passage of a bill to repeal Title II of the so-called emergency detention provision of the Internal Security Act of 1950, I am most gratified by the Senate's speedy consideration of a similar legislation I introduced with 24 other Senators.

The emergency detention provision, title II of the Internal Security Act of 1950, authorizes the establishment of detention camps during an "internal security emergency." Under this act, the President has the power, following the declaration of an "internal security emergency", to detain persons "if there is reasonable ground to believe that such a person will engage in or probably will with others engage in acts of espionage or sabotage." The act also provides for the continued detention of a person under procedures which can be characterized as being at odds with our established judicial procedures.

The repeal of the Emergency Detention Act is long overdue. As long as it remains on our books, it stands as a definite threat to every American's freedoms and constitutional rights. In addition, the continued existence of this law has been used by some to fuel rumors that members of our society who had unpopular views and beliefs could be detained under the provisions of the Emergency Act. I believe the Emergency Detention Act stands as a barrier to trust between some people and our Government. I do not believe that I need to reiterate any further the reasons this law should be repealed, for the Senate Judiciary Committee's report clearly sets them forth.

As you are aware the Internal Security Act of 1950 became law over President Truman's veto. While efforts to have this statute declared unconstitutional have not been successful, it should be emphasized that the courts have not had an opportunity to render a decision on the merits of this law. The Justice Department supports the repeal of the Emergency Detention Act, the Senate Judiciary Committee reported repeal bills in 1969 and 1971. The Senate in 1969 unanimously passed a measure I introduced to repeal the Emergency Detention Act but it did not receive consideration by the House of Representatives in the 91st Congress. The House has now acted, and on September 14 passed by a vote of 356 to 49 a bill which repeals the "emergency detention provision" of the Internal Security Act of 1950. The House measure differs from my bill in that it contains a clause which states that—

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

I believe that this provision is a valuable addition to my bill and hope that the Senate will adopt it. I would like to emphasize that this House provision should be viewed as in no way granting authority to eliminate any detention practices now authorized by statute, judicial practice or procedure, such as stop and frisk procedures of law enforcement officials, searches by border patrolmen and customs officials, detention of suspects for identification, judicial authorization to revoke bails or parole, or to detain those so as to maintain order in a courtroom.

The repeal of the emergency detention provision of the Internal Security Act of 1950 is long overdue. While its provisions have never been utilized by the Federal Government, its continued existence is both unnecessary and offensive to many Americans. The passage of this legislation would remove this ill-advised statute.

The PRESIDENT pro tempore. If there be no amendment to be proposed, the question is on the third reading of the bill.

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

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. SCOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 298, S. 592 be indefinitely postponed.

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

Mr. MANSFIELD. Mr. President, may I say in the 3 minutes allotted to me at this time, that I am delighted that H.R. 234, an act to amend title 18 of the United States Code, to prohibit the establishment of detention camps and for other purposes, has passed this body at this time.

I think its repeal was long overdue. I hope that in the future we will profit from the mistakes we made in the past, and not take on some of the onerous and dangerous responsibilities which we had in years gone by.

Mr. SCOTT. Mr. President, in this country we often do good things by slow steps. In abolishing the right to establish detention camps we have done a good thing. It is overdue. Perhaps the worst internal crime ever committed was an order by the President of the United States interning loyal Japanese-Americans under circumstances where any reflection unimpaired by the wild emotions of the moment would have decreed that we were guilty of the grossest kind of cruelty and injustice.

I remember the period. I was attacked myself for insisting that a house under my jurisdiction in Brooklyn be made available to Japanese-Americans being reassigned from the west coast. Many advocates of liberalism and libertarianism in that area of the country undertook to prevent these Japanese-Americans from occupying that house. I made the decision, and they occupied it.

Having said that, and having stood up against the sentiment of the United States at that time, I have a right to say something else: I am getting tired of people who, on going abroad, say that they sympathize with the enemy, that they cannot see the United States' point of view. I am also getting tired of people who instantly aline themselves in this country on the side of the criminal, the murderer, and the rapist and say that this proves there is something wrong with American society.

Of course there is. Society is flawed. Society has many faults. But those who rise, almost automatically, with Pavlovian fervor to condemn every attempt to restore an orderly society, should themselves be condemned, and I condemn them.

Mr. MANSFIELD. Mr. President, relative to the bill just passed, and referring to the personal experience of the distinguished minority leader, may I say that before I came to Congress, while on the faculty of the University of Montana, I was a member of a three-man panel at Fort Missoula which, at that time, incarcerated in a gentle way something on the order of 2,000 Japanese-Americans, mostly from California. In all the hearings held at Fort Missoula at that time we were not able to uncover one instance of subversion or one instance of treason.

I am happy, therefore, that, at this late date, the efforts of the Hawaiian delegation primarily, especially in this Chamber, Senators INOUYE and FONG, and in the other Chamber, Representatives MINK and MATSUNAGA, have been vindicated.

I believe that this will in a way help repay men like Senator INOUYE, who lost an arm in the Second World War, and Representative MATSUNAGA, who was wounded several times in the Second World War, for the sacrifices which they made for their country.

I am glad, because this is the primary instance so far as this matter is concerned, that this action has been taken by the Senate today.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from Indiana (Mr. BAYH) is now recognized for 15 minutes.

GROWING CONCERN OVER U.S. POLICY TOWARD ISRAEL

Mr. BAYH. Mr. President, it has now been 2 months since I and several of my colleagues rose in this Chamber to express our growing concern about U.S. policy toward Israel. At that time, I pointed out that June had been the first month since the Johnson administration agreed to sell Phantom jets to Israel in which none had been delivered. I noted that neither progress toward peace nor the level of Soviet arms deliveries to the Arab States justified such a cut off. In fact there had been no significant progress in the preceding weeks either toward an interim agreement or toward a permanent settlement. Furthermore, the press was persistently reporting increases—in Soviet arms deliveries in the Middle East.

I urged the administration not to try to force Israel into accepting unacceptable terms as the price of renewed Phantom deliveries. I warned that such tactics—whether born of desperation or misguided sense of real politik—could be counterproductive. Not only might they cause a stiffening of Israeli attitude toward the United States, but they might also reawaken Arab hopes of avoiding serious negotiations.

In the days immediately following those expressions of concern, a series of reports appeared in the news media which had the effect of allaying public and congressional concern. Assistant Secretary Sisco's trip to Israel was formally announced. It was widely reported—and not denied by the White House or the State Department—that Mr. Sisco's visit to Jerusalem could be expected to result in some new arrangement regarding Phantom. It was even reported that a procedure for ongoing deliveries would be instituted to avoid the periodic irritations which occurred each time one agreement on Phantoms lapsed and a new one had to be negotiated.

Thus, the impression was purposefully created that the Phantom delivery question was no longer an issue. As with Vietnam and other issues, foreign and domestic, the Nixon administration sought to divert public and congressional attention and defuse criticism of its policies not by dealing with the problem and

solving it, but by scratching dirt over their tracks to hide their trail.

The Sisco trip—not unexpectedly—brought no new breakthroughs for peace. That is understandable given the complexity of the problem and the nature of the proposals Mr. Sisco carried with him to Jerusalem. But apart from that, and contrary to the expectations aroused, the weeks following the Sisco trip have seen no public announcements regarding new arrangements about the Phantoms.

Instead there have been unrefuted reports that the Russians have reinforced their own air strength in Egypt with four new squadrons—two of MIG fighters and two of SU-11 fighter-bombers—and are planning to introduce three more. The number of Soviet pilots is said to have increased to nearly 200. Reports of the presence of several brand new MIG-23's have been reconfirmed as well as indications of further upgrading of Soviet antiaircraft weaponry along the canal with the addition of mobile SAM-6's. These reports brought a mild State Department warning to the Soviets—but no action on aircraft sales.

Instead, there have been several stories in the press recently indicating that the Nixon administration has decided not to sell any more Phantoms to Israel for the time being. According to one of these articles, in the Washington Post, despite the fact that Mr. Sisco was impressed with the reasonableness of the Israeli position, the administration has decided against a new Phantom deal. It is "not interested in maintaining Israel forever as the most powerful country in the Middle East at the cost of losing all U.S. bargaining power with Egypt," the article said, and went on to describe the administration as believing that further shipments of Phantoms now would destroy all U.S. credibility with the Arabs and end all chance of getting them to agree to an interim settlement mediated by the Nixon administration.

I hope these reports are unfounded. I hope that the administration is not the captive of so unbalanced and single-focused a view. I sincerely hope that it is not ignoring Israel's vital national interests and security needs in a vain attempt to regain the position the United States had in the Arab states before 1955.

A more realistic objective for us in the Middle East is, instead, to seek peace with a steady, sure hand—not in desperation or with cynicism—and not in desertion or disregard of our closest friends. With peace in the Middle East would come the opportunity for improved relations with the Arabs as well as continuation of our unique ties with Israel.

We must bear in mind that the key to Israeli acceptance of any settlement also acceptable to the Arabs is not Israeli insecurity and uncertainty. It is, instead, Israeli confidence—confidence, first and foremost, of their own capacity to protect themselves. Such confidence is essential to encourage Israeli flexibility.

But beyond that, and even more important in the long run, is Israeli confidence in the reliability and steadfastness of her American ally. It is precisely because we know that any settlement will give neither side all it hopes for, that we must not act in a way that erodes Israel's confidence in us. Israelis know they cannot truly be 100 percent self-reliant. In this world no one can be. They expect that the United States will be an important participant in a settlement when it is finally reached. If we now give them cause to question our reliability, we make the path to that settlement much more difficult.

It is with these considerations in mind, and with the objective not of a new armed conflict or even of continued confrontation but rather of progress toward peace in the Middle East, that I urge immediate resumption of Phantom deliveries to Israel.

PERIOD FOR THE TRANSACTION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes. Is there any morning business?

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

By Mr. GAMBRELL (for himself and Mr. TALMADGE):

S.J. Res. 155. Joint resolution relating to the termination of hostilities in Vietnam, the withdrawal of U.S. forces from Indochina, and the return of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government.

Mr. GAMBRELL. Mr. President, I have been greatly disturbed by the issue that Senators are confronted with in the pending business before the Senate, the conference report on the extension of the draft law. Apparently the Senate is to be called upon to vote either for continuing the draft along with a watered-down version of the so-called Mansfield amendment or reinstating the Mansfield amendment and, at the same time, putting off the extension of the draft.

This to me is a very intolerable choice to make. And in an effort to avoid having to make this choice and in an effort to separate the two questions so that they can be voted on separately on their merits, I at this time introduce in my own behalf and with the cosponsorship of the distinguished senior Senator from Georgia (Mr. TALMADGE), a Senate joint resolution separately stating in identical terms the Mansfield amendment. I ask that the resolution be read at this time and at the same time I object to its being read a second time so that it can go over until tomorrow.

The PRESIDENT pro tempore. The joint resolution will be read the first time.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 155) relating to the termination of hostilities in Vietnam, the withdrawal of U.S. forces from Indochina, and the return of all American prisoners of war held by the Government of North Vietnam and forces allied with such government.

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

Mr. GAMBRELL. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, is it the desire of the distinguished Senator that the joint resolution go over until tomorrow and that, on that basis, the Senator's options remain open?

Mr. GAMBRELL. That is my desire. I would like to reserve at this point the option on tomorrow to ask unanimous consent that the joint resolution be placed directly on the calendar or object to further proceedings after the second reading, so that the resolution would then be placed directly on the calendar or permit it to be read a second time and referred to a committee. I reserve those options until tomorrow.

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

Mr. GAMBRELL. I yield to the distinguished Senator from Colorado.

Mr. ALLOTT. Mr. President, I was in conversation with the majority leader. I want to be sure where we are on this matter.

I did not hear the joint resolution read. I think I know the general import of the resolution. Is the Senator requesting anything at this point other than that which he could do otherwise? In other words, the Senator is not asking unanimous consent for special consideration of any kind of this resolution.

Mr. GAMBRELL. The Senator is correct. I am reserving until tomorrow disposition of the resolution, as to whether it is referred or placed on the calendar.

Mr. ALLOTT. I thank the Senator.

Mr. BYRD of West Virginia. The Senator did ask unanimous consent that it be read the first time, did he not?

Mr. GAMBRELL. Yes, I did.

The PRESIDENT pro tempore. That has been done.

The Senator's 3 minutes have expired.

Mr. MANSFIELD. Mr. President, I have discussed this matter with the distinguished Senator from Georgia. The procedure is a little unusual. I want the RECORD to show the usual procedure will be followed from here on out and this is not to be considered as a precedent.

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

Mr. MANSFIELD. Yes, indeed. I yield my time to the Senator from Georgia.

Mr. GAMBRELL. Mr. President, I would like to say that the situation itself is unusual. I certainly concur in the statement of the majority leader.

The resolution we are dealing with is one which has been adopted by a majority of the Members of the Senate as an amendment to the draft bill and, therefore, I think it would not be in-

appropriate for it to be considered out of the normal order of business and brought before this body at the earliest possible time, without reference. I reserve the choice at this time to give Senators the opportunity to digest this entire parliamentary situation.

I am a firm supporter of the extension of the draft and I am strongly in support of the Mansfield resolution. I noticed that the majority leader stated that should the resolution be continued he would seek to have it cut down by the time that has expired since its original adoption. I would concur in that request.

Mr. President, I thank the distinguished majority leader for yielding.

The PRESIDENT pro tempore. The second reading will go over until the next legislative day.

Is there further morning business?

QUORUM CALL

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

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

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time for the conduct of routine morning business be extended for not to exceed 15 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

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

The PRESIDENT pro tempore. 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 (Mr. GAMBRELL). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for an additional 15 minutes, with statements therein limited to 3 minutes.

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

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

The PRESIDING OFFICER. The clerk will call the roll

The second assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of nominations was submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Glenn T. Seaborg, of California, to be the representative of the United States of America to the 15th session of the General Conference of the International Atomic Energy Agency; and

William O. Doub, of Maryland, T. Keith Glennan, of Virginia, Dwight J. Porter, of Nebraska, James T. Ramey, of Illinois, and James R. Schlesinger, of Virginia, to be alternate representatives of the United States of America to the 15th session of the General Conference of the International Atomic Energy Agency.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider certain nominations which have been reported by the Senator from Rhode Island (Mr. PASTORE) on behalf of the Joint Committee on Atomic Energy. This matter has been cleared on both sides.

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

INTERNATIONAL ATOMIC ENERGY AGENCY

Mr. PASTORE. Mr. President, as the distinguished majority leader has pointed out, this matter has been approved on both sides. It is more or less a formality. These are the individuals who have been nominated by the President to attend the 15th session of the General Conference of the International Atomic Energy Agency.

The PRESIDING OFFICER. The nominations will be stated.

The second assistant legislative clerk read as follows:

Glenn T. Seaborg, of California, to be representative of the United States of America to the 15th session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be alternate representatives of the United States of America to the 15th session of the General Conference of the International Atomic Energy Agency:

William O. Doub, of Maryland.
T. Keith Glennan, of Virginia.
Dwight J. Porter, of Nebraska.
James T. Ramsey, of Illinois.
James R. Schlesinger, of Virginia.

Mr. PASTORE. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. PASTORE. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

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

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

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PLAN FOR WORKS OF IMPROVEMENT ON STONE CORRAL WATERSHED, CALIFORNIA

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a plan for works of improvement on the Stone Corral watershed, California (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON FEDERAL CONTRIBUTIONS—PERSONNEL AND ADMINISTRATION

A letter from the Director of Civil Defense, transmitting, pursuant to law, a report on Federal contributions—personnel and administration, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Armed Services.

REPORT ON FEDERAL CONTRIBUTIONS PROGRAM EQUIPMENT AND FACILITIES

A letter from the Director of Civil Defense, transmitting, pursuant to law, a report on Federal contributions program equipment and facilities, for the quarter ended June 30, 1971 (with an accompanying report); to the Committee on Armed Services.

STOCKPILE REPORT

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, a stockpile report for the 6-month period ended June 30, 1971 (with an accompanying report); to the Committee on Armed Services.

REPORT ON AIR FORCE MILITARY CONSTRUCTION CONTRACTS

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on Air Force military construction contracts awarded without formal advertisement for the 6-month period ended June 30, 1971 (with an accompanying report); to the Committee on Armed Services.

REPORT ON RECOMMENDATIONS FOR NORTHEAST CORRIDOR TRANSPORTATION

A letter from the Secretary of Transportation, transmitting, pursuant to law, a summary report on recommendations for Northeast corridor transportation, dated May, 1971 (with an accompanying report); to the Committee on Commerce.

REPORT ENTITLED "A HISTORY OF THE METRIC SYSTEM CONTROVERSY IN THE UNITED STATES"

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report entitled "A History of the Metric System Controversy in the United States" (with an accompanying report); to the Committee on Commerce.

PROPOSED IMPROVEMENTS IN FISCAL AND ADMINISTRATIVE PRACTICES

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the act of March 3, 1901 (31 Stat.

1449), as amended, to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards (with accompanying papers; to the Committee on Commerce.

REPORT OF ELEANOR ROOSEVELT MEMORIAL FOUNDATION, INC.

A letter from the Chairman, Executive Committee, Eleanor Roosevelt Memorial Foundation, transmitting, pursuant to law, a report of that Foundation, dated December 31, 1970 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of the National Center for Deaf-Blind Youths and Adults, for the period June 24, 1970 to June 23, 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Order of Ahepa, Washington, D.C., deploring the actions of those who advocate the elimination of U.S. military aid to Greece; to the Committee on Foreign Relations.

A resolution adopted by the FBI National Academy Associates, extending appreciation to John Edgar Hoover, Director of the FBI, for his leadership and outstanding contribution to law enforcement; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. BYRD of Virginia, from the Committee on Armed Services:

Kenneth E. BeLieu, of Virginia, to be Under Secretary of the Army.

Mr. BYRD of Virginia. Mr. President, I also report favorably sundry nominations in the Navy which have previously appeared in the CONGRESSIONAL RECORD and I ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they may lie on the Secretary's desk for the information of Senators:

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

The nominations, ordered to lie on the desk, are as follows:

Guy Harold Able III, and sundry other officers, for promotion in the Navy.

By Mr. THURMOND, from the Committee on Armed Services:

Maj. Gen. Harris Whitton Hollis, Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general.

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. ELLENDER:

S. 2525. A bill for the relief of Sime Tomasevic. Referred to the Committee on the Judiciary.

By Mr. GOLDWATER:

S. 2526. A bill for the relief of Maj. Richard F. Meyer, Jr., U.S. Air Force. Referred to the Committee on the Judiciary.

By Mr. MONTOYA:

S. 2527. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

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

S. 2528. A bill to provide for deferment of construction charges payable by Westlands Water District attributable to lands of the Naval Air Station, Lemoore, Calif., included in said district, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HRUSKA (for himself, Mr. CRANSTON, Mr. CURTIS, Mr. DOLE, Mr. FANNIN, Mr. FONG, Mr. HARTKE, Mr. HOLLINGS, Mr. HUMPHREY, Mr. LONG, Mr. MCCLELLAN, Mr. SCOTT, Mr. STEVENS, Mr. YOUNG, Mr. BENNETT, and Mr. JAVITS):

S. 2529. A bill to incorporate Junior Achievement, Incorporated. Referred to the Committee on the Judiciary.

By Mr. GURNEY (for himself, Mr. FANNIN, Mr. DOLE, Mr. EASTLAND, Mr. THURMOND, Mr. PASTORE, and Mr. BENNETT):

S. 2530. A bill to protect the right of privacy of persons by authorizing private suits when unsolicited obscene material is sent through the mails. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 2531. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for amounts paid by an individual to prevent flood damage to his residence or for flood insurance. Referred to the Committee on Finance.

By Mr. GAMBRELL (for himself and Mr. TALMADGE):

S.J. Res. 155. Joint resolution relating to the termination of hostilities in Vietnam, the withdrawal of U.S. forces from Indochina, and the return of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government.

(The above joint resolution was read the first time, and the President pro tempore stated that the second reading will go over until tomorrow.)

By Mr. HARTKE:

S.J. Res. 156. Joint resolution to designate the month of April 1972 as "National Check Your Vehicle Emissions Month." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2528. A bill to provide for deferment of construction charges payable by Westlands Water District attributable to lands of the Naval Air Station, Lemoore, Calif., included in said district, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to provide for the deferment of construction charges payable by Westlands Water District attributable to lands of the Lemoore Naval Air Station, Calif., included in said district. I am delighted to have my colleague from California (Mr. TUNNEY) join as a cosponsor of this measure.

At the present time, the Federal Government, through the Bureau of Reclamation, is constructing a water drainage and distribution system in the Westlands Water District as part of the San Luis Unit of the Central Valley project, in California. The Westlands system will bring water to 600,000 acres of irrigable lands on the west side of the San Joaquin Valley in the counties of Fresno and Kings—including 12,627 acres owned by the Lemoore Naval Air Station and leased for agricultural or grazing purposes.

Rather than constructing and maintaining separate pipelines to provide needed irrigation water, the Navy has requested that additional capacity be carried by four laterals of the Westlands distribution system to bring water from the Central Valley project to Lemoore NAS lands. The construction costs for this added service total $5.5 million which, together with the cost of the entire system, eventually must be repaid to the Federal Government by the district.

To repay the cost of the system, Westlands Water District will assess landowners who use the district's water service. However, lands within the Lemoore NAS are not subject to assessment because they are owned by the Federal Government. Because of its inability to obtain funds from this source, the district will experience difficulty in repaying its contract with the Bureau of Reclamation.

The bill I am introducing today seeks to resolve the assessment problem faced by the Westlands Water District and by the Navy Department.

First, payment of the construction costs for facilities on Navy land which the Westlands District has assumed is deferred until such time as the Federal title to the lands is relinquished. When the lands are placed in assessable status, Westlands must repay the costs within 40 years.

Second, the bill provides that lands within the Lemoore NAS which are to be irrigated by the Westlands system are to be offered for lease on a competitive basis. Lessees will be required to pay an amount sufficient to provide repayment of construction charges attributable to these lands which would have been repayable if they were not owned by the Federal Government. These payments will be made available to the Department of the Interior as credit toward the construction charges. In addition, lessees will pay the district directly for its charges for water, operation and maintenance costs.

Finally, the bill requires leases to be offered subject, insofar as practicable, to acreage limitation provisions of the Federal reclamation laws. It is my intention by this language to require the Secretary of the Navy to offer land for lease on the open market and to accept bids so that the land can be farmed in compliance with the intent of the Federal reclamation law's acreage limitation. In this way, the small farmer will be assured an opportunity to share the benefits of low-cost Federal irrigation water and the use of federally owned lands.

Mr. President, 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. 2528

A bill to provide for deferment of construction charges payable by Westlands Water District attributable to lands of the Naval Air Station, Lemoore, California, included in said district, and for other purposes

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That construction charges payable by the Westlands Water District to the United States pursuant to contract number 14-06-200-202A, dated April 1, 1965, or as it may be amended, between the United States and the district entered unto under the Federal reclamation laws, Act of June 17, 1902 (32 Stat. 388), attributable, as determined by the Secretary of the Interior, to lands of the United States Naval Air Station, Lemoore, California, as are included in the Westlands Water District shall be deferred except as hereinafter provided, and no assessments shall be made on behalf of such charges against such lands until the Federal title thereto shall have been extinguished, and such lands become subject to assessment, whereupon such deferred charges shall be repaid by Westlands Water District in not more than forty years from such date.

SEC. 2. Lands of the Naval Air Station, Lemoore, California, irrigable through facilities constructed for the Westlands Water District, when offered for lease for agricultural or grazing purposes shall be offered competitively on such terms as the Secretary of the Navy, of his designee, determines will provide the highest return to the United States consistent with sound land management practices. Such leases shall provide for payment by the lessees to the Department of the Navy of an amount sufficient to provide repayment to the United States of construction charges attributable to such lands which would be applicable if such lands were not owned by the Federal Government. The proceeds from the leases shall be paid by the Department of the Navy to the Department of the Interior and shall be covered into the reclamation funds and credited to the construction charges attributable to such lands until such construction charges are fully paid. The leases shall also be offered subject, insofar as practicable, to acreage limitations of the Federal reclamation laws. Direct charges for waters shall be paid by lessees to the Westlands Water District and shall be not less than the cost of such water service plus the District's operating and maintenance costs of delivering water. The leases may contain such provisions as to cancellation, use of land, term, and other matters as the Secretary of the Navy may determine are necessary to assure that national defense purposes are served.

By Mr. HRUSKA (for himself, Mr. CRANSTON, Mr. CURTIS, Mr. DOLE, Mr. FANNIN, Mr. FONG, Mr. HARTKE, Mr. HOLLINGS, Mr. HUMPHREY, Mr. MCCLELLAN, Mr. SCOTT, Mr. STEVENS, Mr. YOUNG, Mr. BENNETT, and Mr. JAVITS):

S. 2529. A bill to incorporate Junior Achievement, Inc. Referred to the Committee on the Judiciary.

Hr. HRUSKA. Mr. President, I introduce for appropriate reference a bill to incorporate Junior Achievement, Inc. I ask that the text of the bill be printed in the RECORD at the conclusion of my remarks.

In 1919 a group of public-spirited citizens concerned with the training of youth for their future lives of work, business, and worthwhile citizenship first conceived the program known as Junior Achievement," which was subsequently chartered as Junior Achievement, Inc., in 1926 as a nonprofit Massachusetts corporation. Their concept, hope, and approach—which is still the basic philosophy of the Junior Achievement movement today—was that one of the best ways to learn is by doing. As adult advisers, they helped teenagers organize and operate small junior businesses to enable them to have an opportunity to develop their skills and abilities, to build their confidence and to afford them, through a short period of actual experience, an early understanding of the American business system and the economics of free and responsible competitive enterprise.

Since 1926, the Massachusetts corporation has gradually come to embrace a national movement, and is the sponsoring and headquarters organization for regional, area, and local Junior Achievement organizations throughout the United States. Local participating organizations of adult business advisers currently guide hundreds of Junior Achievement youth companies, involving each year thousands of young people actively engaged in the "learn-by-doing" method.

The number of students afforded Junior Achievement's training in past years is approximately 2 million. Briefly, Junior Achievement offers boys and girls of high school age practical training in the methods and problems of running and working in a business. Its goal—endorsed by labor, management, Government leaders, educators, civic groups, and parents—is to develop future employees, employers, and citizens who will have a better understanding of, and preparation for the benefits, responsibilities, and economic opportunities which our competitive American business system provides—Junior Achievement has no political, religious, or other affiliations. It is open to any youth without reference to race, color, sex, creed, or national origin.

To achieve its objectives, Junior Achievement, Inc., the national Junior Achievement organization still using the Massachusetts charter, heads today a program which is active in all 50 States. It coordinates the efforts of adult counseling firms and advisers, partly directly, but mostly through operating contracts with 50 other State-chartered corporations whose use and custodianship of the program in various areas are governed by the contracts periodically granted them by the original Massachusetts corporation.

It is the role of the regional and the local organizations to act with a high degree of autonomy and to carry out directly the youth training program for the area. It is the responsibility of the national organization to continue its 51-year-old job of originating policies and programs, of assuring that Junior Achievement's national standards and objectives are adhered to—and not subordinated locally to any purposes inconsistent with the educational and youth-serving needs responded to by Junior Achievement—and of furnishing the strength and leadership for continued and useful growth.

Financial support for the national and local efforts—distinct from "counseling" described below—is provided by a broad base of about 60,000 business firms and other organizations—from small businesses and local civic groups to major industries and institutions.

Junior Achievement is of such unique character that chartering by the Congress as a Federal corporation is the only appropriate form of incorporation if Junior Achievement is to fulfill its public-interest objectives as quickly and effectively as possible.

Junior Achievement has outgrown its Massachusetts charter. It has had a national scope for several years, and it is still growing. But there is a need for its services to grow at a greater rate and match geographic scope with geographic depth, that is, more communities per State and more youthful participants per community. The organization's leadership is determined to pursue this goal in any event, but believes it can be reached much sooner under a Federal charter.

Just as with the Boy Scouts, Boys Clubs, and others, interest and participation in a new community can come faster and be larger from an organization having a Federal charter.

Junior Achievement is providing particularly attractive and participative programs for youth education and employment not provided in regular curricula and at a time when youth job training and employment are matters of ever growing public and Government concern.

A congressional charter would demonstrate Government and national policy recognition of the educational and vocational training purpose of Junior Achievement. A congressional charter would also provide truly national identification for the Junior Achievement movement, would therefore enhance the protection of the integrity and national consistency of its standards, and as a corollary aid Junior Achievement's national efforts to assure that its name, purpose, and activities are not distorted for partisan purposes nor subverted for commercial or propaganda purposes.

As chairman of the standing Subcommittee on Federal Charters, Holidays, and Celebrations to which this bill would be referred, it is my intention to schedule hearings of the subcommittee on all pending charter bills in early October.

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

S. 2529

A bill to incorporate Junior Achievement, Incorporated

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

Graham H. Anthony, Hartford, Connecticut;

Crowdus Baker, Chicago, Illinois;

Roger M. Blough, New York, New York;

Fred J. Borch, New York, New York;

Lammont duPont Copeland, Wilmington, Delaware;

John D. deButts, New York, New York;

William Elmer, Owensboro, Kentucky;

James A. Farley, New York, New York;

Joseph J. Francomano, New York, New York;

Alfred C. Fuller, West Hartford, Connecticut;
Donald J. Hardenbrook, Nantucket, Massachusetts;
Mortimer Jensen, New York, New York;
Frederick R. Kappell, New York, New York;
Robert J. Kleberg, Junior, Kingsville, Texas;
Fred M. Lazarus, Cincinnati, Ohio;
Clarence Long, Indianapolis, Indiana;
Neil H. McElroy, Cincinnati, Ohio;
W. Richard Naxwell, New York, New York;
Ben D. Mills, Bloomfield Hills, Michigan;
Roy W. Moore, New York, New York;
Morton Moskin, New York, New York;
Edwin H. Mosler, Junior, New York, New York;
Nelson K. Neiman, Fort Wayne, Indiana;
William I. Nicholas, New York, New York;
William T. Okie, New York, New York;
H. Bruce Palmer, New York, New York;
William A. Patterson, Chicago, Illinois;
Arthur J. Peck, New York, New York;
Monroe Jackson Rathbone, New York, New York;
C. E. Reistle, Junior, Houston, Texas;
Arthur M. Rogers, Springfield, Massachusetts;
George Shervey, San Jose, California;
McLain B. Smith, Armonk, New York;
Charles B. Tuttle, Chicago, Illinois;
Thomas J. Watson, Armonk, New York;
George L. Woodford, Junior, Newport Beach, California;

and their successors, are hereby created and declared to be a body corporate by the name of Junior Achievement. Incorporated (hereafter in this Act referred to as the "corporation"), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the incorporators named in the first section of this Act are authorized to approve the bylaws for the corporation in the manner set forth in section 6 of this Act. Such incorporators and the initial board of directors and committees provided for in section 9 hereof are authorized to do such other acts as may be necessary to complete the organization of the corporation.

TRANSFER OF ASSETS; EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, BADGES, AND DESIGNS

SEC. 3. (a) The corporation is authorized to receive, accept, or otherwise acquire any and all of the assets of Junior Achievement, Incorporated, a Massachusetts corporation (including, but not by way of limitation, all local and national good will, names, priorities, emblems, seals, and contractual rights acquired by said corporation since its incorporation in 1926), upon assuming all liabilities and obligations of said Massachusetts corporation.

(b) The corporation and those persons or organizations authorized by it shall have the sole and exclusive right to use the name "Junior Achievement" and such emblems, seals, badges, and designs as may be created or used by it. This subsection (b) shall not, however, affect or control any rights vested prior to its enactment.

OBJECTS AND PURPOSES OF THE CORPORATION

SEC. 4. The objects and purposes of the corporation shall be—

(1) To promote, encourage, and supervise throughout the United States, or elsewhere as the occasion may arise, either directly or through properly affiliated associations and agencies, a program of nonpartisan commercial, economic, and financial education and educational activity, through which youth may gain a learn-by-doing knowledge of the actual operation of American commerce and industry; such program to include encouragement of youth in carrying on productive enterprises in industry, commerce, and investment (utilizing, as appropriate, cycles of work or commercial project activities);

(2) To aid in the development and strengthening of teenage boys' and girls' attitudes and convictions in loyalty to, and understanding of, the American system and ideals of freedom of ownership, competitive production open to all, and reward based on achievement and merit;

(3) To encourage such youth in the development of industrious attitudes and to provide them, through actual experience, general vocational guidance and understanding of their future opportunity and responsibilities;

(4) To make such youth more aware of economics; to encourage their study of economics and to aid in developing them as citizens with an intelligent understanding of their economic rights and responsibilities; to assist in equipping them for more fruitful futures; and to assist them, through actual experience in becoming knowledgeable and effective advocates and examples of the American way of life, in itself as well as in distinction to the way of life followed outside the free world;

(5) To assist in providing a coming generation with a positive and practical economic education and philosophy (based upon free exchange of ideas) that emphasizes of the dignity of the individual, freedom of choice, cooperation toward worthwhile goals and rewards, recognition of individual property rights and of personal liberties and the responsible exercise thereof;

(6) To provide an opportunity for a dynamic and worthy community service program for participating sponsors.

CORPORATE POWERS

SEC. 5. The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to appoint and fix the compensation of such officers, directors, trustees, managers, agents, and employees as its business may require and define their authority and duties;

(4) to adopt, amend, and alter bylaws, not inconsistent with law, for the management of its property and regulation of its affairs;

(5) to contract and be contracted with;

(6) to charge and collect dues and fees and to receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to take, purchase, receive, lease, take by gift, grant, devise, or bequest, or otherwise acquire and improve, use, or otherwise deal in and with real or personal property, or any interest therein, wherever situated, necessary or appropriate for attaining its objects and carrying into effect its purposes and subject to the provisions of law of the State in which such property is situated governing the amount or kind of real or personal property which similar corporations chartered and operated in such State may hold or otherwise limiting or controlling the ownership of real or personal property by such corporations;

(8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal, or mixed property;

(9) to borrow money for its corporate purposes, issue bonds therefor, and secure the same by mortgage, deeds of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal or State law;

(10) to adopt, alter, use, and display such emblems, seals, and badges as it may adopt; and

(11) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

BYLAWS; INITIAL POLICIES, PROCEDURES, AND ORGANIZATIONAL STRUCTURE

SEC. 6. The initial bylaws of the corporation shall be adopted in the following manner, to wit: The board of directors provided for in section 9 hereof shall, subject to the approval of a majority of the incorporators, adopt for this corporation the bylaws of the Massachusetts corporation referred to in section 3 of this Act, with such changes, if any, as the board may deem appropriate. The chairman of the board of directors (or an acting chairman or anyone designated by the board) shall thereupon submit such bylaws (together with a statement or summary of the provisions of this section) by mail to the then living incorporators named in section 1 of this Act for their review. If within sixty days after such mailing less than one-third of the said then living incorporators shall give notice in writing to such chairman (or acting chairman or other designated person) of their disapproval of the bylaws, it shall be deemed that a majority of the incorporators have approved the bylaws, and the same shall, to the extent not inconsistent with this Act, thereupon be fully effective. If more than one-third of the then living incorporators shall give notice of disapproval during such sixty-day period, the bylaws, with such changes as the board of directors may deem appropriate, may be resubmitted for an additional sixty-day period, the same standard to determine approval. In the alternative, the bylaws shall stand approved upon the affirmative written approval individually of a majority of such incorporators then living. The chairman of the board (or acting chairman or other designated person) shall notify the board of directors as to the effective date of approval of the bylaws, which shall be the earliest date majority approval is demonstrated according to the foregoing procedures. The power to alter, amend, or repeal the bylaws shall be vested in the board of directors unless otherwise provided in the bylaws. The bylaws may contain any provision for the regulation and management of the affairs of the corporation not inconsistent with this Act.

To the extent not inconsistent with this Act or with the bylaws, the initial policies, procedures, and organizational structure of the corporation shall be the same as those of the said Massachusetts corporation in effect at the time of enactment of this Act.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; AGENT FOR SERVICE OF PROCESS

SEC. 7. (a) The principal office of the corporation shall be located in New York, New York, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the United States and, in the discretion of the board of directors, elsewhere in the world.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the coporation. Service upon such agent or notice mailed to the business address of such agent shall be deemed notice to or service upon the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 8. The incorporators named in the first section of this Act shall serve as the members of the corporation until the bylaws shall have been adopted and approved as provided in section 6 hereof. Thereafter such incorporators shall be honorary members for life without vote as such, and the active members of the corporation shall thereupon be those persons who are members of the Massachusetts corporation at the time of such transfer, to continue as members until the end of the equivalent regular membership term of the Massachusetts corporation and until their successors have been elected and qualified, or as may be provided in the bylaws. Selection of successor and other members of the corporation and the rights, privileges, and terms of all classes of members of the corporation, shall, except as otherwise provided in this Act, be determined as the bylaws of the corporation may provide.

(b) Meetings and voting of members of

the corporation shall be held in accordance with the bylaws of the corporation. Any notice required for such meetings may be waived only in writing, before or after such meeting, by the person entitled thereto.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES; COMMITTEES; SUBORDINATE BOARDS

SEC. 9. (a) Upon enactment of this Act the initial board of directors of the corporation shall consist of the then members of the board of directors of Junior Achievement, Incorporated, a Massachusetts corporation, or such of them as may be living and are qualified directors of that corporation.

(b) The initial board of directors shall continue in office until the time of the next regular election of directors as provided in the bylaws, and until their successors are elected and qualified. The number, manner of selection (including filling vacancies in the initial and subsequent boards), terms of office, powers, duties, voting, consent, waiver, and procedures of the directors shall be as set forth in the bylaws of the corporation.

(c) The board of directors shall be the governing body of the corporation and shall have such powers, duties, and responsibilities as may be prescribed in the bylaws of the corporation.

(d) The board of directors may appoint or elect, or ratify the appointment or election of, such committees, officials, and subordinate boards (whether or not consisting of directors) as it may deem necessary in the management or operation of the corporation and may delegate proper authority to them, and provide for their procedures. Nomination, appointment, or election of such officials and groups, and delegation of authority to them, may also be made directly by the members in instances in which the bylaws so provide. Committee members, members of subordinate boards, and other officials of the corporation shall initially be those persons holding the respective responsibilities in or relatng to the said Massachusetts corporation at the time of enactment of this Act, to continue in office until their successors are determined and qualified.

OFFICERS

SEC. 10. The officers of the corporation and their terms, duties, and manner of selection shall be as set forth in the bylaws of the corporation.

DISTRIBUTION OF INCOME OR ASSETS TO MEMBERS; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 11. (a) No part of the income or assets of the corporation shall inure to any of its members, directors, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its members, officers, directors, or employees. Any director who votes for or assents to the making of a loan or advance to a member, officer, director, or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 12. The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 13. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 14. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 15. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having authority under the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 16. (a) The provisions of sections 2 and 3 of the Act of August 30, 1964, entitled "An Act to provide for audit of accounts of private corporations established under Federal law" (36 U.S.C. 1102, 1103) shall apply with respect to the corporation.

(b) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securties held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(c) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including (1) the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, and (2) a schedule of all contracts requiring payments in excess of $10,000 and any payments of compensation, salaries, or fees at a rate in excess of $10,000 per annum. The report shall not be printed as a public document.

DISSOLUTION AND LIQUIDATION

SEC. 17. (a) The corporation may be dissolved by action of the board of directors, or by action of the members, in the following manner:

(1) The board of directors may dissolve the corporation by adoption of a resolution to dissolve approved by nine-tenths of the votes cast thereon at a meeting at which a quorum is present and which is held pursuant to call and notice as provided in the bylaws; or the board of directors may dissolve the corporation otherwise than at a meeting by the adoption of a resolution to dissolve by the written consent of four-fifths of the directors in office. The dissolution shall be effective as of time of such vote or consent, as the case may be.

(2) If a majority of the board of directors, or of an executive committee thereof, adopt a resolution recommending that the corporation be dissolved and directing that the question of such dissolution be submitted to a vote at a meeting of the members, the members may dissolve the corporation by the adoption of a resolution to dissolve by the vote of a majority of the members present in person or represented by proxy at a meeting at which a quorum is present or represented by proxy and which is held pursuant to call and notice as provided in the bylaws, and the dissolution shall be effective as of the time of such vote.

Notice of the dissolution of the corporation shall be sent promptly in writing to the Secretary of the Senate and the Clerk of the House of Representatives.

(b) Upon dissolution or liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, may not be distributed to directors or members or for any individual benefit, but shall be transferred in accordance with the determination or order of the board of directors to any corporation, organization, or institution having objects and purposes similar to those of the corporation.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 18. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

By Mr. GURNEY (for himself, Mr. FANNIN, Mr. DOLE, Mr. EASTLAND, Mr. THURMOND, Mr. PASTORE, and Mr. BENNETT):

S. 2530. A bill to protect the right of privacy of persons by authorizing private suits when unsolicited obscene material is sent through the mails. Referred to the Committee on the Judiciary.

Mr. GURNEY. Mr. President, I am introducing for appropriate reference, a bill designed to protect our citizens' right of privacy and crack down on smut peddlers.

Essentially, my bill will give any citizen who receives unsolicited obscene material in the mail the right to take civil action against the mailers of such material in a Federal district court. Furthermore, if successful, the individual can recover compensatory and punitive damages, costs of the suit and attorney fees.

In 1842, the first Federal obscenity statute was passed in this country as a part of the customs law. This statute prohibited the importation of "indecent and obscene prints, paintings, lithographs, engravings, and transparencies." It was aimed mainly at the French postcard trade. We have progressed a lot since 1842, and it is apparent that obscenity has done a good deal of changing too. Indications from my constituent mail, and I am sure my colleagues get similar complaints, are that the problems of obscenity are still very much with us. Furthermore, from some of the samples I have seen, those French postcards were pretty tame stuff.

Congress has, on several occasions, responded to this problem and enacted various antiobscenity statutes. Right now, there are a number of new bills pending before the Senate Judiciary Committee. As a matter of fact, I am sponsoring three of these bills myself.

As anyone who has dealt with antiobscenity laws will tell you, there is a good deal of confusion surrounding the interpretation and effectiveness of these statutes. A short discussion of some of the major statutes affecting obscene materials in the mail will underscore this problem.

The Comstock Act (18 U.S.C., sec. 1461) makes it a Federal criminal offense to mail obscene materials or information as to where such materials may be obtained. Plain enough—until we come to the question of what is "obscene?" One of the first major decisions on obscenity was the Supreme Court's opinion in *Roth* v. *U.S.* (1957). The major finding was that obscenity was not protected under the first amendment's "freedom of speech" language. Here again, there was a great hassle over the definition of "obscenity," and it was through several subsequent cases, including the "Fanny Hill" case of 1966, that the courts further narrowed the test for obscenity. Today, most courts use a prevailing standard the following three criteria which must all be met:

First, the dominant theme of the material taken as a whole must appeal to a prurient interest in sex.

Second, the material must be patently offensive because it affronts contemporary community standards relating to the depiction of sexual matters.

Third, the material is utterly without redeeming social value.

A recent Supreme Court case, in May of this year, upheld the constitutionality of section 1461. In spite of intervening cases—such as Stanley against Georgia in 1969—which upheld the right to obtain and read pornography in the privacy of one's own home, the court ruled, in U.S. against Reidel, that the right to have obscene material does not confer a right to sell and deliver such materials through the mails.

Congress has enacted other legislation dealing with pornography in the mails. Title 39 United States Code, sections 3006–7 would allow the Postmaster General to impose a "mail block" against the sender of obscene mail. These particular sections were ruled unconstitutional by the Supreme Court in Rizzi against Blount, 1971.

Under 39 U.S.C. 3008, the antipandering act, anyone who has received obscene advertisements may notify the Post Office Department of such receipt. The Postmaster General shall direct the sender to refrain from any further mailings to the recipient, and have him removed from the sender's mailing list. If a violation occurs after 30 days following the issuance of the order, the Postmaster General may request the Attorney General to seek a court order for compliance. This section was upheld by the court in Rowan against U.S. Post Office, 1970.

Finally, under 39 U.S.C. 3010–11, anyone who does not wish to receive obscene ads may place his name on a list in the post office, whether or not he has already received such material. This list is available at cost to all mailers, and after a person has been on the list for 30 days, mailers are prohibited from sending material to these individuals.

In view of the above, one might well ask, With all these existing laws, why is there still a problem with obscene mail? The answer, in my opinion, is due mainly to two circumstances. First, the difficulty in getting materials to pass a judicial "test" of what is offensive. Federal judges must follow Supreme Court decisions as precedents. The practical effect of the Supreme Court ruling in pornography cases is that there is no such thing as pornography.

Second, the cumbersome process of Government suits is a slow one, and does not, in my opinion, provide an adequate deterrent for the smut merchants. Many of the companies purveying this trash are big-time operations, and will gamble on an occasional possible loss and fine if they should fail on an appeal to the Supreme Court.

In view of this situation, I believe that the bill I am introducing today offers a unique and effective method of dealing with obscene mail.

Specifically my bill allows, for the first time, an individual to not only take direct court action himself, but also to recover damages.

This action is civil, rather than criminal, and therefore includes a different definition of "obscene." As a matter of fact, it will be the individual himself, and ultimately a Federal jury, who will decide the fact of obscenity.

Mr. President, it is often difficult, if not impossible, for every citizen to avoid distasteful or offensive things in a public situation. I do believe, however, that we can—we must—assure every American that at least one bastion of personal liberty—his home—will be protected against the intrusion by offensive materials.

When the Post Office reports that over half a million people have asked to be placed on the "no smut" list within just a few months' time, I think it is high time we approach this problem by saying, "Let the sender beware."

As Chief Justice Burger stated in the Rowan opinion—

> Nothing in the Constitution compels us to listen to or view any unwanted communication, whatever its merit; we see no basis for according the printed word or pictures a different or more preferred status because they are sent by mail. The ancient concept that "a man's home is his castle" into which "not even the king may enter" has lost none of its vitality, and none of the recognized exceptions includes any right to communicate offensively with another.

By Mr. HARTKE:

S.J. Res. 156. Joint resolution to designate the month of April 1972 as "National Check Your Vehicle Emissions Month." Referred to the Committee on the Judiciary.

Mr. HARTKE. Mr. President, regardless of the quality of the mechanical devices currently placed on our vehicles by auto manufacturers, they will continue to pollute the atmosphere unless they are regularly checked and maintained.

It is estimated that annual emission inspection, simple adjustments and minor tuneups would result in at least a 15- to 25-percent reduction in air pollution caused by motor vehicle pollution. On the other hand, manufacturers estimate that compliance with the Federal emission standards for 1975 model cars will result in only a 2-percent reduction in automobile emissions.

Studies conducted by the States of Wisconsin, New Jersey, Arizona, and California, and by private industry under the sponsorship of the Department of Transportation, clearly indicate that emission reduction of carbon monoxide and hydrocarbons can be attained by implementing a program of vehicle inspection and repair where needed. The reductions attainable range from a low of 15 percent to a high of 68 percent. The average inspection cost would be about $5 per vehicle.

In an effort to promote the annual inspection of pollution control mechanisms, I offer a joint resolution today which would authorize and urge the President to declare the month of April 1972 "National Check Your Vehicle Emissions Month."

Vehicle emissions represent lost fuel—1 pound of fuel per pound of hydrocarbons emitted and one-third pound of carbon monoxide emitted. With these relationships the annual fuel saving per inspected car will average 58 gallons, assuming an average of 10,000 miles driven per year, at a cost of 37 cents per gallon.

This is an average fuel savings per car amounting to more than $21, which is higher than the estimated repair cost. Regular inspection of pollution control devices makes sense, then, both in terms of its effect on pollution and savings to the consumer.

Mr. President, I ask unanimous consent that a copy of the joint resolution be printed in the RECORD immediately following my remarks.

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

S.J. RES. 156

Joint resolution to designate the month of April, 1972 as "National Check Your Vehicle Emissions Month"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of April, 1972 as "National Check Your Vehicle Emissions Month," and call upon the people of the United States to take their vehicles into the repair shop of their choice to have the emissions checked and their vehicles adjusted where necessary, so that we can substantially reduce air pollution from the 110 million motor vehicles operating on the streets and highways.

Comprehensive studies show that this simple inspection with minor adjustments and tuneups can reduce individual vehicle pollution by an average of 25 percent with resultant cost saving to the owners through better fuel consumption, amounting to about $21.00 per year.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 702

At the request of Mr. GRAVEL, the Senator from Oklahoma (Mr. HARRIS), and the Senator from Utah (Mr. MOSS) were added as cosponsors of S. 702, to amend the Communications Satellite Act of 1962, and for other purposes.

S. 1985

At the request of Mr. WILLIAMS, the Senator from Hawaii (Mr. INOUYE), and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 1985, the Truth in Food Labeling Act.

S. 2237

At the request of Mr. JACKSON, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2237, to establish within the Department of the Interior the Indian business development program to stimulate Indian entrepreneurship and employment, and for other purposes.

S. 2360

At the request of Mr. WILLIAMS, the Senator from Colorado (Mr. DOMINICK), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2360, the Automobile Driver Education Act.

S. 2446

At the request of Mr. INOUYE, the Senator from Kentucky (Mr. COOPER) was added as a cosponsor of S. 2446, to establish a special fund in the Treasury, consisting of excess sugar excise tax collections, to enable the Secretary of Agriculture to conduct research into environmental problems arising in the production, processing, and refining of sugar.

S. 2483

At the request of Mr. PELL, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2483, to provide a national program in order to make the international metric system the official and standard system of measurement in the United States and to provide for converting to the general use of such system within 10 years after the date of enactment of this act.

SENATE JOINT RESOLUTION 152

At the request of Mr. WILLIAMS, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of Senate Joint Resolution 152, to authorize the President to proclaim the last Friday in April of each year as "National Arbor Day."

SENATE CONCURRENT RESOLUTION 41—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING PRINTING OF A REPORT OF PROCEEDINGS OF MEETING OF THE CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF

(Referred to the Committee on Rules and Administration.)

Mr. McCLELLAN submitted the following concurrent resolution:

S. CON. RES. 41

Resolved by the Senate (the House of Representatives concurring), That the report of the proceedings of the forty-fifth biennial meeting of the Convention of American Instructors of the Deaf, held in Little Rock, Arkansas, from June 25, 1971, through July 2, 1971, be printed with illustrations as a Senate document. Five thousand five hundred additional copies of such document shall be printed and bound for the use of the Joint Committee on Printing.

SENATE RESOLUTION 168—SUBMISSION OF A RESOLUTION AUTHORIZING PRINTING OF CERTAIN HEARINGS

(Referred to the Committee on Rules and Administration.)

Mr. McCLELLAN submitted the following resolution:

S. RES. 168

Resolved, That there be printed for the use of the Committee on Government Operations one thousand six hundred additional copies of part 3 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-second Congress, first session, entitled "Organized Crime."

MILITARY PROCUREMENT AUTHORIZATION BILL—AMENDMENT

AMENDMENT NO. 423

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

Mr. McGEE. I am submitting an amendment, which I ask to lie on the table, to H.R. 8687, the Defense Procurement bill. This amendment would delete from the bill as reported to the Senate section 503, which would amend the United Nations Participation Act of 1945 to the effect that the President may not prohibit importation into the United States of a strategic commodity unless imports of such a commodity from Communist-dominated countries is also prohibited by some provision of law. I believe most of my colleagues are aware that the language of section 503 of H.R. 8687 is specifically designed to have the United States unilaterally break the United Nations embargo against Rhodesia and to import chrome ore from that area.

Before going into my main objections to section 503, let me sketch some background concerning that section. In fact, it reproduces S. 1404, a bill introduced by the senior Senator of Virginia and referred to the Committee on Foreign Relations on March 29, 1971. In response to the urgings of the distinguished Senator from Virginia the chairman of the Committee on Foreign Relations agreed to receive testimony on the bill and requested me, as chairman of the African Affairs Subcommittee, to hold public hearings on the bill. Such hearings were conducted on July 7 and 8 and I believe all interested parties were given an opportunity to testify. On August 5, shortly before the recess, the full Committee on Foreign Relations considered S. 1404 as a regular item on its agenda and voted without dissent to postpone action on the bill for an indefinite period.

I give this background in order to make it clear that section 503 of the Defense Procurement bill not only is a matter within the jurisdiction of the Committee on Foreign Relations, but it is also an item which has been given expeditious and careful consideration, taking into account the various complexities and international ramifications of the measure. In saying this, I am not in any way being critical of the action taken by the distinguished senior Senator from Virginia in choosing an alternative route for trying to achieve his goal. At the same time, in taking this route, he has elected to place the question in a much narrower context than that considered by the Committee on Foreign Relations. Indeed, he has made this issue strictly a matter of defense policy—and this is the first ground on which I wish to argue against approval of section 503 as written.

It is at least implied that the United States is confronting a serious, if not dangerous, shortage of chrome ore for strategic defense purposes. The fact is, however, that the administration has supported a bill currently pending before the Armed Services Committee, S. 773, which would allow for the release from our strategic stockpile of approximately 1.3 million tons of chrome ore over the next 3 years. The Office of Emergency Preparedness, which is responsible for reviewing and maintaining national stockpile requirements, determined on June 1, 1971, that there is in existence an excess of stockpile requirements of approximately 2,250,000 short dry tons of chrome ore equivalent. Thus, the pending measure, S. 773, supported by the administration, only calls for the release of something more than half the excess of metallurgical grade chromite in the stockpile. As far as the amounts of chrome ore remaining in the stockpile are concerned, I would like to quote at this point from a statement made on June 17 to a subcommittee of the House Foreign Affairs Committee by William N. Lawrence, Chief of the Stockpile Division of the Office of Emergency Preparedness:

> The Office of Emergency Preparedness approved a new review of the stockpile objective for metallurgical grade chromite on March 4, 1970. . . . In establishing the requirements and supply for this objective ample allowance was made for any contingency that might arise in an emergency. This objective has been concurred in by the appropriate Departments and agencies, including the Department of Defense.

Let me say at this juncture that I can fully appreciate the exasperation felt by the distinguished senior Senator from Virginia about the increased reliance of the United States upon Soviet supplies of chrome ore, and about the very substantial rise in the price of such ore. But Members should be aware of the fact that well before the sanctions were imposed on Rhodesia by the United Nations Security Council under a mandatory resolution roughly one-third of our metallurgical grade chromite already was being imported from the U.S.S.R. This one-third figure has since risen to almost 60 percent, but I submit that this is a difference in degree and not a revolutionary development. Secondly, no one can dispute the fact that the price of metallurgical grade chromite has more than doubled over the last 5 years or so, but it should be equally noted that the price of chrome ore from our other sources of supply has also risen—as indeed have the prices of most strategic minerals and other materials.

Therefore, I do not believe that the record sustains a view that inclusion of section 503 in the Defense procurement bill is justified on the grounds of strategic policy.

Mr. President, my second major reason for urging the Senate to delete section 503 from the bill is related to the extremely important and delicate problem of current, ongoing talks between Great Britain and its former self-governing colony of Southern Rhodesia. Our British allies, with American support took the issue of Rhodesia to the United Nations at the time of that country's unilateral

declaration of independence. They have made strenuous efforts ever since 1966 to arrange a compromise settlement with the Ian Smith regime on a basis which would carry out an important objective of all democratic societies concerning countries still in a colonial status: namely, an assurance of clear and steady progress toward eventual majority rule. Here I would stress the minimal character of the words "progress" and "eventual." These negotiations in the past have not been fruitful, in part because the Smith regime could not bring itself to contemplate a situation in which less than a quarter of a million people of European stock would not hold in perpetuity virtually all power in a country populated by almost 5 million African black people. Another reason for the failure of negotiations during the period of the labor government's tenure of office in Britain was the relative ineffectiveness of the United Nations embargo—owing in large measure to the refusal of Portugal and the Republic of South Africa to adhere to those sanctions.

The situation today is somewhat different than it was when the last major effort was made toward compromise. It is true that sanctions have been evaded and are still only partially effective as a means of influencing the Rhodesian regime to accept the fundamental principle of eventual majority rule for the roughly 95 percent of the population which is black African. On the other hand, the cumulative effect of sanctions has been growing and has created something like the degree of pressure which was their intent. Rhodesia's Economic Survey for 1970, issued by the Smith regime itself, makes it clear that the country is experiencing a severe foreign exchange shortage and increasing problems of obsolescence in machinery and equipment.

At the same time, a conservative government has been in power in Britain and has taken a more urgent view of the need to work out a settlement between Great Britain and Rhodesia. As a result, behind-the-scenes negotiations have reached a stage where the British informal envoy, Lord Goodman, has been making repeated trips to Rhodesia and apparently is now bringing with him a team which can really get down to the job of working on details as well as general principles. Let me add that there is pressure on both sides and not just on Rhodesia. For the British Government itself in November will have to act to renew its endorsement and compliance with U.N. sanctions unless some satisfactory compromise can be arranged in the intervening weeks.

Without going deeply into all the possible ramifications of precipitate action by the United States at this juncture, I think it is absolutely clear that approval of section 503 at this point would be a highly disruptive and dangerous undertaking on our part.

It is for these reasons that I believe the Committee on Foreign Relations, without any dissenting vote, decided only a little over a month ago to postpone any action on S. 1404, which is the counterpart of section 503 of the Defense Procurement bill.

Mr. President, I cannot let the argument rest on these two points alone. We cannot ignore the fact that section 503 takes away from the President of the United States a portion of his authority—given him by the Congress through the means of the United Nations Participation Act of 1945—to speak for our country when there is a question of complying with a mandatory United Nations Security Council resolution. A number of us on the Foreign Relations Committee, and notably its distinguished chairman, have often expressed regret and disappointment that our country has not given more weight and support to the international organizations, such as the United Nations, which we as a people have done so much to create.

Every one of us in this Chamber has disagreed at some time or another with a United Nations action or with resolutions approved by the U.N. General Assembly—keeping in mind that the latter are not binding upon U.N. members—and we do not regard the United Nations as the answer to all our problems by any stretch of the imagination. And yet many of us would also agree that the weaknesses of the United Nations in part have stemmed from our own casual approach to the organization in recent years.

We are all aware that sanctions against Rhodesia have been violated; indeed, there are roughly 110 cases of reported violations now before the U.N. Sanctions Committee, including 32 cases which deal with chrome ore. Yet we must keep this question in balance. The truth is that we have very little hard information on the character and intent of such violations. In many cases governments have just not had the powers to control commercial traffic sufficiently to assure complete compliance with their U.N. obligations. It is easy to point the finger and to make sweeping charges, but it is extraordinarily difficult to document such charges. The fact remains that, with the above noted exceptions of Portugal and South Africa—which even so have not extended diplomatic recognition to Rhodesia—no U.N. member has taken any formal action which would amount to a refusal to comply with sanctions.

In these circumstances, approval of section 503 would represent the first time any nation adhering to sanctions against Rhodesia had taken formal action violating its obligations regarding this program under the U.N. Charter.

I have no wish to compose frightening scenarios about what might result from a U.S. action to weaken the authority of the United Nations, or to speculate about the damage which such action would do to our international prestige. To say the least, we would be giving great credibility to those who have wrongly charged members of the U.S. Senate with being neo-isolationists and economic nationalists.

Furthermore, as chairman of the African Affairs Subcommittee of the Committee on Foreign Relations, I can assure my colleagues that I can conceive of no action which could do more damage to our relationships with virtually all the countries of the African Continent. And I would remind my colleagues that these countries represent almost one-third of the total membership of the United Nations. To disrupt such relationships on one commercial ground is to ignore the fact that there are literally scores of other commercial interests in our country which would be most adversely affected.

In conclusion, Mr. President, I ask unanimous consent that there be inserted in the RECORD at this point a balanced and judicious statement made before the African Affairs Subcommittee by David D. Newsom, Assistant Secretary of State for African Affairs, when he testified on July 7 of this year.

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

STATEMENT OF DAVID D. NEWSOM

JULY 7, 1971.

Thank you, Mr. Chairman. It is a pleasure to be here with you today and to share with you and members of your subcommittee my thoughts on the difficult question of Rhodesia. Because this is my first appearance before your subcommittee, I should like to take a few moments to sketch in the broad outlines of our policy.

I welcome, particularly, this opportunity to present our views to you on the Southern Rhodesian situation. As in all international problems in which men differ, there is justifiable concern on both sides. There is, occasionally emotion on both sides. The Southern Rhodesian regime in this country as elsewhere, seeks to advance its cause.

I should like, therefore, first to put the problem in perspective. What we are dealing with here is essentially an international problem, one involving the highly charged issues of race and colonialism. It is a problem without analogies, either to our history or to other world situations. It is one which must be approached on its merits, with our own national interests in mind, but with the objective of preventing a continuing unresolved and provocative situation in the heart of Africa. Such a situation would not be helpful to us or to our friends.

To illustrate what the problem is, let me first touch on the history.

Just as Rhodesia today occupies a pivotal position in south central Africa, so it earlier occupied the key role in the former Federation of the Rhodesias and Nyasaland. The Federation, organized in 1953, represented an effort by the British and the settlers and Africans in the area to link the three territories economically on a multi-racial basis. But, despite the 1961 Federation Constitution, which provided for procedures which would eventually lead to African majority rule, concern grew on the part of the Africans at the dominant role played in Federation politics by the white Southern Rhodesians. The Federation finally broke up in 1963 at the insistence of the two northern territories and with the reluctant acquiescence of the British, who granted independence to Zambia and Malawi the following year.

The British, while they also contemplated independence for Southern Rhodesia, continued to insist that it could only be granted after establishment of a legitimately multi-racial system within which the African population could aspire to eventual majority rule. Negotiations between the British and the Rhodesians on this crucial point continued intermittently for almost two years, but the white minority, determined to maintain its economic and political dominance, refused to concede it. Finally, on November 11, 1965, Ian Smith announced Rhodesia's unilateral declaration of independence from the United Kingdom.

In the face of this act of defiance, and

given the sense of outrage and betrayal expressed by Rhodesian nationalist leaders and independent African nations, there were strong demands for the use of force. The British Government, then and now the legal sovereign authority over Rhodesia, sought UN assistance in bringing the rebellion to an end. The British Government decided against the use of military force—a decision which we supported, but sought in sanctions an effective alternative.

Our policy since then, jointly with the British and other United Nations member states, has been to support measures other than the use of force designed to hasten an acceptable solution to this problem. We have actively supported the various UN measures to that end. We supported the Security Council resolution of November 12, 1965, condemning the Smith regime. We supported the December 1966 Security Council resolution imposing selective mandatory sanctions, and equally strongly supported the resolution of 1968 making the sanctions comprehensive.

The sanctions do not have a punitive intent. They are intended, not to cause hardship for actions already taken, but, in the hope that the sanctions, combined with other efforts, will influence the regime to change its policies and adopt as a basis for international acceptance the fundamental principle of eventual majority rule for the over 95% of the population which is African.

Under the United Nations Participation Act of 1945 which provides authority for domestic enforcement of UN sanctions, President Johnson gave effect to these measures with Executive Orders in 1967 and 1968. Barring a significant change in the Rhodesian situation, it remains our policy to endorse and support the economic sanctions now in force. The President and the Secretary of State reaffirmed this policy earlier this year.

While we have supported sanctions, enforced them vigorously ourselves, and worked to insure compliance by other nations, we have from the beginning opposed the use of force, either as a solution to the Rhodesian problem or the broader problems which affect southern Africa of which the Rhodesian problem is an integral part. On March 17 of last year, the same day we closed our Consulate General in Salisbury, we vetoed a Security Council resolution which advocated the total isolation of Rhodesia and implied advocacy of the use of force. Measures of this kind which would go further than sanctions, in our judgment, would only exacerbate the problems already existing in that part of the world and would contribute nothing toward their solution. Despite pressures from some quarters, we will continue to oppose such measures.

It is a fact that sanctions have been less than fully effective. And they have thus far not brought about their principal objective: a change in policy by the Smith regime and a willingness on the part of that regime to reach a satisfactory negotiated settlement with Great Britain. A major cause has been the outright refusal of Portugal and South Africa to adhere to sanctions. A secondary cause has been the apparent inability of some other governments to enforce sanctions where their own nationals are concerned. We continue to cooperate with the UN Sanctions Committee in its efforts to bring about more uniform compliance with sanctions and are currently looking at possible ways of helping the Committee perform its difficult job more effectively. For your information, there are now 110 cases of reported sanctions violations now before the Sanctions Committee, including 32 which deal with chrome ore.

Having noted some of the shortcomings of the sanctions program, and the fact that it has not yet achieved its goal, it must be quickly added that sanctions continue to impose very serious constraints upon the Salisbury regime, limit its options, and cause it continuing economic difficulties, despite obvious and understandable efforts on the part of the Rhodesians to portray it otherwise. Imports and exports are well below pre-sanctions levels. Foreign exchange is extremely limited and the authorities announced last September that foreign exchange allocation controls, already tight, would be tightened still further. Deprived of many necessary imports, Rhodesia has had to improvise by setting up costly substitution industries—constituting a major drain on foreign exchange. Lack of foreign exchange has also made it extremely difficult for the Rhodesian regime to obtain spare parts and necessary equipment replacements to support industry, agriculture, and transportation facilities, and this is, of course, one aspect of sanctions which has a cumulative effect over time. As a result, the railways and airline are suffering. Agriculture has also been hurt by sanctions. Over-all agricultural production has declined since 1965. Deprived of the traditional British market for tobacco, now largely pre-empted by American competition, Rhodesia has been forced to subsidize the tobacco industry, to diversify its agricultural sector, and to seek new markets for new crops in violation of sanctions. It has been a costly process.

Rhodesia has had relatively greater success in the mining and minerals sector of the economy, but, in assessing the over-all impact of sanctions, it is well to remember that exports from this sector accounted in 1965—the last year before sanctions—for only one-fifth of the total value of Rhodesia's exports.

Mr. Chairman, having reviewed the background to our Rhodesian policy, I would like to turn to the bill now under consideration. This proposed amendment to the United Nations Participation Act, whatever its intent, would have the effect of invalidation the existing embargo on chrome ore imports from Southern Rhodesia so long as such imports are not prohibited from the Soviet Union or other communist countries. Other than chrome ore, or chromite, to use the technical term, there is no other product or commodity, traditionally supplied us from Rhodesia, which would be affected by the proposed amendment.

This proposal is contrary to United States policy interests. It would while providing relief with regard to one commodity—a commodity for which, I might add, relief can be justified not on the basis of national security interests but on the basis of relative price considerations—call into serious question our will to fulfill our international obligations.

We are not unmindful of the national interest which concerns those who propose this legislation. Were the chrome situation indeed critical, we, too, would seek measures of relief. We do not, however, consider it such; for us the overriding considerations are our international obligations and our desire to do nothing which would undermine movement toward an acceptable solution to the Rhodesian problem.

The matter of chrome ore supply is kept under constant review within the Executive Branch. Our studies indicate that adequate supplies of chrome are available to American industry at the present time. Inventories of American industry increased last year, and imports and domestic consumption were virtually in balance.

Some months prior to the adoption of Rhodesian sanctions, the U.S. Government commenced the disposal of chrome ore and its equivalents from the stockpiles which had been found in excess of U.S. needs. Disposals of 885,000 short dry tons were authorized by the Congress in Public Law 89-415 of May 11, 1966, and are continuing. The Congress is now considering a bill, S. 773, which would authorize the release of an additional 1.3 million tons of chrome ore over the next three years. The Administration, including the Office of Emergency Preparedness which is responsible for maintaining and reviewing stockpile requirements, supports this bill on the grounds that our current stockpiles of chrome ore do in fact exceed our national security requirements.

With respect to U.S. imports of Soviet chrome ore, American purchases from the USSR long predated Rhodesian sanctions; nor is the Soviet Union the sole supplier now. In the years immediately prior to sanctions, Rhodesia and the USSR each accounted for about one-third of U.S. imports of metalurgical grade chromite. In the period 1967–70, the U.S. has purchased a larger proportion of its supplies from the USSR but has also increased purchases from other producers such as Turkey and South Africa.

Soviet and Rhodesian ore prices are not susceptible to comparison. Since Rhodesian chromite is not traded freely, no current Rhodesian price is ascertainable, and it would be misleading to compare 1971 Soviet prices with pre-sanction Rhodesian prices. While prices for Soviet chromite have doubled since 1966, lower quality chromite from other sources has also increased in price more or less proportionately to that for Soviet ore. The overall rise in market prices does reflect to some extent the impact of sanctions, but it also reflects other factors such as inflation and world-wide demand, which have caused increases in the prices of most raw materials over the same period.

Were this bill to become law, it would put the United States in clear violation of the international treaty obligations it freely undertook when the UN Charter was ratified. Under Article 25 of the Charter, the United States is obligated to "accept and carry out the decisions of the Security Council." The Security Council has taken such decisions in the form of sanctions against Southern Rhodesia which it is empowered to impose under Chapter VII of the Charter. The United States participated in and supported the resolutions in question in 1966 and again in 1968.

United States adherence to sanctions, by virtue of the UN Participation Act has the effect of law, and the Act itself was designed to cover just such issues as Rhodesian sanctions. Section 5 of the Act, as amended, empowers the President to take appropriate action when Article 41 of the Charter is invoked. It is precisely that provision of the Charter that was invoked, in 1966 and again in 1968, in the sanctions resolutions.

I might note parenthetically here that the Senate Foreign Relations Committee, in its original reports on the UN Participation Act, took specific note of the extent to which authority was thereby granted to the President and approved those provisions as being consistent with our acceptance of the UN Charter and in our national interest.

It has been charged that the United Nations, through the Security Council, acted illegally in intervening in the domestic affairs of a sovereign state. Such charges cannot be sustained. Rhodesia is not a state, and this fact is most dramatically reflected in the failure of the Salisbury regime, 5½ years after the illegal declaration of independence from Britain, to have gained diplomatic recognition by a single government in the world. Not only Great Britain, not only the United States, but the international community as a whole, continues to regard Rhodesia as a dependent territory of the United Kingdom. It thus involves, in the first instance, the international responsibility of the United Kingdom, which brought the matter to the United Nations to seek that body's assistance in restoring legality and assuring

all the citizens of Rhodesia their right to self-determination.

The UN's response, in the form of economic sanctions, invoked Chapter VII of the UN Charter. I would like to note here that, while Article 2, Paragraph 7 of the Charter prohibits the United Nations from interfering in the internal affairs of a state—which, as I have explained, Rhodesia is not—Article 2 in any case makes it clear that this prohibition would not apply to the adoption of measures under Chapter VII.

While the legal basis for the UN action is clear, I do not wish to stress it at the expense of some of the more fundamental facts of the Rhodesian case. Our policy has from the first been based on our support for eventual majority rule and basic human rights for the five million black citizens of Rhodesia who comprise over 95% of that territory's population. The present regime, not only by law but by constitutional provision, has excluded the vast majority of its citizens from any meaningful role in the political process for the indefinite future and determined that African majority may never—I stress the word never—aspire to a majority role within Rhodesia. The present regime has, by the Land Tenure Act, divided the land on what has been called an "equal" basis—half for the tiny white minority, half for the African majority, with the most desirable lands in the first category. The present regime has introduced a "Property Owners' Protection Act," with the purpose of "protecting" property by a rigid system of legally enforced racial separation, aimed initially at Africans but now directed as well at the approximately 25,000 Asian and "colored" residents of Rhodesia. Although education has been called the means whereby all can advance within Rhodesian society, the regime spends about 10 times as much, per capita, on white students as it does on black ones. Through the constitution promulgated last year and other measures, the regime has strengthened white minority rule and moved toward the kind of rigidly institutionalized system of racial segregation and "separate development" characteristic of South Africa.

Quite apart from our own views about the kind of system now prevailing in Rhodesia, we believe that its denial of self-determination and majority rule, in the present African context, is a legitimate subject for international concern. The course which Rhodesia has followed since 1965 has contributed toward a heightening of the black-white confrontation in southern Africa. The situation there, while it may provide the short-run illusion of internal stability, is in our judgment seriously prejudicial to the longer-run stability of Africa and of Rhodesia itself. We do not think it likely that a minority of 230,000 whites can reasonably expect to maintain political domination indefinitely over an African population 21 times as numerous—a population which every 17 months increases by an amount equal to the entire white population. And we are concerned that its efforts to do so, over time, will have serious implications for the peace and security of the entire region.

In this connection, it is our impression that the South African and Portuguese governments themselves are not happy with the course of Rhodesian developments and would prefer to see a Rhodesian situation more acceptable to the world community. We believe that these misgivings have contributed in part to the refusal of either to recognize the Smith regime.

The British Government and the Rhodesian authorities are now engaged in preliminary discussions which, if a sufficiently broad basis of agreement can be found, could lead to substantive negotiations. We have consistently supported British efforts to obtain a satisfactory settlement and none are more anxious than I to see such a settlement reached. We are not now in a position to speculate about either the duration or outcome of this current round of talks. But, pending their outcome, it is important that we seek to avoid any action which would lessen their chances of success.

The legislation now under consideration would have exactly this effect. It would encourage the Rhodesian authorities in their determination to maintain a situation which we consider neither practically tenable except in the short run nor morally defensible at all. Its enactment would make it clear that the United States, in return for better access to chrome ore at lower prices, is prepared formally and unilaterally to renounce a freely assumed treaty obligation; we would be the first nation to do so over the Rhodesian sanctions issue. We would damage our standing in almost all of Africa and in those other nations of the world that see the Rhodesian issue as a test of our commitment to our international obligations. We would strengthen the arguments of those who maintain that the only possible solution in southern Africa is a violent solution. We would weaken the hand of the British in their efforts to bring about a negotiated settlement. We would undermine the UN effort to enforce sanctions, which we have thus far sought to uphold and, wherever possible, to strengthen. And we would open to question the long-term credibility of the United States Government with regard to its treaty obligations and commitments.

AMENDMENT NO. 419

Mr. MONTOYA. Mr. President, on Monday of this week I submitted my amendment, No. 419, to H.R. 8687, the Military Procurement Authorization. The amendment was printed inaccurately in the RECORD. I ask unanimous consent therefore to have the amendment reprinted in its entirety in today's RECORD.

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

AMENDMENT NO. 419

At the end of the bill add the following new section:

SEC. 505. (a) The purpose of this section is to reaffirm the position of the United States Government with respect to the establishment of democratic processes of government in South Vietnam. Congress declares that United States military assistance to the Republic of Vietnam has consistently been founded on the concept of free and open elections. These elections should allow meaningful opponents to qualify as candidates, guarantee fair and open competition among these candidates, protect campaign workers from harassment and intimidation by opponents, the government, or private interests, and guarantee that voters are allowed to freely exercise their franchise. This has been the stated policy of the United States Government for many years.

(b) Funds authorized or appropriated under this or any other law to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina may not be expended beyond four months after the date of the completion of the 1971 presidential elections of the Republic of Vietnam, unless the President submits within fifteen days following such election a report to the Congress finding that:

(1) the Republic of Vietnam has followed democratic processes in the selection of its President allowing a freely contested election; and

(2) the procedures used in such election guaranteed the rights of campaign workers and protected the franchise of the people of South Vietnam; and

(3) such election was conducted in a manner consistent with the purposes of United States efforts on behalf of the Republic of Vietnam as defined in subsection (a) of this section.

(c) Nothing in this section shall be construed to affect the authority of the President to:

(1) provide for the safety of American Armed Forces during their withdrawal from Indochina;

(2) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American Armed Forces, or

(3) provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

(d) The Congress hereby urges and requests the President to negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established in subsection (b) of this section.

(e) This section shall not be construed to affect the constitutional power of the President as Commander in Chief.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENTS

AMENDMENT NO. 424

(Ordered to be printed and referred to the Committee on Foreign Relations.)

AID TO GREECE

Mr. HARTKE. Mr. President, it has been 4 years since the constitutional government of Greece was overthrown, and the agony of the Greek people continues. Those who predicted that the present Greek regime would quickly move to restore constitutional guarantees have been proven wrong. The military dictatorship rules—as it has since April 21, 1967—by brute force and without the support of any significant percentage of the Greek people.

For these reasons, I am today offering an amendment to the Foreign Assistance Act which would cut off all economic and military aid to the Greek regime. I offer this amendment, not to interfere with the internal affairs of another country, but, to express my genuine belief that present U.S. aid policy toward Greece does not serve, and is, in fact, inconsistent with, the interests of the United States.

My amendment is meant to supplement the action already taken by the House of Representatives. On August 3, 1971, the House agreed to a suspension of all military and economic assistance to Greece. However, the agreed to House amendment also provides that if the President finds that "overriding requirements of the national security of the United States" necessitate, he may resume aid regardless of the expressed intent of the Congress, if he "promptly reports such finding to the Congress in writing, together with his reasons for such finding."

Although the House action constitutes a useful first step in the drive to stop all assistance to the Greek regime, it does not go far enough. The absolute discretion it vests in the President to restore aid for "national security" reasons, severely compromises the ability of

this country to bring effective pressure on the repressive Greek regime. It is an open secret that the President will avail himself of this loophole in the prohibition to restore aid to the junta immediately upon final passage of the Foreign Assistance Act.

It is my firm opinion that the Congress should not allow its expressed will to be so easily subverted. On too many occasions the Congress has allowed the President to act in a manner plainly contrary to its explicit intent. It is not enough, then, that the Congress take action which it knows will be overturned. The courageous Greeks who oppose the regime—and all peoples who cherish the gift of freedom and still look to this country for moral leadership—deserve more than lipservice to their cause.

In order that the intent of Congress is followed in this matter, my amendment does not give the President the right to resume aid unilaterally. Rather, the Executive would be required to submit any request for resumption to the Congress for its review and approval.

Mr. President, there are those who will view this amendment as an undue interference in the domestic affairs of the Greek Government. But let me remind them that this is American taxpayer's money we are talking about—not the Greek regime's—and it is the responsibility for Congress to insure that these funds are not squandered on governments which mock our democratic ideals. I ask unanimous consent that a copy of the amendment be printed in the RECORD immediately following my remarks.

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

AMENDMENT No. 424

On page 7, between lines 16 and 17, insert the following new section:

"SEC. 301. Section 620 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"'(v) No assistance shall be furnished to Greece under this Act, and no sale or credit shall be made to, and no guaranty shall be made on behalf of, Greece under the Foreign Military Sales Act, except that the provisions of this subsection shall not prevent the expenditure of funds obligated prior to the date of enactment of this subsection.'"

On page 7, line 17, strike out "301" and insert in lieu thereof "302".

On page 8, line 3, strike out "302" and insert in lieu thereof "303".

NOTICE OF HEARINGS ON SUBCONTRACTING PROGRAM OF SMALL BUSINESS ADMINISTRATION

Mr. MONTOYA. Mr. President, notice is hereby given that the Subcommittee on Government Procurement of the Senate Small Business Committee will conduct field hearings on the 8(a) subcontracting program being administered by the Small Business Administration.

The 8(a) program derives its name from section 8(a) of the Small Business Act, which gives the Small Business Administration authority to—

Enter into contracts with the United States Government . . . to furnish articles, equipment, supplies, or materials to the Government . . .

And to—

Arrange for the performance of such contracts [by] . . . letting subcontracts to small business concerns. . . .

Using this authority, the Small Business Administration provides "seed" contracts to new or fledgling business firms owned or operated by members of disadvantaged groups.

The purpose of the field hearings will be to receive testimony from representatives of Government agencies, community organizations, bankers, large Government contractors, and 8(a) subcontractors to ascertain whether the program is being effectively implemented.

The hearings will be held on September 29 and 30, 1971, in the ceremonial courtroom on the 19th floor of the Federal Building in San Francisco, Calif., and will begin at 10 a.m. both days.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, I should like to announce that the Subcommittee on Criminal Laws and Procedures will conduct hearings on S. 2087, the "Police Officers Benefit Act of 1971," on Wednesday, September 29, 1971. The hearings will begin at 10 a.m. in room 3302, New Senate Office Building. Further information can be obtained from the staff in room 2204, telephone extension 53281.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, I should like to announce that the Subcommittee on Criminal Laws and Procedures will continue its series of hearings on the recommendations of the National Commission on Reform of the Federal Criminal Laws on September 24, 1971. The hearings will begin at 10 a.m. in room 2228, New Senate Office Building. Further information can be obtained from the staff in room 2204, telephone extension 53281.

NOTICE OF HEARINGS BY THE SUBCOMMITTEE ON NATIONAL PENITENTIARIES

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, I wish to announce hearings for September 23 at 10 a.m. in room 457 of the Senate Office Building. These hearings will take up S. 2292, legislation which I introduced to enhance the professional nature of the corps of correctional officers employed in the institutions of the Federal Bureau of Prisons. The subcommittee will also take testimony on S. 1865, a related piece of legislation which is pending before the full Judiciary Committee.

The fundamental element of both bills deals with establishment of maximum age for recruitment of new employees. S. 2292 is concerned only with the correctional officers of the Bureau of Prisons. The scope of S. 1865 is broader, providing for the setting of maximum ages also for broader patrol agents, drug investigators and deputy U.S. marshals.

Any person who wishes to testify or submit a statement for inclusion in the record of these hearings should communicate as soon as possible with the Subcommittee on National Penitentiaries, room 6306, New Senate Office Building.

NOTICE OF HEARINGS ON FEDERAL COURT JURISDICTION

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judical Machinery, I wish to announce hearings for the consideration of S. 1876 pertaining to the civil jurisdiction of the Federal courts.

The hearings will be held on September 28, 29, and 30 in room 2228, New Senate Office Building, and October 5 and 6 in room 6202, New Senate Office Building, at 10 a.m.

Those who wish to testify or submit a statement for inclusion in the record should communicate with the Subcommittee on Improvements in Judicial Machinery, 6306 New Senate Office Building, extension 53618.

REDUCTIONS IN COMMISSION RATES FOR SMALL INVESTORS—ANNOUNCEMENT OF SECURITIES STUDY HEARINGS

Mr. WILLIAMS. Mr. President, the Securities and Exchange Commission has recently announced that it will conduct a public investigatory hearing concerning the interrelationship of, and access to, national securities exchanges and other securities markets. Under the Securities Exchange Act of 1934, the Commission has not only the authority, but also I believe the responsibility, to take the initiative in keeping abreast of these matters. The Commission has not always been adequately alert to this responsibility in the past, and as a result has too often been called upon to deal with deteriorating situations after they had reached the crisis stage.

The Commission's announcement, however, when read together with recent statements by Chairman CASEY, has given rise to concern that the effect of these new hearings may be to delay, rather than facilitate, progress on two important matters which seem appropriate for early action and which could result in immediate savings of millions of dollars for small investors. I am referring to elimination of the surcharge on small transactions and a reduction in the ceiling on fixed rates to permit more realistic commission charges on orders of institutional size.

The surcharge on small transactions was imposed by the New York Stock Exchange in April 1970, as a "temporary" measure to tide the securities industry over a critical period of operational and financial difficulties. It has now been retained for almost a year and a half. I believe that it is inappropriate for small investors to be held hostage in this manner any longer, whether or not the Commission is yet ready to take action on all aspects of the stock exchange's new rate proposals which it submitted in June of

this year, or on the other complex questions which the Commission has now undertaken to explore.

My thoughts concerning this matter were set forth in a letter which I sent to Chairman CASEY on June 10, 1971. Chairman CASEY's reply, and subsequent actions, have not convinced me that the Commission is adequately sensitive to the concern expressed by small investors on this subject. So that all Members of this body may judge for themselves the basis of my concern, I ask unanimous consent that the complete text of my June 10 letter to Chairman CASEY, and his reply, be printed in the RECORD at the conclusion of my remarks.

Artificially high commission rates on institutional-size orders also have a direct effect on the least affluent investors in the securities markets—the beneficiaries of pension funds, variable annuities life insurance policies, and the shareholders of mutual funds. I was, therefore, surprised when Chairman CASEY stated last week that the precipitating factor in this decision to call his hearing was the danger that increasing numbers of mutual funds would apply for stock exchange memberships in order to reduce commission costs to their shareholders. This danger resulted from a recent decision by the U.S. Court of Appeals for the First Circuit that fund managers have a fiduciary duty to their shareholders to explore the possibility of applying for stock exchange membership as a means to reducing the cost of commission charges on their portfolio transactions. With all due respect to Chairman CASEY, it appears to me that the danger with which he is concerned is merely a symptom of an underlying problem which the Commission has already investigated at great length and for which it has already proposed a sensible and direct solution.

So far as I can determine, the principal reason, and in almost all cases the only reason, why institutions have applied for stock exchange membership is to avoid the high, fixed, uneconomic commission rates on the types of transactions in which they engage. The Commission, after more than 2 years of hearings on stock exchange commission rates, concluded in October 1970, that "fixed charges for portions of orders in excess of $100,000 are neither necessary nor appropriate" and therefore "not reasonable." In April 1971, the Commission took the first step toward implementing this conclusion by limiting fixed commissions to the first $500,000 of any order. After a 2-year study of institutional investors, the Commission then recommended in a letter to the Congress in March of this year that the question of institutional membership be deferred until the exchanges "eliminate artificial inducements to such membership" by abolishing "noncompetitive fixed commissions on orders of institutional size." However, when Chairman CASEY reconvened the Commission's rate hearings on July 12 to consider the New York Stock Exchange's latest proposal, I was disappointed to learn that the question of an appropriate level for the ceiling on fixed rates was not to be a part of that consideration. By letter of July 21, I requested the Commission to consider the question in connection with its current hearings, and received a reply which I did not feel went to the merits of the question. I ask unanimous consent that these letters also be printed in the RECORD at the conclusion of my remarks.

Now, 5 months after the elimination of fixed charges above the $500,000 level and without any citation of resulting difficulties, Chairman CASEY has indicated an unwillingness to implement any further reduction in the ceiling on fixed rates. The reason given for this delay is that there has not yet been adequate time to assess all of the consequences of the first step, which applies only to a small percentage of institutional transactions and brokerage firm revenues. The truth of the matter is that, in a fluid and dynamic industry like the securities business, the only way the SEC can ever determine the impact of eliminating price fixing is to try it. As the author of a recent book on the securities industry put it:

> Whereas other industries study *problems* to death, the securities industry reserves that fate for *solutions*.

It might also be appropriate to remind Chairman CASEY of certain statements in President Nixon's Economic Report for 1970, in which he dealt with the use of competition as an alternative to regulation:

> The American experience with regulation, despite notable achievements, has had its disappointing aspects. Regulation has too often resulted in protection of the status quo. Entry is often blocked, prices are kept from falling, and the industry becomes inflexible and insensitive to new techniques and opportunities for progress. Competition can sometimes develop, outside the jurisdiction of a regulatory agency and make inroads on the regulated companies, threatening their profitability or even survival. In such cases, pressure is usually exerted to extend the regulatory umbrella to guard against this outside competition, so that the problems of regulation multiply and detract from the original purpose of preventing overpricing and unwanted side effects. . . .
>
> More reliance on economic incentives and market mechanisms in regulated industries would be a step forward . . .
>
> Industries have been more progressive when the agencies have endeavored to confine regulation to a necessary minimum and have otherwise fostered competition . . .

It is hard to think of an industry to which the President's thoughts apply more aptly than the securities industry.

In light of these significant recent developments, I have scheduled an initial hearing of the Subcommittee on Securities for Tuesday, September 21, to consider what action may be appropriate for the Congress to take in bringing about prompt action on these important questions. The Chairman of the Commission, the head of the Antitrust Divison of the Justice Department, and representatives of the securities industry and its customers have been requested to testify at this hearing.

Further hearings are scheduled for September 23, 24, 29, and 30, and October 1 as a part of the subcommittee's overall study of the securities markets. Those hearings will focus on the financial and operational problems of the industry.

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

JUNE 10, 1971.

Hon. WILLIAM J. CASEY,
Securities and Exchange Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: By June 30, 1971 the New York Stock Exchange is expected to submit to the Securities and Exchange Commission for its consideration a revised commission rate schedule. In considering this schedule I would hope that the Commission would give serious consideration to eliminating the $15.00 surcharge.

This surcharge which is particularly onerous to our nation's millions of small investors was initiated on April 6, 1970 as a temporary measure with a 90 day expiration date and has been in effect over since. At the time of the surcharge's initiation, the commission income of brokerage firms had declined rapidly in relationship to costs. Trading volume was down 4.4% on the New York Stock Exchange for the first 5 months of 1970 as compared with 1969. The American Stock Exchange volume was down 27% and over-the-counter volume had been reduced as much as 50%. As a result, many brokerage firms were teetering on the brink of insolvency. To combat this profit squeeze on Wall Street and the dire results of massive brokerage house failures to the national economy, the Congress enacted the Securities Investor Protection Corporation Act and the surcharge was repeatedly extended.

I am sure you will agree that the situation has now radically changed. For example, firms such as Bache & Company, Hornblower & Weeks, Hemphill, Noyes, Walston & Company and Shearson, Hammill & Company which experienced serious first quarter losses in 1970 are now operating in the black. Exchange volume for the past 9 months has reached record highs. Therefore in my opinion, the reasons for the imposition of the surcharge have disappeared and any necessary adjustments can be equitably reapportioned in the new commission rate schedule. The small investor should no longer be forced to bear the brunt of an arbitrary $15.00 surcharge on even the smallest of transactions.

I would also hope that any new commission rate schedule will only be adopted after public hearings and findings of fact. In this way all interested parties will have an opportunity to be heard and the investing public will be fully informed as to the pros and cons of the proposals which are being considered.

In my opinion, the Commission should consider making any new rates temporary in nature until the issue of the break-point on negotiated rates is finally determined. If negotiated rates are to be fully implemented, the Commission may wish to phase out the fixed rate schedule over a period of years and end up with the sole requirement that negotiated rates be reasonable. A similar standard could be imposed if negotiated rates were only to be applicable to orders in excess of any $100,000 or $10,000. In any event, a temporary rate schedule with periodic SEC review as to the break-point on negotiated rates and as to the schedule's effect on both the brokerage community and the investing public may well be desirable.

I would, therefore, hope that in the weeks ahead you and the other members of the Securities and Exchange Commission will give careful consideration to my suggested proposals.

With every good wish, I am,
Sincerely,

HARRISON A. WILLIAMS, Jr.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., June 17, 1971.
Hon. HARRISON A. WILLIAMS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Your June 10, 1971 letter on the subject of the stock exchange commission rate schedule and the surcharge was received yesterday when I was out of the city. It touches on matters that we have been considering here at the Commission and, of course, recognizes the interrelationships of the problems of providing necessary service to investors, of profit and capital troubles that recently have been plaguing many of the firms that do business with small investors and of arriving at judgments on the need for and the reasonableness of minimum commission rates and other charges.

The Commission has been reviewing the impact of the surcharge of $15 or 50% of the minimum commission, whichever is less, on the profitability of firms such as you mention which do business with the small investors. Such data will be fully considered by the Commission in determining whether to terminate or modify the surcharge. Further, I expect that when the NYSE submits a revised commission rate schedule to the Commission on or before June 30, 1971 it will provide for adjustments in its proposed rate schedule in contemplation of elimination of the surcharge. Indeed, the Exchange's commission rate proposal of July 1970 followed this approach.

Let me assure you that any new commission rate schedule and change in the starting point for competitive rates will be adopted only after all interested persons have been afforded an opportunity for comment. The Commission has invited such comment in the past and has attempted to set forth the reasons for its conclusions. I expect we will do no less in the future.

Finally, you may be assured that your suggestions as to the phasing out of a fixed rate schedule over a period of years accompanied by periodic review by the Commission, which are along the lines of a suggestion made some time ago by the Department of Justice, will be given careful consideration.

Sincerely,

WILLIAM J. CASEY,
Chairman.

JULY 21, 1971.

Hon. WILLIAM J. CASEY,
Securities and Exchange Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: On July 12, the Commission began public hearings to consider a new schedule of fixed commission rates proposed by the New York Stock Exchange. To this date, there has been no indication that these hearings would focus on reducing the ceiling on fixed rates from $500,000 to a lesser figure.

Last October the Commission announced its opinion that "fixed charges for portions of orders in excess of $100,000 are neither necessary nor appropriate," and therefore "not reasonable". However, a ceiling of $500,000 was actually imposed by the Commission in April of this year, so that a smaller percentage of transactions would initially be affected. I assume that this approach reflected the concern expressed by some people that negotiation of rates on any stock exchange transactions would create serious business or legal probems for brokers and their customers.

Negotiated rates have now been in effect for more than three months, and the predicted problems do not seem to have materialized. I would hope, therefore, that the Commission will combine its consideration of the proposed fixed rate structure with a consideration of the appropriate ceiling for fixed rates. When I last wrote you in June on this subject. I suggested ways in which the two issues might be combined. Otherwise, the Commission may find itself in the anomalous position of passing on the "reasonableness" of fixed charges which it has already determined to be "not reasonable". It would also make it more difficult, if not impossible, to assess the economic impact of the proposed rates. I hope, therefore, that you will broaden the scope of the current hearings to include consideration of this important question.

In its consideration of this matter I assume the Commission will wish to ascertain the effects of negotiated rates since their introduction on April 5th upon the various stock exchanges, upon the financial position of brokerage firms and upon the commissions paid by financial institutions representing the public. This information will also be extremely helpful to the Subcommittee on Securities in the study of the securities industry which it is now undertaking.

With every good wish, I am,

HARRISON A. WILLIAMS, Jr.,
Chairman, Subcommittee on Securities.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., July 28, 1971.
Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Subcommittee on Securities, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: This is in response to your July 21, 1971, letter in which you expressed the hope that the scope of the current public hearings on commission rates would include consideration of the question of reducing the ceiling on fixed rates from $500,000 to a lesser figure.

The hearings which commenced on July 12 are as you know a continuation of the public hearings which began in the summer of 1968. The subjects of these hearings include, among other things, the evaluation of both the proper level of rates and the issue of fixed v. competitive rates.

As you may recall the Commission wrote to the NYSE on February 10, 1971, that it would not object to the Exchange's commencing competitive rates on portions of orders above a level higher than the $100,000 figure mentioned in its October 22, 1970, letter but that the point at which competitive rates are to commence should not exceed $500,000. (See enclosed Exchange Act Release 9079.) The Commission observed that the competitive rates might begin at a level higher than $100,000 "in light of substantial changes in trading patterns on the New York Stock Exchange and to gain further experience with competitive rates. . . ." Further, on April 14, 1971, the Commission announced that while the $500,000 figure cannot be assured for the indefinite future the Commission would observe the workings of competitive rates on orders in excess of that amount and consider carefully all questions which may arise as a result thereof.

At this point, competitive rates have been in effect for about three and a half months. It is the Commission's view that there has not been enough observation of or experience with the actual workings of competitive rates in the market place to permit careful consideration of all the questions and implications, particularly those with respect to the impact on commissions and service for small investors, the basis on which the important research function will be performed, the methods of handling large blocks, accurate quotation and adequate disclosure on pricing and the whole range of problems bearing on the conditions under which small investors and institutions will co-exist in the market. We are now gathering information and we plan to begin statistical analysis of the data received as soon as the staff has completed its report on the commission rate hearings. It will probably be desirable to conduct interviews with institutional brokers and institutional traders to ascertain the impact of competitive rates on the markets and institutional trading patterns. Of course, all information on which we base our conclusions will be made promptly available to your Committee.

Consideration of the current NYSE minimum rate proposal will not resolve the question of the proper level for competitive rates. Any new rates which may be approved will be subject (as is the existing schedule) to the continuing review and resolution of the long term questions regarding the necessity for fixed rates.

Sincerely yours,

WILLIAM J. CASEY,
Chairman.

NOTICE OF HEARINGS ON CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

Mr. HUMPHREY. Mr. President, on September 8, I announced hearings by the Subcommittee on Rural Development of the Committee on Agriculture and Forestry for September 21, 22, 23, and 24 on S. 2223, the Consolidated Farm and Rural Development Act. The hearings will also include amendment No. 153—to S. 1483—by the Senator from Kansas (Mr. PEARSON), which would establish the Rural Community Development Bank. These two proposals are being considered together, and anyone wishing to testify should contact the committee clerk as soon as possible. The hearings will begin at 9 a.m. each day in room 324, Old Senate Office Building.

ADDITIONAL STATEMENTS

SENATOR WINSTON L. PROUTY

Mr. WILLIAMS. Mr. President, I wish to join with my fellow Members of Congress in paying appropriate tribute to the late Senator from Vermont, a good friend and devoted public servant, Winston Prouty, who passed away last Friday.

Few men deserved more or were qualified more to serve the people of their States. Senator Prouty's background of public offices and positions has demonstrated this capability. As mayor of his hometown of Newport, as speaker of the Vermont House of Representatives, and as a distinguished Member of both Houses of the U.S. Congress, Winston Prouty gave to the people of Vermont and the Nation a most sincere dedication. While he was a strong supporter of his party and his State, he frequently evidenced a willingness to take an independent stand on controversial issues.

Mr. President, I served with Senator Prouty closely in past years on the Senate Special Committee on Aging and the Committee on Labor and Public Welfare. I know firsthand his outstanding record as a leader in aiding the Nation's elderly and as a supporter of social security legislation. His presence in this body of Congress will surely be missed.

HOUSING REFORM AMENDMENTS ACT OF 1971

Mr. BROOKE. Mr. President, this session of the 92d Congress has seen a re-

newed and much needed focus of attention on basic reforms in our housing assistance programs. In many instances we are still working to complete a job begun almost 40 years ago. Hearings are now underway before the Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking, Housing and Urban Affairs, and the Subcommittee on Housing of the House Banking and Currency Committee. It is likely that major changes will soon be enacted to reshape these programs in an effort to meet the growing housing needs of the 1970's.

President Nixon and his administration must be commended for the substantial contribution they have made to the reform of our housing programs by advancing their proposed S. 2049, "The Housing Consolidation and Simplification Act of 1971." The basic concepts developed in this piece of legislation will go far toward achieving the efficient, yet effective, administration of our varied Federal housing programs.

In an effort to build on these basic improvements advanced by the administration, the distinguished Senator from Minnesota (Mr. MONDALE) and I have joined in a bipartisan spirit to offer further refinements to our housing laws. We believe that our combined efforts along with the administration's S. 2049 will result in a comprehensive recasting and consolidation of the National Housing Act and the U.S. Housing Act of 1937.

Mr. President, I would like to request that a section-by-section analysis of this bill, the Housing Reform Amendments Act of 1971 be printed in the RECORD at the conclusion of my remarks. It is worth pointing out that the major concepts incorporated in our approach have been advocated by a wide range of public interest organizations concerned with housing and have been expressed in their policy resolutions and in their recent testimony on housing legislation. It is our intention to proceed quickly to finalize the legislative language and to introduce it as a bill at an early date. It is my hope that it will have the serious attention of the full Banking Committees in both the Senate and the House, as deliberations continue on needed housing program reform.

There has been a growing awareness on the part of all concerned that the housing needs of the 1970's will require a comprehensive range of meaningful programs designed to be responsive, yet responsibly administered. This awareness has been heightened by the evident shortcomings of the existing program structure. In one important area, there has been a noticeable lack of uniformity in the basic elements of income limits, definitions of income, rent payment requirements, and the quality of housing products. Because of the gradual evolution of housing programs, these elements vary widely among the FHA mortgage insurance programs, rent supplements, and the public housing effort. This situation has resulted in additional complications for the already overburdened State and local housing agencies, has confused and stymied the efforts of sincerely motivated private developers, and has unnecessarily encumbered the Department of Housing and Urban Development. This is to say nothing of the daily dilemma that faces low- and moderate-income families who see the perpetuation of unequitable treatment under the various Federal housing programs.

In another important area there are glaring gaps in coverage for those families who need Federal housing assistance. One of these gaps is between the upper-income limits of public housing and the admission limits of the FHA mortgage insurance subsidy program. Another is between the current cost of procuring modestly designed housing on the private market. Even though new categorical systems have been devised for this latter grouping in the form of the Emergency Home Finance Act of 1971, it is clear that more must be done. Finally, we must not overlook the families with extremely low income who find that they are covered only partially by public housing and rent supplements.

In still another important area, history has shown us that the critical problems of housing management, including long-term economic and social stability of housing developments, are due in large part to a lack of attention to management and operating costs. Added to this, our housing programs have concentrated the lowest income families needing the heaviest support services in housing by themselves, where their rent cannot support the required services and where it is difficult to sustain a healthy social environment.

In terms of advantages, Senator MONDALE and I see an opportunity for further consolidation by the establishment of major common elements covering the FHA mortgage assistance housing program and the public agency housing program. These would include common prototypes, income limits, definitions of income, and rent payments applying to all assisted programs. Such consolidations should help to cut Federal redtape and assist the housing developer as well as the participating families.

We also see the urgent need for the establishment of a common policy for disbursing the Federal contributions—that is, a subsidy payment covering the full difference between total monthly costs of the project and ability to pay of those families eligible for assistance. Our experience with the so-called Brooke amendment on public housing has encouraged us to seek a wider application of this concept in other programs.

Under this approach, additional Federal revenues have been made available to local housing authorities in the form of operating subsidies so that public housing tenants will not be required to pay more than 25 percent of their adjusted incomes for rent. While we may envision a long-range shift of the welfare families' burdens to those agencies which are more directly concerned with social development, so long as the underlying need continues to exist we must respond as we have in the past. I intend to do all that I properly can to insure that any transitional effort will not take place to the detriment of our neediest of families.

In addition to consolidation, we feel that program structure should provide for the development of housing with a range of income groups in order to benefit from economic and social advantages. From the economic standpoint, we believe that higher rent paying families can help offset the low rents paid by the lowest income families. More important, by encouraging this economic mix we believe a richer soical environment will increase the chances for long-range social stability in these projects, while avoiding the notorious stigma of isolation.

A number of other provisions are outlined in more detail in the section-by-section analysis.

Mr. President, I would like to express my personal gratitude to my distinguished colleague and friend, Senator MONDALE, for the experience and knowledge that he has brought to our joint effort. His past efforts on behalf of the socially and economically disadvantaged are as monumental as they are wide ranging. This body and our Nation are in his debt for the significant contributions he has made.

I understand that Senator MONDALE will speak on this subject tomorrow.

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

BRIEF SUMMARY OF THE PROPOSED HOUSING REFORM AMENDMENTS ACT OF 1971

The purpose of the Act is to consolidate, simplify and expand the present array of fragmented housing programs and create a comprehensive housing assistance concept for those who cannot afford private housing. The National Housing Act (FHA) and the U.S. Housing Act (public housing) would be modified by this Act. Eligibility for assisted housing would be based on a median income criteria, but would take into account local housing costs and the availability of decent, moderately-priced housing in the private market by giving the Secretary of HUD the discretion to move away from the median income, if necessary to meet local conditions and costs.

For multi family housing, the subsidy formulae, the key elements in this proposal, would cover the difference between the cost of providing decent, moderately priced housing and what a family or individual could pay for such housing. The financing of such housing would continue through two programs: sponsors utilizing federally-insured, market rate mortgages, and local public agencies utilizing tax-exempt bonds or market rate mortgages. Eligible sponsors would include non-profit and limited-dividend corporations, cooperatives, and local housing authorities. The key elements of the proposal relating to assisted housing are as follows:

1. *Mortgage and Development Cost Limits*—For all assisted projects there would be maximum cost limits. For each housing market area, the Secretary would establish a construction cost prototype based on the cost of constructing well-designed, but not luxurious housing within the housing market in an area. Maximum development costs could equal the sum of (1) up to 120% of the prototype cost; (2) actual cost of land and improvements; (3) the cost of non-residential space and facilities; and (4) the cost of eligible relocation activities. Further, the Secretary, on a case by case basis, could approve projects above this limit if extenuating circumstances justified it. These limits would be periodically revised (at least annually) to reflect changes in the cost of producing such housing.

2. *Financing Mechanisms and Eligible Sponsors*—There would be three basic financing vehicles: (a) Local public agencies (as under the pblic housing program) could issue tax exempt bonds with the housing assistance contract acting as a guarantee to bond holders; (b) Non-profits, limited dividend corporations cooperatives, and local

public agencies could use market rate mortgages, insured by the federal government to finance projects, as is the case with the 236 program at present; the GNMA/FNMA Tandem Plan would continue to assist in providing private mortgage money to finance these projects; (c) Eligible sponsors of state and local financing programs, would likewise be eligible to receive housing assistance payments, which is now permitted under the Section 236 program.

3. *Housing Assistance Payment.*—This subsidy for multifamily housing, would equal the difference between total project costs (debt service, management, maintenance and operating expenses, full local property taxes, the cost of adequate tenant services) and total project revenue (rents and non-residential income.)

4. *Income Eligibility Rent/Income Ratios*—Income would be defined as gross income of all over 18 years of age less: non-recurring income, income of dependent students, $300 for each dependent, a 5% deduction (10% for elderly) and $300 for a secondary wage earner. Maximum income eligibility, would be based on the area's median income as adjusted by household size, with discretion of the Secretary to move away from median income based on certain conditions. The locality would also establish uniform rent/income ratios which could vary by income and family size, but must *average* at least 20 percent within a local project or program. As income increased, the actual amount of rental payment would also increase. There would be no continuing occupancy limits. If the family was able to pay the economic rent as its income increased, it would no longer receive a subsidy, but family would remain in occupancy. The ceiling ratio would be 25 percent.

5. *Occupancy Limitations*—To encourage economic integration, the law would specify that at least 20% of all units in a project would be reserved for families of low income (defined as requiring a housing assistance payment equal to 60% of the full monthly housing costs). Such a ratio shall be maintained as vacancies occur, to the extent possible. Specific projects could receive a waiver for a lesser proportion of low-income families if justified to the Secretary.

6. *Full taxation*—All projects built under this Act would pay full local real estate taxes. Existing public housing projects would pay full taxes ten years after this Act with present payments in lieu of taxes gradually increased (10% annually) over the ten-year period.

7. *Homeownership*—A revised Section 235 Homeownership program would be included. The maximum subsidy could go deeper than under existing programs and cover full debt service—the family's minimum payment would equal operating costs of the unit (including property taxes). This would basically be a new construction program, but 30% of the funds could be used for existing homes, and another 10% would be for housing requiring substantial rehabilitation. Families would be required to repay principal cost to the federal government at the time of sale. In addition, the Turnkey III public housing ownership program would be expanded, and the Act contains provisions for the conversion of rental projects, including public housing projects, to cooperatives and condominiums.

8. *National Housing Goals*—This provision of the 1968 Act would be expanded to provide periodic up-dating of the housing goals; to encourage state and local housing goals; and to require the use of state, local and community development housing needs in revising national goals.

9. *Leasing and Turnkey Housing*—These two programs now authorized under the Housing Act of 1937 would be continued.

10. *Federal Government, Houser of Last Resort*—This section would provide that, if within two years of the passage of this act, there are areas where a housing emergency exists—where a substantial number of low and moderate income families reside or are employed and no sponsor is meeting these needs, the Secretary of HUD can act as a sponsor of such housing (either directly or through other arrangements, such as contracting with other sponsors).

11. *Public Service Grants/Other Incentives*—The proposal includes, as a method to encourage the construction of assisted housing, a public service grant to communities where new housing is constructed. These public service grants could be for up to ten years and equal to $250 for each family, or $400 for each large family unit.

12. *Housing Allowances*—The Housing Allowance Demonstration program as authorized in last year's Housing and Urban Development Act would be modified to permit a greater use of different demonstrations (using, for example, rent/income ratios less than 25% of income). In addition, the annual contract authority for this program would be increased to 25 million dollars.

SECTION-BY-SECTION SUMMARY OF THE PROPOSED HOUSING REFORM AMENDMENTS TO S. 2049, HOUSING CONSOLIDATION AND SIMPLIFICATION ACT OF 1971

TITLE I. MORTGAGE CREDIT ASSISTANCE

Title I of S. 2049 contains a complete rewrite of the National Housing Act and proposes a seven title "Revised National Housing Act." The following amendments, relating to assisted housing (basically Sections 402 and 502 of the bill) are proposed to this "Revised National Housing Act."

I. Flexible mortgage amounts

Section 3 of Title I of the Revised National Housing Act establishes maximum mortgage limits for assisted housing equal to 110% of the "prototype" cost (including construction costs, land and site improvements). This entire section would be replaced with a new section to provide more flexibility under the "prototype concept."

It would provide that maximum mortgage limits would apply to assisted insured projects but on a revised basis using prototype *construction cost* figures. (An identical procedure would be used for assisted projects sponsored by public agencies in Title II of the bill).

The Secretary would be required to establish at least annually a "prototype" construction cost figure for each site and type of dwelling unit for each housing market area, based on the cost of constructing such a unit in that area. The prototype would be defined as the cost of constructing reasonably-priced housing, taking into consideration the extra durability required for such housing, the need to provide amenities consistent with local community standards, and the commitment to maintain high architectural quality.

In calculating these prototypes, the Secretary would use criteria such as the cost of producing comparable housing within the private market, the effectiveness of existing mortgage limits within the market area, and the recommendations of local housing producers.

For multi-family assisted housing, the maximum limits would be the total of: (1) maximum per unit construction cost, defined as *120%* of the prototype figure; (2) the actual cost of land and site improvements; and (3) the actual cost of all approved non-residential space, including community and dining facilities when appropriate. For single family assisted housing, the maximum cost would equal (1) and (2) above.

In addition, the Secretary could insure projects or homes which exceeded the maximum limits *on a case by case basis* if he determines that extenuating circumstances exist, such as: the existence of sub-market areas with higher construction costs; the use of a new or experimental building system with higher, initial construction costs; discrepancies in establishing the "prototypes" and cost increases subsequent to the issuance of the prototypes.

Further, the Secretary would be required to adjust these limits periodically (at least annually) on the basis of changes in construction costs or local standards. The initial prototypes and their revision would become effective on publication in the *Federal Register.*

[The Administration proposal would set maximum development limits based on an average cost of land and site improvements, and use 110% of "prototype" construction cost figures. It does not include a discretionary waiver].

II. UNSATISFIED HOME MORTGAGE INSURANCE PROGRAM

Section 401 of the Administration's bill consolidates the various separate FHA authorities to insure single family homes and purchases of individual units. Mortgages could cover one to four family residences, or single units in a condominium.

This section would be amended to include units in a sales cooperative as eligible for insurance.

Also a new subsection would be added to permit the insurance of refinanced existing owner/occupied single family housing. Such properties should be basically sound and capable of being placed in standard condition without substantial rehabilitation, and located in neighborhoods which are basically sound or where the community is planning or implementing a program for neighborhood preservation, conservation, or rehabilitation. These mortgages would be placed in the special risk fund. The principal obligation could cover up to 97 percent of the Secretary's estimate of the value of the property before any necessary repairs and improvements, plus the actual cost of these improvements. Terms would normally run 20 years but could exceed this period to prevent any "hardship" increases in monthly mortgage payments.

III. ASSISTED SINGLE FAMILY HOME PURCHASE PROGRAM

Section 402 of the Administration's bill contains a rewrite of the Section 235 program with only minor changes. This would be replaced with a new Section 402 which would provide:

(1) *Eligible Mortgages:* This section would permit insurance and assistance contracts for single family homes, units in a condominium, and cooperatives. Individual units in an existing assisted project (eg. public housing, rent supplements, Section 221 (d) (3), Section 236) which was converted to a cooperative, condominium, or single family basis, would also be eligible for insurance.

[Cooperatives now eligible under the 235 program, would be excluded under the Administration's 402 program]

(2) *Subsidy Formula:* The maximum assistance could include all debt service (principal and interest). The family, however, would be required to make a minimum monthly payment equal to taxes and insurance and the Secretary must determine that it has sufficient residual income to pay utilities and maintain the property. At the time of transfer of property, the owner would be required to repay from the sales proceeds, if sufficient, any subsidy which covered principal. (Maximum assistance under the Section 235 program and the Administration's proposed 402 program could not go beyond the difference between market rate mortgage and a mortgage financed with one percent interest. However, this "reform" proposal is similar to the public agency homeownership provisions of the Administration bill.)

(3) *Purchaser Payment*: The purchaser would be required to pay 20 percent of gross income (as defined in (5) below) toward meeting total homeownership expenses (defined as debt service, taxes, insurance, and mortgage insurance premium.) The family would be required to make a minimum downpayment of at least $200. (Same as Administration proposal and existing 235 program.)

(4) *Maximum Income Limits*: The Secretary would establish maximum income limits for each housing market area equal to the median income of that area with adjustments for family size. These limits could be adjusted in areas where there is an extreme concentration of families of low or high income or in areas where construction costs are substantially above or below the national pattern. He would be required to adjust them at least annually. (Same as Administration proposal.)

(5) *Definition of Income*: This section would incorporate the definition contained in the 1970 Housing and Development Act for certain public housing families with minor changes. This definition will be used as the standard definition of income for all assisted programs. It provides the following exclusions and deductions from gross income: (1) income of family members under 18, of full time students (except if such minors or students are heads of households) and nonrecurring income is excluded; (2) an amount equal to $300 for each dependent and secondary wage earner is deducted from annual income; (3) 5% of gross income (10% for elderly) is deducted; and (4) the Secretary can approve the deduction of unusually high medical costs or other unusual expenses. [Modification of public housing definition: Administration proposal would limit deductions to $300 per child and minor's earnings.]

(6) *Authorization and Set Asides:* Specific amounts for the next three fiscal years would be established: 'fy '73, $250 million; 'fy '74, $300 million; 'fy '75, $350 million. The Secretary would have the discretion to use up to 30% of this money for contracts on existing property. In addition, at least 10 percent of the contract authority funds would be devoted to rehabilitation. [Administration bill proposes open-ended authorizations and does not continue the 10% rehabilitation provision now authorized in the 235 program.]

(7) *Counseling Services:* Counseling program, with an authorization to fund homeownership counseling services either through FHA or by contract to other groups, would be authorized under this amendment. [This program, Section 237 of the National Housing Act, funded for the first time this year would not be carried forward by the Administration bill.]

(8) *State and Locally-Assisted Programs:* The use of 235 assistance for non-insured units constructed or assisted through state and local programs for low and moderate income families would be eligible to receive assistance under this section. (This provision was added to the Section 235 program in 1970; it is not carried forward by the Administration bill.)

(9) *Rehabilitation for Homeownership:* This section would incorporate Sections 235(j) and 221(h) of the National Housing Act, permitting insurance of mortgages involving public agency or non-profit sponsorship of a rehabilitation project where the completed units are to be spun-off to low income families as sales housing. [This specific provision is not carried in the Administration proposal.]

IV. UNASSISTED MULTIFAMILY HOUSING

Section 501 of the Administration bill consolidates the various multifamily insurance provisions covering unassisted housing. The following amendments are proposed:

(1) *Refinancing and Conversions*—A new section would be added to permit the Secretary to insure the refinancing of existing multi-family housing which meets his standards. Such properties should be basically sound and not require substantial rehabilitation, and located in neighborhood which are basically sound or where the community is planning or implementing a program for neighborhood preservation. These mortgages would be placed in the special risk fund. They could cover 90% of appraised value (97% for cooperatives) plus the actual cost of repairs and improvements. The refinanced mortgage should not result in rent increases, but if it did the Secretary could extend the terms of the mortgage beyond the usual 20 year period. If the refinanced mortgage is for an existing owner, the Secretary shall determine, before approving the insurance, that the existing owner has been providing adequate maintenance and management services for existing tenants. Refinanced projects which would be leased to public agencies for low and moderate income housing would also be eligible for such insurance. The Section will also authorize the Secretary to insure mortgages involving conversion of property from one form of ownership to another (e.g. public housing to cooperative; conventional rental to non-profit ownership).

(2) *Special Design Features and Community Facilities*—Section 501 (1) would be amended to specify that special design features and community facilities could be included as non-residential parts of mortgages for projects to serve elderly or handicapped families.

(3) *"Congregate" Living Projects*—These projects, designed to serve a non-transient population, permitted under existing law, would be eligible for insurance and specified as such in 502(1).

V. MULTIFAMILY HOUSING ASSISTANCE

Section 502 of the Administration's bill incorporates the provision of the existing 236 program and permits 20% of the units in a project to be subsidized below the 1% mortgage basic rent (as a replacement for rent supplements which is terminated). A series of amendments would be offered to expand and further consolidate the program with the public agency program authorized under Title II of the bill.

(1) *Eligible Sponsors and Eligible Mortgages*—as in the Administration bill, eligible sponsors would include non-profits, cooperatives, limited dividend corporations and builder-sellers, who have contracted with an otherwise eligible sponsor to develop the project. Projects eligible under Section 501 would be eligible for insurance under Section 502, except that the mortgage could equal 100% of replacement cost for non-profit, cooperatives, and builder-sellers (90% for limited dividends). Public agencies would also be made eligible for the assisted mortgage insurance program. In addition to these provisions specific authority (and appropriate report language) would be added to incorporate the present 236(j)(3) provision which permits a limited dividend corporation to sell an insured project to an eligible non-profit or cooperative sponsor after a certain number of years, benefitting from tax depreciation provisions. The Secretary would then insure a new mortgage for the project, and continue the assistance. [Public agencies now eligible under the Section 221(d)(3) program would be eligible 502 sponsors; the specific authority contained in 236(j)(3) is not carried forward under the 502 program.]

(2) *State and Locally-Assisted Projects*—non-insured projects assisted under a *state or local housing program* would also be eligible to receive subsidy assistance, as now provided under the 236 program. Likewise, the provisions of 236(j)(3) would be extended to state and locally assisted projects receiving federal assistance under this section. (The Administration's proposal would limit assistance to projects approved by the Secretary prior to rehabilitation or construction.)

(3) *Subsidy Formula*—the Secretary would be authorized to enter into contracts with the sponsor to subsidize the difference between total project costs (debt service 'based on a market rate mortgage', management, maintenance and operating expenses, taxes, insurance, mortgage insurance premiums) and total project revenue (rents, income from non-residential property, and other sources).

[This provision would replace the Administration bill's limitation of subsidy—equal to the difference between a market rate mortgage and a one percent mortgage, with additional assistance for 20% of the units. The recommended formula is based on the public housing amendments of 1969 and 1970 (Brooke-Sparkman amendments) which permit annual contribution contracts to cover operating deficits. Under this povision, the market of eligible low-income families would be expanded since there would no longer be a minimum rent equal to a one percent mortgage.]

This section would also provide for periodic amendments to contracts if a project's deficit was increased or reduced, for such reasons as increased operating costs or changes in income; this would be similar to the review provision in public housing agency annual contribution contracts.

(4) *Required Rental Payment*—This section would require the tenant to pay a certain percentage of his adjusted gross income for rent but in no case exceeding 25% of his income. It would permit the locality to establish various rent/income ratios depending on such factors as family income, local rent/income ratios in the private market and family size.

However, the average rent/income ratio for the total project would have to be at least 20%. Thus a 200 unit project could have 100 units for the elderly with a 25% rent/income ratio and another 100 units for large families with a 20% or even 15% rent/income ratio, if essential in the local housing market.

This section would also provide that families receiving a majority of their income from public assistance be required to pay a minimum rent at least equal to the operating costs attributable to the unit, including the cost of utilities. This provision would become effective two years after the passage of this Act to permit changes in state laws. (The Administration bill continues the 25% rent/income ratio provision now contained in Section 236 and rent supplements. Also, it does not contain any special provision for welfare families.)

(5) *Income Composition of the Project*—This section would provide that any project, during initial occupancy, should be primarily for the use of low and moderate income families, but at the same time promote economic integration. Further, at least 20% of the units during initial rent-up will be set aside for families of very low-income (defined as those requiring a subsidy equal to 60% or more of total monthly costs. This 20% requirement could be waived by the Secretary if it was impractical to enforce within a given project (e.g. one designed as relocation housing for moderate income families affected by an urban renewal project). A sponsor may rent, with the Secretary's approval, a portion of the units initially to tenants who can pay the full market rent. However, the "20% very low income requirement" will be increased by the same percentage as the percent of units which are not receiving assistance. There would be no continuing occupancy requirements. Report language would indicate that the 20% of very low income families should be maintained when possible after initial rent-up. (The Administration bill would mean that at least 80% of the units in any project could not be occupied by families

who could not afford to pay the 1% rent; 20% of the units could be used to assist families below this level, but it is not mandatory.)

(6) *Maximum Income Limits*: The Secretary would establish maximum income limits for each housing market area equal to the median income of that area with adjustments for family size. These limits could be adjusted in areas where there is an extreme concentration of families of low or high income or in areas where construction costs are substantially above or below the national pattern. He would be required to adjust them at least annually. (Same as Administration Proposal.)

(7) *Definition of Income:* This section would incorporate the definition contained in the 1970 Housing and Development Act for certain public housing families with minor changes. This definition will be used as the standard definition of income for all assisted programs. It provides the following exclusions and deductions from gross income of family members under 18, of full time students (except if such minors or students are heads of households) and nonrecurring income is excluded; (2) an amount equal to $300 for each dependent and secondary wage earner is deducted from annual income: (3) 5% of gross income (10% for elderly) is deducted; and (4) the Secretary can approve the exclusion of unusually high medical costs or other unusual expenses. [Modification of Public Housing definition; Administration proposal would limit deductions to $300 per child and minor's earnings].

(8) *Authorizations:* The authorization section would include the remaining available rent supplements authorization which has not been appropriated and increase the new authorization to reflect the deeper subsidies possible and the absorption of the rent supplement program into 502. Authorizations for three additional years are provided: 'fy '71, $250 million; 'fy '72 $280 million; 'fy 73 $350 million; 'fy 74, $400 million; 'fy 75, $450 million. (The Administration bill provides open-ended authorizations.)

(9) *Tenant Service/Operating Costs:* The term operating costs would be defined to include the provision of adequate tenant services (as now defined in public housing, which includes, for example, such activities as: training of tenants for management, counseling or household management, housekeeping, budget assistance, advice on employment opportunities, and, training for homeownership if the project is designed to be converted to an ownership basis). (No comparable provision in the Administration 502 program.)

TITLE II. PUBLIC AGENCY HOUSING ASSISTANCE

Title II of S. 2049 contains a complete rewrite of the United States Housing Act of 1937 and proposes an eight-section revised "United States Housing Act of 1937". A series of amendments are proposed to this revised "United States Housing Act of 1937", which would result in the following:

Section 201. This section would amend and supersede the U.S. Housing Act of 1937.

Short title

Section 1. The Act would be cited as "The United States Housing Act of 1937".

Declaration of policy

Section 2. The Declaration of Policy of The United States Housing Act of 1937 would be amended as proposed in S. 2049, except the phrase in the existing 1937 Act including "responsibility for the establishment of rents and eligibility requirements, subject to the approval of the Secretary of HUD", would be retained.

Definitions

Section 3. This section definies "development", "operation", "acquisition cost", "State", "low income housing project" or "project" as proposed in S. 2049. The term "public housing agency" would be defined to mean "any State, County, municipality, or public body (or agencies or instrumentality thereof), *including a metropolitan or regional agency serving two or more municipalities including a central city, or any multi-State agency*, which is authorized to engage in or assist in the development or operation of low-income housing". (The words in italic are added.) The term "low-income housing" and "low-income families" are defined as follows:

Low Income Housing means well-designed but not luxurious housing in a local area, as determined by the Secretary of HUD using 120% of prototype construction cost figures as maximum construction cost figures. Prototype construction costs (excluding the cost of non-dwelling facilities) shall be determined at least annually by the Secretary on the basis of his estimate of the construction costs of new dwelling units of various sizes and types in the area. The Secretary in determining an area's prototype costs shall take into account the extra durability required for economical maintenance of assisted housing, and the provision of amenities designed to guarantee safe and healthy family life and neighborhood environment. Further, in the development of such prototypes, emphasis shall be given to encouraging good design as an essential component of such housing and to producing housing which will be of such quality as to reflect the architectural standards of the neighborhood and community. The prototype costs for any area shall become effective upon the date of publication in the *Federal Register*.

Low-Income Families means those families whose incomes do not exceed the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the median income for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high- or low-median family incomes, or other factors.

Eligibility and rents shall be determined by the public housing agency with the approval of the Secretary. The *average* rental in the program of a public housing agency shall be at least one-fifth of net family income, and no rental for an individual housing unit shall exceed one-fourth of net family income. Net family income shall be defined as income from all sources of each member of the family residing in the household who is at least eighteen years of age; except that (a) nonrecurring income, as determined by the Secretary, and the income of dependent, full-time students shall be excluded; (b) an amount equal to the sum of (i) $300 for each dependent, (ii) $300 for each secondary wage earner, (iii) 5 per centum of the family's gross income (10 per centum in the case of elderly families), and (iv) those medical expenses of the family properly considered extraordinary shall be deducted; and (c) the Secretary may allow further deductions in recognition of unusual circumstances.

The term "families" includes families consisting of a single person in the case of elderly families and displaced families, and includes the remaining member of a tenant family. The term "elderly families" means families whose heads (or their spouses), or whose sole members, are at least fifty years of age, or are under a disability as defined in Section 223 of the Social Security Act, or are handicapped. A person shall be considered handicapped if such person is determined, pursuant to regulations issued by the Secretary, to have a physical impairment which (a) is expected to be of long-continued and indefinite duration, (b) substantially impedes his ability to live independently and (c) is of such a nature that such ability could be improved by more suitable housing conditions. The term "displaced families" means families displaced by governmental action, or families whose present or former dwellings are situated in areas determined by the Small Business Administration, subsequent to April 1, 1965, to have been affected by a natural disaster, and which have been extensively damaged or destroyed as the result of such disaster.

Mortgage financing

Section 4. This section would make public housing agencies eligible to finance assisted housing through mortgage insurance under the provisions of Title I of this Act.

Loans

Section 5. This section would be the same as Title II, Section 4 of S. 2049.

Annual contributions

Section 6. This section would provide for annual contributions contract provisions in two parts: (1) capital debt requirements and (2) operating services and reserve funds.

(a) The Secretary would make annual contributions to public agencies to cover principal and interest payments payable on obligations issued by the public housing agency to finance the development or acquisition cost of the low income project. This subsection is the same as Title II, Section 5(a) of S. 2049.

(b) This section is the same as Title II, Section 5(d) of S. 2049; and provide for collective coverage of two or more projects under one contract.

(c) This section is the same as Title II, Section 5(e) of S. 2049, except that Section (e)(ii) is amended to read as follows: "and (ii) unless the public housing agency has demonstrated to the satisfaction of the Secretary that there is a need for such low-income housing *under the conditions set forth in this Act*". (Italicized wording is new)

(d) In addition to the contributions authorized under the Subsection (a), the Secretary may make annual contributions to public housing agencies for the operation of low income housing projects. The contributions payable annually shall not exceed the amounts which the Secretary determines are required: (1) to assure the low income character of the projects involved and (2) to achieve adequate operating services and reserve funds. The Secretary may embody the provisions for such annual contributions in a contract guaranteeing their payment. At the initial development of each housing project, or in the case of existing public housing agencies at the earliest possible time after the effective date of this Act, the local public housing agency shall determine, with the approval of the Secretary, appropriate and required operating services and reserve funds, including tenant services, based on the character and location of the housing project, and the characteristics of the families to be housed. These services shall be incorporated into the program and budget of the public housing agency, and shall constitute the "base level" of operating services. In the event that income from the project is not sufficient in any year to meet these "base level" operating services at projected costs for that year, the Secretary may make annual contributions to meet the residual cost. This commitment for "base level" operating services shall be a contract provision of the annual contributions contract. A public housing agency may request the activation of this "base level" services contract provision at the beginning of any operating year at the time of the preparation of its annual budget. Every two years, at the same time as the reexamination of tenant income, "base level" services shall be reexamined to judge their adequacy in terms of changing conditions and standards.

(e) Rental payments, definition of income, and other factors shall be the same for proj-

ects and programs of public housing agencies receiving operating contributions, as in the projects and programs of all other public housing agencies.

(f) This section would provide that any portion of annual contributions payments not required by a public housing agency in any year may be used, at the discretion of the Secretary for purposes designed to effect a reduction in subsequent annual contributions.

(g) The total authority of the Secretary to enter into annual contributions contracts is increased as follows: The authority of the Secretary to enter into annual contributions contracts for new development is increased by $350 million by July 1, 1972, by $400 million on July 1, 1973, and by $450 million on July 1, 1974. The Secretary is also authorized to enter into contracts for annual contributions with respect to modernization of low income housing projects in an amount aggregating not more than $100 million per year. In addition, the Secretary is authorized to enter into contracts to assist operations of local public housing agencies in an amount aggregating not more than $300 million per year.

Contract provisions and requirements

Section 7. This section would include the following sections as proposed in S. 2049:

(a) Same as Title II, Section 6 (a) of S. 2049—covering (1) the right of the Secretary to include conditions in loans, annual contributions, contracts or other instruments or agreements, necessary to insure the low income character of the project (2) a contract condition requiring open space or playground, if deemed necessary by the Secretary, and (3) a contract condition that no high-rise elevator projects, except for elderly, shall be developed for families with children, unless the Secretary determines there is no practical alternative.

(b) This section will amend Title II, Section 6 (b) of S.2049 to provide the same conditions on the application of prototype construction standards and total development cost as in mortgage credit assisted housing, Title I, except that maximum development cost would also include the 100 percent cost of relocation, pursuant to the provisions of the Uniform Relocation and Real Property Acquisition Act of 1970.

(c) This section would provide that income requirements for admission, and definition of income would be the same as that provided in the Mortgage Credit Assistance. Otherwise it is the same as Title II, Section 6 (c) of S. 2049: (1) requiring identification and two-year review of regulations; and (2) notification procedures for ineligible applicants.

(d) This section would provide that the rent payments required for a tenant in public agency-assisted housing would be the same as required in Mortgage Credit Assisted Housing of Title I.

(e) This would be a new section providing that all *new* public agency assisted housing would pay full real and personal property taxes levied or imposed by a state, city, county, or other political subdivision. It would further provide that existing public housing developments not now paying such full taxes would proceed to make increased tax payments on a fixed level, annual basis until they are paying full taxes, at a rate of at least 10 percent increase a year, but reaching a full level tax payment within at least ten years. Estimates for increasing annual contribution contracts to cover full property taxes in existing projects would be submitted by the Secretary within six months after enactment of this Act.

(f) This would be a new section providing that two years after the effective date of this Act, a family receiving the major portion of its income from public assistance shall pay rent at least equal to the operating costs attributable to its housing unit, including utilities. Operating costs shall mean all costs except for principal and interest payments on capital debt.

(g) This section would be the same as Title II, Section 6 (f) of S. 2049, setting conditions for actions in the event of default, and insuring payments on capital obligations.

(h) This would be a new section providing that if the Secretary and the public housing agency jointly agree that an existing project is obsolete with respect to physical condition or location, that the Secretary can make a capital grant to pay off the indebtedness so that the project can be demolished or sold. The capital grant would cover the cost of demolition, if required. The local public agency would be required to provide replacement or relocation housing for existing tenants. A capital grant authorization of *$100 million* is provided for this purpose, to remain available until expended.

Congregate housing

Section 8. This section is the same Title II, Section 7 of S. 2049, except for the final sentence, which is revised to read: "Expenditures incurred by a public agency in the operation of a central dining facility in connection with congregate housing shall be considered as one of the costs of the project, except that only up to 25 percent of the cost of providing food and service, shall be included".

Low-income housing in private accommodations

Section 9. This section is the same as Title II, Section 8 of S. 2049.

Home ownership for low-income families

Section 10. This section is the same as Title II, Section 10 of S. 2049 except for the following:

Upon sale of any unit, the family would be required to pay from the sales proceeds, if sufficient, any subsidy which has covered principal.

As an additional and optional howeownership program, to the one established in Section 10, the "home purchaser" concept of the existing Turnkey III homeownership shall be continued for those families who cannot meet full monthly homeownership expense, to permit low income families to achieve equity in a home on a gradual basis, to the point where they can pay full monthly costs with the interest rate equal to the rate of the public agency's debt.

Under this optional plan, a local community can continue to accept payments in lieu of taxes from local housing authorities on behalf of low income "home purchasers", rather than full real estate taxes, in order to encourage homeownership by these families; and the Secretary is authorized to utilize annual contributions contract authority to assist in making tax payments for low income purchasers, when he deems appropriate.

The conditions for disposition of a housing development, either for sale to low-income tenant purchasers, or to non-profit, or cooperative purchasers shall include a requirement that any necessary repairs or improvements be made prior to disposition of the property. The Secretary is authorized to provide supplemental annual contributions to cover the debt service on loans to make such repairs and improvements. The sale price shall cover: the outstanding bonded indebtedness, the cost of any supplemental loan to cover necessary repairs and improvements, the costs of conversion, closing costs and prepaid expenses. The legislation should make clear that annual contributions will continue to cover debt service both on the original capital cost and the loan, as well as prepaid expenses and closing costs.

General provisions

Section 11. This section is the same as Title II, Section 12 of S. 2049.

Labor standards

Section 12. This section is the same as Title II, Section 13 of S. 2049.

Exemption of mutual help projects

Section 202. This section is the same as Title II, Section 203 of S. 2049.

Repeal of specification requirements

Section 203. This section is the same as Section 204 of S. 2049.

Retroactive repeal of section 10 (J)

Section 204. This section is the same as Title II, Section 205 of S. 2049.

Amendment to National Bank Act

Section 205. This section is the same as Title II, Section 206 of S. 2049.

Amendment to Lanham Act

Section 206. This section is the same as Title II, Section 207 of S. 2049.

Effective date of title II

Section 207. The provisions of Title II shall be effective beginning on January 1, 1973, except that any adjustment in income eligibility or rent payment shall take place at the first regular reexamination of tenant income following January 1, 1973. Further, the Secretary is authorized to proceed immediately upon the effective date of this Act to execute "base level" operating assistance contract agreements with existing public housing agencies, pursuant to Section 6 (d) of this Title II.

III. MISCELLANEOUS

Title III of the S. 2049 provides for a series of amendments to existing laws. Under this revised title, five additional proposals would be added:

A. Housing goals and annual housing goals report

This section would amend Title X of the Housing and Urban Development Act of 1968 by calling for the updating of the housing goals and for the requirement of the annual housing goals report, especially relating to assisted housing.

It would authorize the Secretary of HUD to encourage the formulation of State and local housing goals (usually SMSA's) to provide a base for determining the national housing requirements. This should be accomplished usually through the "701" program. Such State and local goals would also include actions necessary to maintain the existing housing stock. Specific annual needs for subsidized housing on a five-year basis would be included.

This section would also provide for the periodic updating of the national housing goals and provide that these goals be based on national data, state and local housing goals, and community development needs (relocation and replacement housing). Likewise, this section would require the Secretary to justify all authorization and appropriation requests for assisted housing programs in terms of how these figures will approach the assisted housing goals.

The scope of the annual housing goals report would be expanded to include (a) an analysis of the effect of changes in housing costs and recommendations for reducing any inflationary increases; (b) an analysis of annual changes in the quantity and condition of the national housing inventory.

75 million dollars would be authorized: to fund the annual housing goals report; state and local housing goals (either as a supplement to "701" assistance or as a separate grant); and to contract with the Bureau of Census to do an annual evaluation of the housing inventory.

B. Public service grants

This Section would authorize $150 million in new contract authority annually for three years for payments to localities to assist them offset increases in public services resulting from the provision of new federally-assisted housing within their communities. Contracts for such public service grants could not exceed ten years and could not exceed $250 per unit annually, except for units

designed for large families (3 or more bedrooms) where such amount can be increased to $400 annually.

C. Section 312 rehabilitation loan program

Section 312(d) of the Housing Act of 1964 would be amended to increase the annual authorization to $200 million. This will assist in meeting the expected increased demand for this program as a result of its linkage to the proposed Community Development Assistance Act of 1971 (S. 2333).

D. Houser of last resort

This section would express the intent of Congress that the Secretary of HUD should act as houser of last resort in those areas of the country where a "housing emergency" exists. A "housing emergency" would be defined as a substantial number of low and moderate families residing or employed in an area where there are no sponsors (public or private) willing to provide housing to meet their needs. This section would further provide that the Secretary of HUD, by contract with private or public agencies or other entities may act as sponsor in such areas beginning two years after the enactment of this act. Further, Secretary of HUD would submit to Congress within one year his plans for implementing this section including his proposed criteria to identify such "emergency" housing areas. This concept is included in the 1970 Uniform Relocation Assistance and Real Property Acquisition Practices Act.

E. Housing allowance

This title amends Section 504 of the Housing and Urban Development Act of 1970 which authorizes a demonstration on Housing Allowances to test methods in addition to a single housing allowance formula (i.e. the difference between 25% of a family's income and the maximum full market rental established in the locality). Rather, it would permit the development and utilization of different types of housing allowances and different techniques for implementation.

This title further provides for evaluation of the impact of such allowance on rent levels throughout the housing market area and the extent to which any increased rental levels reflect improved housing services.

The housing allowance contract authority is increased to $25 million for each of the next three fiscal years.

DIGNITY FOR THE ELDERLY

Mr. HARTKE. Mr. President, we have all been conscious of, and working hard to deal with, the problems our senior American citizens face.

Articles like the two published in the Detroit Sunday News of September 5, 1971, remind us that there is still more to be done.

I ask unanimous consent that the article entitled "Rest Home Robs Dignity From Some Elderly," written by Helen McLennan, and the article entitled "Rest Home Observer Urges Changes," written by James A. Treloar, be printed in the RECORD.

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

[From the Detroit Sunday News, Sept. 5, 1971]

REST HOME ROBS DIGNITY FROM SOME ELDERLY

(By Helen McLennan)

Every night, as soon as the lights went out, an old woman would start wailing.

She kept it up for hours, begging for food, for water. All she really needed was a little love and attention.

But the nurses had no time for her.

One night they couldn't have answered her calls. The two nurses at the station were both asleep. Five lights on their callboard were going unattended.

The woman—she was in her 80's—babbled all night, though her roommate begged her to stop, and a man from another room even came to her door and threatened to throw her out.

She had been at the nursing home for several months, while it was to be only a four-day stay for me.

She had no choice. I was fulfilling a wish I'd often expressed during 10 years as a professional social worker, of finding out what really happens—day and night—to the minds and the bodies of elderly people who have no place to live except in a nursing home.

Before I retired, part of my job was helping to locate homes for these people. How could I assess their frequent complaints when I could only visit them during the day?

They rarely complained to me about abuse, or even neglect. Their hurt and anger had been focused on the loss of dignity.

That was to be my experience, too.

When I presented myself to a nursing home that was supposed to be "one of the good ones," the admissions people were full of promises.

Their faces were all smiles as they assured me that:

"We are going to have a big new color TV set installed this Sunday. It'll be a beauty and it will sit on a platform so the patients can't monkey with it."

"I'll have The Detroit News boy stop at your room tomorrow so you can arrange to get your subscription."

"Just come to the desk and ask for anything you want anything at all—and we'll arrange it. This should be a fun time for you."

When I left four days later I could not say that I hadn't been housed and fed or that I had been physically abused in any fashion, but:

The new TV had not arrived; persistent efforts to see the newsboy had been unsuccessful, and the one little errand I'd asked for still was not done. If it had been my lot to remain in the home, such things would have become tremendously important to me.

The cheerful—but unkept—promises of the admissions staff apparently were nothing new, judging by the experiences of many patients who "filled me in."

"They know you can't get away from here, so they tell you anything," one patient said.

Most rooms had just one narrow window which looked out on a small grass plot or the parking lot.

The rooms all seemed dark to me for the first two days, until I accepted the attitude of other patients that this is simply the way it is.

The patients ranged from those needing only supervised living to ones who were bedridden.

Those most critically ailing are kept in one corridor. They sit or lie in awkward or distorted postures. They mumble or babble or shout. Odor from their beds was always present. I found an aide in one of these rooms one afternoon, sound asleep, surrounded by piles of soiled laundry.

One of my former clients had told me after he had been in a nursing home for a while: "I'm a patient now, and not a person anymore."

I found out what he meant.

On my second day in the home, a friend came to visit me. But none of the nurses had ever heard of me. Only by being very persistent was my friend able to find me. A more casual visitor would have walked away in the belief that I was no longer there.

Almost all the aides did try in some degree to meet the individual needs of their patients. Without exception, their voices were kindly and encouraging.

But there were never enough of them.

Sometimes one aide would be trying to handle an entire hall, trying to soothe two or three anxious patients with her voice while she was still working with the patient in another room.

Some patients grow to feel their needs are not important, and they give up expressing their needs.

Few could remember anyone at the home ever encouraging them to do anything with their time.

There are bingo games every week; church services are held; a band comes in occasionally.

I brought my knitting to the home with me, and my work on it created a stir of interest. Other women would stop by my door and make comments like:

"I used to tat a lot."

"I liked to crochet, and I used to make a lot of things."

"I used to make all my children's clothes."

But their faces went blank at the suggestion that maybe they could still do these things.

Some patients had regular visitors, and they bloomed with the knowledge that someone was coming or that they were going out for a meal.

Those without visitors made elaborate excuses for relatives who "must be out of town," or "may be busy painting the house."

Not one complained about relatives who had stopped coming.

"Why should they come?" one woman asked. "I'm all right, and the weather might get bad before they could get home."

People who don't visit a nursing home forget how shabby a dress or a bathrobe can become. I wore the worst robe I could find, but I got compliments on it daily.

Mealtime is the bright spot in the patient's day.

"Well, we'll eat again at 12," one aged woman said with a sigh as she turned away from the breakfast table.

"TV says it's 10 o'clock! Is that time to eat yet?" asked a woman who was sitting out her day in the TV room, waiting for her one excitement.

I heard other patients saying:

"Don't forget, supper is at 5."

"Nurse, I hungry. I hungry."

"Why does he get his tray first!"

What does a meal mean to a patient to foster such comments, almost as greetings and farewells?

Meals make the chore of dressing worthwhile. They are a way of knowing that the day is passing. To those who can walk, they give reason for moving at a scheduled time to a place where they are expected and would be missed. To the bedfast, a meal means company, even if it's just a nurse carrying a tray.

I was given oatmeal or cream of wheat every morning for breakfast, with fruit, milk, white toast and coffee. On Sunday, bacon was added, but it was so greasy that I soaked up a whole paper napkin with the fat before eating any.

The noon meals had baked chicken, fish or meat loaf, potatoes and vegetable. There was always white bread, half of it touched with the look of butter. There were pale, thin slices of tomato one day, of cucumbers another and bits of brown-edged lettuce that looked better on the menu than on the plate.

Evenings brought soup with a meat or cheese sandwich, gelatine dessert or fruit, and milk and coffee.

We were never hungry. There was too much starch and I left much of the bread, potatoes and noodles. A patient who'd been there several years told me she used to like green beans and squash, but not anymore because they were served so often.

She left them on her plate, untouched.

For some patients, though, mealtime was an opportunity to assert themselves.

I watched at every meal as one woman braced herself and muttered until her tray was set down. After a quick look, she invariably made some special demand: a clean cup, an empty bowl, another packet of salt—anything that would be just for her.

Whatever she demanded was always supplied, without question or delay, but there is little that even a helpful nurse can add to a drab meal.

The morning after I left the nursing home, I looked in the mirror and was surprised to see some real changes in my face.

Some of the practiced droopy lines were still there, and my eyes had a haunted look.

My stomach wants affectionate feeding, though there is no real hunger.

I cried, but not for myself.

My nursing home stay had been four days. What if it were a week, or a year, or the rest of my life?

[From the Detroit Sunday News, Sept. 5, 1971]

REST HOME OBSERVER URGES CHANGES

(By James A. Treloar)

"There are some simple things a nursing home could do that would bring about profound changes in the emotional environment," said Mrs. Helen McLennan.

A professional social worker, Mrs. McLennan spent four days as a nursing home patient to produce the accompanying story for The News.

After her experience, she suggested the following:

Supply wall clocks, calendars and schedules of events. Having to cope with the passage of time is one way that people keep alert and in touch with reality. Too many administrators take the attitude that: "There's no reason why they should know what time it is; we do everything for them."

Nurses ought to give more credence to what their patients say. I saw a mouse in my room one night, and told the nurse. She said: "We'll have to try finding a trap." Next day, I mentioned it to two aides who responded similarly. But no trap ever appeared. It wasn't that they didn't care—they simply didn't want to believe me.

Patients should have access to a professional social worker. Many nursing homes do hire consulting social workers, but their job is to talk to the staff, not the patients. And more often than not, they deal with problems bothering the staff, not the problems bothering the patients.

Patients should be given pleasant and challenging occupations. This could mean crafts, games, group discussions—but there are many possibilities. It's not enough to simply provide the facilities; patients must be encouraged to use them.

Use volunteers like the Candy Stripers or the Friendly Visitors. They give a friendly, socializing atmosphere to an institution.

And all staff members should be trained to recognize each patient's own strengths and special interests. Otherwise, patients just get categorized according to the degree of their helplessness, like "feeders," or "incontinents," or "complainers."

Only when nurses begin to think of their charges as persons instead of patients will they ever substitute real interest for the superficial smiles, often false promises and belittling scoldings.

ADDRESS BY HON. THEODORE R. McKELDIN BEFORE UNITED NATIONS ASSOCIATION

Mr. MATHIAS. Mr. President, last night the U.S. Ambassador to the United Nations, the Honorable George Bush, visited Maryland and addressed the United Nation's Association. It was my honor to be present with my distinguished colleague from Maryland (Mr. BEALL), other Members of Congress, and a very impressive company of Maryland citizens.

The meeting is an annual event in Baltimore, and for a quarter of a century one of its moving spirits was Jacob Blanstein. The interest and support for the United Nations that was evident at last night's dinner was a monument to Mr. Blanstein and to his dedication, to the cause of human rights guaranteed by international law. That dedication was eloquently memorialized by Mr. Blanstein's great friend of many years, Theodore R. McKeldin, former Governor of Maryland, former mayor of Baltimore, and stanch supporter of the United Nation's Association.

I ask unanimous consent that the text of Governor McKeldin's tribute to Mr. Blanstein be printed in the RECORD.

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

REMARKS OF THEODORE R. MCKELDIN

In the lobby of the Blaustein Building in downtown Baltimore stands a half-size bronze replica of the sculpture gracing the United Nations Plaza in New York. The title of the artwork is "Single Form" and according to an inscription it "symbolizes the late Secretary-General Dag Hammerskjold's singleness of purpose in his zealous pursuit of peace."

The donor of this sculpture was Jacob Blaustein. How it came to be created provides a fascinating insight into this man and his interest in the UN.

The story told that a few weeks before Dag Hammerskjold died, he had a long luncheon session about world affairs with Andrew Cordier, Ralph Bunche and Jacob Blaustein. After the meeting, the men took a walk near the pool in front of the UN Building. Hammerskjold mentioned to Dr. Bunche his desire to see a brilliant piece of sculpture on that spot. Beyond Mr. Blaustein's hearing, Dr. Bunche asked why Mr. Hammerskjold had not suggested the idea to his Baltimore friend. The Secretary-General replied that it would be wrong to exploit their friendship. After Hammerskjold's death, however, Dr. Bunche told Jacob Blaustein of the conversation. It was then that Mr. Blaustein commissioned the world-renowned British sculptress Barbara Hepworth, an artist whose work Hammerskjold admired, to execute the sculpture.

At the dedication of his gift of this sculpture to the UN, Jacob Blaustein quoted Hammerskjold's philosophy: "The question of peace and the question of human rights are closely related. Without recognition of human rights we shall never have peace."

That philosophy, however, was also Jacob Blaustein's philosophy and his life was an expression of his drive to achieve the dignity of justice and the reality of peace for all mankind.

Throughout his life, Jacob Blaustein was active on the board of scores of Jewish and non-secretarian philanthropic organizations. He was instrumental in the monumental achievement of negotiating the West German reparations for the victims of Nazi persecution. He was involved in and committed to causes from the Truman Library to the International Synagogue at Kennedy Airport, from the United Negro College Fund to the Hebrew University in Jerusalem, from the USO to NATO.

But as one writer of Jacob Blaustein's life noted. "Perhaps his greatest satisfaction came as a member of the United States delegation to the UN." And the reason is simple, yet profound. For Jacob Blaustein saw the UN as the most obvious vehicle to achieve his pursuit of human rights. He saw in this organization of peace, a channel for his considerable energies and his grand success in business to be applied to the one goal that consummed him—man's humanity to man.

And so, he was involved in the UN from the beginning. At President Roosevelt's request, he served as consultant to the American Delegation at the International Conference in San Francisco, where he played a leading role in the introduction and inclusion of the Human Rights provisions in the United Nations Charter. In 1946, he participated in the UN Organization Conference in London. In 1955, President Eisenhower appointed him a delegate to the UN 10th General Assembly. In 1957, he was State Chairman of UN Week in Maryland and received a citation, I am proud to say, from me as Governor. In 1963, he was chairman of a Citizens Committee for UN week in Maryland. And in December of that year, he made, in a speech at Columbia University, the original proposal that there be established a United Nations High Commissioner for Human Rights.

His UN activities were prodigious: Member of the National Committee for United Nations Day for three consecutive years; early member and strong supporter of the American Association of the United Nations in New York; recipient in a City Hall ceremony, when I was Mayor of Baltimore, of the UN Association of Maryland's UN Flag; active fund-raiser for UN activities; Vice chairman of the UN Concert and Dinner in Washington; early member and strong supporter continuously of the United Nations Association of Maryland.

And always, running as a golden theme through his efforts, was the firm belief that the United Nations was the one way to achieve human rights for all—and thereby peace for all.

His own life was an exquisitely beautiful blend. He merged his Jewish experience, his American experience and his human aspirations to create in himself a finely honed instrument for the achievement of a peaceful blend of the peoples of this world. Five Presidents and a King recognized this and enlisted him in their work. And while he sought to honor Dag Hammerskjold with that work of art at the United Nations, Jacob Blaustein subconsciously expressed his own yearnings in that art object for a world of justice and brotherhood. "Single Form" is the title of the scripture and "Single Form" is what he made of his own life and hoped to make of our world.

NORTHEAST CORRIDOR TRANSPORTATION PROJECT

Mr. PELL. Mr. President, the Department of Transportation yesterday transmitted to Congress the report and recommendations of the Northeast Corridor transportation project.

As one who has for 9 years been advocating improved rail passenger transportation and development of new high-speed ground transportation systems to serve our congested urban corridors, I am most pleased at the recommendations included in this report.

The principal recommendations of the report include an investment of $460 million for high-speed ground transportation improvements in the Northeast Corridor—the megalopolis extending from north of Boston to the south of Washington, D.C.

I think it fair to say that the report constitutes an endorsement by the Department of Transportation of the views and proposals I have been putting forward in the Senate for the past 9 years.

Indeed, the Northeast Corridor transportation project was a direct outgrowth of my own efforts to persuade, first, the Kennedy administration and the Johnson administration to recognize and support the need for this kind of program. And it was in 1966, during the Johnson administration, that Congress approved the High-Speed Ground Transportation Act.

I think it important to note, also, that the Northeast Corridor transportation project, initiated 5 years ago, constitutes the first full intermodal systems analysis of transportation needs in any region of our country. It is, truly, a landmark in the effort to achieve a goal of comprehensive planning to meet the transportation needs of our people. I am therefore particularly pleased that the findings of this thorough study closely parallel the conclusions I reached and set forth in my book "Megalopolis Unbound" 6 years ago.

So I congratulate Secretary Volpe and the Department of Transportation on the completion and submission of this excellent report.

I must add that I am disappointed that the report and recommendations were not accompanied by specific legislative proposals from the administration. The report itself, after all, makes clear the necessity and urgency of Federal Government initiative and impetus to get this program underway.

I am somewhat reassured by Secretary Volpe's hope, as reported by the press, that necessary financial arrangements and congressional action can be achieved in not more than 1 year. I join him in that hope, and would further urge that the administration submit its legislative proposals at the earliest possible time so that the high-speed ground transportation program for the seventies can indeed be realized in this decade.

I would also urge the Department of Transportation to undertake as quickly as possible the planning recommended in the report for the development of a new high-speed ground transportation system to meet the needs of the Northeast Corridor during the 1980's.

SENATOR BROOKE'S SPEECH BEFORE WORLD AFFAIRS COUNCIL

Mr. SCOTT. Mr. President, during the August adjournment of Congress, the distinguished Senator from Massachusetts (Mr. BROOKE) spoke before the World Affairs Council in Boston, Mass. Senator BROOKE's comments to the World Affairs Council are most interesting, and I commend them highly to the Senate.

I ask unanimous consent that the speech be printed in the RECORD.

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

THE FOREIGN POLICY OF PRESIDENT NIXON: A VOTE OF CONFIDENCE

When momentous events floods over us in a steady stream, day after day, it is difficult to perceive just how momentous individual developments may be. To gain perspective on the changes swirling around us, we must make a conscious effort to contrast our present circumstances with those in which we found ourselves not long ago.

This task is especially necessary when one confronts that "vast external realm in which the United States deals with other nations. In international politics, change often lurks dormant beneath the surface only to break through rapidly and unexpectedly with the most far-reaching consequences. Great watersheds like the Second World War transform global politics. Colonialism dies. The nuclear age is born. Strategy is revolutionized. New international organizations come to grips with the myriad problems of maintaining and managing world order.

Yet not every era in world affairs begins so dramatically. Sometimes more subtle changes work their way toward fundamental shifts in international relations.

I believe we can glimpse such changes now at work. Our country is now engaged in a profound diplomatic revolution. If recent initiatives bear fruit, the world will have taken giant strides toward a new age rich in prospects for peace and social development.

In the 2½ years Richard Nixon has been in office, he has pursued a low-key, controlled diplomacy which mutes the boldness of the course on which he has embarked. One can detect the essence of a re-oriented and revitalized American posture in the world, a posture attuned both to our own interest and to the evolving requirements of international stability. Gradually, piece by piece, the President is beginning to assemble a mosaic of foreign policy that is utterly pragmatic in style but virtually prophetic in substance.

I confess that I do not always agree with the President. For instance, I have long worked and voted for establishment of a firm date for complete U.S. withdrawal from Vietnam. I remain distressed that the President and the Congress have not come to agreement on this divisive question. But when the Chief Executive takes actions of which we approve, I believe the honest critic is obligated to be equally forthright in making known his agreement with the President.

In my opinion, every American should take stock of—and heart from—what is actually transpiring.

Disengagement from Vietnam is well advanced, and the Nixon Doctrine promises a sounder basis for U.S. policy in future crises. The fact is that 365,000 troops—⅔ of the troops in Vietnam in 1969—will be withdrawn by December 1. U.S. casualties are less than a third of those suffered previously. The American ground combat role is ending and the cost of the war is less than half what we spent in 1968.

Even with continued hostilities in Southeast Asia, the federal budget has shifted sharply toward urgent domestic needs, as the President carries forward the reordering of national priorities for which many of us have worked so long. The military share of national spending has declined to the lowest level since 1950, less than 33% of the budget and 6.8% of the GNP.

Relations with our European allies have been restored to a condition of mutual respect and confidence, laying the groundwork for relaxation of East-West tensions and mutual reduction of military forces.

In the Middle East, seeds of peace struggle to take root, as—with prudent American support—Israel and the Arab nations grope for ways to turn the present cease-fire into a more permanent settlement. For the first time, Arab nations begin to imply a willingness to acknowledge Israel's right to exist.

Farsighted negotiations with Japan have shored up our relationship with America's principal associate in the Pacific, notably through skillful adjustment of the thorny problem of Okinawa.

In Nigeria, peace has been restored and its people are forging a new and hopeful unity made possible in large part by the deliberate and often difficult restraint exercised by the United States. A policy of reserve and limited official contact with the white minority governments of Southern Africa impresses upon the leaders of those states that the outside world cannot condone repression based on race.

In perhaps his most courageous initiative, the President has achieved startling results in his campaign to revive the historic ties between the American and Chinese peoples.

Through the Strategic Arms Limitation Talks and other arms control efforts, Mr. Nixon has made unprecedented progress toward a new foundation of mutual security for the United States, the Soviet Union, and other nations.

Merely to list these developments is to come face to face with accomplishments that would literally have seemed incredible two and a half years ago. Any one of these welcome turns in American policy would be counted a formidable accomplishment. To see them all, clustered together in so brief a period, demands that we take a fresh appraisal of the nature and scope of the President's leadership in foreign affairs. Should only a fraction of these ventures mature, Richard Nixon will have served his stewardship for America very well indeed.

Reflecting on these hopeful tendencies, I am struck by the way in which differences over detail have obscured the underlying consensus on which these actions have been grounded. For example, as a strong advocate of a larger congressional role in foreign policy, I have joined others in pressing the President to move more rapidly toward disengagement from Vietnam and toward a freeze on strategic weapons in the SALT discussions. I will not dwell on these disagreements here, for I have often expressed my conviction that we should move more vigorously on one or another diplomatic front. Yet one must acknowledge the broad sweep of the President's undertaking across the entire range of U.S. international interests. Mr. Nixon has in fact gauged the directions in which this country ought to be moving and he has forged policies to fit those directions.

As we work for a more effective legislative-executive partnership, I believe the Congress must face up to the twin tasks of enhancing its own role and of reinforcing the President's capacity to conduct a potent foreign policy. Too often relations between the branches are portrayed entirely as a matter of relative power between the two. In truth, the power and influence of Congress and the Executive—and therefore of the country—are both strengthened when our policy abroad is based on full deliberation and reasoned agreement between the two branches. Thus, it does not serve America's interest if the frictions of everyday politics cloud the wide measure of legislative support for the long-term thrust of our present policies. The counterpart of a powerful congressional role in foreign policy is a heightened congressional responsibility to make clear its endorsement of sensible executive initiatives.

In short, we in the Congress must be jealous of our prerogatives—and I defer to no one in that regard—but not so jealous that we frustrate the goal of common action for the common good. As the distinguished chairman of the Senate Foreign Relations Committee has remarked, our purpose should be "reconciliation", not confrontation between Congress and the Executive. We seek to rejuventate congressional participation in foreign policy not simply for reasons of the institutional balance of power, but because of our determination to improve the per-

formance of the United States in world affairs. And that larger purpose requires that both President and Congress proceed with a constant appreciation of the necessity to harmonize their actions on foreign policy.

The highwater mark of modern American diplomacy came a generation ago, when the two political parties—in a spirit of bipartisan devotion to the national interest—achieved a cooperative foreign policy which won broad support I believe the nineteen-seventies can be another great era in our diplomatic history—but this will require a rebirth of mutual respect and intelligent collaboration in our political system. The crux of the problem, in my opinion, is to revive a healthy relationship between the executive and legislative branches.

I offer these remarks as a preface to a simple conclusion: President Nixon's remarkable record in foreign policy deserves a greater degree of confidence than it has yet received. It is understandable that after many years of growing cleavage and declining confidence between the President and the Congress the Legislature tenders its approval warily. I doubt that any member of the Congress will again be willing to grant the kind of *carte blanche* in international relations which previous Presidents have so readily obtained. I certainly will not. But I do believe that a detailed and fairminded appraisal of the course the President is pursuing ought to win the enthusiastic approval of the Congress and the country. I stand here today to voice my personal confidence in the program which the President has undertaken to protect the peace, security and well being of the United States.

In doing so I want to comment specifically on two endeavors which I consider the President's most vital and enlightened undertakings, his China policy and his attempts to establish arms control arrangements.

I well recall my first conversation with Mr. Nixon concerning the grave problems of our policy toward China. It occurred during the opening swing of the 1968 presidential campaign. Frankly, I was pleasantly surprised and greatly encouraged to discover his strong personal commitment to a fresh approach to China policy. I was, of course, pleased to learn that we shared this issue as a central concern and that there was a large area of agreement between us on its general aspects. But far more important, I was deeply impressed by Mr. Nixon's conviction that America's interest and the stability of world order demanded an intensive effort to bring the People's Republic of China out of its long-standing isolation. In my mind, Richard Nixon clearly had his priorities straight.

His steady and constructive guidance of efforts to re-establish contact with Peking confirms that he is prepared to break the mold of outworn policy and reach out for a healthier and more productive relationship. Few issues are so complicated, so loaded with emotional and political risks, and the President's performance has been nothing less than splendid. Obviously, the outcome is uncertain and no one should anticipate instant success, but the President has removed all doubt of his dedication to a just restoration of relations between America and China.

If one issue surpasses China in its long-range importance to peace and security, it is the question of how to introduce greater reason and restraint in controlling the deadly weapons with which technology has afflicted mankind. Seldom has so much been done and so little appreciated. In simple truth, Mr. Nixon has done more than any President in history to advance the cause of effective arms control.

He has carried the Non-proliferation Treaty through to ratification.

He has proposed enlightened new treaty provisions to prohibit the emplacement of nuclear weapons on the ocean floor.

He has renounced the use of biological weapons and submitted for ratification the Geneva Protocol on chemical and biological warfare—an agreement proposed by the United States almost half a century ago but, astonishingly and sadly, not yet ratified by it.

He has ordered a phase-out of such controversial chemicals as herbicides in Southeast Asia.

And, most significantly, he has taken steps toward a fundamental revision in the strategic relationship between the United States and the Soviet Union.

The nation has not yet fully comprehended the President's landmark decision to modify the strategic doctrine on which the United States has planned its forces for a quarter century. It was Richard Nixon who, after long being a leading advocate of strategic superiority, came to see that the massive growth of Soviet strategic capabilities made such a policy both futile and dangerous. The President's reformulation of American strategy to emphasize the goal of nuclear "sufficiency"—rather than quantitative superiority—has opened the door toward a major breakthrough in stabilizing the strategic balance, curbing the arms race, and undergirding a lasting peace.

When weighed against the continuing buildup of Soviet arms, the President's strategic decisions have shown commendable restraint and a profound commitment to successful negotiations. They contrast markedly with what now appears to have been a drastic over-reaction on our part as we built up vast strategic forces in the early and mid-nineteen sixties. Many informed experts now believe that buildup delayed the possibility of serious arms limitation for a decade. Strategic parity has proved to be the prerequisite to progress in arms control. Recognizing the opportunity to promote through diplomacy the security we have been losing through the arms race, President Nixon has acted prudently and skillfully to make SALT a success.

This is not to say he has done everything many of us would have liked. I certainly wish it had been possible to obtain a general freeze on offensive and defensive deployments during the course of the early SALT talks. I believe there should have been a concerted effort to obtain a mutual suspension of the testing and deployment of multiple warhead missiles. My anxiety and disappointment on these issues will fade only if, through SALT or otherwise, effective restraints are established over the potentially destabilizing technologies now coming into existence.

Nevertheless, the President has sought to reduce these hazards. He has terminated U.S. work on a so-called "hard target MIRV" capability, making clear that any U.S. deployment must be compatible with the strictly deterrent and retaliatory mission of American strategic forces. He has offered to negotiate a mutual ban on MIRV systems. At the same time, the President was wise enough to reorient the ABM program away from a possibly provocative area defense of the entire country and toward a relatively stabilizing deployment designed to protect our land-based retaliatory forces. He has accepted the Senate's decision not to authorize a thin area defense and has slowed even the authorized deployment around the silos.

I remain convinced that the mutual deterrence on which American and Soviet security depends can best be preserved by avoiding a major deployment of anti-ballistic missiles by either country. In my judgment, mutual security would best be reinforced by a "zero level" limit on the two countries' ABM deployments, coupled with decided restraint in offensive weapons, especially MIRV systems. The vital goal, however, is to move from the *competitive*, strategic relationship in which we and the Soviet Union have been trapped in a more *cooperative* strategic environment, in which the two superpowers recognize their overriding common interest in preventing war. That transformation, it seems to me, is the fundamental objective and magnificent promise of the Strategic Arms Limitation Talks.

I want to reiterate that I personally would prefer a mutual decision to deploy no ABM systems and to dismantle the limited systems both countries have begun. I do not believe the United States should deploy a defense around Washington, even if a SALT agreement were to provide that option. If any ABM deployment is to proceed, I believe it should emphasize the strictly local, hardpoint defense of our missile silos which is now being developed in the Hardsite program, rather than the Safeguard system elements which are of limited value in defending Minuteman. As such knowledgeable critics of Safeguard as Hans Bethe and Wolfgang Panofsky have stressed, a properly designed hardpoint defense of our land-based missiles is feasible and could add a helpful measure of stability if the threat against our deterrent should continue to grow.

For this reason I have urged that the Senate authorize the use of Safeguard funds to accelerate work on Hardsite technology, for use in the unhappy event that further deployment proves necessary. If SALT is not successful in limiting the threat, a Hardsite deployment could well win the support of both opponents and proponents of the Safeguard system.

All of these considerations, and especially the fact that we are on the verge of learning what kind of mutual strategic arms limitation may be possible through SALT, persuade me that the Senate should give the President as much support as possible at this crucial juncture. While I certainly reserve my right to oppose any major expansion of ABM deployment, I am confident that no such issue is presented by this year's authorization.

To meet the President's objectives, the Senate Armed Services Committee has recommended a constructive and responsible program, which provides for a limited ABM deployment to defend our Minuteman. The Committee has authorized continued deployment at the two sites approved in 1969 and continued preparation for possible deployment at the two sites authorized last year. This retains the focus on the exclusive mission of protecting our retaliatory forces and maintains the extremely gradual pace of the program. Indeed, the Committee has adopted a compromise nearly identical to the bipartisan proposal which Senator McIntyre joined me in offering in 1970.

Particularly in view of the delicate diplomacy now underway, I do not believe it would be helpful for the Senate to resurrect last year's controversy over the sites which have been funded or to engage in a disproportionate dispute over preliminary work on the third and fourth possible sites. Accordingly, I will not support or participate in extended debate on the ABM this year.

We have now reached the stage where limitations on offensive and defensive weapons can best be settled on a mutual basis in the Strategic Arms Limitation Talks. The prognosis for SALT is more hopeful than for any strategic arms control talks we and the Soviets have ever conducted. The joint communique of May 20th, in which both Moscow and Washington declared their purpose to be an agreement in the immediate future, heralds decisive discussions in the next five months. For these few months I will observe a personal moratorium on the ABM issue.

Reviewing this promising record, I have every confidence that the President is pursuing a sensible and mutually beneficial arrangement to preclude the necessity for fur-

ther increases in offensive and defensive weaponry. If one looks beyond the rhetoric and confusions of politics, the President has demonstrated his good faith and competence in opening an era of negotiations. In his quest for a generation of peace, President Nixon's foreign policy entitles him to the thrust and support of every American. He has mine.

GEORGE BALL SUBMITS STATEMENT TO THE JOINT ECONOMIC COMMITTEE

Mr. PROXMIRE. Mr. President, the Joint Economic Committee is holding hearings on the President's new economic policies. One person we had invited to testify was the Honorable George Ball who served with such distinction as Under Secretary of State, 1961 to 1966, and who played such an important role in the major trade negotiations which took place during that period. Unfortunately, Mr. Ball was not able to appear in person before the committee due to other obligations which required him to be out of the country for an extended period of time. However, Mr. Ball has submitted a written statement to the committee. This statement contains so many important insights with respect to the international aspects of the President's new policies that I feel it should receive widespread attention. I ask unanimous consent that Mr. Ball's statement to the Joint Economic Committee be printed in the RECORD at the conclusion of my remarks.

The central point Mr. Ball makes in his statement is that the longer the temporary protectionist elements of the President's new international economic program remain in effect—the 10-percent import surcharge and the application of the investment tax credit exclusively to U.S. produced capital goods—the more difficulty we will have in resolving mutual economic problems with our industrial trading partners, and the greater will be the likelihood that the President's program will fail to achieve its objectives. If these protectionist features become permanent, Mr. Ball asserts, the international segment of the President's program will have failed. The economic health of both the United States and all of our trading partners will have been impaired. Therefore, Mr. Ball emphasizes, we should not confuse the announcement of the program with actual achievement of its objectives. These objectives are far from secure.

The United States should not approach the forthcoming negotiations to resolve the international economic crisis with an attitude of innocent blamelessness, Ball asserts. The EEC estimates that after the Kennedy round, the average tariff level in the United States will be approximately 13 percent as contrasted with 7 percent for the Common Market. Similar data compiled by our Government indicate that the two average tariff levels will be virtually identical at slightly over 8 percent. The United States maintains import quotas on approximately 67 product categories accounting for almost 17 percent of our total industrial imports. The Europeans impose quotas on 65 similar items, but which include only 4 percent of their external industrial purchases.

Ball attacks four illusions that the United States should eschew if we are to successfully achieve our desired goals in the current negotiations. We should not expect that the determination of new exchange rate parities can either, one, be left to market forces alone or, two, be made the exclusive responsibility of other industrial countries. Monetary authorities have no stomach for a permanent float, and the United States, aside from defending our own interests, is the only nation that can exert decisive leadership in establishing a sound international monetary system.

Third, Ball argues that time is not on our side, but instead we must seek to bring about a mutually acceptable set of exchange rate adjustments within a month or 6 weeks. The surcharge substitutes for exchange rate changes that are necessary to stimulate U.S. merchandise exports, to achieve an improved balance in purchases and sales of services, and to regulate flows of long-term capital. The longer the surcharge stays in effect, the more U.S. industries will become dependent upon it, and the stronger the lobby for its retention will grow.

Fourth, Ball maintains it is an illusion to think the United States can gain an entire shopping list of concessions from foreigners in return for the elimination of the surcharge. By requesting too much, we may obtain nothing. Rather the United States should focus upon the achievement of the exchange rate changes that are the primary goal of the surcharge.

In attempting to achieve a happy mutual resolution to the international economic problems the United States still faces, Ball suggests, we should not bargain bilaterally with Japan, but include the European nations in a multilateral accommodation to Japan's growing economic strength. Moreover, the United States should weigh the concessions it can make to help achieve a solution, since our international economic difficulties are substantially the result of our own inflationary excesses.

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

STATEMENT OF THE HONORABLE GEORGE W. BALL, SENIOR MANAGING DIRECTOR, LEHMAN BROTHERS, INCORPORATED, SUBMITTED TO THE JOINT ECONOMIC COMMITTEE, U.S. CONGRESS, WASHINGTON, D.C., SEPT. 9, 1971

I regret that, due to professional obligations overseas, I have been unable to accept the Committee's invitation to appear before it in connection with the international aspects of the President's new economic measures. I thank the Committee for its invitation.

The comments offered in this statement are based on my experience as Under Secretary of State and as a member of the Cabinet Committee on the Balance of Payments for almost six years, from 1961 to 1966. They are addressed to the only aspect of the President's new economic program on which I feel competent to offer advice—our forthcoming negotiations with the other members of the international trading and financial community.

I

The principal measures that will play a role in those negotiations are three:

First, the decision to "shut the gold window," or, in other words, our refusal any longer to sell gold from our reserves at $35 an ounce;

Second, the imposition of a ten percent import surcharge; and Third, the proposal to enact an investment tax credit limited to investments in American-made equipment.

Since the latter two measures are protectionist devices that violate the spirit, if not the letter, of the General Agreement on Tariffs and Trade which we have long supported, they cannot be justified as permanent features of American policy but only as tactical instruments designed to improve our bargaining leverage in seeking to achieve a realignment of the parities of major currencies sufficiently far-reaching to restore our balance of payments to equilibrium. They will prove useful, in other words, only if they can be traded away for a substantial *quid pro quo*. If this should not prove feasible and they should become permanent—or even if it proves necessary to maintain them for a protracted period—the international segment of the President's program will have failed. In that event, not only the economic health of the United States but the environment for healthy world trade will be in worse condition than before.

II

I underline this point because, in the transient euphoria that has followed the President's announcement, there has been an understandable tendency to confuse the announcement of the program with the attainment of its objectives—as though the President's actions by themselves had brought a solution to our international commercial and monetary difficulties, rather than merely providing the occasion and the tactical instruments for the development of a solution. Such euphoria is to be deplored, since it could lead to ill-conceived action—or inaction—particularly if we approach the problem of sorting out the parities of major world currencies in a mood of outraged innocence. For it seems fashionable in some quarters to espouse the self-pitying thesis that, because of the ineptitude and flatulence of our negotiators, we have been consistently taken advantage of by other less generous and idealistic governments; thus we now have every right to insist that our trading partners solve our problems for us.

Not only is this a foolishly wrong-headed attitude, but if we should let it guide our actions during the forthcoming negotiations, we could do enormous harm to the whole mechanism of international cooperation, while failing to achieve our objectives.

III

By and large, in our trade negotiations with our major European trading partners, what has emerged from the Kennedy Round and other negotiations has represented a fair give and take. I think it significant, for example, that, though many American businessmen complain bitterly that the Europeans got far the better of the bargain, I have heard fully as many complaints from European businessmen that Europe gave more that it got in return. A recent study by the staff of the Commission of the European Economic Community asserts, for example, that after the Kennedy Round the average import duty in the United States was 12.8 percent as against 7 percent for the Common Market; while our own Government statistics show that with the completion of the Kennedy Round our average tariff on industrial products will be 8.3 percent against 8.4 percent for the Common Market. Such reciprocal discontent is, I would suggest, a good test of a fair negotiation.

That we still have some matters to complain about concerning our European partners is, of course, true—particularly the protectionist aspects of the EEC's Common Agricultural Policy, the Common Market's association arrangements with certain nations in Africa and on the Mediterranean littoral, and the border taxes associated with the fiscal system of valued-added taxes.

But the United States is far from innocent. While we have more low tariffs than the Common Market, we also have more high tariffs. Though we impose import quotas on something like 67 industrial product categories, including such major items as steel and oil, while the Europeans maintain quotas on 65 such items, our quotas cover almost 17 percent of our total industrial imports, as against only 4 percent for the Common Market.

Statistics such as these are, of course, subject to almost infinite interpretation and manipulation, and I am certainly not suggesting that our record for liberalism is worse than that of our European trading partners, merely that it is not so conspicuously better that we can afford the luxury of self-righteousness. Let us not forget that we still maintain the so-called American Selling Price in computing the tariffs on certain important chemicals, even though that represents protectionism in its most extreme form. Nor should we fail to note that the surplus in our merchandise balance with the European Economic Community increased last year—which suggests that we are far from being shut out of European markets. In fact, the deterioration of our world-wide balance of trade, both visible and invisible, is due almost entirely to the adverse developments in our bilateral trading accounts with Japan and Canada, both of which deserve special attention.

IV

What should be clear beyond doubt is that we are entrapped in our present unhappy predicament not half so much because of the trading and financial policies of other nations, but because, for a number of years, we have failed to check powerful inflationary forces intensified by—but by no means altogether caused by—an overseas war. The result of this inflation has been to over-price many of our goods thus making them non-competitive in world markets. Thus our present predicament—and let us be quite honest with ourselves—is nobody's fault but our own and the world knows it.

What is clearly indispensable, if we are to regain a healthy economic posture, is that, after the present temporary freeze, we adopt and enforce measures that will effectively stop the inflation; otherwise, the President's program will have been an exercise in futility. In fact, it will have done more harm than good, since it will have disrupted world trade and finance without compensating benefits.

V

But let us assume that we do find a long-run solution to the excessive inflation of the past few years. How shall we go about achieving the correction of those imbalances that now mark our present unhappy position in the world economy?

The first priority, it seems to me, is for us to get rid of some of the illusions that have clouded the public discussion of the problem during these past few yeasty days.

The *first illusion* is that the determination of new parities can be left to market forces. There is no evidence whatever to suggest that any of the major nations whose currencies are out of line with real values have the slightest intention of letting those currencies float freely. Not only is it against the religion of a central banker to refrain from intervention when he sees his national currency moving in a direction of substantial disadvantage but the operation of the import surcharge and the vast supply of available short-term money give present market forces an inevitable bias. If, then, we adopt a passive posture while waiting for the market to define what adjustments are needed, we will cruelly deceive ourselves.

A *second illusion,* equally dangerous, is that, once having stopped the engine of the Bretton Woods system by halting gold convertibility and seriously undercutting the GATT by unilaterally blocking access to the United States market, we can expect the other major trading nations on their own to develop new solutions. For a long while we have been preaching the doctrine that one nation's surplus is another nation's deficit and that surplus countries have as much of a responsibility as deficit countries for maintaining equilibrium within reasonable limits. Now we seem to be saying that, so far as the United States' deficit is concerned, we are passing the whole burden to the surplus countries to devise a solution through an upward valuation of their currencies, regardless of the deflationary consequences for their own domestic economies.

Such a position, it seems to me, ignores all the lessons of past experience. During the entire post-war period the United States has led in every constructive monetary and trade move (other than regional initiatives) that were directed at the improvement of the world's financial and trading systems. We have done so not merely out of the goodness of our heart—although our record, on the whole, is highly creditable—but because we commanded economic power equivalent to the combined power of four or five smaller nations—and, as a single nation, we were capable of incisive action.

In this regard our country is unique—and we dare not forget it. Though within the past few years Europe has made gratifying progress toward economic integration, the nations of the European Community are still far from having achieved anything resembling unity of decision and action. Thus, even now we are once more witnessing the familiar spectacle of the Community internally divided because of French insistence on its own doctrinal prejudices.

Under these circumstances there is clearly no single entity other than the United States that can command the authority to design and successfully promote a constructive initiative to realign currency parities. Yet, unhappily, that does not rule out the possibility that, if we fail to pursue an active diplomacy but permit the present stalemate to continue for a matter of months, one or more nations may be tempted to set in train a chain reaction of competitive protectionism, not necessarily as explicit retaliation for our actions but still using the American import surcharge as an excuse.

Not only does the situation require active American diplomacy, but that diplomacy must be directed with a sense of urgency. What we must seek to bring about is an adequate program of currency readjustments within not more than a month or six weeks from now. For the *third illusion* that we must rigorously put aside is the assumption that time is somehow on our side and that if we only maintain our protectionist measures and wait long enough, our bargaining leverage will be enhanced.

Nothing is further from the truth. Rather than increasing in potency, our protectionist measures are a wasting asset. Already there are reports that Japanese industry—cooperating, as it invariably does, with the government—is making plans to adjust its operations to the ten percent surcharge. That surcharge, it is argued, may not, after all, prove a bad thing. It may provide the necessary impetus to long overdue rationalization. It could well lead to the concentration of investment in higher technology sectors, leaving labor-intensive production to lower-cost Asian countries. Meanwhile, the government is reported to be planning massive public works investment in a much needed improvement in the infrastructure while, at the same time, maintaining the momentum of industrial activity.

Once these internal adjustments are achieved, Japanese industry is likely to emerge more competitive than ever. To be sure, Japanese protectionist elements will almost certainly use the American surcharge to justify further delay in liberalizing trade and investment, while American companies trying to do business in Japan may well encounter even more formidable obstacles. But, as a bargaining counter, the surcharge will have lost much of its potency.

Nor is that all, for the longer the surcharge and the "buy American" features of the investment tax credit remain in effect, the more American industry will come to depend on them. Thus, vested interests will be built up in the maintenance of these two protectionist devices, a healthy process of rationalization will be slowed down, and increased productivity will become less essential for meeting competition. The result; new distortions and new rigidities on both sides.

VI

Before we commit ourselves to any line of strategy, it is essential that we carefully appraise the strength of the weapons in our hands. Here again, the euphoria of the past few days, we have shown a dangerous tendency to exaggerate the bargaining value of the import surcharge.

Though our ten percent import surcharge will adversely affect certain sectors of Japanese trade (roughly thirty percent of Japan's total merchandise exports), the resultant disadvantage would still be far less than a ten percent revaluation of the yen, since the surcharge would affect only visible trade with the United States, while an upward revision of the yen's parity would make both Japanese goods and services less competitive in every market of the world.

Yet what we are seeking is not a ten percent revaluation but something substantially more than that. Most recent speculation has ranged around fifteen percent, and I do not think that an impossible objective, provided we pursue a skillful diplomacy, as I shall suggest in a moment. But there has also been a good deal of loose talk about demanding trade concessions at the same time, not only from Japan but from other countries.

The same considerations apply to West Germany, where our surcharge affects only nine percent of the Federal Republic's exports; yet what we are apparently seeking is something approaching a fourteen percent revaluation of the Deutsch Mark that would affect all West German trade throughout the non-Communist world.

VII

This brings me to the *fourth* and final *illusion* which we should quickly discard—the illusion that we can successfully employ our protectionist bargaining counters to buy a whole shopping list of concessions from our trading partners not only in the form of currency readjustments but also in the area of commercial policy and even defense. Such an illusion is dangerous because it can lead to over-trading, bogging down negotiations in an endless and angry wrangle and ultimately causing irreparable damage to the whole system of international cooperation which we have so painfully built up since the war.

For not only is the import surcharge a limited instrument; it is a blunt instrument. Though we must necessarily regard the principal target in the forthcoming negotiations as Japan and its undervalued currency, the surcharge actually affects a far larger percentage of the total foreign trade of such

innocent third nations as Mexico or Korea—whose currencies are not undervalued—than it does of Japan.

Since we dare not make exceptions to the general application of the surcharge without doing violence to the fundamental principle of non-discrimination that underpins our whole system of commercial policy, we must recognize the inadvertent damage we will cause if we leave the surcharge in effect too long in an effort to extract trade concessions from a mere handful of countries we regard as pursuing unfair trade practices.

Nor, because it is unfocused, is the surcharge likely to be effective outside the narrow area of currency readjustments. To be sure, we have a continuing argument with the Federal Republic of Germany as to the balance of payments effects (probably about $900 million net of the cost of maintaining our troops in Europe). But it would be wholly impracticable to try to maintain a surcharge against the whole world's commerce simply to bludgeon the Germans into more favorable offset arrangements.

I strongly feel, therefore, that any attempt to settle too many loose ends and to bargain for concessions outside the area of parity realignments is likely to lead to total frustration. Though we should use every means at our command to correct the present payments imbalances, it would be the height of folly to try to achieve too much within the four walls of the present negotiation.

VIII

We will do well if we obtain a significant revaluation of the yen and some lesser readjustments of other major currencies. But to deal effectively with the Japanese will require a drastic revision of the tactics we have so far been pursuing.

In my judgment, the major mistake we have so far made in dealing with the Japanese Government is to try to resolve our problems in a bilateral setting. Among all the nations in the international trading community Japan is *sui generis*. It has been only a hundred years since it experienced the Meiji Restoration, which released it from the inward-looking feudalism that had insulated the Japanese people for three hundred years. To regard Japan today as simply another capitalistic country roughly in our own pattern is to misconceive the structure and history of the country. Not only the Japanese people, but the great Japanese corporate enterprises regard themselves as instruments dedicated to a common national purpose; in fact, many of the decisions of Japanese industry in approaching foreign markets are made not so much from the point of view of the corporate profit and loss statement as from the relevance of that market to the national objectives of Japan.

But if Japan differs in structure and outlook from the United States, it differs equally from the other major trading nations of the West. To bring Japan, with its special institutions, its unique structure of state-industry relations, and its distinct habits of thought, into a world financial and trading system designed largely in response to the institutions, structure and attitudes of the West is a task requiring both firmness and sensitivity. Clearly, it is not a task that the United States should tackle by itself. If we continue trying to achieve it by our own efforts—through the use of instruments of coercion such as those now included in the President's Program—we will suffer the full onus of abrasive relations with Japan, while at the same time angering and alienating our Western trading partners by deflecting Japanese exports from our market to theirs.

What we should instead seek to do is quickly to bring our Western allies to understand that they have a common interest with us in resolving the special Japanese problem. That point is reasonably well understood in industrial circles in Britain, but, unhappily, I find very little understanding of it on the Continent, and it will take intensive education on the part of our Government, as well as American industry to persuade the Europeans that this is an urgent task requiring the closest transatlantic cooperation.

IX

Finally, what is urgently needed is to reinject into present negotiation that spirit of mutual give and take that has, in the past, marked all successful efforts to solve our trade and monetary problems. This will require intense activity and quiet leadership on our side and serious concentration on correcting the impression that America plans to employ no instrument of persuasion more subtle than a baseball bat. It will mean assiduously developing with the Group of Ten those common positions that can be translated into effective pressure on those member nations whose currencies are furthest out of line. Quite likely it would be useful to encourage the staff of the IMF, and particularly its very able director, M. Pierre-Paul Schweitzer, to put forward concrete proposals for revised parities. After all, the IMF is the only impartial agency that commands the respect of all the members, and, at the moment, its life and usefulness are in serious jeopardy.

Nor would I rule out the need—at an appropriate point and in a spirit of mutual concession—for the United States to offer to take some action having the equivalent effect of a modest increase in the gold price, although I would personally like to assure the demonetization of gold. At best, I would see gold only as a *numeraire*. We should not think of restoring gold convertibility. But, although I have no competence at all as a technician, I would think it possible to advance some American contribution to the achievement of new currency relationships by restating the value of the Special Drawing Rights in relation to the dollar.

Yet, if we are ever to return to a system of fixed parities (hopefully with some widening of the bands to provide increased flexibility), we must hurry, since I think it likely that if matters remain unresolved over many weeks, nations may discover that controlled floating is not all that painful. I recognize that some experts would regard such a state of affairs as attractive, but I can see many reasons why it would be hazardous to experiment with floating rates in the present widespread manner, and I hope we will not let things come to that result by default.

XEROX CORP., CONTRIBUTIONS TO SOCIAL WELFARE PROJECTS

Mr. WEICKER. Mr. President, one of my corporate constituents, Xerox Corp., of Stamford, Conn., announced late last week a new and exciting program whereby employees will be given time off to individually contribute to social welfare projects.

I think that Members of Congress should be aware of this unique program in which Xerox will grant company employees in the United States up to a year's leave at full pay to pursue self-selected projects that may "put something back into society."

Mr. C. Peter McColough, Xerox president and a resident of Greenwich, points out that—

Xerox has always felt a deep responsibility to help solve significant social problems and has supported a wide range of activities dealing with those problems and will keep at it.

However, he said that while financial support will help, often the critical lack is people of talent, dedication, imagination and competence. Mr. McColough also said:

People like that are a treasured resource; they are invaluable to Xerox for the same reasons they are so urgently needed in areas of social concern. In an effort to put something back into society, we are giving the most important asset we have—the time of our people.

He highlighted the program thus:

Employees whose projects are chosen will be guaranteed the same or equal jobs with the same pay, responsibility, status and opportunity for advancement upon return to Xerox.

Applicants may be hourly production-line workers, salesmen, engineers, executives or anyone who has worked for Xerox for at least 3 years.

An applicant may propose almost any kind of social service in almost any location sponsored by a public or private, nonprofit, legitimate, existing organization which will accept the offered participation. It need have no connection with his job or the skills he uses at Xerox.

The length of social service leaves may vary, but a total of 240 man-months a year are provided for in the program scheduled to begin next January. If each of those selected were granted a year's leave, 20 people could participate. If each required only 6 months off, 40 could be chosen.

A seven-member employee evaluation committee—a representative cross-section of Xerox people—will select those to be granted leaves.

In broad brush, that is the Xerox "Social Service Leave Program." I hope that many, many Members of Congress will suggest that their corporate constituents "copy Xerox."

Mr. President, I ask unanimous consent that some observations of Mr. McColough, written in a pamphlet called "Make it Better," which was distributed to Xerox employees, be printed in the RECORD.

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

OBSERVATIONS

COMMITMENTS

Xerox has always had a basic philosophy that we should be involved as a corporation in the problems of our society. We've encouraged our people to be involved. Social Service Leave is a logical extension of our commitment. We are determined to put something back into society.

Many of our people share our commitment. But on a part-time basis, there is only so much they can do. A lot of them would like to really sink their teeth into a problem full-time. We'll give them a chance to do this during the prime of their working careers, when they're best able to do it. They won't have to wait until they retire.

RECRUITING

Many of our best people would not be here today if Xerox stood only for profits.

In the future, our conduct as corporate citizens will be even more important—if that's possible—as we try to recruit the best young people available. As a result of programs like the Social Service Leave, we think that the bright young people will be more apt to join us than some other big company.

RISKS

What happens if some of these people don't return to Xerox after their leaves? Won't Xerox have given them a free ride?

That's one of the risks. We never like to lose good people.

Another question that comes up frequently

is why we're making this move at a time when the economy isn't in its healthiest state—this is not an opportune time.

Well, there is never an opportune time to start something new. There are always risks always problems. If you have to wait for the opportune time, you'll never start anything.

PROBLEMS

The biggest problem is whether we can make good on our commitment that when people return from a leave they receive their same job or a job equivalent. If we don't accomplish this, the program will fail because people won't apply. *And I wouldn't blame them.* I intend to be personally involved in this. I will make certain a persons's career does not suffer because he has taken a leave.

The second problem we have is with the person whose management says he is too valuable to spare. I will be the final judge and the burden of proof will be on the manager. If a person should be turned down because of the critical nature of his job, he will have priority the following year.

PEOPLE DEVELOPMENT

This program can make a significant contribution in terms of the development of people. Those chosen for leaves will obviously grow as a result of the new expreience.

So will the members of the Evaluation Committee. With only two exceptions, these people are not in the top levels of management. The Committee will have a great deal of responsibility and many problems. I expect that its members will learn a great deal.

This committee is one of our first efforts—and I hope there will be many more—to enable people at all levels to participate in significant actions of the corporation.

M. JUSTIN HERMAN

Mr. TUNNEY. Mr. President, few men, in these times of doubt and despair, dream vastly. But M. Justin Herman did, and he will be missed.

As director of redevelopment for San Francisco, Mr. Herman helped rebuild large portions of that city. He did so with great imagination, enormous determination, and brilliant flair.

Of course, there was controversy, but, if anything, it helped perfect his plans and promoted broadest possible public interest and participation.

This was particularly so in Hunters Point, a dismal ghetto of public housing barracks built in World War II. He ignited hope in that blighted area, and he involved the residents in the planning for a renaissance of new homes, industry, and schools.

In the 11 years he was director, he converted a run-down and rat-infested produce area into towering high rises of apartments and businesses; he built a Japanese Cultural Center, the first of its kind outside the Orient; he replaced slums with decent housing.

Above all, he kindled a civic self-consciousness that cities, indeed, can master their future, and muster their resources to combat blight and improve the quality of life.

He was a pioneer in renewal, and his dynamic leadership was recognized nationally.

And he was a fighter. He continually battled the Federal bureaucracy and its strangling redtape, because he was forthright and indefatigable, he became the spokesman for cities throughout the United States in their tangles with the agencies and departments in the Nation's Capital.

Tenacious and hard-driving, he went right to the top in his fight for redevelopment, even suing the President, whom he accused of withholding funds that Congress had appropriated to rebuild our ailing cities.

He worked enormously long days and was thought to be tireless, and he was until last week, when his energy suddenly failed him, and his heart failed.

As I said, he will be missed.

SEPTEMBER 16, 1971, 151ST ANNIVERSARY OF MEXICO'S INDEPENDENCE

Mr. CRANSTON. Mr. President, this day is a very special one for the 3 million Chicanos in California and the entire Chicano community across the country. It is the 16th of September, the 151st anniversary of Mexico's declaration of independence from Spain. The Mexican people, like the Americans, declared their independence in a spirit of sacrifice and idealism and in the name of liberty and justice for all.

On September 16, as on July 4, we should reaffirm our commitment to the goal of making liberty and justice a reality for all Americans and to guaranteeing to all Americans, good health care, a decent income, sufficient food, a good education and, above all, an equal opportunity to gain them.

DEATH OF CLARENCE F. PAUTZKE

Mr. JACKSON. Mr. President, a personal friend and extraordinary public servant is gone. When Clarence F. Pautzke, former Assistant Secretary of the Interior, died on August 14, 1971, the country lost one of its most able public servants. His administrative ability, his understanding of wildlife values, and his scientific mind, coupled with a dynamic personality and a great sense of humor, were a rare combination. A versatile official, he served his country and his fellow men well. His works will live after him. He will not soon be forgotten.

During my years of association with Mr. Pautzke, I developed great admiration for his sound philosophy of wildlife management, his administrative expertise, and his almost unlimited knowledge of America's splendid fisheries resource. I marveled at his ability to relate to people—all kinds of people. He could break down communications barriers by the strength of his personality, then move in with his sound thinking based on scientific fact. His sense of humor and his "blithe spirit" opened doors everywhere that would have remained closed to a less exuberant official.

On many occasions, I sought Mr. Pautzke's counsel on fisheries matters, not only because of his official position in the Federal Government—but as a fisheries expert and friend. He had a comprehensive grasp of all aspects of fisheries. He appreciated the value of the resource, and throughout his career developed imaginative programs to protect it. In his dynamic way, he was able to get others to spread his conservation philosophy at home and abroad, all to the benefit of resource preservation. Mr. Pautzke was a consistently accurate sounding board for me, reflecting the hopes, problems, satisfactions, and dissatisfactions of all fishermen—commercial and sportsmen alike. Both groups accepted him as a friend, a person on whom to depend when seeking solutions to problems.

He was interested in fisheries research development. He could also translate knowledge derived from research into legal terms for purposes of fisheries legislation. This was of assistance, not only to me, but to many other Members of Congress. He had ability to assess the problem, provide facts, and assist in determining measures to meet the need.

Rated as one of the top fisheries biologists in the United States, Mr. Pautzke was the outstanding west coast fisheries management authority. His knowledge had been accumulated by 40 years of field experience both at Federal and State levels.

A native Washingtonian, he grew up on a farm near Seattle. Here he first learned to enjoy the out of doors and the wild living things of nature. He came to the University of Washington where he made a name as a great athlete. But more than that, he found his profession—fisheries management.

His first professional position after graduation was with the Washington State Department of Game. When he left that department years later, he was its assistant director. With his enthusiastic assistance, the department had become widely known for its outstanding fisheries and lake management programs. He will be forever remembered in his home State as "Mr. Steelhead" for his effort in developing steelhead game fishing in Washington rivers and streams.

He went from the game department to the State department of fisheries. In 1959, he moved to Alaska as assistant commissioner of the department of fish and game. In that new State, he helped, with his wealth of experience, to develop the conservation policies for fish and wildlife management which Alaska now employs. At the time he left Alaska in 1961 to accept President Kennedy's appointment as Commissioner of the U.S. Fish and Wildlife Service, the Alaska Legislature honored him by proclaiming a "Clarence Pautzke Day."

In Washington, D.C., Mr. Pautzke's leadership spread throughout the United States and the world. No one was surprised when he was named Deputy Assistant Secretary of the Interior. When President Johnson appointed him Assistant Secretary of Interior for Fish, Wildlife, Parks, and Marine Resources, he accorded him the highest professional honor anyone can achieve in fisheries and wildlife management.

He resigned in 1969 and retired to his home State of Washington. Actually, he did not retire. At the time of his death, he was still serving his country as fisheries consultant to Representative JULIA BUTLER HANSEN.

Mr. Pautzke gained international renown through his work as Commissioner of the International North Pacific Fish-

eries Commission and as chairman of its U.S. section. He was also a member of the International Pacific Salmon Fisheries Commission. As far back as 1947 he had been involved internationally as one of the fisheries experts who studied the effects 1 year after the blast of the atomic test at Bikini Atoll.

Mr. Pautzke will be missed not only here in the United States, but by thousands throughout the world who at one time or another had the benefit of his counsel on wildlife values and their conservation.

I count it a privilege to have known and counted among my personal friends this dedicated man who did so much for his country.

Two sportswriters, Georg N. Meyers, of the Seattle Times, and Frank P. Briggs, of the Macon, Mo., Chronicle-Herald, were both old friends of Clarence Pautzke. They remembered and reflected on this fine man in their columns. I ask unanimous consent that the columns be printed in the RECORD.

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

THE SPORTING THING: THE BLITHE SPIRIT OF MR. STEELHEAD

(By Georg N. Meyers)

He was a moose. Crockery rattled when he walked. His handshake was like the collapse of mountains. Strangers said he had the air of a man forever looking for a telephone book to tear in half.

Forty years after he played end for Auburn's undefeated football team, the high school honored him as its outstanding graduate. As a University of Washington football player, he left a legend far beyond his visible skills. He was behind the plate for the Husky baseball team that won a Northern Division championship in 1932.

The Alaska Legislature once convened a joint session to pay tribute to him, and Seattle's Mayor Gordon Clinton proclaimed a "Clarence Pautzke Day."

But, to fishermen of the state, he was—and will be remembered as—"Mr. Steelhead."

The burly frame whose principal attribute on the gridiron was intimidation housed a mind commandeered by his nation to cope with the complexities of international fisheries.

In 1956, the Puget Sound Sports Writers and Sportscasters' Association gave him its highest accolade, the Sullivan Award, for developing the game-fishing of steelhead in Washington's rivers and streams.

In 30 years with the State Game and Fisheries Departments, he was on intermittent call for broader duties—a journey to Russia to study hatchery techniques, a voyage to Bikini to observe the effects on marine life of the atom-bomb tests.

On retirement as assistant director of the State Fisheries Department, he was snapped up by Alaska as assistant commissioner of its Department of Fish and Game. President Kennedy stole him away as commissioner of the United States Fish and Wildlife Service. President Johnson made him Assistant Secretary of the Interior for fish, wildlife, parks and marine resources.

Retired from the grind, he tapered off as a Congressional consultant on fisheries. Recently, he returned to Seattle and "retired" again—this time, he said, for good.

It must have taken a while for associates in the austere halls of government to accept that, except when talking fish and game like a beadyeyed scientist, Clarence Pautzke rarely drew a serious breath.

His fondest memory as a Husky was pleading with his coach, Jimmy Phelan, to switch him from end to guard. He got his chance when Chuck Lappenbusch needed an operation just before the game against the 1930 Washington State Cougars who went to the Rose Bowl.

"I tried for four days to learn the signals and finally wrote 'em on my pants leg," Pautzke liked to recall. "Bob Palmer, the other guard, was scared to death. The guards pulled a lot. He was afraid I'd run the wrong way and squash him.

"In the game, I pulled back and started running along the line. All I could see was a row of big seats. They all looked alike. So I picked out the biggest one and slammed into it."

That seat was the property of Paul Schwegler, Washington's All-American tackle. Paul picked himself up and yelled: "I had my man, what are you hitting me for?"

As a freshman, Pautzke played for Phelan's predecessor, Enoch Bagshaw. Those Huskies often took on teams from visiting battleships.

"The games didn't count toward letters, and a lot of kids got in," he said. "In one game, a great big sailor-boy tackle with his hands wrapped in pretty hefty style with generous portions of tape was out there mauling our first-string end, Bill Snider.

Bagg7 jumped off the bench and yelled: 'Lordamighty, that guy's killing Snider! Get in the Pautzke!' That pretty well told me where I stood."

Washington, D.C., got an early glimpse of the blithe spirit motivating the veteran administrator whom Interior Secretary Udall was interviewing for federal appointment in 1961.

Pautzke told the story on himself: "Udall's door was guarded by a woman secretary. She was nice-looking but a real watchdog. Every time I'd stand up and start for the office, she would say, 'Sit down.'

"When I went back the next day, I peered in. There she was, with her 'sit down' look. I sailed my hat into the room and said, 'Hey, watch this!' Before the hat hit the floor, I was past her and into Udall's office."

Two Sunday's ago, savoring his latest retirement, Pautzke attended a 25th-anniversary reunion with his fisheries cronies who had sieved the Bikini waters after the bomb blast.

As usual, he told his funny stories, including the laugh he got at Bikini when a five-foot shark bit a hole in a two-man rubber raft he occupied with a Navy medic, who had pulled the beast aboard.

While the air hissed out of the raft, he said, he plugged the hole with the medic's head.

As the reunion party broke up, Pautzke told his friends he was going into the hospital for surgery on an ailing hip.

The operation went off well. Four days later, his heart stopped. Yesterday, as sportsmen mourned, the big moose, Mr. Steelhead, at 64, was laid to rest, really retired, at last.

IT SEEMS TO B.

(By Frank P. Briggs)

A valued friend and a trusted associate of mine, Clarence V. Pautzke, of Seattle, Wash., has gone to his eternal reward. He was a loyal man, "with you" to the end, and was one of the strongest men physically I have ever known.

He was the Commissioner of the Bureau of Sport Fish and Wildlife when I was in Interior and then after I came home, he advanced to the Assistant Secretaryship. He was an expert on salmon—both in rearing and cooking and he'd add "yes and on catching" and earned for himself the nickname "Mr. Steelhead" because of his success with that particular strain of salmon.

He probably knew more men associated with fish and game management than any other person—he not only knew the boys in the top offices, he knew the ones on the lower end of the totem pole where success or failure on any experiment rests.

I shall never forget the day he came to my office soon after my appointment and talked with me about his appointment—I was to make it. He was as meek as a lamb and as unassuming as anyone could be. I believe that was the only time I ever saw him portray both of these virtues. He was slow to anger but had a Polish temper and I always wanted him near me when there was a real "rough" argument.

A book could be written about his accomplishments and there's a particular "antic" to properly illustrate each chapter. He was always ready for a prank, yet never too flamboyant to be serious when there was serious work to do.

The entire fish and wildlife world—he was known overseas as well as in the United States—will miss him. Someone once said "There was never but one Clarence Pautzke" and I believe that. I was proud to have him for a close friend and confidant. He was too young, indeed, to be taken but he lived more in his years than most of us will live if we make it to 100.

Mrs. Pautzke, their two daughters and their son, have my deep sympathy!

—B.

WATER SHORTAGE

Mr. HARTKE. Mr. President, that our Nation may soon face a critical water shortage is often acknowledged.

While joint State and Federal efforts in water management control are underway in many States, they have usually resulted from the need to remedy situations which had already reached a crisis level.

Too often, the enthusiasm which accompanies the creation and implementation of disaster plans disappears with the solution of the immediate crisis, and the need for continued action and future planning becomes lost in the relief of a problem solved.

Far from offering a "doomsday" cry for the sake of crying doom, authors Ned Crabb and Betsy Saltsman document a water crisis in the State of Florida. They point to Lake Okeechobee, key to water regulation in south Florida, where in April and May of this year 2.5 million people came within a month of exhausting the supply of drinking water.

When Crabb and Saltsman ask, "What Will Happen When the Water Is Gone?" they are not merely posing a rhetorical question.

Every State has its own Lake Okeechobee. For this reason I ask unanimous consent that the article, published in the Floridian of August 29, 1971, be printed in the RECORD as a reminder that our water crisis is now.

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

[From the Floridian, Aug. 29, 1971]

WHAT WILL HAPPEN WHEN THE WATER IS GONE?

(By Ned Crabb and Betsy Saltsman)

Water means life. When the water supply runs out, so does life.

In South Florida, the water, the life source, is threatened by droughts, man-made controls and the demands of a wildly increasing population.

In April and May of this year, water became so scarce just south of Lake Okeecho-

bee that some restaurants stopped serving water with meals. Private wells for watering lawns along the East Coast went dry. Part of the Miami well field was closed as a precaution against salt water contamination. Fires swept over 500,000 acres in South Florida, an area equal to a rectangle 31 miles long and 25 miles wide.

And 2.5-million people came within a month of exhausting the supply of drinking water.

Rains alleviated that crisis, but the drought is not really over even yet. South Florida has had its usual summer showers this year, but, says Howard Cline of the U.S. Geological Survey in Miami, really drenching rains are needed over the whole region, including Lake Okeechobee. Such rains are usually associated with hurricanes, and Dr. Robert Simpson, director of the National Hurricane Center in Miami, said earlier this month that, at that time, no such storms were in sight.

Droughts, however, are only a small part of the problem. Man has turned the natural drainage system into a huge plumbing system, and like most other plumbing, it doesn't always work. In addition, development along the coast means there are more and more thirsty throats drinking out of a finite supply of water.

By 1976, a serious water shortage in South Florida is predicted. In 30 years, some experts say it will be impossible to grow crops.

Lake Okeechobee is the key to water regulation in South Florida. The Kissimmee River Basin to the north empties into the lake, which acts as a reservoir. South of the lake is one of the world's richest agricultural regions, an area composed of peat and muck soils.

Historically, heavy seasonal rains would cause Lake Okeechobee to overflow. The water flooded the rich peat and muck south of the lake and flowed down the huge "River of Grass" to nourish the Everglades.

In the early 1900s, the state laid plans for an extensive flood control system to stop this natural process. For 40 years, there were unsuccessful efforts to drain the Everglades so the land could be used for agriculture. Then, in 1948 and 1949, the state and federal government joined forces to establish a major drainage and water management control program under the U.S. Army Corps of Engineers and the Central and Southern Florida Flood Control District.

A system of canals and levees was built to drain the lake and farmlands during flood times. Three water conservation areas were created to trap some of the water and store it for dry winter months. One of the conservation areas, 3A, is a primary recharge area for the Biscayne Aquifer, a natural underground reservoir which supplies water to the coastal urban areas.

The project was hugely successful in terms of making the land productive. For 5,000 years, the seasonal flooding had built up the peat and muck. With the threat of floods gone, beans, corn, cabbage, cucumbers and other vegetables thrived in the rich soil and warm weather. Today the 700,000 acres is second only to California's immense San Joaquin Valley in the production of vegetables, and brings an annual income of $250-million to the farmers.

But the popularity of the flood control project is over now. It was a "design for disaster," critics say today. "The massive artificial manipulation of South Florida's water supply . . . (threatens) the health and welfare of all living things in the area," the Florida Conservation Foundation told the state Internal Improvement Fund this month.

Within a very few years, it may be impossible for man to live in South Florida. There may be no animals, no plants, no Everglades. Lake Okeechobee itself is in danger of becoming choked, and clogged, and dead.

In the old, natural course of events, excess water during flood times ran off the lake. The peat and muck acted sort of like an absorbent sponge, holding much of the water until drier times.

Now, excess rain water in the farm lands is pumped into the lake or into conservation areas. When the water level reaches a point which is considered too high for that time of year, flood gates are opened and tremendous quantities of fresh water are wasted by flushing the water through the canals directly into the sea.

"This draining aggravates the problems created by the natural fluctuations in the climate," says Art Marshall, director of the Applied Ecology Division of the Urban Studies Center at the University of Miami.

The drought in South Florida in April and May was intensified by precisely that sort of mismanagement of water. Water was drained from the canals in the spring of 1970. Normally, summer rains would have replaced that water, but the rains didn't come, at least not in near the amounts that had been expected. Months passed without enough rain to replenish the water that had been washed away. Water in Lake Okeechobee dropped below ground level. The conservation areas were dusty dry.

Even the gator holes in Everglades National Park were dried up in large areas where in previous drought years the glades' creatures could depend on them for survival.

Gator holes are vital to the park's life cycle. With the thrashing of their tails and bodies, alligators gouge out huge depressions in the muck and rock. When the water recedes during dry months the depressions form small ponds, providing refuges for fish and other aquatic life. Glades animals come to the holes to feed and drink; more importantly, the gator holes ensure a stock of aquatic life to replenish the glades when high water comes again.

Jim Hartwell, hydrologist for the U.S. Geological Survey, says the problem "is the delicacy of our eco-system—it's totally dependent on water, and from a drought to a flood you're only talking about four or five feet in this region."

The delicacy is further endangered by fires that usually strike during drought conditions. "Fires in the Everglades are started by humans," Hartwell says. "There is no spontaneous combustion out there; they first have to be man-started, or, infrequently, by lightning."

In an exceptionally dry year like this one the first burnings, though they sweep across hundreds of square miles, are not the main danger to the continued existence of the glades. The big danger lies in a second fire in an already burned over area. Then the muck may burn. Even though there's moisture in the muck, it burns like charcoal drying out the moisture and burning on down. The four- to five-foot deep muck has accumulated over centuries and a muck fire could strip the area and leave the land lifeless and worthless by exposing the underlying rock.

But the flood control district has not been content merely to deprive South Florida of water by draining it off into the ocean. In addition, it has set up conditions that encourage massive evaporation.

The hot sub-tropical climate means the area has a shockingly high "evapotranspiration rate." The term, "E.T. rate," stands for the evaporation of surface water and the transpiration of water from plants. In the glades area, the E.T. rate is 80 to 90 per cent of the annual rainfall, which means that almost all the rain coming down in a year goes back without our ever getting a swallow.

On Lake Okeechobee, it's estimated that six inches of water evaporates every summer day. The surface area of the lake is 730 square miles.

The vast water conservation areas, some 1,345 square miles, aggravate the loss of water by evaporation and transpiration. "The water conservation areas actually become evaporation pans," Marshall says. "This fact answers the critics who complain that water released through the control gates into Everglades National Park is water that could be used by the cities and farms in this region. Even if the control gates were rusted shut and never lifted, the water would be gone anyway, evaporated. The park isn't taking water away from anyone.

"Despite these facts," Marshall says, "there is actually a move afoot to cut off the yearly federal guarantee of water for the park."

The loss of water by draining and evaporation, and the subsequent drying-out of the soil in the Everglades, have even more far-reaching effects than the immediate loss of animal and plant life. Peat and muck are organic soils, composed of decaying animal and vegetable matter. Such soils, when drained, dissipate. When exposed to the air, the organic matter is subject to shrinkage, compaction, wind erosion, loss of ground water buoyancy, burning and biochemical oxidation.

The soil south of Lake Okeechobee, in the Everglades and in the agricultural areas developed since the early 1900s, has suffered extensive damage from the lack of water.

At one time peat soils covered more than two-million acres of the Everglades, at depths averaging five feet higher than present ground levels. Now, peat has disappeared completely in some parts of the Everglades National Park and along coastal ridges; bare rock and marl are left.

In the 60 years man has grown crops on the southern banks of the lake, two-thirds of the soil has been destroyed. Now it's subsiding at the rate of one inch per year. It's estimated that 30 years from now, by the year 2000, all of the rich soil will be gone unless the present rate of biochemical oxidation is checked. All the farming in the area will have to be abandoned.

But the destruction of the soil is not just a concern of the agricultural interests. The peat and muck are a vital protection to the drinking water of all the people who live in the coastal urban areas.

The sponge-like peat and muck absorbs rainfall and stores it. In doing so, it creates pressure on the underground waters throughout the rest of the region. (One inch of rainfall raises surface waters one inch; but one inch of rain heightens the underground water level about seven inches. Thus, water held in the muck and peat has an intensified effect on the water table.) This pressure, exerted in the direction of the coastal areas, is fundamental in keeping the salt water of the ocean from creeping into the well fields that provide water for people along the coast.

Salinity dams have been built to prevent salt water seeping into the flood control canals. This year, however, salt water came under the dams. There was a serious threat to Miami's southwest well field, the second largest in Florida, and wells there were closed to avoid an even lower underground water pressure and eventual contamination of the well field.

No one knows how to restore an aquifer or well field, once it's been contaminated with salt water.

Water is being wasted, soils are being depleted, and the conditions protecting the rest of the water in South Florida are being destroyed. But there is more insidious threat: there are unmistakeable signs that Lake Okeechobee, the primary source for the water in the whole region, is dying.

Consider: Sample tests by the Florida Game and Fresh Water Fish Commission

show that all fish in the lake contain some pesticides. In some of the fish, DDT concentrations as high as 57 parts per million (ppm) were recorded. The Department of Agriculture specifies 5 ppm as the maximum safe level for human consumption.

In 1948, lake water was of excellent quality for domestic use. In 1971, the City and County of Okeechobee are studying the feasibility of importing water from Lake Placid, 35 miles north, for domestic use. The water in Lake Okeechobee is so poor at certain times of the year it is difficult to treat.

The farms are to blame for this problem too, experts say.

The organic soil requires extensive fertilization and insecticide and herbicide control. Triple superphosphate is used as an additive to muck; insecticides are used all during the growing seas herbicides are used to control weeds throughout the area. As a result, water drained from the farms is rich in these nutrients. Test reports show, not surprisingly, that pesticides are building up in the bottom sediments of the conservation areas and lake, where they enter the food chain.

Oxygen-consuming organic matter washed into the water from the farms is an even more serious problem. The presence of phytoplankton and aphanizomenon holsaticum, the most notorious alga for causing lake eutrophication, alarms ecologists. Fish kills connected with draining from muck farms are common. "Periodically, heavy rains . . . create immense fish kills on the south end of the lake as water is pumped into the lake," the Florida Conservation Foundation says. Fish kills in several canals have been attributed to the depletion of oxygen in the water pumped from the vegetable fields.

On all sides, the water supply of South Florida is threatened by man's mismanagement of the natural drainage system.

What if the Everglades dies? What if there were just a desert out there to the west of the coastal cities; could people go on living on the Florida East Coast?

The answer is, probably—if not too many more people were added—but it wouldn't be easy. Rainfall would replenish the Biscayne Aquifer some, and then there is the possibility of huge desalinization plants to convert ocean water to human use.

But life wouldn't be the same. It gets down to the point of what makes life worth living. Do we want a tropical Bronx?

And the spectre of the eventuality points up why it may be impossible for anyone to live in South Florida without the Everglades: if all that space out there were desert it would quickly and inevitably be cemented over and "developed." With a vast sea of condominiums and people and cars instead of sawgrass the water supply problem most likely would be insurmountable.

How many more dry years can South Florida take before the problems become overwhelming? As Art Marshall says: "We are reaping the effects of 90 years of draining and careless development, added to droughts."

The water crisis is not five, 10 or 15 years from now. It will not end with the autumn rains no matter how heavy the downpour outside the windows.

The water crisis is now.

THE EFFECTS OF THE WAR IN VIETNAM

Mr. HART. Mr. President, the war in Vietnam has claimed more than 360,000 American casualties—44,000 killed and 295,000 wounded.

One can only make a very poor guess at what those sterile figures mean in human terms.

The cost of the war in Vietnam, since 1964 and including future veteran benefits, will exceed $180 billion.

One can only guess how much of the ignorance, hate, and violence in our society today might have been prevented if that money had been spent on better schools, on better housing, on food for the hungry, on jobs for the unemployed, on decent incomes for all, and, yes, on better prisons.

And one can only guess at what the future holds for South Vietnam with more than 1 million civilian casualties, with 5 million of its people refugees, with one-seventh of its land area denuded by herbicide spraying.

Certainly, historians will concern themselves with these questions, but the questions are not for history alone.

They are most pertinent to the present, to the vote at hand.

The Vietnam war is not an isolated source of discord, not a drain on Pentagon funds alone. It is intertwined with and affects much of the unrest, much of the disillusionment which afflicts society today.

I do not contend or even suggest that other problems will fade with the final departure of U.S. troops from Vietnam.

But I do suggest that in face of cost in men and money already expended, in face of needs our society must respond to, and in face of what little, if anything, can be gained by continuing our presence in South Vietnam, we should set a time period certain within which to complete our withdrawal.

That should be our national policy, and that is what the Senate approved in passing the Mansfield amendment 57 to 42 this past June.

In the conference report on this bill, the amendment is seriously weakened by changing it from a statement of national policy to a sense-of-Congress statement and by eliminating the time period certain of 9 months in which withdrawal is to be completed.

Last Friday I said that I would vote against the conference report, both because of the action the conferees took on pay increases for the military and on the Mansfield amendment.

Today, I want to make clear again that in voting against the conference report I am voting for the reconsideration of both the pay provisions and the Mansfield amendment.

The Mansfield amendment is the best vehicle at hand for Democrat and Republican, for Congress and the President, to join together to end our involvement in Indochina.

If our withdrawal results from this amendment, passed by Congress, supported by both Democrats and Republicans, chances of political backlash, if that is the fear, should be greatly diminished.

And must we not ask ourselves whether fear of a political backlash at home justifies the continuation of a war in another country? I think it does not.

CLEARCUTTING OF TIMBER

Mr. McGEE. Mr. President, I ask Senators to listen for a moment to the words of Joe Pivik, who with his brother Carl, runs a sawmill in Teton County, Wyo.:

It doesn't make sense. They are slaughtering the country and they're going to run out of it.

Speaking to a reporter for the Jackson Hole News, Pivik added recently, referring to clearcutting operations in the beautiful mountain county:

The fir and spruce won't come back and neither will the wildlife. Nobody puts anything in this earth. They just keep taking it away.

Mr. Pivik's concerns are real, and they are shared by many citizens from all over the country who have written to me in support of the pending legislation I have proposed to call a temporary halt to clearcutting so that an independent congressional commission with access to all the relative data can assess this method of harvesting timber from our great national forests. It is time we acted, Mr. President, before more of our forest landscape, particularly in mountainous regions like that in which the Piviks endeavor to operate sensibly, is devastated by the bulldozer and the more sophisticated means that have been developed to level the forest.

Mr. President, so that the Senate may have the benefit of the views of a longtime sawmill operator who, unlike some, can indeed see the forest for the trees, I ask unanimous consent that a newspaper story published in the Jackson Hole News of September 9 be printed in the RECORD.

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

OPERATORS CRITICIZE LOGGING METHODS

Carl and Joe Pivik have been making boards out of trees for 25 years. At their Teton Lumber Co. sawmill, five miles south of Wilson on Mosquito Creek, the pond is full of logs and the saws are humming.

This is the only surviving sawmill in Teton County.

Experience and a concern for the area have given the Piviks some ideas about timbering, and they are in definite conflict with present forest service practices.

Joe uses strong words to express his views on clearcutting.

"It doesn't make sense," he insists. "They are slaughtering the country and they're going to run out of it."

He pointed out the slopes left barren by clearcutting.

"We're wasting 90 per cent of the growth, piling the slash, then sterilizing the soil with fires," he said. "The watershed is so damaged, you can walk on the creek when it rains."

The Piviks feel that they should go back to the method of selective cutting of usable trees.

"It's the only economical way to do it," said Joe, "when you have to take everything just to get a few trees it doesn't pay, and on top of that we are required to build these big roads."

When Piviks started their original mill, lumber was selling for $30 a thousand, today it is $100. Stumpage fees to the forest service have risen from $1.25 to $22 a thousand board feet, plus the roads.

"They've made it impossible for the small operator," said Joe. "They go broke, the country loses, everybody loses."

Joe admitted that maybe the big outfits with their heavy equipment can make a dime.

"The government should chase them out of the timber," he exclaimed. "In 50 years we won't have anything."

In recent years members of the Pivik fam-

ily have visited Yugoslavia, the birthplace of their parents. There and in Europe they have observed "old country" timbering methods.

"They've been timbering 1,000 years," said Joe, "and still have the same forests. They'd butcher you for clearcutting."

Joe brought up a thought-provoking fact. "Look at Venice, Italy," he said. "They cleared all the forest around there in 1400 to make pilings for the city. Now they can't grow a tree if they try."

Piviks are even critical of the program to eliminate the pine beetle.

"It's nature's way of thinning a forest," he explained. "A tree is alive, it needs bugs and birds in its environment."

As for timbering in Jackson Hole, Joe says they regret starting the mill again after their first one was burned in 1952.

"If we knew then what we would be required to do now, we probably wouldn't have continued. This country was never meant to grow trees. It takes too long, maybe 1,000 years for a good saw log."

Again on the subject of clear cutting, Joe pointed out that the method takes all kinds of trees, not just pine.

"The firs and spruce won't come back," he said, "and neither will the wildlife."

He looked at the hills, bared by big operators to feed their stud mills.

"Nobody puts anything in this earth," he concluded. "They just keep taking it away."

SCHOOL LUNCHES FOR MILLIONS OF HUNGRY CHILDREN THREATENED BY NEW ADMINISTRATION REGULATIONS

Mr. HUMPHREY. Mr. President, hungry children are the shame of America. But apparently the Nixon administration is more concerned about fiscal penny-pinching than about assuring that millions of needy children receive at least one good meal a day. I find it incomprehensible that in the Nation with the richest and most efficient agriculture production resources in the world, some 2 million children are still unable to even get a hot, nourishing noon meal at school.

In enacting major legislation last year to expand programs under the National School Lunch and Child Nutrition Acts, Congress emphatically stated its intent that every child from an impoverished family shall be served meals either free or at reduced cost.

But in issuing new regulations on August 13, 1971, under this act, the Department of Agriculture has not only rejected this mandate but has also severely threatened the continuation of school lunch programs already serving millions of underprivileged children. This was the basic thrust of the conclusions reached by the State school food service directors in a position paper unanimously adopted last month at a postconvention meeting in Minneapolis, Minn., and subsequently confirmed in a detailed analysis of the new food and nutrition service regulations made by an ad hoc committee under auspices of the American School Food Service Association.

A recent editorial in the Washington Evening Star rightly asserts that "Congress should demand explanations from Agriculture officials." The Senate Committee on Agriculture and Forestry will do exactly that, with hearings scheduled for September 16.

It is reported that the Nixon administration plans to save some $300 million by slicing in half the previous maximum Federal aid level for free and reduced price school lunches—section 11—and by cutting the "type A" lunch reimbursement limit from 12 cents to 5 cents per lunch. Moreover, by restricting the spending of nonfood assistance funds, prohibiting the transfer of funds, and terminating bloc grants, the Department of Agriculture regulations eliminate the flexibility that permitted the States to reach many additional needy children.

Once again, as in the case of the summer lunch program of such great importance to the adequate nutrition of poor city children, this administration has reneged on promises of help. In the face of incredible administration delays and mismanagement, Congress rapidly enacted legislation in June to continue and expand the summer lunch program at the level of critical need reported by our States and cities.

But the damage of last-minute administration reversals had already been done. Having issued "standdown" orders, and now confronted with exceptionally difficult startup problems with one-third of the summer days already passed, our States were compelled to operate at a level well below meeting the actual need. This was certainly the case in Minnesota, which found it necessary to revise downward a projected $665,512 summer child feeding program by more than one-half.

But the administration proposes to go even further this time, by undermining a well-functioning school lunch program that has been meeting the critical need of millions of poor children across the Nation for one decent meal each day.

The administration is patently ignoring the will of Congress, absolutely refusing to use the funds appropriated by the legislative branch to maintain and expand the national school lunch programs.

The President promised at Christmastime in 1969 to end the hunger of needy children in America. The Department of Agriculture called for State program estimates early this year on the basis of the law enacted by Congress to fulfill this promise. The States proceeded to plan their child feeding programs for the current school year in the belief that administration promises were backed by commitment.

But once again, at the last possible minute the administration has smashed these hopes and expectations. State and school officials are being told that the poor child, stalked by pangs of hunger that dull his attention to learning experiences vital to his entire future life, really does not rate a significant position in this administration's order of national priorities.

Minnesota, like so many other States, will be seriously affected by the funding cutbacks resulting from the new Department of Agriculture regulations. It had been hoped that some 84,000 children not reached by the school lunch programs in our State last year, would at last receive help this year. It is unconscionable that these children should see the Federal purse snapped shut in their faces and should have to listen to penny-ante excuses by administration officials that dollars must be taken from this very small portion of the total Federal budget to help finance more cars and exotic weapon systems.

Officials of the school lunch section of the Minnesota Department of Education report that not only will they be unable to expand programs to a level of 102,575,000 lunches served over the current school year, but that they must also get along with substantially reduced Federal assistance on the basis of last year's 93 million lunch program.

The Minneapolis public schools report a great deal of confusion surrounding the Federal funding of school lunch programs for the present 1971–72 school year. Having made remarkable progress in establishing programs in 60 schools, officials had planned to include the 24 remaining schools this year. But while they had asked no more than the continuation of the Federal level of reimbursement to do this, they have now been forced to project Federal reduction impact of $778,695.

Their report bluntly states that the proposed regulations will of necessity slow any expansion of the lunch program and curtail providing lunches to many needed children now benefitting from the program. And I am advised that the superintendent of schools in Duluth has stated flatly that Federal subsidy cutbacks will mean the drastic reduction or even elimination of school lunch programs in that major city.

Other States have made equally dire predictions, and will lose millions of dollars in vital Federal assistance. Estimates of losses include Missouri, $4,000,000; Ohio, $5,565,000; California, $9,000,000; Massachusetts, $3,240,000; Oregon, $1,476,175; Tennessee, $2,772,000; Oklahoma, about $1,000,000; Georgia, $4,100,000; and West Virginia, $2,661,300.

These estimates were hastily computed in the face of a Department of Agriculture deadline of only 15 days for responses to the new school lunch program regulations. But it has been estimated that 37 States will be seriously handicapped should these regulations become effective. And they simply cannot make up these losses from State and local funds.

I am profoundly disturbed also by the failure of these new regulations to make any provision for continuing the authority to transfer section 32 funds to the school breakfast program. Having just fought successfully for the enactment of legislation to increase appropriations for this vital program to $25 million and to assure its expansion through authorizing increased flexibility in the use of section 32 funds, I am dismayed at this Executive regulatory abuse of the will and intent of Congress.

There are 7 to 9 million needy children who could qualify for school breakfast assistance. In America no child should be deprived of a good meal to start the day in this crucially important formative period of life.

But not content to deny an effective

measure for the expansion of the school breakfast program to meet this critical need, the administration has gone further in allocating only $18.5 million of the $25 million appropriated by Congress—money that the States are reporting is desperately needed now to even maintain present program levels. Some States face the further possibility of having to cancel their school breakfast programs without the full allocation of the funds appropriated by Congress.

I intend to fight this blatant example of legislating by Executive fiat that usurps the authority and powers of Congress. I intend to join my Senate colleagues in calling administration officials to account for this fiscal penury that ignores the welfare and human rights of our children.

There is only one action that the administration should now take, and that is to withdraw these regulations forthwith and issue regulations that conform to the mandate of Congress under the National School Lunch Act as amended.

CLOSE AIR SUPPORT REPORT BY MEMBERS OF CONGRESS FOR PEACE THROUGH LAW (MCPL)

Mr. PROXMIRE. Mr. President, Members of Congress for Peace Through Law—MCPL—have issued a series of studies this year on military weapons and military procurement. They have included reports on the B–1 bomber, the F–14 fighter plane, and other weapons and issues.

Today MCPL is issuing a report on close support aircraft. The report was prepared by the Senator from Maryland (Mr. MATHIAS), the Representative from Ohio, Mr. SEIBERLING, and myself.

The report is highly critical of the Defense Department for continuing to fund three separate close support aircraft—the Navy's Harrier, the Army's Cheyenne, and the Air Force's A–X. Continuing to fund three separate and distinct programs is overlapping, wasteful, and a duplication of effort. It is absolutely unjustified and has cost the taxpayers some $600 million in the last 5 years.

Our report recommends that the Cheyenne program be cancelled. It is both too costly and less effective than either other weapon.

The report recommends that the Harrier program end after the purchase of 60 aircraft and that it not be produced in the United States as the Senate Armed Services Committee report recommends.

Finally, we do recommend that the A–X continue to be developed as a high priority Air Force program. We also recommend that the Air Force put greater emphasis on its close air support mission so that it can perform that mission far more effectively than in the past.

We recommend the A–X for a variety of reasons including both technical superiority, simplicity, and its low cost. For example, the A–X will cost half as much as the Cheyenne as the report states,

Its lower unit price will translate directly into substantially more aircraft for the money spent, as the following table demonstrates:

$1.2 billion buys—

600	A–X	[1] $2.0 million
222	Cheyenne	[1] $5.4 million
273	Harrier (U.K. version)	[1] $4.4 million

[1] Program unit costs.

Mr. President, I commend this report to Congress and the country. I sincerely hope that Congress and the Department of Defense will act on its recommendations. Unless we do, billions of dollars will be wasted in duplicate weapons.

I ask unanimous consent that the report be printed in the RECORD.

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

CLOSE SUPPORT AIRCRAFT: THE AX, HARRIER, AND CHEYENNE

SUMMARY

During the past five years the Department of Defense has funded, at a cost of nearly $600 million, the development and procurement of three new close support aircraft, the Ax, the Cheyenne, and the Harrier. Each of these aircraft has been specifically designed to provide close-range, highly responsive aerial fire support to our combat troops in the field, against targets ranging from troops to tanks.

We fully recognize the importance of the close support mission. We do not believe its performance would be aided, however, by continuing with three separate close support aircraft programs, since two of them involve aircraft with at best marginal advantages over existing systems. While there may be some justification for retaining a triad of strategic nuclear deterrents, a triad of new close support aircraft is ridiculous.

Last year the House Appropriations Committee directed the Department of Defense to conduct a comprehensive study of its close support needs and to choose between the aircraft options involved. The only compliance to date has been a six page "interim report" submitted to the Congress by Deputy Defense Secretary David Packard in June. The gist of the report was that the aircraft involved "offer sufficiently different capabilities to justify continuing all three programs at the present time."

The purpose of this report is to do the hard analytical work which the Defense Department itself should have done long ago.

It is our belief that the Ax provides the responsiveness, survivability, lethality, and operational readiness which we will need in a close support aircraft in the event of a NATO-Warsaw Pact confrontation in Europe.

The Cheyenne, on the other hand, does not. Due to limited loiter time and substantial maintenance requirements, it might not be available when needed. And if the Cheyenne were available, its high vulnerability and poor maneuverability would make it a sitting duck for enemy fire. The fact that the Cheyenne carries a price tag twice as high as the Ax does not make it any more appealing.

We recommend therefore that the Cheyenne program be terminated immediately and that the Ax be designated as the primary system for the future support of Army ground troops in Europe.

We also believe that the Harrier offers only marginal improvements in the close support capabilities already available to the Marines in the form of the A–4M, and then only in the initial stages of an amphibious assault operation. Therefore, we recommend that the Harrier program be terminated after the purchase of 60 aircraft, and that no production of the Harrier be undertaken in the United States at this time.

Our detailed recommendations follow. If implemented, they would result in a savings of approximately $6 billion out of about $12 billion that would be spent in the next ten years if all three aircraft programs were continued.

RECOMMENDATIONS

Roles and missions

We believe that the Department of Defense, in order to end twenty plus years of inter-service rivalry, should make a firm decision as to which service shall have the responsibility for close-air support of Army ground troops.

We believe that the close-support mission is best accomplished with fixed-wing aircraft at the present time. Given the contemporary limits of rotary-wing technology, and in view of the fact that the Air Force currently maintains the overwhelming preponderance of fixed-wing assets, it is our opinion that the Air Force clearly should be given the primary close support mission for the foreseeable future, provided that the Air Force demonstrates that it will give the Army adequate and continued support.

We also believe that the Department of Defense should clarify the responsibility of the Navy and the Marines, respectively, in providing close-air support for Marine Corps infantry operations.

AX (Air Force)

1. We recommend the continued development of the AX as a high-priority Air Force program, and that Congress approve the Air Force request for FY 72 funding of $47 million.

2. We recommend that the Air Force revise its internal priorities so that the mission of close-air support receives significantly greater emphasis and that the AX project be elevated to a higher priority. In order to ensure that the Air Force is giving proper emphasis to this mission Congress should require from the Air Force a yearly accounting of funds on close-air support.

3. We recommend that Congress act to ensure that the production version of the AX be kept as simple and austere as feasible. We believe that the AX represents a welcome change in procurement philosophy, in its austere and functional specifications, and its competitive development program. This emphasis, which promises a highly effective close-support aircraft at a price of under $2 million, should be continued. Complex and expensive night- and all-weather avionics and armaments should be added only when the AX is fully developed and thoroughly proven through realistic testing, and then only to a fraction of the force.

Cheyenne (Army)

1. We recommend that the Cheyenne program be ended. The Cheyenne is a proven mistake with inherent vulnerability and inaccuracy that cannot be corrected. Congress should not approve any further funding pointed towards deployment of the Cheyenne.

2. We rcommend that Congress fund no new attack helicopters as substitutes for the Cheyenne, since all other possible alternatives suffer from the same crucial defects of vulnerability and inaccuracy. To fill the unique function of escorting lightly-armed troop transport helicopters, Congress should rely on existing operational helicopters.

3. We recommend that the Army acquire as test-bed vehicles the eight existing Cheyenne prototypes and incorporate these aircraft into existing rotary-wing research and development programs. These prototypes should be used to test the rigid-rotor technology, gun-platform stabilization, survivability and anti-tank capabilities. This proposed research program should in no way point towards eventual production of the Cheyenne.

Harrier (Marine Corps)

1. We recommend that funds for FY 72 procurement of 30 Harriers be appropriated, but that procurement be halted at the end

of FY 72, thus equipping the Marine Corps with 60 operating aircraft. We further urge that these aircraft be used for intensive testing of the significant uncertainties remaining about Harrier effectiveness and the feasibility of the Marine's battle plans.

2. We recommend that no funds be authorized at the present time for transferal of Harrier production from the United Kingdom to the United States due to the limited abilities of the aircraft, the excessive costs required for transferal, and the general uncertainties about V/STOL technological promise.

3. We recommend that the Harrier fleet be used not only by the Marine Corps but by the Air Force and Navy as well to conduct modest evaluation of V/STOL concepts and capabilities for their respective missions.

INTRODUCTION

Over the past five years the Department of Defense has funded, at a cost of nearly $600 million, the development and procurement of three separate aircraft intended for essentially the same mission of close-air support. The job of these aircraft is to provide close-range, highly responsive aerial fire-support for friendly units in the field against targets ranging from troops to tanks. Each aircraft represents a different approach to the mission of close-air support, and each is sponsored by a separate military service. A brief description of each follows:

AX (Air Force)

The Air Force's entry is the AX, a relatively inexpensive and unsophisticated twin-turbofan fixed-wing aircraft operated by a one-man crew. According to the Air Force, the AX is the first U.S. plane specifically designed for the mission of close-air support. The AX will have short take-off and landing capabilities (STOL), exceptionally good payload and long-range abilities, and a high degree of survivability due to its excellent maneuverability, twin engines, redundant control systems, heavy pilot protection, and large amount of armor plating. The AX is likely to fly in excess of 450 knots, and be able to loiter over the battlefield for long periods of time. The AX will carry a maximum load of 16,000 pounds of external ordnance, and will incorporate as its primary anti-tank weapon an internal automatic 30 mm armor-piercing cannon with 1350 rounds of ammunition. The AX will also mount other guns on its wing stations.

The Air Force is requesting $47 million for FY 72 to continue development of the AX. Contracts totaling $60.1 million have been let to two companies. Fairchild-Hiller and Northrop, to construct two prototypes each of the AX as part of a competitive "fly-before-buy" development program. First flight is expected for the summer of 1972 with production to begin late in 1974 and initial operating capability slated for early 1975.

AH-56A Cheyenne (Army)

The Army's Cheyenne, built by Lockheed Aircraft, is a single-engine rigid-rotor compound helicopter planned to incorporate sophisticated electronics which are claimed to enable it to fly in adverse weather conditions and at night. Operated by a two-man crew, the Cheyenne can mount internally a light 30 mm cannon in a 360 degree belly turret; and either a 40 mm grenade launcher or a 7.62 mm mini-gun in its interchangeable nose. In addition, the Cheyenne can carry on six wing stations a variety of projectile weapons, including up to 152 2.75 inch rockets and/or up to 32 Hughes TOW wire-guided, optically-tracked anti-tank missiles, although 16 TOW's is likely to be the operational complement. Revised Cheyenne specifications call for a top speed of 212 knots, which has not as yet been met by the development aircraft.

The Cheyenne program is now in the final stages of engineering development. While the FY 72 budget contained no new request for RDT&E appropriations, the Army asked for $13.2 million in "advanced production engineering" funds and for authority to reprogram $61.3 million of funds left over from the terminated Cheyenne production contract into further R&D. The $13.2 million request has been turned down outright by the Armed Services Committees in both Houses of Congress.

Moreover, only $35 million of the $61.3 million reprogramming request has itself been approved. This $35 million is part of an overall settlement of litigation with Lockheed on the Cheyenne program and is designed to reimburse the company for R&D expenses incurred out of its own pocket after December, 1969. Another $17 million of the $61.3 million requested has been denied outright (since it will not be needed until fiscal 1973), and the Senate Appropriations Committee has agreed to consider the final $9 million in conjunction with its actions on the fiscal 1972 Defense Appropriations bill. If the Committee decides that R&D work on the Cheyenne should continue, it will add this $9 million to the Appropriations bill. It will then be subject to action by the Senate as a whole as part of the normal budget process. Barring Congressional action at that time, funds for full-scale production of the Cheyenne are likely to be requested in the FY 73 defense budget.

AV-8A Harrier (Marine Corps)

The third aircraft is the Hawker-Siddeley Harrier, now in series production in the United Kingdom. Presently the only operational V/STOL combat aircraft in the free world, the Harrier achieves its vertical take-off capabilities through rotation of the vectored thrust nozzles on its single Rolls Royce Bristol engine. A single-seat aircraft, the Harrier is limited in both range and payload, but the Marine Corps asserts that its capabilities are sufficient for its projected mission of short-duration forward-based attack and support, where its ability to take off from small ship-board platforms and austere VTOL pads on the beachhead is said to be important.

The Harrier is subsonic in level flight, with a claimed range of action ranging from 50 miles (VTOL) to 380 miles (STOL), both with 3000 pounds of external stores, though with very short loiter time. The Harrier carries no weapons internally but is advertised to be able to carry as much as 5000 pounds of ordnance on short missions using conventional takeoffs. Under such conditions it can mount twin-low velocity 30 mm guns as well as a variety of other ordnance on its four wing stations including 2.75 inch rockets and a maximum of four 500 pounds bombs. The Marine Corps has already purchased thirty of these aircraft and hopes to procure a total of 114.

The Marines have requested $102.3 million in FY 72 to purchase 30 additional aircraft. In early August the Senate Armed Services Committee revealed that it had added $23.7 million to the Marine Corps request in order to "provide the additional expenses necessary for the phased program which will lead to the domestic production of this aircraft." McDonnell Douglas holds the U.S. production license for the Harrier.

CURRENT STATUS

The Defense Department's decision to proceed simultaneously with three different close-support aircraft has already been subjected to considerable criticism both in and out of Congress. Last year the Senate Armed Services Committee directed the DOD to terminate the Cheyenne program, arguing that the AX would be sufficient for the job. At the same time, funding of the Harrier was continued.

Eventually, funds for the Cheyenne program were restored in conference with the House on the military procurement authorization bill. The House Appropriations Committee, also concerned with unnecessary duplication, later directed the Department of Defense to conduct a comprehensive review of the close-support mission and the aircraft options involved. The purpose of the Appropriations Committee's action was to force the Department of Defense to make its choice among planes. As committee chairman, Representative GEORGE MAHON later explained in an interview published in the Washington Post:

"We're going to hold the Pentagon's feet to the fire to get the best possible solutions to these alternatives. * * * What we want is to compel the Defense Department to do the hard analytical job."

What Chairman MAHON sought initially was a decision on "the aircraft best suited to meet the close-air support need" in time for the FY 72 budget hearings. Not until February 1971, however, did the Department of Defense set up a study group headed by Deputy Secretary Packard to review the close-support options available. By that time, of course, the FY 72 budget had already been proposed and in presenting that budget to Congress, Defense Secretary Laird urged continued funding of all three programs. Speaking specifically of the AX and the Cheyenne, Laird stated:

"We believe they complement each other, through overlapping zones of coverage and diverse operating modes."

In June, Deputy Secretary Packard sent to Congress a six-page letter which he said was an interim report on the Defense Department's close-support study. Packard urged once again that funds be provided for all three planes, claiming that "they offer sufficiently different capabilities for our future forces to justify continuing all three programs at the present time." The report did not endorse production of either the Cheyenne or the AX. Rather, it is suggested continued development in FY 72 pending a final decision before FY 73.

The interim report simply did not address itself to a number of key issues. It is our understanding, for example, that it contained no substantive explanation of how the supposedly "complementary" aspects of these aircraft serve to better accomplish the mission. Also insufficiently analysed were major questions of conciliating roles and missions, the vulnerability of the Cheyenne to ground-to-air missiles and air-to-air threats, the relative ease with which the TOW antitank missile of the Cheyenne can be counter-measured, and the comparatively poor maneuverability of the Harrier at speeds above 150 knots. These omissions cast serious doubt upon the value of the report.

In effect the Department of Defense has tried to stall the issue for another year, hoping perhaps that Congress will back off and allow all three planes to proceed into production. If there were unlimited resources available for the close-support mission, Secretary Laird's arument for a "mix" of "overlapping" weapons systems might be valid. But such conditions do not exist now, and tight budgetary conditions are likely to continue in the future. Thus continued development of a redundant "triad" of close-support aircraft cannot be justified.

So far close to $600 million has been spent on this "triad," a tiny fraction of the more than $11.5 billion that will be spent on close-air support if Congress gives all three programs complete production approval. Here is how this figure is derived:

Based on a conservative program unit cost estimate for the Cheyenne of $5.4 million, an Army purchase of 375 aircraft will entail a minimum of $2.0 billion in investment costs alone. In addition, experience has shown that operations and maintenance (O&M) costs over a 10 year period will run to 200 per cent of initial investment costs for aircraft programs of this type. This would mean

ten-year O&M costs of $4.0 billion for the Cheyenne. Cheyenne costs alone, therefore, will total $6.0 billion, roughly half the overall close support total.

Marine Corps planning presently calls for a total of 114 Harriers, with final costs dependent in large part on whether Congress approves a phased transfer of production to the U.S. for the remaining 84 aircraft. If these aircraft are built in Great Britain, total investment costs for the 114 Harriers have been estimated by the Marines at $4.4 million apiece, or $503.6 million. The Marines have also estimated that U.S. production, as called for by the Senate Armed Services Committee, could add as much as $275 million more, with unit costs for the 84 aircraft still to be purchased rising to $7.8 million. On the assumption that ten-year O&M costs would be 200 per cent of investment costs, O&M costs for the U.K. built version would be approximately $1.0 billion. O&M costs for a U.S. built version might be somewhat higher, due to the higher cost of U.S. manufactured replacement parts involved. Thus total ten year systems costs for the Harrier, even for the less expensive U.K. version, should reach at least $1.5 billion.

The Air Force hopes to purchase at least 600 of the AX aircraft. Two versions of the AX have been mentioned, the AX–A, which is the standard operational version, and the AX–B, a possible follow-on to the original that would contain advanced avionics for all-weather and night combat capabilities. The Air Force has estimated that the B version, which is still in the conceptual stage, would cost at least $2 million per unit, and 100 AX–B's at $4 million each, the total investment cost for these 600 aircraft will be approximately $1.4 billion. Including probable O&M costs of $2.8 billion, ten-year systems costs for the AX will be approximately $4.2 billion.

Thus if all three aircraft become operational in the numbers desired by their respective sponsors, the cost to the taxpayers for the questionable benefits of a "triad" of close-support aircraft likely will be in excess of $11.5 billion.

CLOSE-AIR SUPPORT IN EUROPE

With the end of American military involvement in Southeast Asia, the primary mission environment envisioned for future close-support aircraft is the European theater. There, close-air support would play a key role in any confrontation between NATO and Warsaw Pact forces. Facing numerically superior Pact armored forces, the first priority for our close-support forces on the European battlefield would be to provide effective anti-armor fire. Also critical would be the ability to provide accurate and lethal suppressing fire in support of friendly forces. Since the Cheyenne and the AX are specifically earmarked for the support of Army troops in the European theater, their capabilities will be contrasted here.

The Marines expect the Harrier, to have specialized applications in forward-based attack situations where available ground-basing facilities are at a minimum and where the unusual qualities of a V/STOL attack aircraft could be considered useful. In particular, the Marines foresee use of the Harrier in support of invasion forces against heavily defended beaches, where its carrier and ship-based abilities would also be important. Due to the special nature of its intended mission, the Harrier will receive separate treatment later in this report.

Roles and missions

For over twenty years a dispute has existed as to which service should have the responsibility for close-air support of Army ground troops. This dispute, unmitigated despite a number of Department of Defense directives and inter-service agreements, has led to the current costly controversy between the Air Force and the Army revolving about the AX and the Cheyenne.

The last major organizational agreement between the Army and the Air Force was concluded in 1965. Called the Johnson-McConnell Agreement after the names of Army and Air Force Chiefs of Staff, this agreement set out to eliminate some of the confusing overlaps as to which service was to do what.

Actually, the Johnson-McConnell Agreement did little more than sort out some of the actual hardware involved rather than solve any of the basic disputes. The Army was given authority to develop a rotary-wing "fire-support" system, which it did, and the Air Force, perhaps too confident that no helicopter could challenge fixed-wing aircraft for this mission, continued for a time its low priority effort in close-support systems. The Johnson-McConnell agreement thus led directly first to the development of the Cheyenne and then the AX.

It is little wonder that the Army wants to develop its own aircraft, for in both Korea and Vietnam the Air Force has been poorly equipped to provide close-air support. The AX is the first Air Force plane specifically designed for the close-air support mission, and until now the United States has had the only major Air Force in the world not to have an aircraft tailored solely for this role.

Instead the Air Force has given preference to the more classic missions of strategic bombardment, tactical air-superiority, air-defense, and interdiction. Though experience in Vietnam, Korea, and even World War II demonstrated the marginal utility of interdiction missions, both the Air Force and the Marines have become overburdened in this area at the expense of close-air support. In fact, over the last few years the Air Force has spent nearly all of its tactical-air budget on air supremacy and interdiction bombers.

To meet the requirements of the close-support mission, the Air Force has had to turn to eclectic combinations of ill-suited aircraft, ranging from trainers to World War II fighters and even pre-World War II transports. They have even had to suffer the indignity of asking the Navy for the A–1, a World War II vintage aircraft that has been the mainstay of Air Force close-air support in Vietnam. A table follows of the primary aircraft types used by the Air Force for close-air support in Korea and Vietnam:

Korea

T–6 (trainer).
P–51 (WWII fighter).

Vietnam

A–1 (WWII tac. aircraft procured from the Navy).
A–37 (attack version of TA–37 trainer).
T–28 (armed version of trainer).
T–38 (F–5 version).
F–4 (Mach 2 fighter-bomber).
C–47 (Pre WWII military transport).

There is little doubt that either service has the capability to perform the close-air support mission. The doctrinaire argument the Army makes for the Cheyenne—that, being an Army aircraft, it would work "organically" with troops in the field—can quickly be put to rest. It has not worked that way in Vietnam. Instead, armed helicopters have been supplied from a central control at the Corps level in much the same way as Air Force planes. Moreover, this centralization is likely to increase with the event of more complicated and expensive helicopters like the Cheyenne, fewer of which will be available.

We believe that the Department of Defense, in order to end the over twenty years of Army-Air Force rivalry, should make a firm decision on which service shall have the responsibility for the close-air support mission.

As will be demonstrated in the following section, fixed-wing aircraft like the AX possess an inherent superiority over rotary-wing aircraft for the close-support role. Since the Air Force already operates the preponderance of fixed-wing assets it is our opinion that the Air Force should be given responsibility for close-air support for the foreseeable future, provided that the Air Force demonstrates to Congress annually that it is giving the mission continued and adequate support.

We also believe there to be auxiliary missions to the primary close-support role of the Air Force that can be fulfilled by the Army with its current attack helicopter, the AH–1G COBRA. However, due to the inherent weaknesses in contemporary rotary-wing technology, we see no value whatever in replacement of the AH–1G with a more advanced attack helicopter at the present time.

Key combat characteristics

(1) Responsiveness/Loiter

The nature of the close-support mission is such that its first prime requirement is quick aircraft responses. If troops on the ground are being attacked or an observation post or spotter aircraft should sight a moving column of tanks, the aircraft must get to the scene rapidly. Moreover, the nature of most scenarios for a European battle suggests that during the first critical days the action is likely to be in rapid movement. Close-air support will be keyed not to fixed targets but to constantly changing battle lines. Unless an aircraft arrives quickly, it may not know where to go.

Optimum responsiveness is not obtained either through high speed or extreme forward basing. Instead it is best achieved with aircraft that have the ability to loiter over the battlefield for long periods of time. Aircraft already in the air over the front are able to eliminate delays due to take-off, transit time, communications, familiarization, and assignment lags. By contrast, no amount of speed or forward basing can eliminate these delays. Aircraft at forward bases are also likely to be well within reach of the enemy's tactical missiles or artillery.

Its poor response time is one deficiency of the Cheyenne. The Cheyenne is limited by its fuel capacity to what is called "ground loiter" in the immediate vicinity of the combat troops, where it will be well within range of enemy artillery. And even this forward basing will not eliminate frequent trips to its main base for more fuel. Thus the Cheyenne will fly many sorties to provide a limited amount of actual support. And one side effect of its refueling trips could be to aid enemy detection of the main base, bringing on air strikes and artillery harassment.

In contrast, the AX will be able to linger over the battlefield from one to four hours depending on the length of take-off and amount of ordnance carried. Loitering at moderate altitude over the critical areas, the AX will remain virtually secure from hostile fire while being able to respond in under 10 minutes to the needs of either a 100 mile battleline or a 7,500 square mile area.

A specific test of the advantages of fixed-wing, long-loiter, close-air responsiveness was conducted in combat situations in Vietnam in 1969. Nicknamed Misty Bronco, the test used Air Force OV–10A's in a joint role of forward air-control and close-air support. The OV–10A, though slower and less maneuverable than the AX, demonstrated the ability of loitering fixed-wing aircraft to bring effective fire-power to bear in support of ground forces within minutes of request. The response time average only 5.1 minutes with the majority of that time (3.7 minutes) consumed in obtaining ground clearance to fire. By comparison, helicopter response time in South Vietnam has proved to be in the range of 30 to 45 minutes due to the various delays in getting from the base to the battlefield.

(2) Survivability

Survivability is a second prime requirement for any close-support aircraft called

upon to operate in the European theater. In Southeast Asia, both our fixed- and rotary-wing close-air support aircraft have enjoyed total air supremacy and have rarely had to face concentrated enemy fire from the ground. This would not be the case in the NATO-Warsaw Pact confrontation.

On a European battlefield, close-support aircraft will be confronted with a vast array of sophisticated and concentrated anti-aircraft (AA) weapons. In contrast to the under .50 caliber AA threat encountered in less developed countries, the predominant threats in Europe will be .51 caliber and .60 caliber machine guns and 23 mm anti-aircraft artillery (AAA) fire. In addition, close-support aircraft that happen to cross into enemy territory are likely to be menaced by a variety of larger AAA cannons, hostile fire from enemy aircraft, and front-line surface-to-air missiles (SAM's). Another possible threat could be the development of a Soviet equivalent to the U.S. Redeye, a small, man-portable heat-seeking ground-to-air missile.

An aircraft will have to fly through light and medium automatic weapons fire with relative impunity if it is to perform the close-support mission in Europe. Moreover, it will have to fly low enough and slow enough to acquire targets and to engage them with optimum accuracy.

The two characteristics which will work together to determine an aircraft's ability to do this are its vulnerability and maneuverability.

Vulnerability refers to the physical characteristics of the aircraft itself—the extent of its vulnerable parts and the damage likely if it is hit.

Helicopters are inherently complicated and fragile devices and the Cheyenne will be no exception. It will have a number of very vulnerable components—such as rotors, rotor-heads, gearboxes, and shafts—which are almost impossible to adequately protect. Moreover, it will have an excessively exposed canopy area with the consequence that crew members themselves might easily get hit.

The AX, by contrast, promises to be one of the least vulnerable aircraft in the United States inventory. Recognizing that the ability of an aircraft to take a hit is far more important than its speed, the Air Force has designed it from the bottom up with this basic need in mind.

The biggest dangers if an aircraft is hit are fire abroad the aircraft and loss of its basic control systems. To prevent the first, the fuel tanks on the AX are separated from the ignition and the engines, placed in an area of minimum vulnerability, foam-protected against explosion and fire, and designed so they will leak externally. To prevent the second, the AX incorporates redundant and separated control systems, with the key linkages armored.

The back-up controls of the AX will be fully mechanical, rather than hydraulic, to further reduce exposure to fire.

The next biggest danger is engine loss. The AX will carry two engines to the Cheyenne's one. Because the engines will be widely separated, there is little danger that a hit in one will result in the loss of both. Because they are duplicating, the aircraft will be quite able to fly even if one engine is gone.

Finally, the AX carries more than twice the armor of the Cheyenne. The AX crew compartment itself is encased in 750 pound bathtub of armor, leaving the pilot vulnerable to most AAA hits only through the plane's small canopy area.

Dr. John S. Foster, Jr., Director of Defense Research and Engineering, summed it up this way in his March 18, 1971 testimony to the Senate Armed Services Committee:

"If the enemy defenses, even in the vicinity of our troops are formidable, if the fire is intense, the AX will probably survive while the Cheyenne will not. It will survive simply because it is a less complicated airplane. I don't believe we can make a helicopter that will take the beating the AX can take."

As far as maneuverability is concerned, the Cheyenne again loses out, with flight characteristics markedly inferior to those of the AX. The Cheyenne is limited to attack speeds well below 200 knots, while the AX has a range from 150–400 knots. The AX can also pull fully seven "g's", as opposed to approximately two for the Cheyenne.* This high "g" capability is terribly important, since what it reflects is the ability of the aircraft to deviate from the straight line flight path which aimed gunfire presumes.

Because helicopters are so vulnerable and unmaneuverable, the Army has argued the case for the Cheyenne on the basis of tactics. It claims that the Cheyenne will be able to fly in a "nap-of-the-earth" profile to mask its presence until it can suddenly "pop up" to fire on its targets from long range, with the wire-guided TOW missile system. These tactics, it says, will keep the Cheyenne alive.

In the fall of 1970, the U.S. 7th Army Air Cavalry conducted a field evaluation in Europe, using Huey Cobras, to test these tactics. While the evaluation has been proclaimed a great success, some of the evidence, as reported in an unclassified write-up of the exercises, casts serious doubt on this conclusion.

It indicates first that the Cheyenne will encounter poor visibility of battlefield targets when operating in "nap-of-the-earth" flight. This finding buttresses one of the long-standing criticisms of the Army's tactics—that the Cheyenne will not be able to actually acquire many targets unless it "pops up" to an altitude of 1,000 feet and then closes to a distance of one-half mile or less for visual target identification.

Under these circumstances, the Cheyenne would be fully exposed for quite some time to hostile enemy fire. After it "popped up," it would require between five and fifteen seconds for target acquisition and fire preparation and as much as another twelve to fourteen seconds after the TOW missile is launched to track it to its target. Thus, for as long as 29 seconds, the Cheyenne could be a shooting gallery target for enemy fire.

The Cheyenne would not have to hover in place while tracking the TOW. It could also "fly down the wire" (along the missile flight path). But this tactic would bring the aircraft even closer to hostile enemy fire. It should be noted in this regard that the Army itself has said that it would be "unacceptable" for the Cheyenne ever to fly behind enemy lines. This recognition of the Cheyenne's vulnerability is fine in theory. In practice, it is highly doubtful whether there would ever be any clear-cut lines in a fast moving European battle.

A second problem revealed by the 7th Army Air Cavalry evaluation is the havoc which power and telephone lines could wreak if "nap-of-the-earth" tactics were employed. Collisions with these lines, extremely difficult to see in flight (especially in marginal weather), could prove to be a major source of losses. A related consideration is the possibility that the wire which guides the TOW could get tangled up in trees.

As an alternative to "nap-of-the-earth" flight, the 7th Army also experimented with flight at tree top level—higher than "nap-of the earth" but considerably lower than flight profiles used in Southeast Asia. It was found, however, that even at this altitude the helicopters were "skylined" against the background and were easy enemy targets. Unfortunately, it was also found that "pilots who flew at tree-top level and at relatively higher speeds acquired more targets than those who flew "nap-of-the-earth."

The 7th Army Air Cavalry evaluation casts serious doubt on the ability of the Cheyenne to successfully employ the tactics it has been hoped it could use. There is little chance that it could acquire many targets at the stand-off ranges it is designed for and even less chance it could long survive if forced into the thick of the battle. In fact, seven out of eight senior Army officers who participated in the exercises cited helicopter survivability when questioned about the negative aspects of the exercises.

The AX will not be burdened by the questionable tactics of the Cheyenne. It will not be restricted to the "friendly" areas of the battlefield. Instead it will loiter over wide areas for long periods of time, above the range of automatic weapons, with the maneuverability, acceleration, and rate of climb needed to rapidly attack defended targets with a minimum of exposure to hostile fire.

These characteristics will be especially important if we do, in fact, face Redeye-type missiles and enemy fighters in Europe. Since no close-support aircraft could hope to match a SAM or a MIG in speed, survivability would depend in great degree on the aircrafts ability to outmaneuver the missile and perhaps the fighter as well till help arrives.

The Cheyenne would have no hope of surviving in this environment. During the Lam Son 719 operation conducted in Laos this past spring, under conditions only remotely as severe as those which would exist in Europe, chopper losses were staggering. The Army reported a total of 94 helicopters shot down between 5 February and 11 March, but other reports, including one in the New York Times, put the loss for the Laos incursion at 219 helicopters. This is the equivalent of 60 per cent of the total Cheyenne buy.*

(3) Lethality/Accuracy

Even if an aircraft can respond quickly and fly through enemy fire with impunity, it will be of little value in the close support mission unless it can deliver lethal and accurate fire against the targets with which it is confronted.

Any close support aircraft operating in the European theater will have to deal with two kinds of targets: "hard" targets such as tanks, armored personnel carriers, and bunkers; and "soft" targets such as command posts, lightly fortified machine-gun and mortar points, and vehicles and troops in the field. The "hard" targets will be both the most important and the toughest to destroy—important because the opposing armored forces will spearhead any enemy advance, and toughest to destroy because they will be camouflaged, mobile, and well protected.

Unguided rockets or bombs will not be adequate against armored vehicles because of their inherently poor accuracy. Needed instead will be small, penetrating warheads (hard core bullets or shaped charges) accurately delivered against them. Our choice, therefore, will be primarily between guided missiles like the Tow and the Maverick, or high velocity, high impact automatic cannons of 30 mm. or larger with armor piercing warheads.

The Cheyenne will not be able to rely on its own gun as an antitank weapon. Like all helicopters, it suffers from high vibration and relative instability, both of which are fatal to accuracy. Even with its rigid rotor which minimizes rotor vibration to a degree,

---

* 1.5 claimed at 190 kts., 2.13 claimed at 170 knots.

*Although most of the losses in Laos were of helicopter troop-carriers—"slicks"—such as the UH–1G Huey, the experience of the slicks is applicable to attack helicopters as well, since armed helicopters like the Cheyenne are more likely to engage enemy defenses. Laos particularly demonstrated the severe vulnerability of helicopters to .51 caliber machine guns (12.7 mm). In contrast to this, the AX, which has over 1000 lbs. of armor to 453 for the Cheyenne, has been specifically designed to safely take fire up to .60 cal. (14.5 mm).

the Cheyenne will be forced to incorporate a very complex and very expensive computer-controlled turret stabilization system to achieve acceptable accuracies. And since this turret system will not accept the high recoil associated with an antitank capable cannon, its weapons will not be usable except against relatively soft targets. The Army readily acknowledges that they will be light armor piercing only.

In February 1971 the Army attempted to demonstrate to a Congressional audience at its Yuma proving grounds the ability of the Cheyenne to fire its turret weapons simultaneously at two widely separated targets. Despite the unrealistically optimum test conditions (there would be no opportunity for careful preparation by highly trained technicians in a battlefield environment), a malfunction in the Cheyenne's fire control system caused machine gun fire "to be sprayed all over the hillside." Even if similar malfunctions can be prevented on the battlefield, it is doubtful whether the Cheyenne will achieve the accuracies called for in its design specifications, since their attainment is predicated on a minimum of aircraft movement which could well prove fatal if employed in the face of hostile fire.

Since it is incapable of mounting a 30 mm. cannon with the velocity, impact, and accuracy needed to counter enemy armored vehicles, the Cheyenne will have no choice but to use the Tow wire-guided missile as its primary anti-tank weapon. Unfortunately, there are a number of problems with the Tow, which was originally designed for use on the ground.

First, there are the target acquisition and survivability problems alluded to earlier. It is unlikely that the Cheyenne will be able to acquire targets at the stand-off range for which the Tow is designed and unlikely that the helicopter will survive if forced to move closer to its targets.

Second, there is the fact that the Tow can be counter-measured by simple, low power techniques.

Third, there is the high cost and complexity of the missile. For example, the 16 Tow missiles which the Cheyenne will normally carry will cost six times as much as the normal AX payload while providing sixty times fewer actual warheads. And since the Tow system will also be difficult to maintain, costly to repair, and have poor battlefield reliability, these figures probably understate its relative cost disadvantages in terms of functional sorties delivered.

At the Yuma demonstration referred to earlier, the carefully prepared Cheyenne fired two missiles at standing targets under ideal conditions. One of the missiles hit the tank, but the other simply fell out of its launch tube.

This failure is not a good omen. In combat it is unlikely that the Cheyenne will face tanks standing exposed in bright sunshine on the side of hills. Instead it will have to fire in adverse weather and under high crew stress conditions, at moving targets with good camouflage, and in the face of enemy countermeasures against the missile. All of these factors will gravely compromise the effective use of the wire-guidance system which requires highly accurate optical tracking either during hover or in "down-the-wire" flight.

The AX, on the other hand, will be well suited to delivering lethal and accurate fire against enemy targets. It will have the maneuverability needed to acquire its targets at short range, turn in the one-half mile or less needed to maintain visual acquisition, and then attack in close at a speed slow enough to ensure accuracy yet fast enough to reduce exposure to hostile fire.

Air Force tests conducted in 1965 demonstate the very high degree of accuracy which can be achieved by fixed-wing multiple pass strafing such as the AX will be able to deliver. When its new 30 mm. cannon is developed, the AX will also have a weapon of sufficient impact and velocity to pierce any armored vehicle in the Soviet inventory. Moreover, this cannon will be cheaper to maintain and operate than the infinitely more complex Tow.

Finally, the AX will be able to carry up to 16,000 pounds of external ordnance, more than three times as much as the Cheyenne. As a corollary, it will also be able to carry a greater variety or ordnance and engage a much wider range of combat targets.

(4) Operational Readiness Requirements

a) *Peak Sortie Rates.* If a close support aircraft is to be counted on when needed, it is vital that it be able to fly 4 to 6 sorties per day, for one or two days, when necessary in emergency conditions.* The main determinant of an aircraft's ability to achieve peak sortie rates is the degree of its overall complexity.

A complex aircraft like the Cheyenne will require its own retinue of highly trained technicians and considerable support materiel wherever it goes, and it will still be under repair much of the time. The Army's current attack helicopter, the Huey Cobra, has spent considerable amounts of time "in the shop" while serving in Vietnam. The much more complicated Cheyenne would no doubt have a worse record. By contrast, a simple aircraft like the AX will have less failures, and thus demanding less maintenance, will fly more.

b) *Austere Basing Capabilities.* There are several reasons why close support aircraft should be able to operate away from carefully prepared airstrips. For one thing, there are not likely to be airstrips in the immediate vicinity of a battlefield. Even if present, any aircraft operating from them would inevitably cut significantly into its responsiveness, its loiter time, and/or its payload if it could even reach the scene. An added danger of centralized bases is hostile strikes which could eliminate large fractions of the force in one swoop.

Although a helicopter like the Cheyenne would seem at first glance to have advantages in this regard, they turn out to be somewhat illusory in nature.

To begin with, the Cheyenne derives little advantage from its vertical take-off and landing (VTOL) capability. As argued earlier, forward based "ground loiter" is no substitute for long loiter in the air above the battlefield when responsiveness is the point at issue. Due to its vulnerability, the Cheyenne will not be able in any event to sit down in areas really close to hostile fire. In Vietnam, for example, attack helicopters have operated almost entirely from sheltered rear bases with intermediate stops only at secure helicopter clearings. Finally, it must be remembered that vertical take-offs extract an inherent penalty in terms of the amount of fuel and ordnance carried. When fully loaded, even the Cheyenne required room to roll for take-off.

The AX will be able to rely in Europe on the large number of austere dirt and paved airstrips which can accommodate an aircraft with its own short take-off and landing (STOL) capabilities. It is designed to be able to take-off fully loaded from forward areas, hastily prepared dirt airstrips in distances as short as 2,200 feet. The Air Force A-7, by comparison, requires 7,000 feet of hard surface runaway.

In fact, due to its lesser support requirements, it will be possible to disperse the AX to a far greater number of bases than the Cheyenne, which will have to return far more often to its main base for fuel, ordnance, and repairs. And the helicopters then will be grouped together for possible enemy strikes.

(5) Night and All-Weather Capabilities

An aircraft that could always provide accurate and discriminating fire at night and under all weather conditions would without question be most desirable for the close support mission. The Cheyenne clearly has more sophisticated night and all weather avionics than the AX but it is doubtful what added capabilities they give it.

First, as demonstrated by Air Force experience with the A-1 in Southeast Asia, sophisticated avionics are not needed for effective close air support operations in marginal daylight conditions that kept other avionics-equipped yet less maneuverable aircraft on the ground. The A-1 also operated at night with equipment no more exotic than flares, using the technique of making multiple, tight, low-speed turns within the duration of the flares.

The time when special avionics would be most helpful—and when aircraft cannot operate without them—is under conditions which combine bad weather and the night. Unfortunately, no package of sensor systems yet developed and none on the horizon has shown any ability to discriminate effectively between friendly and hostile forces. Yet this is a basic prerequisite for close-air support, especially under these conditions.

Despite the fact that the target identification problem remains unsolved, the Cheyenne is designed to incorporate an exotic passive infra-red night-vision system that adds greatly to its complexity and to its cost. In the 7th Army Air Cavalry evaluations referred to earlier, one helicopter troop experienced only 6 per cent of its total acquisitions and only 3.6 per cent of its actual engagements during its night operations. The more advanced equipment on the Cheyenne might make some improvement in that score but not enough to justify the cost.

The AX, by contrast, incorporates no such avionics in its standard operating version, yet its inherent maneuverability will allow it to operate even more effectively in most weather conditions than the A-1 did in Southeast Asia. If and when avionics are developed which could significantly improve its performance, they could easily be incorporated in a fraction of the total AX force.

(6) Force Structure Implications

Our tactical air strength in any European encounter will depend not only on the quality of the aircraft we have but the numbers in which they are available. Here cost is an all important consideration, and again the AX comes out ahead.

Due to the innovative management techniques being applied to the AX program and the basic simplicity of the aircraft itself, the AX will be less than half as expensive as the Cheyenne. Its lower unit price will translate directly into substantially more aircraft for the money spent, as the following table demonstrates:

$1.2 billion buys

600 AX	[1] $2.0 million
222 Cheyenne	[1] $2.0 million
273 Harrier (UK version)	[1] $4.4 million

[1] Program unit cost.

In addition to its investment cost advantage, the AX will have lower operations and maintenance (O&M) costs as well. Experience shows that O&M costs usually average out to approximately 20 percent of investment costs per year. This would put annual O&M costs for the AX at $400,000, compared to $1.08 million for the Cheyenne. This $400,000 is a far cry from the upwards of $1.5 million per year which we are already

*The Army and the Air Force do not use the same definition of a sortie. The Army reports every touchdown as a sortie. Thus one attack mission may be reported as consisting of five to ten sorties. In referring to a peak sortie rate desired of four to six per day we are using the Air Force definition.

spending on a number of sophisticated Air Force planes.

The recent revelation that the Air Force is planning to develop an inexpensive "light fighter" to supplement the expensive F-15 is a first welcome indication that greater consideration is being given by the services to the importance of force structure implications in making their procurement decisions. It would not be in keeping with this new trend to replace the $700,000 Huey Cobra with the more than seven times as expensive Cheyenne. The trade-off in numbers is simply not warranted by the few added capabilities actually gained. Given their inherent vulnerability and poor maneuverability, it is quite possible that a sizeable fraction of the small total Cheyenne force could be wiped out during the early stages of a conflict, and that no reinforcements would remain.

Analysis of the Cheyenne

The Cheyenne program has been a monumental accumulation of mistakes, misjudgments, and mismanagement, on the part of the Department of Defense, the Army, and Lockheed Aircraft. The program is now three years behind schedule, and yet it is virtually certain that few of the original performance specifications will be met.

The cost per aircraft has risen from an original estimate of "under $1 million" to at least $5 million per unit (program cost). Deputy Secretary of Defense Packard has estimated total research, development, testing, and engineering (RDT&E) costs to be $293 million, up $167 million from the original RDT&E estimates, or an overrun of 233%. Large overruns have occurred in virtually all major contract areas, as well as in contracts for auxiliary systems, in particular weapons and avionics. In addition, $200.3 million was appropriated for FY 69 production of the Cheyenne, but never spent for procurement purposes once the Army cancelled the production part of the Cheyenne contract in May of 1969. Instead, this $200.3 million has been used for contractual settlements with Lockheed, payoffs on Lockheed program expenses since contract termination, and continuing RDT&E expenses.

To date Lockheed has lost a minimum of $120 million on the aircraft while through FY 71 the government has spent, in the words of New Hampshire Senator McIntyre, "about $40 million each" for the ten Cheyenne prototypes that have been built (two of which have been destroyed in accidents). For a total expenditure, including just known losses on the part of the contractor of $120 million, and government appropriations of over $435.2 million, there currently exist only eight Cheyenne prototypes, only four of which fly, *none* near original specifications. According to Packard, there is no other military aircraft development program into which a company has sunk more of its own money.

The Cheyenne program began in the mid-1960's with the development of two experimental rigid-rotor helicopters, the L-286 and the IX-51A, the latter a compound vehicle as well, meaning that it used stub wings for lift instead of rotor blades as do ordinary helicopters. At the time Lockheed officials expected little difficulty in scaling up to a larger vehicle. A quotation from Aviation Week and Space Technology reveals:

"Officials now concede they were overly optimistic in predicting the ease with which a 5,000 pound gross-weight helicopter could be scaled up to a 20,000 pound system. In some cases, performances were enthusiastically guaranteed beyond what the Army had sought in its original request."

One of these excesses was Lockheed development of a dive-bombing technique for the Cheyenne, using the rear pusher-prop as a speed-brake. This capability was developed not for the Army, the sponsor of the project, but for the Air Force, who Lockheed was trying to interest in the plane.

Problems began to develop immediately, and the difficulties reached major proportions in March of 1969, when a prototype crashed due to "uncontrollable rotor oscillation," killing the pilot. Then in April 1969 the Army issued to Lockheed a "cure notice," stating that the Army considered Lockheed's ". . . failure to make satisfactory progress toward the production and timely delivery of an aircraft which will meet contractual requirements, a condition that is endangering performance of the AH-56A production contract . . ."

Lockheed responded to the cure notice by suggesting a schedule slippage of about six months and a reduction in production, but the Army felt that even with these changes an unacceptable aircraft would be delivered and it cancelled the program in mid-May 1969. Stunned by the cancellation, Lockheed filed an appeal to the Armed Services Board of Contracts, opening a dispute that was not settled tentatively until January of 1971 when the Army agreed to pay Lockheed a total of $72 million in settlements on the cancelled production contract and on company losses in the R&D side and allowed Lockheed to keep $54 million as progress payments. Still the company had to agree to absorb losses of $75 million on the development program and $45 million on the production part. The result was hardly a productive venture for either side, with the Army sinking huge funds into an apparently bottomless pit while Lockheed took losses then without precedent.

But still the Cheyenne rolls on, though none of its problems has been solved. As of March 10, 1971 almost two years after the cancellation of the production contract, after numerous changes (quite a few of which were major, including relocation of the tail rotor), even the best of the flying aircraft was still nearly 10% short of the specified level flight top speed of 220 kts, 19% short of the dive speed specification, some 20% deficient in maximum maneuverability, with similar restrictions covering at least 10 other flight specifications.

It was also revealed this Spring that one of the Cheyenne prototypes was forced to make an emergency landing on March 9, 1971, due to structural failures caused when the aircraft was flying 2000 pounds below specified gross weight. Upon inspection it was found that one of the main rotor blades had buckled.

Despite over 1000 hours of flight testing, more than experienced with any other recent military aircraft development program the Cheyenne still suffers from serious maneuverability and response problems that threaten to even further downgrade its operational effectiveness. Maneuverability of the Cheyenne is limited to only a 2.0 "g" range and reportedly then the best of the development aircraft cannot sustain even a 60 degree turn. And, in spite of the long development, the reliability and effectiveness of the Cheyenne's rotor-control system is so questionable that the Army has had to recently advance an "advanced mechanical control system" to replace the current components. Cheyenne responsiveness is reputedly so poor that only one Army pilot will fly the Cheyenne, and even he will only fly the single prototype equipped with a highly experimental downward ejecting escape system.

Conclusions

The Cheyenne is an aircraft of enormous cost with at best marginal effectiveness. The history of the program is filled with across-the-board mistakes, with responsibility divided between the Pentagon, the Army and Lockheed, and Congress. The United States has committed some $435 million to this program to date, with the spectre of billions just beyond the horizon. Despite this already large investment, the Cheyenne program has clearly reached the point where it is extremely doubtful that any amount of further funding will result in a useful aircraft that could be effectively and safely used by American pilots in combat.

The Cheyenne is a classic example of a program of tremendous cost that holds little promise. Since there is a better and cheaper alternative to the Cheyenne on the horizon in the Air Force AX, Congress should act with all deliberate speed to put a merciful end to the Cheyenne program. No production contract should be approved and present RDT&E requests should be turned down.

So as to make some use of the vast funds expended so far, the Army should acquire and use the existing Cheyenne prototypes in low-level programs of research, perhaps incorporating them into existing R&D "advanced helicopter concepts" programs. These R&D programs should explore the critical areas of rigid-rotor technology, survivability, gun-platform stabilization, and anti-tank capabilities. These proposed research programs should in no way point toward eventual production of the Cheyenne.

Currently the Army is considering three alternative rotary-wing systems to the Cheyenne, the Sikorsky S-67 Blackhawk, and improved Tow-equipped Bell AH-1G Cobra, and a follow-on version of the AH-1G tentatively dubbed the "King Cobra." Although all of these aircraft would cost considerably less than the Cheyenne they could not increase performance. As such, none of these alternative helicopters should receive production approval. Until rotary-wing technology develops to the point that a cost-effective attack helicopter with demonstrable combat capabilities can be produced, Congress should fund no further production-oriented development of attack helicopter systems. However, Congress should continue to give adequate support to the Army's current attack helicopter, the AH-1G Cobra, since it can provide useful capabilities auxiliary to the primary close-support mission we believe should be given to the AX.

ANALYSIS OF THE AX

Development program and procurement approach

A series of innovative management approaches have been initiated for the AX development and procurement program which encompass austere and functional specifications, competitive hardware development, and thorough flight assessments before production approval. These reforms should result in a relatively low RDT&E cost for the AX program with minimal risks while promising a highly effective close-support aircraft at a price under $2 million.

The simplicity of airframe design and minimum of avionics and other complex subsystems incorporated in the AX should assist the program in avoiding the dangers of excessive sophistication and technological overassumption that have in many other programs led to serious schedule and cost difficulties. This emphasis upon design simplicity should be continued, for the nature of the AX mission is not one that requires advanced technology. Rather, the use of proven components will increase mission effectiveness by resulting in a rugged aircraft with a high degree of reliability, ease in maintenance, and minimal support requirements for basing. And, the simplicity of design will make the AX inexpensive enough to enable the Air Force to buy the aircraft in adequate numbers.

The benefits of austere and functional specifications have been followed up on with a full competitive development program, the first since 1956. Two companies, Fairchild-Hiller and Northrup, have been let contracts to build two AX prototypes apiece (the

A-10A and the A-1A respectively). This dual hardware development program is a marked departure from the more frequent "paper competition" and "total package" type of contracts that have caused numerous problems in the past with aircraft like the AH-56A (Cheyenne), the C-5A, the F-111 and the F-14.

The actual "fly-off" part of the competitive development program is another feature of the AX development program. Having the two versions of the AX compete against one another should have a number of positive effects for the program. The competition will identify not only the best aircraft, but also potential problem areas to be solved during later stages of development. The "fly-off" also virtually demands that both contractors produce the best possible aircraft, since lesser effort could clearly result in the loss of the contract.

The net result of these innovations in program management should be the development of a relatively risk-free, highly effective close-support aircraft with a comparatively low price. Although direct RDT&E costs, at an estimated $281.2 million, are not particularly low, the benefits achieved through the competitive development program should in the last analysis result in a better aircraft at a lower total program cost than would be achieved were more conventional management techniques applied.

Air Force priorities

Although the past twenty years of operational experience has clearly demonstrated the importance of close-air support, the Air Force has consistently given this mission a low priority and has thus found itself in both Korea and Vietnam, without an aircraft designed for this mission. The Air Force has instead preferred more glamorous missions and has funneled most of its tactical-air budget into the questionable utility of strike-and-interdiction bombers like the A-7, the F-4, and the F-105.

Given this past preoccupation with interdiction aircraft, it is little wonder that the Air Force did not get the AX program moving until fully a year and a half after the Army had begun development of the Cheyenne. It seems that only the threat of losing the close-support mission to the Army really convinced the Air Force to develop the AX. But development does not itself ensure that the Air Force will give adequate attention to close-air support in the future.

We are particularly concerned that the Air Force place sufficient wings of the AX in the active force structure before equipping the Air National Guard. We believe that at least five wings (or 600 aircraft) are necessary to ensure that the Air Force will be able to effectively meet the close-support need with the very short notice that will be expected in a potential NATO-Pact confrontation. Assignment of large numbers of the AX total buy to the Air National Guard would most likely result in grave delays in combat deployment of the aircraft and subsequent weakening of tactical strength, due to the time associated with Guard unit activation, transport, and familiarization.

While fully supporting the AX program, we recommend that Congress monitor Air Force performance of the close-support mission by requiring over the life of the AX program an annual accounting sufficient to show:

a) continued satisfactory development of the AX

b) sufficient numbers of the AX in the active forces

c) adequate spares, training, and flying hours for the AX

d) adequate provision for close-support munitions

e) adequate inventory of forward air-control (FAC) aircraft and sufficient training for this important auxiliary mission.

Survivability

Although the relative survivability of the AX is clearly superior to that of other close-support and standard attack aircraft, this comparative edge does not assure that its absolute survivability will permit the really close-in operations desirable in a European battle. To date the Air Force has taken commendable actions in behalf of AX survivability, and we strongly recommend that further survivability research and development for this aircraft be made a matter of highest priority.

We believe that extensive live-firing tests will be necessary to gauge the absolute survivability of the AX. Since the large payload of the AX allows for the addition of more armor at the expense of marginal ordnance loss, any tests might well be compensated for with a minimum of performance sacrifices and at a relative low cost.

Avionics, night and all-weather combat systems

In view of the Air Force's demonstrated fondness for sophisticated avionics, and the available space for them in the AX, it is important that avionics expansion be very carefully monitored by Congress to guard against needless cost growth.

Of particular concern is the possible development of a follow-on to the standard AX, dubbed the AX-B, equipped with night and all-weather avionics that would add at least $2 million to the cost of the basic aircraft. As discussed in the section dealing with the characteristics of the close-support mission (see pages 7 to 16) the utility of sophisticated night and all-weather combat delivery systems are sufficiently questionable to place cost-effectiveness of an AX-B in serious doubt at this time.

The 7th Army Air Cavalry field evaluations this year, in which only 3.6% of one troop's total engagements and only 6% of total acquisitions occurred after sunset, convincingly demonstrated the limited effectiveness of any aircraft, be it fixed or rotary-wing, operating at night in a European combat situation.

A NATO-Pact confrontation in Central Europe will almost certainly be highly mobile, with battlelines changing so quickly that the whole concept of front-lines becomes clouded. Under these conditions, the inability of any night-all-weather sensor system currently available or on the horizon to discriminate between friendly and hostile targets gravely compromises the operations of close-support aircraft. The very nature of the close-support mission requires that the aircraft be able to provide effective fire against enemy targets in very close proximity to friendly forces, and it is not at all clear that this prerequisite will be met.

In view of the operational, technical, and financial risks involved, development of an AX-B should be undertaken only with the greatest of care. Any proposed "B" version of the AX or major avionics additions to the standard aircraft should be carefully screened in realistic tests. These tests should be conducted with targets and tactical postures representative of battlefield conditions and with particular attention given to the safety of friendly troops in the field. Early evaluations of the operational effectiveness of a follow-on AX-B might be projected by using a portion of the 13 OV-10A nighttime forward air control and strike designation aircraft being developed for the Air Force *Pave Nail* program, provided that they were suitably modified for ordnance delivery test to a configuration similar to that of the Marine Corps YOV-10D (NOGS) Night Observation Gunship. If the AX-B should receive production approval, we recommend that it be procured in small percentages of the total buy.

The Maverick missile

Despite the almost ensured success of the AX 30 mm cannon in the anti-tank mission, the Air Force has recently pressed for incorporation of the electro-optically guided Maverick terminal-homing missile as a major component of AX anti-tank effectiveness. The use of this missile, which is guided by a type of television that enables it, once fired, to be completely independent of the aircraft, has less supporting evidence than almost any other aspect of AX effectiveness. Due to the inherent limitations of the Maverick, extremely serious doubts exist that this missile will have any useable anti-tank capabilities.

Studies have shown that it is highly unlikely that camouflaged tanks can be visually acquired at sufficient distances, given realistic European battlefield conditions of compromised visibility and diverse terrain, to allow firing of the Maverick before its minimum launch range restrictions are encountered.

Furthermore, the time required for visual lock-on with the Maverick is at least 2⅓ times the aiming time for the strafing pass required for the 30 mm cannon. As demonstrated by experience in Vietnam with the Walleye electro-optical guided bomb, the increase in targeting time that a Maverick delivery necessitates renders the aircraft much more vulnerable than would a dive-bombing or strafing delivery.

The limitatons in acquisition and aiming time for the Maverick will in all probability require a Maverick-carrying aircraft to make first a purely *acquisition* pass and then return for a separate *engagement* pass. Even with this second pass there is hardly any assurance that between the time of the initial entrance pass and the second approach the target will not have moved to another position which again makes it impossible to engage within the Maverick's range limitations. In addition, multiple passes for acquisition and engagement increase exposure time to the dense hostile fire that will be encountered over the European battlefield.

Given the extremely high cost of the Maverick and associated launch equipment (approximately 50 times more expensive per round than a 30 mm cannon burst), the serious doubts as to Maverick acquisition and targeting characteristics, and additional doubts that exist as to the ease with which the Maverick can be countermeasured, we recommend that there be no Maverick installation for the AX.

Development procedure for the 30 mm cannon

The Air Force has let contracts to General Electric and Philco-Ford for competitive development of the 30 mm high-performance cannon. This cannon will be the primary armament of the AX and its performance a key determinant of AX combat effectiveness. But while the cannon is being developed under management procedures similar to those used for the AX airframe, including a "shoot-off" between the two contractors, present plans do not call for incorporation of the cannon into the AX airframe "fly-off" itself.

Since the cannon is acknowledged by the Air Force to be the "pacing item" of AX systems development and because of its importance to airframe operating effectiveness, we believe that the Air Force should take actions to make cannon and airframe development parallel, so that the gun can be included in the airframe "fly-off."

The approximately six-month delay in the "fly-off" competition that would be entailed is fully justified by the importance of the cannon to the AX system. The cost of such action would be small by comparison to total program cost.

If the airframe "fly-off" were to incorporate the cannon "shoot-off" the competitive development program would take on valuable new dimensions, enabling decisions on both airframe and cannon to be made more realistically. Parallel cannon development will also protect against later failures in the cannon

program, which, if the gun was not incorporated integrally into airframe development, might lead to serious program slippages and downgrading of overall system performance.

Analysis of the Harrier

The AV-8A Harrier now being procured for the Marine Corps from Britain's Hawker-Siddeley Aviation is the only operational V/STOL aircraft in the free world. It is a fixed-wing plane which can either take off vertically like a helicopter or with a 1,200 foot forward roll.

The Marines' present plan is to buy 114 planes, enough for three operational and one training squadron. We have invested $123.9 million for 30 aircraft to date, and $102.3 million has been requested in the FY 72 budget for 30 more. On the assumption that all remaining aircraft are purchased in the U.K., total costs for the 114 aircraft program are estimated by the Marines at $503.6 million.

The Senate Armed Services Committee, however, has added $23.7 million to the FY 72 request to initiate phased domestic production of the Harrier in the United States. The total additional costs for such domestic production, it now appears, could range anywhere from $113.8 to $275.0 million, depending on whether the airframes alone or the entire plane were built in the United States.

In our view, there are sufficient remaining doubts about the importance of the Harrier's projected mission, the operational tactics it is intended to use, and its basic effectiveness as a close support aircraft to justify limitation of the program. We therefore recommended that this years projected buy go forward but that the program be terminated at a total of 60 aircraft.

We feel that there is even less justification at this time for transferring any part of the production work remaining to the United States.

Roles and missions once again

Just as the Air Force has been charged with the mission of providing close air support to Army ground troops, the Navy has been charged with providing close support to the Marines. And the Navy has been just as neglectful of its responsibilities as the Air Force, preferring to concentrate instead on what it regards as the more glamorous interdiction mission.

At present the only aircraft at all suited to close support in either the Navy or the Marine inventory is the A-4, the latest version of which is the A-4M, with unit flyaway cost of $1.9 million. The Navy has never bought the A-4M and is already phasing out earlier A-4 squadrons. It now has two A-4 squadrons in its inventory, compared to six composed of newer aircraft in the hands of the Marines.

Perhaps the best indication of the Navy's neglect of its close support responsibilities is provided in testimony this year to the Senate Armed Services Committee. When asked what aircraft the Navy would be using for close support in the next few years, Admiral Thomas F. Connolly replied:

"Well, to a very large degree we will use A-7's, and as long as we have A-4's we will use A-4's, and we have been using F-4's when it was necessary. And the Marines will be using the Harrier. And I wouldn't be surprised under some circumstances that they will load the F-14 up because it covers a lot of real estate and can carry a big load of bombs and under certain circumstances it might turn out that the F-14 would do close air support."

In short, once the A-4 has been phased out, all the Navy itself will have for the close support mission is one interdiction aircraft and two fleet air defense fighters.

We believe that the Department of Defense should attend to this roles and missions problem also, both to avoid unnecessary duplication and to see to it that the Marines are provided with adequate close support assistance.

The amphibious assault mission

The mission of the Harrier is to operate in support of amphibious forces in assaults against heavily defended beaches. It is for this reason that the Marines are attracted by its ability to operate in a vertical take-off mode either from ships or forward pads while retaining the maneuverability characteristics inherent only in a fixed-wing plane.

Amphibious assaults are the classical Marine mission. No such assaults have been conducted, however, since the Korean War, and no heavily defended beaches exist at this time which appear to be active candidates for invasion. We face no hostile island empires.

Because of the diminishing importance of amphibious assaults operations, a change has already taken place in recent years in the role of the Marines. They have become increasingly less specialized in their operations and now fill the role of an elite, well-trained and rapidly deployable infantry with versatile capabilities. It is in this role, for example, that they have performed so ably in Vietnam.

The Harrier, on the other hand, is a throwback to the days of extreme specialization. Only in the early days of an amphibious assault operation when no land bases were available could it arguably perform better in the close support role than the far simpler and less costly A-4M now used by the Marines for the mission.

We believe it important that the Marines continue to become more versatile in their capabilities. The sixty Harrier buy which we recommend will enable them to equip one, and perhaps two, of their three tactical air wings with Harrier squadrons. Given the questionable importance of the amphibious assault mission, a larger total buy would consume an undue share of the total resources available to the Marines.

Harrier close air support effectiveness

1) The Intended Tactics: It will be easier to evaluate the effectiveness of the Harrier if we examine first just how the Marines intend to use it in support of amphibious assaults. They envisage three distinct phases of Harrier operations.

In Phase I—the initial stages of the assault—the Harrier will operate directly from its *sea base,* an LPH or some other smaller aircraft carrier. It will fly fom the sea base directly to the target area, where it will either provide immediate support or loiter on the gound at a suitable *forward site* nearby until needed. After each such operation, it will have to return to its sea base to rearm and refuel.

In Phase II—after an initial beachhead is established—a Harrier facility will be set up ashore. It will have some support material and enough matting for a short runway, but the Harrier will still be largely dependent on its sea base for ammunition, fuel, and maintenance.

In Phase III, a *main base* ashore will be established and enough logistics support transferred to it to end the Harrier's dependence of its sea base. This main base will be suitable for adaptation into a *SATS site*—Short Airfield for Tactical Support—able to serve other conventional aircraft as well as the Harrier.

Once established on its main base, the Harrier will leapfrog forward fully armed and fueled to a forward site, where it will loiter on the ground till needed. After each engagement, it will return to the main base to reload, since its forward site will have neither fuel nor ammunition. Once reequipped, it will repeat the process for another engagement.

2) Effectiveness Evaluation: It should now be possible to evaluate the effectiveness of the Harrier, both in amphibious assaults and other close support operations.

a) Sea Basing Feasibility. According to the Marines, it should be possible to operate the Harrier from sea bases ranging in size from CVAs to LSDs, but the feasibility of all-weather operations from sea platforms smaller than a CVA or CVS has never been thoroughly tested.

While the British Royal Air Force has conducted demonstrations of sea-based operations in calm seas, none of its own Harriers have ever been operationally deployed at sea. And the Marines themselves have done no sea-based Harrier testing in this country.

It should be noted in this regard that the Harrier will be more difficult to operate in its VTOL mode than a helicopter. It will be more difficult to control and have less margin of lift. Extensive tests are therefore in order to ensure that it will prove effective under the wide range of conditions now envisaged by the Marines for its use. Until such tests have been conducted, a basic premise of the Marines' tactics for the Harrier will remain open to question.

b) Responsiveness/Loiter. It has already been argued that optimum responsiveness is not obtained either through high speed or extreme forward basing but with aircraft that have the ability to loiter over the battlefield for long periods of time.

The Harrier will suffer from the same relative deficiencies in this regard as the Cheyenne. Even when operating in the STOL mode, it will have payload, range, and loiter capabilities more limited than those of conventional fixed-wing planes. And in the VTOL mode necessary when operating either from small ships or forward sites, it will have only one-fifth the range and at best one-third the payload which its STOL operations will provide.

Looking first at VTOL operations, it should be recognized that forward site operations with the Harrier are in some respects more difficult than the Cheyenne. Because large amounts of dust would otherwise be ingested by its engines with devastating effect, the Harrier will be restricted either to existing surfaces or steel mat covered take-off pads specially prepared by the Marines. And even with these mats in place, easily visible clouds of dust will be generated on take-off and landing unless somehow shielded by the terrain. If the site in question were close to the front, these dust clouds could aid enemy detection of the site and bring down a rain of artillery fire.

This problem could be averted by basing the Harrier well out of range of enemy artillery fire but only at the expense of longer transit time to the front and less loiter time once there. According to Marine Corps testimony this year to the Senate Armed Services Committee, a Harrier operating in the VTOL mode would have only five minutes of combat time over the battle area if it carried 3,000 pounds of bombs on a 50 miles radius mission. And if there were no urgent targets available during these five minutes, it would have no alternative but to pick the best target it could find before returning to its main base for more fuel.

Accordingly, the Harrier will almost always operate in the STOL mode once a main base is established ashore. Even so, more Harriers will still have to fly more sorties to provide the same battlefield coverage as conventional aircraft could use. Operating from the same base as the Harrier in the same standard take-off mode, the A-4M, for example, could provide twice the loiter, payload, or radius of the Harrier on any given mission.

In short, the only time the Harrier would have an advantage in responsiveness over a conventional plane would be in the early stages of an amphibious assault operation—and then only if it proves capable of consistent use on smaller ships than those which can accept conventional planes.

c) Survivability. As argued earlier, the two characteristics which will work together to determine an aircraft's survivability are its vulnerability and maneuverability.

The Harrier's relatively high vulnerability

is in large part a direct result of its VTOL capability. Because HARRIER cannot afford the heavy armor protection available to the AX. And it is made more vulnerable by its dense fuselage and the considerable fuel and hydraulics placed around its single engine. The Harrier is likely to suffer considerable damage if hit, with a fire breaking out and spreading from one critical component to the next. In short, its vulnerability will be much greater than that of the A–4 (which benefits from considerably more armor protection and a manual back-up control system like that on the AX) and quite comparable to that of the F–4.

The Harrier will have much better maneuverability than the Cheyenne, but not as much as either the AX or the A–4. This latter point is often misunderstood. The Harrier will have an ability to execute very tight turns while flying slowly (under 150 knots), but at the 450 knot speed realistically required for its dive bombing attacks, it simply does not have sufficient wing area to turn as tightly as the A–4, much less the AX. This problem will not be solved by its vectored thrust capability (a rotation of its engine nozzles), since this will provide only a ½ "g" increase in its immediate maneuverability and only at the expense of a large loss in speed, which will further decrease the lift and g's available. The number of g's an aircraft can pull, it will be remembered is a direct measurement of its ability to deviate from the predictable straight-line path which aimed gunfire presumes.

d) Lethality/Accuracy. The Harrier initially is limited in the payload it can carry. Operating in the VTOL mode, it would be effectively limited to four 500 pound bombs, some 2.75 inch rockets, and two low-velocity 30 mm cannons with a small amount of ammunition. And as indicated earlier, this 3,000 pound load would restrict it to a mere five minutes of combat time on a 50 mile radius mission. Even in the STOL mode, it is normally expected that the Harrier would carry a maximum payload of 5,000 pounds, considerably less than the 7,500 pounds normally carried by the A–4 in Vietnam, and less than half the normal 11,000 pound payload of the AX.

The Harrier will also have a very limited anti-tank capability, regardless of the size of its ordnance load. Its low velocity 30 mm. cannons will not be suitable anti-tank weapons. Instead it will have to rely on Rockeye shaped-charge cluster bombs which are six times more expensive but considerably less effective than a high velocity 30 mm. cannon burst.

Furthermore, the accuracy of the Harrier's ordnance deliveries must remain open to question, notwithstanding the Marines' claim that its visual-aided automatic bombing system will give it 40 percent better accuracy than that attainable with fixed sight conventional aircraft. Similar claims have been made in the past about other such automatic systems, but they have never proved out in combat. In Vietnam, for example, orders have been in effect prohibiting the use of the Walleye as a close support weapon because its automated bombing system has consistently shown itself subject to shortfalls which could seriously jeopardize troop safety. The Harrier's own system, it should be noted, has never been tested by the Marines in the United States.

Another consideration is the limited nature of the attack profiles in which the Harrier will be able to operate. Because of its limited wing area and lift, it will be restricted to dive bombing attacks at high speeds which could put its accuracy in the same vicinity as that attainable with the F–4, which the Marines have found only marginally useful for close support. Accuracy is very important in the close support mission because lethality decreases as the square of ordnance miss distance. Yet the Harrier may not be able to attack in close at a speed slow enough to ensure the accuracy required.

e) Operational Readiness. Because the Harrier is a very complex aircraft, it may have high maintenance requirements which could prevent attainment of the peak sortie rates which emergency conditions could require. The British experience, it should be noted, is that the Harrier will require 23 man-hours of maintenance per flight-hour. This compares to the 14 man-hours of maintenance per flight-hour which the Marines have experienced with the A–4.

Because of its complexity, the Harrier will also be more dependent than the A–4 on support equipment and facilities. While the A–4 will require a somewhat longer prepared runway, the other requirements of the Harrier are considerable. As noted earlier, it will be able to operate in the VTOL mode only from existing hard surfaces or steel mat covered take-off pads specially prepared by the Marines. The Marines also estimate that a main base supporting 20 Harriers would require "up to 195 tons per day" of supplies and that it would therefore have to be "accessible by road or beach to the source of supplies."

f) Force Structure Implication. Even if produced in the U.K. the Harrier will have a cost per unit 70 percent more expensive than the A–4 (about $3.3 million to $1.9 million in terms of unit flyaway costs). Domestic production would make the Harrier more than twice as expensive as the A–4. Accordingly, any sizeable Harrier buy would inevitably be at the expense of the total number of aircraft which would be available to the Marines for the close support mission.

To sum up, there are serious limitations to the responsiveness, survivability, lethality, and readiness of the Harrier, in addition to some remaining doubts about its basic concept of operations. Everything considered, there seems no justification for purchasing more than 60 Harriers at this time.

The domestic production issue

It makes even less sense to transfer production of however many Harriers we decide to buy to the United States. Three arguments have been cited for domestic production of the Harrier, none of which are very persuasive.

First, it has been suggested that domestic production of the Harrier would alleviate unemployment in the United States. This would be true, however, only in the vicinity of the St. Louis, Missouri, production facilities of McDonnell Douglas Corporation, the Harrier's domestic licensee. More important, we believe that there are much better and more appropriate tools than the defense budget available for managing the national economy.

Second, it has been suggested that domestic Harrier production would eliminate United States dependence on a foreign source of supply for a needed weapon system. This argument, too, seems rather specious. To begin with, there is little likelihood that the British source of supply would be cut off. Moreover, we are getting with each batch of aircraft all the spares and support equipment which the Marines believe will be necessary for the long term operation of the planes. The Marines themselves, it should be noted, have been very pleased with British handling of the program and see no need for U.S. production of the Harrier.

Third, it has been suggested that by building the Harrier here we could establish a technological base for future V/Stol developments in the United States. This deserves more serious attention. In theory, V/STOL would seem to have a number of important applications. It might be useful to the Navy, for example, which has an urgent need to reduce the dependence of its surface fleet on large carrier operations. At the same time, there are some basic facts both about V/STOL and the Harrier which should be clearly understood.

To begin with, the United States has already done a great deal of work on V/STOL aircraft. A summary of the most notable U.S. V/STOL programs is shown in the following table:

Aircraft designation and description	*Manufacturer*
VZ–2-tilt wing	Boeing Vertol
VZ–3-deflected stipstream	Ryan
XV–3-tilt rotor	Bell
VZ–4-tilting duct propeller	Doak
XV–4-dir lift/vectored thrust	Lockheed
X–18-tilt wing	Hiller
X–19-tilt propeller	Curtis-Wright
XFY–1-tail sitter	Convair
XV–5-lift fan	Ryan
XFV–1-tail sitter	Lockheed
X–14-vectored thrust	Bell
X–22-ducted propeller	Bell
XC–142-tilt wing	LTV.

These development programs took place over a period of ten years at a cost of approximately $1 billion, and then employed the talents of a large number of highly reputable airframe manufacturers. None progressed past prototype development and several were terminated by crashes which destroyed the aircraft.

Largely as a result of these programs, many reputable airplane designers have doubts as to whether V/STOL really is the wave of the future. They note, for example, that the simple physics of flight design are such that substantially more power is required to lift an aircraft straight up than is required for a conventional take-off. This inherent trade-off between VTOL and payload/range is all too visible in the Harrier itself, which when operating in the VTOL mode has only one-fifth the range and at best one-third the payload that its STOL operations provide. This is not to say that a VTOL aircraft could not be designed with more payload/range than the Harrier. The basic point is that for any given payload/range requirement, a VTOL capability is likely to make the aircraft at least twice as expensive to buy and operate as it would be if equipped only with a STOL capability. Accordingly, it might prove a much wiser long-term investment to concentrate on STOL technology, to give our aircraft continually shorter conventional take-off without imposing the requirement for true vertical flight.

To the extent that we do wish to pursue V/STOL development efforts, it is doubtful whether domestic production of the Harrier is the best vehicle. While it is now the only operational V/STOL aircraft in the free world, it was designed in the early 1960's, and some of its technology dates back even further. We might get far more for our money if we concentrated on new prototype development efforts rather than Harrier production. It should be noted that a new Navy initiative in R&D for V/STOL propulsion for fixed-wing aircraft is already scheduled to commence in FY 72.

The main argument against production of the Harrier in the U.S. is the high cost likely to be incurred for the marginal benefits just cited. The Marines now estimate that the additional costs could run anywhere from $113.8 to $275 million, depending on whether the airframe alone or the entire plane were produced in the United States. If we bought an additional 84 Harriers in the U.K., their unit cost would continue to be $4.4 million. If we build only the airframe in the U.S., this unit cost would rise to $5.9 million for the 84 planes. And if the entire

aircraft were built here, it would rise to $7.8 million. In short, U.S. production would make the Harrier either 3 or 4 times as expensive as the $2 million AX, depending on the degree of U.S. production.

Moreover, the implications of the less expensive airframe production only approach should be clearly understood. According to the Marines, Hawker-Siddeley now has about 46 subcontractors working with it on the Harrier. If the airframe only approach were chosen, we would remain dependent on many of these subcontractors as a foreign source of supply. We would also accomplish far less from the standpoint of establishing a technological base for V/STOL development in the United States. The key to V/STOL efforts, it should be noted, is not so much the airframe as the engine, which would continue to be produced by Rolls Royce. Yet when U.S. production of the Harrier was first considered over a year ago, the engine was specifically excluded, both because of cost and lack of interest on the part of U.S. engine manufacturers, neither of which factors seems to have changed.

Finally, it should be recognized that U.S. production might entail support as well as cost problems. Whether an airframe only or complete aircraft program were chosen, production would be phased gradually to the United States. During the next year, for example, no parts would actually be produced by McDonnell Douglas, whose efforts would be limited to assembly of parts produced in the U.K. Thereafter, the degree of U.S. fabrication efforts would increase gradually over the remaining life of the Harrier program. Only in the last year of the presently scheduled Marine buy would even the entire airframe be built in the United States.

This kind of arrangement could produce support problems of various kinds. First, there would be the difficulty of co-ordinating production efforts between two countries. Second, there would be the problem of having available suitable replacement parts for each somewhat unique batch of aircraft. And third, there could be a problem of pilot and maintenance personnel familiarity with the discrepancies between the planes. We must admit in all candor an inability to evaluate the potential seriousness of these problems. We do know that they could be avoided altogether, however, if U.K. production continued.

For all these reasons, we are opposed to the transfer of Harrier production to the United States at this time. We recommend instead that a handful of the 60 Harrier aircraft produced in Britain be made available by the Marine Corps to both the Navy and the Air Force to conduct modest evaluations of V/STOL concepts and capabilities suited to their respective missions.

TABLE 1.—SYSTEMS COST PROJECTIONS: AX, CHEYENNE, HARRIER

[Price figures used reflect conservative estimates of program unit costs]

INVESTMENT COSTS (INCLUDING R.D.T. & E.)

System	Projected total buy	Program unit cost (millions)	Total (billions)
CHEYENNE	375	$5.4	$2.00
HARRIER (UK) [1]	114	4.4	.50
AX-A	500	2.0	1.00
AX-B	100	4.0	.40
Total			3.90

[1] Phased transferral of HARRIER production from Great Britain to the United States could add a total of $275,000,000 to the cost of the remaining 84 aircraft, with unit program costs rising to $7,800,000 per aircraft. Total investment costs rise, using USMC figures, from $503,600,000 to $778,600,000 for the buy of 114 aircraft.

TOTAL SYSTEMS COST INCORPORATING OPERATIONS AND MAINTENANCE COSTS OVER A 10-YEAR PERIOD (BASED ON O. & M. COSTS FOR A DECADE AS 200 PERCENT OF PROCUREMENT COSTS)

[In billions of dollars]

System	O. & M. cost (10 years)	Investment costs	Total
CHEYENNE	$4.00	$2.00	$6.00
HARRIER (UK)	1.00	.50	1.50
AX-A	2.00	1.00	3.00
AX-B	.80	.40	1.20
Total	7.80	3.90	11.70

THE DEVELOPMENT OF RURAL AMERICA

Mr. TALMADGE. Mr. President, the Subcommittee on Rural Development of the Committee on Agriculture and Forestry has devoted a great deal of study to developing policy which will provide for a more reasonable distribution of the Nation's population. During the past few decades unrestrained migration from the farm to the city has created an economic wasteland in many rural areas, and uncontrolled problems of congestion in some of the Nation's largest population centers.

As chairman of the Committee on Agriculture and Forestry, I am proud of the progress that we are making in finding solutions to the development of rural America. The subcommittee has held a number of hearings, and I have introduced, together with Senator HUMPHREY and several other Members of the Senate, a bill which is designed to provide an adequate system of credit for the development of rural America. This legislation, S. 2223, a cosponsored by 49 Members of the Senate. The final hearings on this bill are scheduled for September 21 through 24.

As I have studied the problem of rural development and the need for a national policy of balanced growth, I have become convinced that we must have the cooperation of all agencies of government and the private sector of the economy. We must use our advanced technology to facilitate proper dispersal of industry and of people.

A few months ago, my good friend the senior Senator from Connecticut (Mr. RIBICOFF) gave me a study that was done by the Committee on Telecommunications of the National Academy of Engineering. He brought to my attention the excellent work that is being done in applying the technology of our communications industry to population dispersal by Dr. Peter C. Goldmark. Presently Dr. Goldmark is president of the Columbia Broadcasting System Laboratories. I was impressed by the possibilities discussed in the report of the National Academy of Engineering, and I am extremely impressed by Dr. Goldmark's personal views.

Dr. Goldmark has had a highly successful career and is responsible for many innovations in the communications industry. Therefore, I noted with some interest an article of September 15 in Forbes magazine regarding Dr. Goldmark's imminent retirement. Dr. Goldmark is turning down $750,000 to work full time in applying communications technology to solving some of the problems of the Nation. His primary interest appears to be the application of this technology to making possible a rational distribution of the Nation's population. He points out in the Forbes magazine interview that there is no longer any reason why all State government offices should be concentrated in State capitols. There is no longer any reason why industry must locate all of its facilities in national population centers.

I have felt that this is true for some time and I am particularly anxious to see the Federal Government locate new facilities according to a plan of rational population distribution for the Nation.

I was successful in offering an amendment to the Agricultural Act of 1970 which requires Federal agencies to give a preference to low population density areas in locating new facilities. The executive branch is required to submit an annual report stating what has been done to implement this policy. The first such annual report has just been received and is being evaluated by my staff.

Mr. President, I believe that more people should be aware of the possibilities of applying communications technology to achieve a rational growth policy, and I ask unanimous consent that the interview of Dr. Goldmark, published in Forbes magazine for September 15, be printed in the RECORD.

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

INTERVIEW WITH DR. PETER C. GOLDMARK

(NOTE.—Dr. Peter C. Goldmark is retiring in December, at the mandatory age of 65, as president of the Columbia Broadcasting System Laboratories, where he developed the long-playing record and designed the camera unit for color pictures for Apollo 15. CBS offered him a fancy title, chief scientist, and a fancy salary, $75,000 a year for ten years, to remain with the company as a consultant. He rejected the offer.

(The broadcasting industry still hasn't recovered from the shock.)

It's not often a man walks away from $750,000. Why did you?

GOLDMARK. Because there are things I feel I have to do that I can do more easily on the outside than at CBS. I believe that communications technology can solve many of the problems facing the nation. I don't mean new communications technology. I mean the existing technology. We don't need new inventions. We've been putting an awful lot into inventing but not enough into applying what we've invented. Our need is now to take our existing technology and put it to work, to create new systems with our existing technology that will help shape the future of the nation.

The profit world can't do this because the profit world can't set forth national goals. This is a job for the nonprofit world. On the other hand, the profit world can help to achieve the national goals. Now that I'm leaving CBS, I hope to create an institute where the profit world and the nonprofit world can meet and work together.

What kind of problems do you believe communications technology can help to solve if put to work?

GOLDMARK. At the present time, 90% of the people in this country live on 10% of the land. People have been moving into a few great metropolitan areas. You know the problems this has created: crime, narcotics addiction, pollution, traffic, educational

problems, social problems. Small towns have the same problems, of course, but they have them on a manageable scale. In the cities, the problems have become too big to manage.

By 2000, the U.S. will have 100 million people more. If present trends continue and they all crowd into urban areas, we're going to have a crisis. The problems we already can't manage will destroy us.

We must create conditions that will make it possible for the growth to take place in the rural areas, in small towns. It's not a question of moving people from the cities into small towns. You can't do that. It's a question of giving people a choice, which they do not now have, of living in a small town or a big city. I believe communications technology can give people such a choice.

In the words of the World War I song, "How Ya Gonna Keep 'Em Down on the Farm?"

GOLDMART. Why do people move from rural areas into the cities? First of all, for jobs. Then, and this is very important, educational facilities: universities. And for excitement: theaters, cultural centers, sports arenas.

With our present communications facilities, we can provide all these things in the small towns. We can keep them physically small; if we keep them physically small, we can keep their problems small. At the same time, we can give them all the things a big city has.

The big cities became big for observable reasons: coal, iron and other natural resources; harbors, rivers, the Great Lakes. . . .

GOLDMARK. That is true, but present growth in employment in this country is not in manufacturing but in the service industries. By the year 2000, when we have a population of 300 million, two-thirds of the people employed in this country will be employed in the service industries. The service industries have been expanding even faster than the population.

Now there's no reason, given modern means of communication, why they have to expand where they are now. Let's say you have an insurance company based in Hartford which projects that it will eventually have to hire an extra thousand workers. With two-way television, broad-band cable or microwave and with facsimile, there's no longer any reason why it has to build office space for them in Hartford. It could set up offices in five different small towns in a radius of several hundred miles, each one housing 200 workers. Two-way television and facsimile would enable instant communications, more rapid communications even than you now have in a skyscraper office building.

There's no longer any reason why a service company like an insurance company has to concentrate all its employees in a single skyscraper.

For that matter, there's no longer any reason why all State government offices should be concentrated in the State capitals. With modern communications, State governments could easily be dispersed.

What about the other factors that make youngsters leave the small towns for the cities?

GOLDMARK. Education? We could establish minicolleges, small colleges with small staffs. Such a minicollege could be linked by two-way television with a great university hundreds of miles away. Students at the minicollege would be able to participate in all the important things taking place at the great university: lectures, seminars. They wouldn't just sit and look and listen. With two-way television, they could participate, ask questions, enter into discussions.

Entertainment? Through the use of satellites and cables, we can bring anything exciting happening anywhere in the country to every corner of the country: sports events, concerts, anything.

We can do something about the medical problems of the country, too. In many depleted areas, it's impossible to keep doctors. In such areas, we would establish telemedicine. With two-way TV, we can have remote-distance diagnosis.

How do you go about establishing the new systems you are talking about?

GOLDMARK. I was a member of a committee on telecommunications of the National Academy of Engineering which studied this question. We published a report discussing how it could be done. The big problem now is to convince business that it's economically feasible to expand into rural areas. Unless you can prove to the service industries that it's not necessary to concentrate company headquarters in 50-story buildings, you can't get anywhere.

We now have a pilot project in Windham in the northeast part of Connecticut to demonstrate the feasibility of the idea. We're linking Windham to Hartford by two-way microwave television.

What would be the technological problems of such a project?

GOLDMARK. As I said, they do not involve the necessity for new technological developments but of devising the systems and getting them set up. CATV companies are now laying cables with 20 or more channels. We can just as easily lay cables with 40 channels. We could lay them along the state and federal highway systems, dig a moderate trench beside the highways and lay them there.

I've discussed this with the Connecticut State Highway Commission. They're enthusiastic. Why not? It will put them in the communications business.

We know that setting up these communications systems is technologically feasible. We believe that in Windham we can prove it's economically feasible.

I'm not saying that communications technology can solve all our urban problems; I'm just saying that it can arrest the present concentration of the nation's population into a few areas, creating problems of such magnitude they cannot be dealt with. Communications technology can give people a choice of where to live.

How would these two-way cable and microwave systems you hope to establish affect commercial television? By establishing cable systems with 40 channels, wouldn't you completely disrupt commercial television, creating unlimited competition for the three TV networks?

GOLDMARK. I don't believe the new systems will supplant the networks. The networks will continue pretty much as they are because they provide a service people want and business is willing to pay money for. They are economically viable and they will continue to be.

The new systems will provide new services for business, education, government. They won't supplant existing television, but merely fit into the present structure.

I don't know of any development in communications that replaced the existing system. Movies didn't replace books. Radio did not replace the phonograph. Television didn't replace radio. People have a growing appetite for ideas. Communications may evolve into new forms, but what we already have won't stop.

TAX INEQUITIES AND SCHOOL SYSTEMS

Mr. HARTKE. Mr. President, the recent California Supreme Court ruling negating local property tax as the major source of funds for public education forces action on an issue heretofore to often dismissed as insoluble.

Accompanying the ruling are a whole cluster of "related" questions, some of which are brought to light in two recently published commentaries.

Mr. President, I think that Senators may be interested in these questions, so I ask unanimous consent that the editorial entitled "Is a national school system the answer to tax inequities?" Published in the Louisville, Ky., Courier-Journal & Times of September 5, 1971, and the new analysis by William K. Stevens, of the New York Times News Service, as published in the Knoxville News-Sentinel of September 5, 1971, be printed in the RECORD.

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

[From the Knoxville News-Sentinel, Sept. 5, 1971]

PROPERTY TAX AS FUNDS FOR SCHOOLS ATTACKED

(By William K. Stevens)

NEW YORK.—It has been a bad year for many local school officials, confronted as they have been, on one hand, by the demands of the poor for better education and, on the other hand, by rebellious homeowners who refuse to put up any more property taxes for schools hardpressed for funds. It is not exactly surprising, then, that many local school officials would see salvation in the California Supreme Court's attack on the constitutionality of using the local property tax as the major source of funds for public education.

And many educators view the court ruling just that way. Across the country, they forsee as revolutionary the court's opinion that the local property tax discriminates against children who happen to live in poor districts with meager property tax resources.

At one stroke, some educators believe, the court opened the way for a redistribution of resources in favor of poor communities, while clearing the way for state governments to lift from hard-pressed communities the major burden of financing the schools. Some educators said that the impact of the court's ruling was in a class with the Brown case, which led to the Supreme Court's ruling in 1954 that racial segregation in public schools was unconstitutional.

PICTURE MUDDLED

But things are not quite that clear-cut. It will probably be a long time before anyone is sure that things will turn out the way the enthusiasts believe, and even longer for any practical effects to be felt nationally.

The California Supreme Court has not made a final judgment yet in the case. Its ruling was based on an appeal from a lower court in Los Angeles County by parents and children who contended that, because their community was relatively poor and thus produced a low property tax revenue, they were the victims of discrimination. The suit had been dismissed by the lower court judge, who said the plaintiffs did not have standing to sue.

What the California Supreme Court did, in effect, was to order the lower court judge to hear the case—instructing him, at the same time, that if the facts alleged by the plaintiffs were true, the property tax system violated the 14th Amendment of the U.S. Constitution.

MAY WIN RULING

The plaintiffs alleged facts—namely, that less tax money per pupil is spent in their school district than in others—are generally considered unassailable, and the lower court judge is expected to rule in their favor.

But what happens next is unclear. Will their be an appeal to the U.S. Supreme Court before the lower court in Los Angeles rules? Some constitutional lawyers believe there will be, but no one knows for sure.

Indeed, will the State of California appeal at all? Wilson Riles, the superintendent of public instruction, has said he opposes an appeal.

OTHERS RULE DIFFERENTLY

If there is an appeal, would the U.S. Supreme Court uphold the California opinion? Some constitutional lawyers believe it would. But in similar cases in Virginia and Illinois, federal district court judges have ruled counter to the California court. Given this split in judicial opinion, the issue would appear to be uncertain.

Still, those who favor the California decision note that it constitutes a precedent for legal action in other states. Indeed, the opinion was only 48 hours old when suits attacking the local property tax for schools were announced in New York and Baltimore.

Assuming that the California decision stands and eventually becomes the law of the land, there still remains the complicated matter of how to finance the public schools in the absence of a local property tax.

[From the Louisville Courier-Journal & Times, Sept. 5, 1971]

IS A NATIONAL SCHOOL SYSTEM THE ANSWER TO TAX INEQUITIES?

The inequities cited by California's Supreme Court last week in striking down that state's method of financing public education obviously could have ramifications going far beyond those discussed publicly so far. If the U.S. Supreme Court were to decide for the nation as a whole that every child is entitled to the same per-pupil expenditure in school, as the California court has done for that state alone, the result would be the most sweeping change in American education since the initiation of public schools.

At issue in the California case, as in similar suits now in the courts in a half-dozen other states, is the 14th Amendment guarantee of equal protection under the law for all citizens. As the California high court saw it, that state's system of financing its schools through local property taxes is unconstitutional because "this makes the child's eduactional opportunity depend on where he happens to live."

Yet it's not much of a leap from this concept to the notion that if it's unfair to provide differing levels of pupil support within California's 1,076 school districts because of their varying tax assessments and rates, why is it fair to provide California children a costlier, better education than those in, say, Kentucky?

FEDERALIZED EDUCATION?

Or take the national averages. In 1969–70 the national average expenditure per pupil was $773. But the range ran from New York's high of $1,250 down to Alabama's $438. Indiana, with $685, and Kentucky, with $612, were well below the median.

So it seems to us that the logical end-results of the California decision go far beyond the possible holding that states may not discriminate within their boundaries by permitting varying local levels of school support. For no matter what we may think of the hallowed concept of state's rights, can it be denied that the only real fairness—especially in an age of mobility in which many children complete their basic education in more than one state—would be national uniformity?

That, of course, would mean federal collection of all educational taxes—from whatever source—and federal redistribution on the basis, probably, of both pupil attendance figures and the same sort of tax-equalization formula that most states use now to iron out some of the imbalance between rich and poor school districts.

But it also would mean the risk of further standardization of an educational system that already knows too little diversification. And one may well wonder, in view of the California decision, whether what lies ahead is flat-out prohibition of any local initiative (in the form of higher voted taxes) to provide curriculum enrichment or better teachers.

Against this background, the situation may be unresolved for some years to come, for the Supreme Court has shown no eagerness to take on this thorniest of issues. As more than one analyst has observed, it might not be too much of a leap from a ruling on this disparity in local property taxation to others holding unconstitutional the entire present system of local taxation for such services as police and fire protection, trash collection and street maintenance.

One possible Supreme Court option, posing much less challenge to existing systems, could be a ruling—as the suing parties have urged in a Florida case similar to the one in California—that the violation of equal protection lies not in disparities between one district and another, but in state-imposed ceilings on what those districts are permitted to do.

This, for example, was among the arguments unsuccessfully put before Kentucky's Court of Appeals in the Louisville school board's suit last year against this state's rollback" law: That state ceilings on school taxation are an unfair discrimination against districts that would like to do more.

Whatever happens, it is difficult to envision the Burger Court, with its visible slowdown in such areas as school integration and civil rights, following the lead of California's Supreme Court in such an epochal way. The inequities in school quality, as many a family has observed sadly when moving from a high-expenditure district to one that's low, are very real and very painful. But the increasingly conservative Burger Court—like Kentucky's Court of Appeals and those of many other states—shows little disposition to rush toward equity when the cost is a monumental upset of the established order of things.

HUMAN RIGHTS: ONE DOWN, THREE TO GO

Mr. PROXMIRE. Mr. President, 4½ years ago a subcommittee of the Committee on Foreign Relations held hearings on the human rights conventions pertaining to the political rights of women, the abolition of forced labor, and the supplementary convention on slavery. Several persons pointed out in testimony that, at that time, only four charter members of the United Nations had not ratified a single one of the conventions.

These nations were: Bolivia, Uruguay, the Union of South Africa, and the United States of America.

In testimony before that subcommittee, I said that this failure to ratify the conventions was "an unpardonable insult and grievous disservice" to the United Nations. And it was a terrible blow to the dignity of the United States among the other nations which look to us as an example.

Since 1967 the situation has been changed to some extent. The Senate gave its consent for the United States to sign the supplementary convention on slavery, so now it can be said that the United States is a party to at least one of the human rights conventions—as if we had not decided upon our national posture on slavery over a century ago.

But the right of the individual not to live in slavery is not the only human right. The Senate now has the opportunity to act on the other international conventions which would commit the United States to oppose forced labor, political exploitation of women, and genocide as international offenses. Indeed, protection against these abominable conditions and acts is supposedly guaranteed to every American as his birthright; every American is guaranteed far more protection than is afforded by these conventions. So why should the United States hesitate to join with other nations in formal opposition to forced labor, political exploitation of women, and genocide?

By ratifying these three human rights conventions, the Senate can successfully reaffirm the U.S. commitment to the United Nations, as well as bolster the role of conscience and morality in international affairs.

Obviously, that commitment and that role both need as much support as we are capable of giving.

That, Mr. President, is why the Senate should act upon these human rights conventions as quickly as possible.

SOME WELCOME NEWS

Mr. HUMPHREY. Mr. President, I want to express a most favorable reaction to the news of a reported agreement concluded between the United States and the Soviet Union on establishing a system to minimize the risk of atomic war by accident. Ever since the frightening growth of nuclear weaponry in both these countries, the world has been tormented by the anxiety of falling victim to the atom bomb, set off by sheer chance.

President Kennedy and Chairman Khrushchev perceived the inherent dangers involved in the possession of such Promethean might. They realized that with such enormous military power under their control, there was an obligation and a mutal interest to keep it stringently controlled. Great steps were taken to open every avenue of communication and to enter into treaties which would reduce the possibility of an accidental nuclear outbreak.

Despite these efforts, technology in the field of armaments outpaced the attempts to keep it in check and, consequently, the risk of accidental nuclear war was still great. The Governments of the United States and the Soviet Union have, fortunately, recognized that other steps had to be taken to minimize the risks.

Just as there have been great advances in the technology of war, so, too, have there been strides in the technology of peace. Satellites, for example, permit the kind of instantaneous communication which is required to avoid the disastrous consequences of an accidental missile firing. Recognition of this fact has brought us, in all likelihood, an agreement at SALT to prevent war by atomic error. Such news is welcome news, and I look forward to learning in greater detail the substance of this agreement.

I also look forward to another agreement at SALT, certainly of equal, if not greater, importance. And that is the

agreement which was vaguely outlined in the official statement read both in Washington and Moscow on May 20. The President gave us every reason to believe that an agreement on defensive weapons, and, perhaps, some arrangement on offensive weapons would be forthcoming this year. It is my sincere hope that the United States and the Soviet Union will not be deterred from their promise by being satisfied with the recently reported agreement. Nuclear armaments must not only be controlled, but they must also be limited. SALT has raised our hopes for armaments limitations and that is what we are all waiting for.

We are above all waiting for a stop to the arms race. I have continually offered several suggestions of how we can move rapidly in that direction. These suggestions have been based on a realistic assessment of the present situation and an evaluation of the new means available to detect measures undertaken by other countries which would endanger our security.

In this regard I have been most outspoken in my opposition to the planned underground nuclear test, code-named "Cannikin," on Amchitka Island. One principal objection I had was based on the fact that Cannikin could serve to encourage a continuation of underground testing and hence, to discourage an agreement on a comprehensive test-ban treaty, something in which the Soviet Union has lately expressed a great deal of interest.

Naturally, there are several other serious objections which must be made to Cannikin, all of which justify calling off the test. But I cannot emphasize enough what little strategic security, and what great diplomatic insecurity, this test would afford.

I have drawn attention to the latesst developments in seismology, as outlined in the Woods Hole report, which indicate how past objections within our own Government to a comprehensive test ban treaty have been overcome. We now have devices to detect with a high degree of accuracy underground tests of relatively low yield.

We, therefore, should be concentrating on a comprehensive test-ban treaty and not a "Cannikin." At the very least, we should be concentrating on our real strategic requirements and not on mistaken ones. We should be concentrating on preserving our environment and not destroying it.

The recent rumors that the President may consider the cancellation of the Amchitka Island test are most encouraging. I urge him not to waiver in his decision but to announce the definitive death of "Cannikin" now. I am sure that we in Congress would welcome that decision in the same way we welcome the news of the latest agreement at SALT. I must say that it is time to welcome and not to wait.

WAS PRESIDENT'S FREEZE ACTION CONSTITUTIONAL?

Mr. PROXMIRE. Mr. President, since August 19, the Joint Economic Committee has been hearing from outstanding economists and leaders of public opinion on the subject of the President's new economic program.

The testimony has brought out several serious weaknesses in the President's economic program, particularly its failure to deal adequately with unemployment, and I think this has been very helpful to the Congress.

We have also tried to throw some light into the murky regions that lie beyond the 90 day freeze in order to help formulate policies that will be beneficial to the Nation and avoid inflation on the one hand while restoring our economic growth on the other. This will not be easy but it is our expectation that the Joint Economic Committee will have a report shortly after the conclusion of our hearings on September 23. On that date, the committee will hear from Profs. Milton Friedman and Paul Samuelson, probably the most outstanding economists in the country.

We have also heard, Mr. President, from outstanding lawyers like Paul Porter, who were concerned with earlier price administration. Yesterday, we heard from former Justice Goldberg and from a well known constitutional scholar, Prof. Arthur Miller, who now teaches at the National Law Center at George Washington University. Professor Miller has been a dedicated student of the Constitution for many years and in that capacity has served a number of congressional committees through both testimony and counsel.

When he testified yesterday, Professor Miller raised a question of fundamental importance to Congress. It is his fear that in giving the President blank powers to impose a wage-price freeze without any standards or safeguards, we in Congress have given away our legislative birthright.

This troubles me deeply, Mr. President. There is no question in my mind or in the mind of any of us in Congress that the basic elements in any programs to impose a system of regulation on the economy of the Nation must be forged here and not by Executive fiat. Yet, we have given the President a blank check to regulate prices and wages and authorized him to issue "such orders and regulations as he may deem appropriate." As Professor Miller says, Congress in passing the Economic Stabilization Act "gave away not only the ball game but the entire ball park."

Under the Constitution, the Congress must, of course, set general policies leaving the execution of them to the executive branch, subject to congressional standards. In the Economic Stabilization Act, however, there is no limitation on presidential powers to manage the entire economy.

It may well be argued that the freeze has already been put into effect under this act, and that there was nothing further that we in Congress could do. I disagree. It is obvious to all of us that an extensive program to limit inflation will be an absolute necessity at the end of the freeze. I believe that it is the duty and responsibility of the Congress to form that policy. I do not think we should sit back and allow the President to come in with a legislative proposal authorizing him to continue in one way or another to manage the economy and then rubber stamp it here.

It is the duty of Congress to examine carefully the alternatives available to the Nation to correct the twin evils of inflation and unemployment. Unless Congress takes the reins in its hands, we will have taken a long step toward executive government and toward further weakening the power of this great legislative body.

I intend to offer a bill which would set up a price review board to supplant the present freeze. I urge Senators to consider the postfreeze issues carefully and to make it the first order of business.

Because of its relevance to the constitutional basis for congressional leadership in the vital matter, I ask unanimous consent that Professor Miller's testimony delivered to the Joint Economic Committee on September 13, be printed in the RECORD.

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

TESTIMONY OF PROF. ARTHUR S. MILLER, PRESENTED BEFORE THE JOINT ECONOMIC COMMITTEE, U.S. CONGRESS, ON SEPTEMBER 13, 1971

ECONOMIC PLANNING AND THE CONSTITUTION

The public has been bemused, even dazzled, by the way in which the President can neatly reverse his field and change his economic game plan. On August 14, 1971, he casually tossed overboard what had apparently been his personal and professional philosophy. Wage and price freezes, plus a 10 percent surcharge on imports and a dollar float, were announced to a stunned world. The President, of course, grabbed at statutory authority enacted over his will in 1970 and renewed in 1971—the Economic Stabilization Act of 1970. Immediately, the public administration swung into action in ways more than faintly reminiscent of F.D.R.'s famous "100 days" in 1933. A Cost of Living Council was established, interpretations of the vague presidential language began to pour out, and the public opinion polls showed that a majority of Americans were in agreement.

After the dust had settled a bit, a few—a very few—began to ask some tough questions. Some were those of "policy": The N.E.P. favored the corporations at the expense of the working class, said some. Others complained because they were left out of the action; the trade-union leaders are examples. The legal or constitutional questions were not even raised, save by Governor Smith of Texas, who soon backed down; and by four law professors at Catholic University, whose suit is still pending in a federal district court in Washington. For the most legalistic of all nations, for a people who make litigation a way of life, and, most importantly, for the reason that the N.E.P. poses grave constitutional questions, this silence was indeed strange.

That silence should be shattered. The legal issues in the new economics deserve widespread public attention and debate before laws and attitudes become so solidified that they cannot be altered. It may already be too late, if reported Congressional reaction to President Nixon's address to Congress on September 9 is any indication. According to the Washington Post, a "typical" reaction to the speech was that the President "ought to get with George Meany and work something out." I ask you this: Who elected Meany to public office? Or corporate Presidents? If, indeed, post-freeze economic policy is worked out in conjunction with business and labor leaders, the obvious result is the American version of the corporate state. Perhaps we should have

a corporate state and it may well be that we are already far down that road—too far down to change—but if so, the American people ought to make very sure that this is what they want. I should like to address a few of the legal and constitutional issues raised by the N.E.P., and also to suggest some possible guidelines for what is rapidly becoming the critical question: What happens after the freeze goes off? Unless Congress wakes up, and immediately, it will find that the ball it handed the President in the Economic Stabilization Act is now almost entirely in his possession. If so, there will be little that can be done on The Hill except to approve, or at times to alter somewhat, policies established by the Executive. We are already far down the road to Executive government; this would make it irretrievable.

The foreign policies: There can be no doubt that the 10 percent surcharge on imports violates the General Agreement on Tariffs and Trade. As the *London Economist* put it, "The surcharge breaks almost every rule in the agreement and the United States admits it." The latter part of that quote may not be quite accurate, although the former is. The *New York Times* for September 12 carried a dispatch from Geneva saying that the GATT had, with one abstention (the USA), voted to say that the surcharge violates the Agreement. I find this an odd position for a nation that has trumpeted the need for the rule of law in international affairs and whose leaders (plus the press) have often belabored other nations for breaking treaties.

But the violation of a solemn international agreement is of lesser importance than the fact that it signals an "economic fortress America" viewpoint. It is neo-isolationism, and it comes at the very point in history when purely *national* economic policies no longer are viable, when they are being replaced by larger-than-national resolutions. That is a constitutional matter of great magnitude, even though it may never be litigated. How economic policies are structured are, under the American form of government, a matter of the coalescence of several factors: economic, political, and legal. We have reached the brink of a reversion to the "beggar-thy-neighbor" policies of the 1930s. Writing in 1969, the well-known economist, Charles P. Kindleberger, said: "The nation-state is just about through as an economic unit. General De Gaulle is unaware of it as yet, and so are the Congress of the United States and right-wing know-nothings in all countries. Tariff policy is virtually useless. . . . Monetary policy is in the process of being internationalized. The world is too small . . . [to] permit sovereign independence of the nation-state in economic affairs." (Kindleberger, American Business Abroad 207–8 (1969).) Kindleberger, of course, is not alone in these views. They are echoed by many others, economists, lawyers, journalists, etc.

My point, in brief, is that the 10 percent import surcharge is not only a violation of an international agreement; it may well denote a reversion to a modernized form of mercantilism. That is a constitutional problem that the Congress cannot safely ignore.

The wage-price freeze. Several important constitutional questions are visible. First is the delegation of authority to the President. He is given a blank check to stabilize prices, rents, wages, and salaries; he may "issue such orders and regulations as he may deem appropriate." "Gross inequities" may be adjusted. Willful violations of an order or regulation are punishable by fines up to $5000; and injunctions may be obtained to enforce them.

That is the Economic Stabilization Act of 1970, a statute that the President himself said when it was enacted that it "will do far more harm than good," a statute that Arthur Burns, head of the Federal Reserve Board, said conferred "dictatorial powers" on the President. By enacting it, Congress gave away not only the ball game, but the entire ball park. The discretion the President has is limited only by the one provision that he cannot set wages and prices below those of May 1970. Anything else apparently is all right.

That poses the legal question of delegation of legislative power—a separation of powers principle that has had an uneven treatment by the Supreme Court. In spirit, the Constitution calls for *general* policies to be set by Congress, with implementation left to the public administration. Congress, that is, may delegate legislative powers, provided that the delegation is confined by "an intelligible principle." Courts and others must be able to determine, as the Surpreme Court said in the leading case of *Yakus* v. *United States* (1944), whether the delegate has exceeded his grant of power. That calls for standards in the statute to canalize the delegated power within recognizable boundaries.

No such "intelligible principle" is in the Economic Stabilization Act. The President may do anything that he considers "appropriate." That is an economic Gulf of Tonkin Resolution; it indicates that Congress did not care to confine the President. No such sweeping economic power has ever been upheld outside of wartime. The critical question, then, is whether the Constitution permits such a delegation. In my judgment, based on cases decided by the Supreme Court, there are substantial grounds for saying that it does not. Permit me to explain my reasons for saying that.

There are some scholars who maintain that the non-delegation doctrine has been a failure.

Whether legislative powers could be delegated came to a peak in 1935 when the Court in two cases shot down the Blue Eagle, the National Recovery Act, mainly on delegation grounds. (Those are the only times that the Court has ever invalidated delegations to permanent federal agencies.) Said Justice Cardozo in one of them, the statute was "delegation running riot."

Since that time, many transfers of legislative power to the bureaucracy have been validated, even though the standards were vague and nebulous, even almost nonexistent. *Lichter v. United States* (1948) is an example; renegotiation of war contracts was upheld even though the only standard was that "excessive" profits were to be recovered. Congress did not define the term. As late as 1967, in *United States v. Robel*, the Court swept aside a delegation argument allowing the Secretary of Defense to designate certain arms plants as "defense facilities"—invalidating some government action on other grounds.

Those decisions, plus others like them, run, however, only to limited segments of the economy. They indicated what Congress wanted done within a narrow part of the social structure. But in the Economic Stabilization Act of 1970, the President can manage the entire economy.

Furthermore, one should read *Yakus* and *Litcher* as wartime cases. In my judgment, the fact the nation was in World War II had an impact on the decisions, even though the opinions were written otherwise. But—and this is very important—the war powers cannot be used today for economic controls. In fact, neither Congress nor the President has sought to do so. What, then, provides a constitutional basis for freezing the economy? The best one can find is the power of Congress to regulate interstate commerce, a concept that has been so expanded that it can be said to cover about every commercial or economic transaction in the nation.

That might solve the problem of ultimate power, but not that of delegation. The 1935 cases are still on the books, even though the Court has had numerous opportunities to overrule them. That they have not been expressly repudiated may indicate a latent judicial attitude of their basic merit. Professor Louis L. Jaffe of the Harvard Law School has said that the 1935 cases prod "Congress into awareness of its responsibility for bringing major policy decisions into focus." That Congress has not done so far. That it should do, in my judgment; it should not leave Phase II of the N.E.P. up to the Executive.

What I have said so far about the Economic Stabilization Act deals with its general provisions. Some specific interpretations by the Cost of Living Council, in my judgment, are at least questionable and probably invalid. (a) The orders concerning contracts entered into prior to August 14 for salary increases to come after that date obviously abrogate existing contract rights. No case to my knowledge permits the federal government so to alter the obligation of a contract. Under the Fifth Amendment, no property can be taken without due process of law and just compensation must be paid for property expropriated by the government. The freeze confiscates without compensation contract rights existing before August 14. According to the Sept. 10 New York Times, the Council admitted as much regarding corporation dividends, but they have not as yet applied that notion to wage contracts. Why the difference in treatment? There is none in principle.

The government, so I understand, relies on El Paso v. Simmons (1965) for its authority to do this. The decision is not even remotely on point, although there is language in it about the power of government to alter contract obligations. The controlling case is still Blaisdell v. Home Building and Loan Ass'n (1934), in which Minnesota's mortgage moratorium law was upheld, the Court saying that contracts were not impaired but that creditors' remedies were merely changed. Again, the war powers cannot be used. As Chief Justice Warren said in the Robel case, " . . . the phrase 'war power' cannot be invoked as a talismanic incantation to support any exercise of congressional power which can be brought within its ambit. 'Even the war power does not remove constitutional limitations safeguarding essential liberties.' "

(b) As for state employees, Governor Smith of Texas may well have been on sound legal ground when he challenged the power of the federal government to deny raises to Texas school teachers. Smith backed off, to be sure, but if federalism means anything, it means that the federal government cannot regulate all state activities. Some cases, for example, Maryland v. Wirtz, have applied federal statutes—in that case, the fair labor standards act—to state employees. But when one takes the federalism principle and adds it to the contract principle, then I think it wholly clear that school teachers in, say, South Carolina and Georgia and elsewhere, are entitled to their minuscule in-step raises. To deny them that is petty as well as unconstitutional.

Two due process arguments can be made about the orders of the Cost of Living Council. (a) They tend to be ambiguous and conflicting, and are given different interpretations in different parts of the country. That means, since this is a criminal statute in that criminal sanctions can apply, that the orders may well be "void for vagueness." A person often cannot know in advance whether his conduct is or is not prohibited. What we have here is a classic case of the grand pronouncement followed by complete confusion at the working level. (b) The orders are issued in a summary fashion, without giving notice and an opportunity to be heard before issuance. That can be said to violate procedural due process of law. It also appears to violate the requirements of Sec-

tion 4 of the Administrative Procedure Act of 1946. I do not argue that a full-dress, trial-type hearing should be held before an order is released. But surely some orderly procedure should be followed—not government by decree, as we now have it.

NEXT STEPS

I have spoken thus far only about Phase I of the N.E.P. Of probable greater importance is Phase II. Where do we go now? Is the field to be reversed again? Will wage controls be imposed and let prices drift? Or vice versa? Will there be controlled inflation? If so, how much? And so on.

I do not attempt to speak to those questions, save in general. What I do say is that Congress has the duty to follow the Constitution, and not to abdicate its governing power to the Executive. It must be more than a rubber stamp to policies that come to The Hill from the other end of Pennsylvania Avenue.

Some measures must be taken. The status quo ante cannot, and should not, be restored. The alleged "free market" is not magically going to come into existence. The hand of government must be at the economic tiller, now and indefinitely. What is needed is something else than an agreement between Executive officers, corporate managers and union leaders.

My suggestion for legislation is establishment of an economic stabilization board, with carefully confined powers to keep inflation within reasonable bounds. How the board should be manned is a most difficult question. I make no suggestions about who should be on it.

But I do suggest that domestic economic policy must of course be meshed with international policies, and that it is long past time when this nation can go it alone economically—or otherwise.

And I emphasize that some crucial questions must be analyzed and answered, if such a board is established:

1. Who appoints the members?
2. From what groups should the members be taken?
3. Most importantly, what powers should the board have?

As for the latter question, these must, in my judgment, be carefully stated. No uncontrolled discretion should be granted. If that takes repeal of the Economic Stabilization Act—or merely letting it lapse—so be it. As I have tried to indicate, it is invalid constitutionally. Furthermore, it is indefensible on grounds of good public policy. Government by executive decree runs contrary to the letter and spirit of the Constitution. But that is what we have now. Senator Ervin's Subcommittee on Separation of Powers, within this year, has considered what seems to be misuse of the pocket-veto power to thwart Congress, the impoundment of more than $12 billion of appropriated funds by the Executive, and the use of executive privilege as a means of denying Congress vital information. Now in the N.E.P. we have government by decree, with the thus far willing acquiescence of Congress. I think it high time that this be halted.

One final word: There does not appear to be any constitutional impediment to Congress employing its interstate commerce power to establish some sort of economic stabilization board. Such a board could not tamper with contracts already concluded, but it could deal with future matters. The Supreme Court has not invalidated any economic measure of Congress since the 1930s (and only one minor state statute). But there are solid grounds, in law and in policy, for saying that Congress should set the ground rules for such a board, not the Executive. Congress does have the ultimate power, if it will use it. I do not believe anyone will deny that. I suggest that Congress do so.

EXTENSION OF TIME FOR THE PERIOD FOR TRANSACTON OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, because of various conversations and conferences now going on, I ask unanimous consent that the period for the transaction of routine morning business be extended not to exceed another 15 minutes.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR THE PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS NOT TO EXTEND BEYOND 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business extend not beyond 11:30 a.m. today, with statements therein limited to 3 minutes.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, under the previous order, I ask the Chair to lay before the Senate the pending business.

The PRESIDING OFFICER. The Chair lays before the Senate the pending business, which will be started by title.

The legislative clerk read as follows:

The report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the military selective service act of 1967; to increase military pay; to increase military active duty strengths for fiscal year 1972; and for other purposes.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be allowed to suggest the absence of a quorum without losing my right to the floor.

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

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and it will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 222 Leg.]

Allen	Eastland	Metcalf
Allott	Gambrell	Moss
Baker	Gravel	Ribicoff
Bentsen	Griffin	Roth
Buckley	Gurney	Scott
Byrd, Va.	Harris	Stennis
Byrd, W. Va.	Hruska	Tunney
Church	Hughes	Weicker
Cotton	Mansfield	
Cranston	Mathias	

Mr. BYRD of West Virginia. I announce that the Senator from North Carolina (Mr. ERVIN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire (Mr. MCINTYRE) and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Louisiana (Mr. LONG) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. PEARSON) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

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

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is instructed to execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Fannin	Nelson
Anderson	Fong	Packwood
Bayh	Fulbright	Pastore
Beall	Goldwater	Pell
Bellmon	Hansen	Percy
Bennett	Hart	Proxmire
Bible	Hartke	Schweiker
Boggs	Hatfield	Smith
Brock	Hollings	Sparkman
Brooke	Humphrey	Spong
Burdick	Inouye	Stevens
Cannon	Jackson	Stevenson
Case	Javits	Symington
Chiles	Jordan, N.C.	Taft
Cook	Jordan, Idaho	Talmadge
Cooper	McClellan	Thurmond
Curtis	McGee	Tower
Dole	Miller	Williams
Dominick	Mondale	Young
Eagleton	Montoya	
Ellender	Muskie	

The PRESIDING OFFICER. A quorum is present.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. MANSFIELD. Mr. President——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, the purpose of putting in a live quorum call was to lay before the Senate the ingredients of a discussion with the distinguished manager of the bill, the Senator from Mississippi (Mr. STENNIS), as to what the Senate wishes, if that can be determined, with regard to when the vote on tabling the conference report should take place.

The Senate is aware of the fact that while no absolute, definite commitment was made that there would be a motion to table today, the chances were 99 out of 100 that there would be such a motion. If one wants to be technical, he can say that there was no definite promise, but I think that is stretching a technicality a little bit too far.

The distinguished chairman of the committee indicated that he would like the tabling motion to take place on Tuesday. I demurred. He indicated he would settle for Monday; again I demurred.

I have asked the distinguished Senator from Colorado (Mr. ALLOTT) if he intends to make a motion to table—and incidentally, he postponed some most important engagements to be here this afternoon—and he stated that it was his intention to do so. It is well known that if the distinguished Senator from Colorado was not prepared to make a motion to table, the Senator from Montana now speaking was prepared to do so.

To me, there are three factors to be considered in the discussion of this conference report. One is the matter of pay, and the date thereof. Another—and in my opinion the most important matter; I may be wrong but in my personal opinion the most important matter—is the amendment passed by the Senate which calls for a withdrawal from Vietnam within 9 months following July 1, provided that during that period all prisoners of war would be released.

I emphasize the word "all," as far as the POW's and the MIA's are concerned who can be determined to be alive, and I emphasize the word "all" in relation to the withdrawal of U.S. troops from Vietnam. That word "all" means just what it says—a withdrawal lock, stock, and barrel, provided, of course, that all the POW's and all the identifiable living, missing in action are included.

That is the second factor. May I say I am in favor of what the distinguished Senator from Colorado is seeking to achieve, and naturally I am in favor of the Senate amendment as passed to which I have just referred, having to do with the termination of hostilities in Southeast Asia by a date certain.

The third factor to be considered is that there is a group in the Senate which is unalterably opposed to the extension of the Draft Act, and I happen to be included in that group.

I feel somewhat embarrassed at this point, and because of my embarrassment, I am bringing the matter to the floor so that all Members will be aware of the situation which has developed. It is my personal preference that the vote be taken this afternoon, at a time certain, and with a limitation of time, equally divided between the distinguished Senator from Colorado (Mr. ALLOTT) and the distinguished Senator from Mississippi (Mr. STENNIS), the manager of the bill.

The Democrats today have seven Members missing. I do not know how many Republican Members are absent. There are Members on both sides of the aisle who gave up engagements of some import to them to be here this afternoon, and I feel personally indebted to them on the basis of the information disseminated. There are others who will not be here next week, because they will be attending important conferences at the request of the President of the United States, or they will be observing holidays in connection with their faith, and there may be other reasons as well.

In my opinion, very few votes will be changed from the way Senators are thinking now. I am aware of the fact, not being an amateur in this profession, that if a time extension is allowed, the lobbying efforts will increase in proportion. As far as I am concerned, I do not care how any Senator votes, but I do think a sentiment ought to be expressed in this body; and as far as I am concerned, I am prepared to vote at any time, under any circumstances, and regardless of what Senators are here or are away.

So I would like, if I might, to receive an expression from the Senate as to what Senators think ought to be done, because every Senator here has just as much responsibility as I have and just as much responsibility as the distinguished Senator from Mississippi, the manager of the bill. This is a body of equals, and every Senator's voice, as far as I am concerned, is just as loud, just as strong, and just as valid as any other Senator's voice.

There are, as I have indicated, Senators here today who are prepared to vote. There are Senators here today who will be absent next week because of overriding reasons. But may I say frankly to my associates in this Chamber, I can think of no more important question confronting this Nation today than the disposition, the termination, of the tragic, wasteful, unnecessary, and uncalled for war in Southeast Asia—the longest war in which this Nation has been engaged, still with no end in sight; a war in which far in excess of 2½ times the number of bombs dropped in World War II already have been dropped; a war which has cost us 351,000 casualties; a war which has cost us $130 billion and which has played, I think, a significant part in creating the economic difficulties which confront this Nation today; a war which has caused hundreds of thousands of civilian deaths, tens of thousands of maimings, millions of refugees, and the dislocation of a society and a culture, for which we are largely responsible.

I cannot reconcile myself to the fact that as of September 9, 1971—these are figures released by the Department of Defense—301,504 Americans have been wounded, 45,487 Americans have been killed in combat, 9,757 Americans have died from noncombat injuries. The total casualties as of September 9, less than a week ago, were 356,784 Americans. Too many, too much, too long.

We talk about other problems, such as the economic situation in which we find ourselves—and it is important, because it touches all our pocketbooks. But what is it that touches our hearts?

Well, I cannot put aside the deaths, the mutilations, the woundings in Vietnam or elsewhere; because, just as we are equals in this body, to me, one American life, regardless of race or creed or color or origin, is just as important as another American life.

We must face up to this issue. Perhaps a delay on the tabling motion for 1, 2, or 3 days may not hurt. Personally, I have no feeling except a feeling of obligation, on the basis of the statements I have made to the Members of this body—all of them, Republicans and Democrats alike. But I have a very strong feeling about the war in Vietnam and Southeast Asia, including Cambodia and Laos. So far as I am concerned, that war is going to remain on the front burner until it is terminated, and terminated completely. I say that with full recognition of the other difficulties which confront us in this Nation and in the world today, and I say that in the strong belief that what we have done in Southeast Asia has helped to contribute to these problems and has helped to keep them from being solved.

So, with that statement, I will conclude.

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

Mr. MANSFIELD. I am delighted to yield.

Mr. PASTORE. Mr. President, I am one of those who will not be here next week, for one of the reasons that has been decided by our distinguished majority leader; but that is not the chief point to be made.

Mr. STENNIS. Mr. President, will the Senator from Rhode Island yield to me for a statement to him?

Mr. PASTORE. I yield.

Mr. STENNIS. I would like to respond to the Senator from Montana now, if I may. I expected to have a chance to do that with respect to the point about the vote today. I was interrupted by someone who had a memorandum.

Mr. PASTORE. But the majority leader took occasion to say why some of us will not be here, and I rise only on that point. I shall not be very long. I will

cause the Senator from Mississippi no injury in presenting his own logic and his own case before the Senate.

All I rise to say is that we were told that there would be a vote today. If this were a new matter that came up yesterday or came up this morning, there would be no reason for time. But there is not a Member of this body who does not know what this is all about. The name of the game is withdrawing from Vietnam. Let us not fool ourselves about that. All of us here are ready to vote. I do not see what other persuasive arguments can be made that have not already been made, except for the reason that has already been stated. I have already heard from my State about what I should do, and there will be a great deal more over the weekend.

I hope this does not become a matter of maneuvering and a matter of strategy. I hope each one of us can stand up with unfettered conviction and express that conviction as duly elected Members of this body.

I would hope that the majority leader would insist upon this vote being taken this week.

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

Mr. MANSFIELD. I yield.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, do I have the floor?

Mr. MANSFIELD. I yield the floor.

Mr. STENNIS. Mr. President, am I recognized?

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, this is no contest between the Senator from Montana and the Senator from Mississippi or the Senator from Colorado and the Senator from Mississippi. This is not a matter of maneuver or a matter of strategy.

I want to state some hard facts to the Members of the Senate about this very complicated and involved bill. Preparations for hearings on this bill started a year ago. Hearings actually started in January and were very complete and exhaustive. The committee spent approximately 3 weeks around the table, writing up this bill. The bill including a great deal of draft reform came here and was debated for 7 weeks, with approximately 20 to 25 rollcall votes.

The bill went to conference, and nearly all the conferees engaged in an active, vigorous conference for 5 consecutive weeks.

The matter was brought back to the floor of the Senate, and I believe it would have been passed in a very few days just before we recessed, had it not been for those who did not see fit—quite within their rights—to let the matter come to a vote. Then we had a 5-week recess.

I do not claim any credit whatsoever—not any. I am no busier than anyone else and do not work more than anyone else in this body. But through a sense of responsibility, of being back here and prepared, I came back from the recess on September 1, except for September 4, I have been here ever since, working on this bill and on the military procurement bill which also is pending. I am still here, and am ready to proceed on this matter and on the military procurement bill, as are other members of the committee.

But this is a very far-reaching matter; and I wanted to be doubly sure that every effort possible was made with regard to the Mansfield amendment at this conference, over the strongest kind of opposition from the House conferees and, as everybody knows, from the Administration, and many other factors.

For myself, I told them that I was not going to yield totally on the Mansfield amendment, that I was not going to agree to its being watered down to a meaningless instrument. We brought back here a considerable part of the Mansfield amendment. It was not germane under House rules. I did not think it was—and the House Members did not think it was, but we brought an amendment back, and much more than we thought we would. Some Senators, including the Senator from Montana himself stated yesterday that our amendment was a step forward and that it did have meaning. It became not a Senate amendment, only, but a sense of the whole Congress. The New York Times and the Washington Post stated that it was the first legislative determination to close down this war and bring the troops home. It was tied to the POW question, and nothing else. So that it has some meaning.

The dealings I have had with the Senator from Montana have been exemplary so that I have no grievances, but I am going to appeal to all Senators now, in a few minutes, to give me just a little more time.

How much is a little more time?

Just 2 or 3 or 4 more calendar days, to try to help Senators get the newly developed facts on this matter before they pass on the conference report.

I warn that if the Senate turns down the conference report, it will again be opening up all the component questions. There is no doubt about that. At one time, the House waived their rules on germaneness through their Rules Committee. Otherwise, one Member there, as I understand it, could have knocked out what we had in the Mansfield amendment.

Let us not be too hasty. I want further to develop some facts which have occurred since we took the recess. Those facts have been partly developed.

We have gone now about 75 days without any draft law on the books; that is, a law that will give the President the power to induct. Even though, during the early days, there was a continued so-called volunteer enlistment, there has already developed in the last 75 days a marked downward turn, to the degree that we have the facts and figures, in enlistments in all the services, not only quantitywise but also qualitywise. That is a major point to consider.

Incidentally, my friends, so far as the chance to get this subject fully into the minds of all Senators is concerned, Senators have been busy with many other things, including committee meetings morning and afternoon, and the sad events incident to the passing of our late lamented friend from Vermont, Winston L. Prouty. This week we all went to the funeral services on Tuesday afternoon and many went yesterday to the funeral itself.

So that the hard fact is, I have been standing here in this Chamber for 3 days talking to empty chairs. That is all. Three or four Senators were in the Chamber from time to time and some have joined in the discussion, but there has been no chance, within this brief span of time, to get the facts developed so that they could be passed on to the Senate as a whole.

As Senators know, I have been writing letters, placing them in the RECORD, and sending them around to everyone's offices trying to get the facts across.

I tell you, Mr. President, this is serious—the trend that has already developed whereby the services will be depleted of their manpower. Consequently, I want to make available further projections by the men who know more about it than anyone else, the Chiefs of Staff, and the service secretaries, and Mr. Laird, and bring those facts here to the floor of the Senate more completely than we have been able to do so far.

We cannot seem to find the time when everyone can be here conveniently. To be here, we have to make personal sacrifices and we cannot all be here all the time. Even with that, while some cannot be here, others who are away now can be here later, so that will all average out.

Of course, I do not know how they will vote, but at least I want to have the satisfaction of knowing, when this vote is taken, that I have done all I can do with regard to bringing the Senate all the facts.

I tell you, Mr. President, man to man, and looking every Senator in this Chamber in the face, that under these circumstances, we have not had an opportunity, nor the time, to do that.

This is not a personal matter. But what are we going to do with a bill that has been going around for 7 months now and carrying all the added load of the war? I greatly respect anyone who voted for the Mansfield amendment. But what are we going to do in the committee which has gone through all this long and tedious work, and getting back here after the recess, with the scant attention it has received in this Chamber and with all the new facts that have been intervening? What are we going to do with all the work the committee has done on the bill under circumstances like this?

Are we going to close our ears to this plea for a little time? I do not believe that the Senate will. I know that there was a time here when my request would not have been rejected. Thus, I lay this appeal before the Senate, now, and propose definitely that if the Senate will give us this time—I am not asking for any favors, this is not a personal matter, I repeat, but I do not hesitate to make this an official request—we will be ready.

As I say, the distinguished Senator from Maine (Mrs. SMITH) and I have had a briefing on this matter already, after the funeral services last Tuesday afternoon, and we put together what information we could. We called for more. So, we request that this matter

go over until Tuesday. I would hope that a matter of this importance would deserve a vote up or down.

Is that too much to ask for?

Is it too much to ask for a vote of yea or nay on the merits?

A motion to table would only postpone, put off, make it necessary to go into rearguments of everything that is in the bill. We will, in addition, have to go through most of these things again on the procurement bill. I am not being critical of anyone about that. But at least give us the chance to complete the facts and then the Senate can make its judgment. I do not believe that the Senate will turn down this mild request.

Let me put it this way: I appeal to you on behalf of the committee that, if a motion to table is made, the Senate will vote against it, for the sole and only reason, if for no other, than to provide for a little delay which will give the committee the opportunity to bring the full, additional facts as they bear upon this subject, to all Senators.

For Senators not now in the Chamber, I want the opportunity to talk to every one of them on the telephone if they are in the city, so that they will know before they vote that regardless of everything there is a demand for a decision now that could be decisive on the whole bill with no chance to develop the facts—a demand that the whole thing be disposed of now. I do not believe the Senate will do it. I do not believe that any committee will want to be treated this way.

As far as I am concerned, they never will be treated this way. Senators do not owe me anything. Let me emphasize that again. I owe the Senate everything. So it does not make any difference to me which Member of the Senate may want to go forward at this time. I am telling Senators under my own responsibilities as a fellow Senator, and as one who is familiar with the facts, that these facts need to be developed further. We can come in here next Tuesday, I hope, or Monday, if we must. I hope there will not be a motion to table. However, if there needs to be some assurance of some kind in order to present the facts, I would submit that is all I would ask for. I believe that we will be saving time. We will be doing the sound thing regardless of whichever way the vote goes.

I do not buy these arguments that it is inconvenient. I would like to accommodate every Senator. However, when one accommodates one Senator on one day he inconveniences another Senator another time.

I want to assure the Senate that there has been no agreement that there will be a vote. I could not agree to a vote on a motion to table when I am trying to develop these facts.

I am trying to develop these facts. I am, in effect, stating that we can be ready this coming Tuesday or Monday.

In the whip's notice, it is stated:

> I cannot be sure about votes on Thursday or Friday. The only thing I can be sure about is that the Senate should be alerted to a possible vote to table. There are indications that such a motion may be made tomorrow or Thursday.

That notice states exactly the way the situation has been. So no one is taken by surprise. I believe that there are additional facts that will be of interest to all Senators and of concern to most of us. They could well be determinative of the fate of the pending bill.

I repeat with emphasis that I want until Tuesday or Monday, whichever date will be selected in order to present those facts. I do appeal to every Member here to vote against a motion to table today, if for no other reason than just to give us a chance to develop the full facts upon these vital points that control the security of our Nation, our people, not because of some faraway land.

I hope that my aide can note those Senators who could not be present to hear this statement. I want time to call every one of them.

I thank the Senator.

Mr. MANSFIELD. Mr. President, if the Senate will allow me, this is not, of course, a personal matter. I can appreciate the defense of the committee which the distinguished chairman has put up. I want to assure him that that committee and all committees have my respect. However, I think there is an overriding factor which goes beyond a committee of an institution like the Senate and certainly beyond individual Senators. And that concerns a feeling for the people of the country, the ones who put us where we are, the ones whom we are here to serve. It is not a committee, it is not the Senate which is paramount. It is the people of the United States of America.

The Senator has stretched the point, I believe, when he quoted from the whip's notice—and technically he was correct. But the reason that the majority leader did not say definitely that the vote on a tabling motion would be on Thursday—and the vote was to be on tabling—was because unless we get an agreement nailed down, we have to allow ourselves a little opening, a little flexibility, so to speak.

And as far as the arguments which the Senator wants the Senate to hear, he gave them on yesterday. They are in the RECORD, and I think we all read the RECORD. He gave them today in part. And he will never have a bigger audience than he has right now.

I am aware of the pressures put on every Senator. I received a letter signed by the three service Secretaries. I am sure that every other Senator also did.

I read in the public press of the visit by Secretary Laird and members of the Joint Chiefs of Staff to the chairman of this committee and the ranking Republican member of the committee. That is fine. They are pushing their cause. They are probably trying to get a little more elbow room so that they can work a little longer, a little more assiduously, and a little more personally.

I have gotten communications from home. Oh, yes, I have gotten communications from the commander of the national American Legion. I will get more communications as the pressure mounts. However, these things bother me not at all, because it is the way the system works. However, the thing I believe in is not these telegrams or phone calls. I believe in the individual honesty and responsibility of every Senator here. And we are sent here to exercise our own best judgment and to make a determination on the basis of the facts and on the basis of our consciences

As far as the pressures are concerned, they can pressure me from now until doom's day, and I would not change my opinion on this one whit, because this is an important matter. There have been attempts to shove it to one side as if it did not exist. And a lot of people were willing to do it. This matter of Vietnam and Southeast Asia is too important to be shoved aside, and it will not be shoved aside.

I happened to read in the Washington Post of August 15, 1971, in the Outlook section, an article by Arthur Hadley. Arthur Hadley was a lieutenant platoon leader in Europe during the Second World War. He covered the Korean war as a Pentagon correspondent for Newsweek and later worked as an editor for the New York Herald Tribune. He recently spent 60 days in Vietnam.

I want to read, if I may, just the last three or four paragraphs of this rather lengthy article.

These paragraphs read:

> In Saigon the senior general paces back and forth. "Vietnam is a poison in our blood. It runs through our national life and infects us all. Those at home as well as those of us here. Will we learn from it? Will it have been worth it morally? That question has to be left to history."
>
> As my home bird jets me toward "Back in the world"—

That is what they call the United States in Vietnam—

> I have one overriding thought: I have been in hell and found most of the inhabitants there, contrary to popular belief, fine people. And this includes specifically the South Vietnamese, now in their 30th year of war. But all are trapped by a complexity too vast for them to understand, trapped in a ritual of boundless destruction. We and the enemy, partners together, dance, entombed by our opposing simplicities. So far, we are both unable to find the strength within ourselves to stop the music.
>
> I keep remembering the words of Lincoln's Second Inaugural Address: "Neither party expected for the war the magnitude or the duration which it has already attained. . . . Each looked for an easier triumph, and a result less fundamental and astounding."
>
> There is no way out of the Vietnam tragedy without pain; and we are all part of the action. Those most intimately involved deserve our anger only occasionally, our tears almost always.

When a motion is made to table, if agreement can be reached to vote it up or down, it is my intention, if the tabling motion is agreed to, to offer to the Senate for its consideration instructions to the conferees to reconsider the termination of the war amendment which passed in this body in June by an overwhelming majority. The only difference will be this: In view of the fact that 2½ months will have elapsed since the 1st of July, the beginning of the new fiscal year, it would be my intention to reduce the period from 9 months to 6½ months, approximately. I want to serve notice on the Senate that in my opinion this is the amendment.

It is my belief that what the distinguished Senator from Colorado wants to achieve may well be achieved in conference without specific instructions, though that is a matter for the Senator to decide. I make that statement on the basis of the speech which he made on Monday last.

So I would hope it would be possible to come to a vote this afternoon, but I am not unreasonable and I would be glad, if need be, and if the Senate approves, to consider another time—certainly not as long away as Tuesday, but a time certain. Like the Senator from Mississippi, I, too, recognize the fact that Senators will be absent for various reasons every day. I accept that regardless of how it would affect the outcome of the motion to table or the motion to approve or disapprove the conference report.

I will have more to say later, but I think the distinguished Senator from Colorado now should have his say.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, I have listened with great interest to both the distinguished majority leader and the distinguished chairman of the Committee on Armed Services. We have perhaps one of the most unusual situations before the Senate today that we have ever had because we have a conference bill before us for adoption which contains three elements, all of them very diverse in their relationship and in their nature.

The first element is the draft bill itself. This is the bill which was the basic vehicle for this legislation reaching this point. I have tried to make it clear repeatedly that I favored and I do favor an extension of the draft for 2 years, because of my own work on the Defense Appropriations Subcommittee for 10 years, and also because I believe, contrary to some people, that instead of entering a period of complete detente we are entering a period which can be most critical to the United States; at least it can be very critical if we enter this period dependent wholly upon a situation where we are dependent upon volunteers under the present pay schedule.

The second element that is a part of this legislation, having become so by virtue of the rules in the Senate, is the Mansfield amendment. I did not vote for the Mansfield amendment and I do not believe in this type of amendment because I have full faith that the President, in the keeping of his promises as he has since he took office, will fulfill the basic requirements of that amendment anyway.

But more than that, I cannot see tying the hands of any Chief Executive when he is moving as fast and as rapidly toward the aims of that amendment as I believe any President, or any of those running today, or our present President, or even past Presidents could have moved.

Then there is the third element in this bill, and this is the one which has attracted my chief attention in this matter. I refer to the pay provision. I will not detain the Senate by repeating over and over the speech I made Monday. Senators are acquainted with it, and Senators know that the Allott amendment passed the Senate by a vote of 51 to 27 after the previous pay provisions of the House had been rejected by about the same amount. Then, when the conference report came back from the conference committee, we found that the people I wanted to help most by my provision, which adopted nothing of my own ideas, but adopted mainly the provisions of the Gates Commission on pay for officers and enlisted men, had been sort of scuttled. In fact, it had been scuttled. When I discovered, as it came back, that the enlisted men in the first four grades and first two officer grades would actually receive less compensation, even taking into consideration the tax provisions and the tax effects than they would have received under either the Senate bill or the House bill I made it known then that I would not vote for the conference report under those provisions.

In my speech Monday I made it very clear that I still was of that mind. I am concerned about the Senate, and I am concerned about this bill. We debated this bill from May 5 to June 24, which is at least 6 weeks, and maybe 7 weeks. On August 4 the conference report came back to the Senate.

I am concerned about our inability on the Senate floor to reach positions and reach decisions; to debate matters for a reasonable amount of time and then to show our will; to say: "We have debated this, we have discussed it, we have studied it, and it is now time to stand up and resolve these questions."

My own personal wishes at the moment are that we could vote up and down on the conference report. We obviously will not be able to vote up and down on the conference report at least for the present, and I do not know for how much time in the future.

In my speech Monday I stated that, in order to bring this matter to a resolution, I was prepared to offer a motion to table the present conference report.

Mr. President, there are other matters for consideration. The distinguished chairman of the Armed Services Committee has asked for time until Monday or Tuesday. I think it is very obvious that no one here, given the religious beliefs of some of our Members, would ask for a vote on Monday. I know I would not. That means, then, of certainty, either tomorrow or Tuesday.

On Monday morning I talked with the distinguished majority leader twice, I talked with the distinguished minority leader, and I talked with the chairman, the manager of the bill, in an attempt to arrive at some understanding of a reasonable time when we could vote. That is the reason why I said I did not preclude the matter of making a motion even on Tuesday.

Of course, we are now, from a practical reason, by reason of the various services attendant upon the loss of our dear friend in the Senate, Winston Prouty, on what is really the next legislative day. I did not offer the motion on Tuesday because of two things: One, the Senate was adjourned. It did not come back in session. That was not the main reason. The main reason was that I did feel that, after a month's absence, there should be a reasonable opportunity to discuss this matter.

This morning, time and again, mention has been made by my colleagues of pressures—they have been made to me and they have been made to others—that the executive branch has brought on us. In my opinion, the executive branch would be very remiss, and certainly not worthy of the confidence of the people, if they were as convinced as they seem to be about the draft, in not talking to Senators. So I take no stock in the fact that the executive branch has been talking to Senators at all. They did this in the case of former Presidents. They did it with this administration. I see nothing wrong with that. I am reminded of a former President—I believe it was President Truman—who said, "If you can't stand the heat, you had better get out of the kitchen."

So all these factors tend to bring to us the real issues that we have in mind.

Lastly I say this: My desire, first of all, would be to bring this matter to a vote up and down. In that event, as it now stands, I would have to vote against the conference report.

I must say that this morning I tried to explore other means, which have not been consummated, of separating the pay provisions of the conference report out of the conference report, so that we could then, in effect, vote on a motion to table or vote up and down on the conference report on the two other remaining main items, which would be the draft extension and the Mansfield amendment.

I had some encouragement, I might say, from the chairman, just before we started this session here, with repect to that. However, it will take more time than we have at the present moment to do that.

I might say, with respect to the absences of Senators, I have had commitments in my own State for months, literally—and I do say literally—for these 4 days of Thursday, Friday, Saturday, and Sunday. It was for that reason that I urged both the majority leader—who was kindly and understanding, as he always is—and the distinguished Senator from Mississippi to try to resolve this matter on Tuesday. I could not get assurances, and so I waited today.

I must say that unless I can receive some assurances which will assure me that we will have a reasonable opportunity to place the pay provisions in this bill into legislation this year, it is still my intention to offer a motion to table today, and I shall offer that, if these provisions or understandings and plans cannot be worked out, not later than 3 o'clock.

I cannot prevent any other Senator, I know—and I see some on the floor now conferring; we understand each other fully—from making such a motion. I would hope they would not make such a motion until the hour of 3, until time, I hope, when we will have been able to see if there is some way whereby we can eliminate the troublesome pay provisions from this particular bill. I am sorry that

they ever got in there, but they are in there, and we are realists and we are faced with the fact.

As far as I am personally concerned, although it has greatly discommoded me, I think that every Senator is prepared to vote today; and I doubt if any votes will be changed by Monday. I have tried to make my position clear here.

I want to make one other thing extremely clear, and that is that during the pendency of this legislation between May 5 and June 24, I believe I spoke once or twice, and both times relatively briefly—in fact, very briefly. I cannot and I will not participate in a filibuster upon this conference report. I believe the Senate has reached the place where we have got to stand up and face our constituencies and face them eye to eye—if you want to use Dean Rusk's words, eyeball to eyeball—and say we are now prepared to resolve this situation.

I am concerned, as I said, about the draft extension. I am concerned about the pay provisions, and I am perfectly willing to talk, in the meantime, with my various colleagues here about methods and means of trying to effectively separate the pay provision issue, because we find ourselves in a very strange situation where Senators would support a motion to table without any really common cause with respect to the bill. There are three different elements, and that is the reason I talk about them, of this bill; and Senators would support a motion to table for three different reasons.

I hope I have explained my purpose. I do wish to ask the majority leader for some little extended time. The Senators who are here can vote, and whether or not I make the motion to table by 3 o'clock will depend upon whether or not it is possible to separate the pay provisions out, with assurances that we will get the pay reform which I think is so vitally necessary, and which is the reason why I have stated that I will not support the conference report in its present form.

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

Mr. ALLOTT. I yield to the majority leader.

Mr. MANSFIELD. Do I understand the Senator to say that if he does not reach a reasonable agreement on his pay proposal, it is his intention to make a motion to lay on the table at 3 o'clock?

Mr. ALLOTT. I will say to the Senator that I am perfectly prepared to do that at 3 o'clock.

Mr. MANSFIELD. That takes it out of my hands.

Mr. STENNIS. Mr. President, if the Senator will yield, I did not understand the last statement the Senator made.

Mr. MANSFIELD. The question I raised was to the effect that, if I listened to the Senator correctly, he had said that if a reasonable agreement was not worked out on the matter of his main interest, a pay raise which would be more equitable to the lower ranking officers and enlisted men, whether it was his intention, if no agreement was worked out, to make a motion to table at 3 o'clock. His answer, I believe, was in the affirmative.

Mr. ALLOTT. The answer was that I was prepared to do so. But I see two Senators in the Chamber with whom I would like to discuss this matter, and both of them are prepared to offer a motion to table. I would like to have an opportunity to talk with them prior to that time, concerning the outcome of other arrangements.

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

Mr. ALLOTT. I yield.

Mr. SCOTT. I would like to say, first of all, that I am in agreement with what the Senator from Colorado has said with regard to the desirability of voting the whole conference report up or down, and doing that, perhaps, on Tuesday, if we could be permitted to get to a vote. I would also hope that some means could be found to separate the pay raise controversy and some assurance given to the Senator from Colorado that a compromise pay-raise proposal satisfactory to him could be disposed of on some other bill, with the support of the committee and of the Senate.

I think that would help greatly, and I would not expect that the administration would be adverse to seeing some compromise on the pay raise worked out with the Senator from Colorado. It seems to me that that might be the way to avoid the embarrassment to the committee and to the Senate of having worked so long for so little purpose as would be the result if we were now to lay on the table this conference report.

I hope the conference report will not be tabled. I shall vote against tabling it. I would like to see us dispose of the matter in time, however, and I repeat that by far the best vote, the vote which truly expresses the will of individual Senators, would be a vote up or down on the conference report.

I thank the Senator.

Mr. ALLOTT. Mr. President, if I may have the attention of the Senator from Mississippi, I want to make my statement clear that I was prepared to do it.

I do wish to confer with certain Senators now in the Chamber with whom I have had previous conversations. I want to explain my position to them, and tell them what I have in mind. This is not in derogation of any understandings or definitive understandings the Senator and I may have made.

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

Mr. ALLOTT. I yield.

Mr. MANSFIELD. I gather from the remarks made by the distinguished Senator from Colorado and the comment by the distinguished minority leader that the possibilities of a reasonable agreement are pretty good.

Mr. ALLOTT. I could not say that at this point.

Mr. MANSFIELD. What I want to say is this: If the Senator from Colorado does not make a motion to table, then I think, barring the possibility of a straight up or down vote on the conference report, that I will; and I would like at this time to make a unanimous-consent request, if the two Senators will agree.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Does the Senator from Colorado yield for that purpose?

Mr. ALLOTT. I am happy to yield for that.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the conference report occur at 11 o'clock on Monday morning next.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALLOTT. Mr. President, reserving the right to object——

Mr. GRAVEL. Yes, there is objection, Mr. President. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. ALLOTT. Mr. President, with all due respect, the Senator does not have the floor. I have the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado has the floor. The Senator yielded for the purpose of a unanimous-consent request by the majority leader, to which objection was heard.

Mr. ALLOTT. Well, a man has to be recognized to object. I did not want to foreclose the Senator from Alaska; he has every right to object. But I just simply wanted to call to the attention of the majority leader that, due to the fact that Monday is a high holy day for some of our people, I would not think it would be an appropriate time to set a vote by unanimous-consent agreement, in any event.

Mr. GRAVEL. That was not the reason for my objection.

Mr. MANSFIELD. Mr. President, may I say that Monday is also a working day for the Senate, and it will be my intention to have the Senate in session on Monday. I am sure our brethren fully understand the situation, and we understand theirs.

Mr. GRAVEL. Mr. President, I object to the unanimous-consent request.

The ACTING PRESIDENT pro tempore. Objection is heard.

Several Senators addressed the Chair.

Mr. ALLOTT. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I think what we have seen in the objection raised to the request is only an indication of what would occur if we tried to achieve an up or down vote on the conference report at this time. I think the Senate is pretty well aware of the fact that there will be a filibuster against the conference report. By how many, I do not know. For how long I have no idea.

But if I may have the attention of the distinguished chairman of the committee, the Senator from Mississippi, and the Senate, I should like to propose that a motion to lay on the table occur at the hour of 12 o'clock noon on Saturday next. I make such a unanimous-consent request.

The ACTING PRESIDENT pro tempore. Is there objection?

Several Senators addressed the Chair.

Mr. ALLOTT. Mr. President, reserving

the right to object, is this on the basis of a unanimous-consent request, or did the Senator make a motion?

Mr. MANSFIELD. A unanimous-consent request.

Mr. ALLOTT. If it is a unanimous-consent request, I shall have to object, for reasons I have stated before. I have canceled 4 days of appointments. I have not canceled them all entirely, but I have canceled, today, longstanding engagements and, if that is the only choice I have, I shall make the motion to table myself at an earlier time.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MANSFIELD. Mr. President, in an attempt to go a little further along the road of cooperation, we have found that a straight up or down vote is an impossibility in the immediate future. We have found, rather than a tabling motion this afternoon—stretched out to Saturday—that there was objection. I will make one more unanimous-consent request.

I ask unanimous consent that the vote on tabling—I think, perhaps, to be offered by the Senator from Montana if the Senator from Colorado is satisfied in the meantime—occur at 11 o'clock Monday morning next.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CRANSTON. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MANSFIELD. Then, Mr. President, I do not know what more the leadership can do. We will have to play it by ear. If we cannot even get an agreement to vote on a tabling motion on Monday, then I think we are in a state of disarray. I do not want to go beyond Monday.

I am not at all averse to the administration or anyone else lobbying over the weekend. That is part of the way things operate in this country; and, if they did not do that, they could be faulted.

But the Senate is on notice that at any time from now on, a motion to table will be in order, and it is the right and privilege of every Senator, or any Senator, to offer such a motion at any time he or she sees fit.

Mr. STENNIS. Mr. President, will the Senator yield to me on that point?

Mr. MANSFIELD. I yield.

Mr. STENNIS. May I suggest to the Senator from Montana that possibly a little later he may be successful in a unanimous-consent request for Tuesday.

Mr. MANSFIELD. No.

Mr. STENNIS. I just want to call attention to that now, for consideration.

Mr. MANSFIELD. No. I told the Senator from Mississippi this morning that Tuesday was too far away. I have been under obligations and pressures for today. I do not intend to retreat any further. As a matter of fact, I think I have retreated too far already. But now we are back where we were at the beginning, and I have no complaints and no further offers to make.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, who has the floor?

The ACTING PRESIDENT pro tempore. The Senator from Montana has the floor.

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

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. Mr. President, in my opinion, the request by the majority leader or the willingness of the majority leader to have a vote on this matter at 11 a.m. on Monday is an eminently fair compromise between the positions stated with respect to this conference report.

I am opposed to this legislation. Because of my respect for the chairman of the Committee on Armed Services, if the request of the majority leader is approved I will not vote to table today, but would vote to table on Monday at 11 a.m. I would hope that those who are interested in the draft bill, and do not believe in it, would give that consideration.

Mr. MANSFIELD. I appreciate that.

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

Mr. MANSFIELD. I yield.

Mr. COOPER. Mr. President, I would like to say to the Senator from Montana and to the Senate that it seems evident from the discussion we have heard thus far today that there will not be a unanimous-consent agreement on time and that there may be a filibuster at some point on the conference report. I hope the filibuster will not occur, for in my view it is necessary that the draft extension bill be passed soon.

I hope the motion to table will be made either by the Senator from Montana (Mr. MANSFIELD), or by the Senator from Colorado (Mr. ALLOTT). The country understands their interest. They know Senator ALLOTT's interest in the pay provisions; and the country knows that Senator MANSFIELD's amendment is to express the sense of the Congress that our involvement in the war in Vietnam be brought to a close.

Any Senator may offer a motion to table. I hope the Senator from Montana will ask other Members of this body not to offer a motion to table and that only the Senator from Montana or the Senator from Colorado will offer the motion. Then our reasons for voting to table will be understood, and I intend to vote to table. The country will know our reasons, and they are justifiable reasons. I am not in favor of a filibuster, and I think it will be unfortunate if someone offers the motion in support of a filibuster.

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

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

The legislative clerk proceeded to call the roll.

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

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

The Senate will be in order. The Senator will not proceed until the Senate is in order.

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

Mr. MANSFIELD. I yield to the Senator from Vermont.

Mr. AIKEN. I ask this question of the majority leader: Is there any other business to come before the Senate this fall, at this session?

Mr. MANSFIELD. A good deal.

Mr. AIKEN. If there is, I think we ought to settle the pending question without any further delay.

I join the Senator from Kentucky in expressing the hope that either the Senator from Montana or the Senator from Colorado will make the motion to table. If that motion is agreed to, as I understand, the conferees will meet again; and it appears to me that there is a much better opportunity to work out something with Members of the Senate in conference than there is by continuous wrangling on the floor of the Senate considering the vast program of lobbying which the administration seems to be putting on. A few days ago, I would have voted against tabling. Now, partly as a result of their crash program on Congress, I expect to vote to table since we are not getting anywhere here on the floor.

I realize that the conferees may not make progress either but at least this Senate could proceed with other work.

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

Mr. MANSFIELD. I yield.

Mr. COTTON. Mr. President, I am a little distressed about the magic of the hour of 11 o'clock. A subcommittee of the Committee on Commerce is just back from holding 2 full days of hearings in northern New England; and we find—it is an established fact—that there is absolutely no reliable air service north of Boston in the States of Vermont and New Hampshire. I believe the Senator from Vermont will substantiate that.

The Senator from New Hampshire is prepared to be here every day of the week; but, with serious illness in his family, it seems unfortunate to have to get up at 5 o'clock in the morning, which would be necessary, to drive my automobile to Boston in order to get here at the hour of 11. If it were the hour of 2 or 2:30 p.m., there would be no difficulty. I think other Senators might be involved.

I just want to call that to the attention of the majority leader, not as a personal favor to one Senator, but as a favor to a section of the country that I am going to proclaim at every point I can, whether germane or otherwise, is entitled to have a little reliable air service so that we can get to Washington to perform our duties and be here at 11 o'clock. It would be very difficult now.

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

Mrs. MANSFIELD. I yield.

Mr. AIKEN. The Senator from New Hampshire has mentioned the unreliable air service to northern New England, and I wish to join him in echoing his expression. We do have a small feeder line which is doing the best it can under the circumstances and on a day-to-day basis, because it cannot be assured of being in business the day after tomorrow, if my understanding is correct. They are giving as good service as they can with small DeHaviland planes, which I understand are of Brit-

ish manufacture—a British plane because, as I understand further, the airplane manufacturers in this country simply are not interested in producing the kind of planes which would best serve our economy and which we are desperately in need of.

I do not doubt that we might have a use for a few 500-passenger planes but certainly not in Keene, Lebanon, Montpelier, Burlington, or even Bangor, Maine. So I think that this matter of an adequate air service is one which we should be concerned with. I understand that the Chairman of the CAB himself is concerned with it, but as long as we have got to put everything in the hands of Boeing, Lockheed, and other manufacturers who think in terms of 500-passenger planes, and in the hands of airlines who think in terms of getting a monopoly, I do not think the economy of this country will improve a great deal. I would like to get the pending business out of the way so that we can do something else. Possibly we might even find a way to improve the transportation systems of this country.

Mr. MANSFIELD. Mr. President, there is, as always, a great deal of merit to what the distinguished Senator from Vermont says. I was wondering whether it would not be possible to vote on the tabling motion at 3 o'clock or 4 o'clock this afternoon, with the time to be equally divided, let us say, from now until 4 o'clock, which would be 3 hours, or until 5 o'clock, which would be 4 hours.

If I make the motion to table, I would be willing to ask for only 5 minutes for the Senate amendment on the termination of the war, and give the rest of the time to the distinguished Senator from Mississippi (Mr. STENNIS).

There is other business to take care of. We have the very important military procurement bill which has piled up behind the conference report. I do not think it would take more than 3 hours for the Senator from Mississippi to give us the benefit of the information which he has acquired since September 1. With such good attendance of Senators in the Chamber now, perhaps this would be the best time to bring this matter to a head, to determine what the sentiment of the Senate is.

Mr. STENNIS. Mr. President, reserving the right to object, my point this morning was about the information. It is a followup effort to get more definite information and some projections as to how this thing will look 6 months from now without a draft bill. That is something we cannot toss up in the air. I would spend the weekend, along with other members of the committee, contacting knowledgeable people and getting statements from them in writing for the benefit of the Senate. That is my point.

Mr. MANSFIELD. If the distinguished Senator from Mississippi will allow me to inquire, on my own time: What has the Defense Department been doing since the 1st of July when the present extension of the Selective Service Act expired? What has the Selective Service Administration been doing since the 1st of July when the extension of the Selective Service Act expired?

How come they need a weekend to bring the information up to date which they should have been accumulating over the past few months?

Mr. STENNIS. Reserving the right to object, I have not made myself clear. They have had an intensified recruiting program during that period, although they expected the bill to pass, which it did not. Now the point I am trying to get to, is: what has been the trend with reference to numbers, and what has been the trend with reference to quality, without the inducement of a draft law being on the books and, if that situation continues, what will be the likely situation 6 months from now, after the draft law has been off the books? Those are crucial and critical questions. It takes some time to get the pertinent facts in presentable form, which is what I am trying to do here, on Monday or Tuesday, whichever would be decided on. We just have to have time, that is all. We have to have a little time. I have already given some of this information to the Senate.

Mr. MANSFIELD. Yes, I have got it. But, may I point out, the issue is the termination of the war in Indochina, not so much the extension of the draft per se, but the release of all POW's and, wherever identifiable, those missing in action on the one hand and the termination of the war on the other, which after all, is the administration's objective, so I understand. The third factor, I think, has gone out the window. That additional factor was to give the Government of Vietnam, and I quote, a reasonable chance to survive, unquote. That is down the drain now. They have got a a one-man democracy there now [laughter] in Mr. Thieu. It would be great if we operated on that basis here. [Laughter.]

The administration has tied the release of prisoners of war to the termination of the war. The Senate amendment says the same thing. We want to work in cooperation with the administration but, unfortunately, there are too many times when someone offers a suggestion here in good faith and we are looked upon as adversaries when we are trying to cooperate and to be helpful. Here is an amendment which passed the Senate by a vote of 61 to 38, an overwhelming vote of support by this body in backing of a cooperative and helpful amendment.

The big question is not the draft. The big question is the Senate amendment, seeking to bring about the release of prisoners of war, and a termination of the war, both at the same time. That is what we have heard time and time again in this country. We either mean it or we do not mean it. To use an outworn phrase, "It is time to fish or cut bait."

Mr. STENNIS. Mr. President, reserving the right to object, the Senator——

Mr. MANSFIELD. I made no request——

Mr. STENNIS. I thought the Senator had.

Mr. MANSFIELD. No. No.

Mr. SYMINGTON. Mr. President, will the Senator from Montana yield?

Mr. STENNIS. Let me say that the Senator speaks well on this point, which is a part of the bill, but also in the bill is the fundamental question of the draft. It is a draft bill. That is the primary part of it. The Senate has voted on the Senator's amendment. I have said many times that I respect that. There are other ways, too, to secure vote on that, which will doubtless happen. But now, in getting to the facts that pertain to a major part of this draft bill, I am saying that we need this additional time. That is my request. That is the basis for it. That is the only thing. Then we can vote on all of them together. As to the development mentioned by the Senator from Colorado (Mr. ALLOTT), I want a chance to look into that a little here. These are important questions. So I am asking, the Senator has not requested this vote at 3 o'clock?

Mr. MANSFIELD. Five. Five.

Mr. STENNIS. I am just not able to get the facts here. We are not able to do so. I think, also, that the membership is entitled to some kind of additional notice. This is too short a time. I hope that the Senator from Montana will pursue his efforts with reference to a vote on Monday, and I will have nothing more to say about the time of the voting.

Mr. MANSFIELD. Would the Senator consider voting at 5 o'clock with a 4-hour limitation, with 3 hours and 45 minutes given to the Senator from Mississippi and 15 minutes to the Senator from Montana?

Mr. STENNIS. Reserving the right to object, it is not a matter of time for debate now. That is not the bind that I am in. The bind is that we have not had a chance to develop the facts that I believe will be fully revealing.

That is not the request I make. I am asking for next Monday. I hope that the Senator will not pursue his request for today.

Mr. SYMINGTON. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. I have already prefaced my remarks as to what I would do with respect to the position taken by the able majority leader. Now that has changed. Would the able majority leader consider voting tomorrow at 11 o'clock, Friday?

Mr. MANSFIELD. I personally would be delighted to vote today or tomorrow, but there are——

Mr. ALLOTT. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. ALLOTT. Mr. President, I would have to say that I would have to object.

Mr. MANSFIELD. Of course, we know that it really does not take unanimous consent. That is understood. A motion to table can be made by any Senator at any time. The idea is to try to be as reasonable as possible. It places the Senator from Montana in a most difficult position. Frankly, I do not care how much lobbying any organization or any administration does. I do not care how any Member of the Senate votes, because that is his responsibility. However, I do care how I vote. And all I want is a chance to test the sentiment of the Senate.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, all I want is a chance to test the sentiment of the Senate so that we can then determine where we go and how. This bill is not going to be disposed of quickly under any circumstances, whether it is tabled or not. However, the possibility of an up and down vote is pretty remote at the present time.

I was wondering—if I could have the attention of the distinguished manager of the bill—if the manager of the bill could get most of his explanation out of the way this afternoon and some of it on tomorrow. And if no one makes a motion to table this afternoon, tomorrow we could go back to the Military Procurement bill and dispose of some of the amendments attached thereto and do the same on Saturday as well.

Mr. STENNIS. Mr. President, I would very readily agree to that. I would be glad to do that. I think I should agree to it. That would give us a chance to get into these matters further with respect to the draft bill. I would be ready.

Mr. ALLOTT. Mr. President, would the distinguished Senator yield?

Mr. MANSFIELD. I yield.

Mr. ALLOTT. Mr. President, under the circumstances, I would have to object to a motion and a vote today, tomorrow, or the next day.

Mr. MANSFIELD. On what?

Mr. ALLOTT. On agreement to a motion to table to be presented at a given time. The Senator is fully aware of the situation I am in.

Mr. MANSFIELD. Mr. President, I suppose that would give the administration time enough to mend its fences if we go to the procurement bill.

Mr. STENNIS. Mr. President, let me say that the Senator said he has been under pressure and that Mr. Laird had been to see me.

Mr. MANSFIELD. No. I have been referring to communications I have been receiving.

Mr. STENNIS. It has been stated that the Secretary had visited with us. I have not seen Mr. Laird since we returned here.

I asked that these Secretaries and Chiefs of Staff come over and talk to me and to the Senator from Maine about these facts. That is what happened. And that is where I go to find the facts and the information.

Mr. MANSFIELD. Mr. President, I find no fault with that. It was recorded in the public press.

Mr. STENNIS. Mr. President, speaking of the point the Senator made, he referred to the fact that the Secretary had been to see the chairman of the committee, and so forth.

Mr. MANSFIELD. I am glad to be corrected.

Mr. President, after this moment of silence. I think I will yield the floor.

Mr. MANSFIELD. 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. GAMBRELL. 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. GAMBRELL. Mr. President, I have listened with some concern to the colloquy which has been going on here for approximately 2 hours in an effort to achieve some resolution of the various parliamentary and other questions that face the Senate. Actually, as I have heard it said on both sides of the question that has been discussed, what is needed is a vote up or down on the two issues—one being the extension of the draft bill, and the other being the so-called Mansfield amendment.

During the morning hour this morning I introduced a Senate joint resolution containing in identical terms the original Mansfield resolution as it was added by amendment to the bill on the extension of the draft. At that time I asked that that joint resolution be read once and that it not be read a second time so that it would lay over until tomorrow.

My thought in doing that was to give us an opportunity to consider during today whether we wanted to get a quick vote on the Mansfield amendment separately and apart from its locked-in position with the extension of the draft measure. Personally, I supported the extension of the draft. I also supported the Mansfield amendment. And I am very dissatisfied with its terms as they are contained in the conference report.

I do not want to vote for a watered down Mansfield amendment. I have therefore introduced the Senate joint resolution and would like to consider tomorrow the possibilities of a unanimous consent agreement to place the measure on the calendar without its being referred to the committee, getting a fairly early vote on that joint resolution, alternatively objecting to further consideration of the measure so that it would automatically be placed on the calendar for an early vote, or the possibility which I have mentioned with the chairman of the Foreign Relations Committee of letting the measure be referred to the Foreign Relations Committee with the understanding that it will be reported back to the floor at a fairly early date, presumably during the period of time when a filibuster will be in progress on the extension of the draft measure itself.

In any of these three events, we might have the opportunity for an early consideration of the Mansfield amendment and the principle thereof of terminating our combat role in Vietnam, which I think is a big hangup in what we are talking about.

Everyone knows where everyone stands. The question is how do we get to a decision and how do we get to a vote in the Senate on these two issues.

From my point of view, it is intolerable to have to vote for something that I want and, at the same time, have to vote for something that I do not want. This is true either way I vote on the motion to table.

It seems to me that the Senate could easily agree to separate the two issues, voting on both of them immediately and send both questions back to the House and let them dispose of the matter as they will. I can hardly conceive the House refusing to pass a draft bill without the Mansfield amendment in it or refusing to adopt the Mansfield amendment if it were taken up by itself. But that is their business and not ours.

So I suggest that Senators give consideration to what disposition might be made of the resolution I have offered between now and tomorrow morning so that I might have the guidance of what the sense of the Senate will be with respect to whether they do want an early vote on the Mansfield amendment or prefer to keep wallowing along with various technicalities and maneuvers in an effort to keep everybody in a box on one question or another.

If Members of the Senate would, I suggest they give careful and thoughtful consideration to this matter in the hope that the people of this country may know where this body stands on each of those questions.

Mr. President, with that I yield the floor.

Mr. McCLELLAN. Mr. President, I just want to express the hope that if there is going to be a motion to table the pending conference report today that that motion be made so that a vote can be had not later than 4 o'clock this afternoon. I am not pressing for such a motion or asking that it be delayed, but there is an effort here to try to accommodate different Senators and my thought is that if there is going to be a motion to table today everyone knows how he will vote at 4 o'clock as well as at 5 o'clock. I express the hope the motion will be made so that a vote can be had not later than 4 o'clock this afternoon.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. Mr. President, I have listened with a great deal of interest to the comments which have been made by various of my colleagues. Particularly, I concur with the recent comments of the Senator from Arkansas.

In an attempt to try to narrow the range of what we are talking about, it will be my intention, if by 11 o'clock tomorrow there has been no resolution of this matter, to offer a motion to table at that time; but it is my hope that we will be able to dispose of the matter today. To that extent I agree with the comments of the Senator from Montana.

The issue has been well discussed and well explored. There is no reason why we should not be able to wrap it up with some additional discussion and get on with the vote.

Personally, I disagree with the amendment of the Senator from Montana and also with those who would prolong the debate and not resolve the issue of the draft. Similarly I disagree with those who are trying to bring about a volunteer army. But let us vote on these matters this afternoon.

If by 11 o'clock tomorrow the matter has not been resolved it will be my intention to make a motion to table.

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

Mr. WEICKER. I yield.

Mr. McCLELLAN. Does the Senator from Connecticut agree with me that there is no need for further debate on a motion to table?

Mr. WEICKER. I concur with the Senator.

Mr. McCLELLAND. I think everybody knows by now how he would vote at 4 o'clock or 5 o'clock this afternoon.

Mr. WEICKER. I concur with the Senator.

Mr. McCLELLAND. If there is to be such a motion let us get it over with. Let the Senate exercise its will on that particular issue. If the motion carries, that would end it. If it does not carry Senators would have the same opportunity they have now to continue the matter.

With respect to trying to accommodate this Senator or that Senator, or someone who cannot be here tomorrow, I cannot be here tomorrow. If anything can be gained constructively by delaying a motion to table I would be perfectly agreeable and if I cannot make arrangements to be here I would have to suffer that inconvenience.

But it would seem to me that every Senator knows by now if he wants to table this matter or keep it open. I hope the leadership, those interested in this matter, and those advocating one position or another with respect to a motion to table let us get to the motion and get it over with.

Mr. WEICKER. I concur with my colleague. I wish to make one additional point.

Personally, I will fight to defeat a motion to table, and if we prevail, fine; but on the other hand, if a motion to table comes to pass, let us get this matter back to conference as soon as possible in order to get it back to the floor of the Senate because I believe this delay is costing the Nation very dearly in security. Either way I think the cause of the Nation is best served by having the matter voted upon immediately.

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

Mr. WEICKER. I yield.

Mr. TOWER. I would suggest that the Senator not expect rapid accommodation by the House conferees, if the matter should go back to conference. I think a couple of days would not hurt us much, having going through a lengthy conference with the House and chipping away at adamant positions of the House. It will be no bed of roses if the matter goes back to conference, and the greater probability is that there will be no draft bill.

Mr. WEICKER. The Senator and I are not in disagreement in support of work done by the Senator from Texas and his colleagues. But for the very reasons he stated I know the Senator will have a rough row to hoe and will need as much time as possible to resolve our differences with the house.

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.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, rule XXXIII of the Standing Rules of the Senate provides that the privilege of the floor be accorded to clerks to Senators if such clerks desire admission when in the actual discharge of their official duties. There is a gallery set aside here especially for clerks to Senators, and it is the Northeast Gallery.

Yet, there are clerks to Senators on the floor at the present time who obviously are not here carrying out such official duties as could not be performed just as well in the gallery which is set aside for staff people.

I ask that the Chair require the Sergeant at Arms to enforce the rule that clerks to Senators be admitted to the floor only when in the actual discharge of official duties to their Senators. When their Senators are not here, obviously such clerks are not here on the floor in the actual discharge of such official duties as cannot be just as well discharged by observing from the vantage point of the special gallery.

I have noticed clerks sitting for a long period in the Chamber today whose Senators are absent from the city. I ask the Chair to require the Sergeant at Arms to enforce the rule. This does not mean that a clerk to any Senator cannot be admitted to the floor for a brief period in order to bring a message to someone in the Chamber, or, if his own Senator is on the floor, to discuss whatever matters with his Senator as may require that staff member's presence on the floor. This, of course, qualifies him for admission. But obviously there are clerks now in the Chamber who are just here as observers today, and they can do this just as well from the Northeast Gallery. I ask that the Standing Rule be enforced.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. BYRD of West Virginia. I yield to the distinguished Senator.

Mr. TOWER. Would the Senator be flexible enough in his insistence so that he would allow some license to those of us who are members of committee and who sometimes require staff members on the floor? We do not know exactly when we will be called away, and we have to leave the floor for some time if we have committee responsibilities. Will the Senator allow us some flexibility on that?

Mr. BYRD of West Virginia. Of course, it is not a matter of my allowing anything, I say most respectfully to the able Senator. It is a matter of rule XXXIII being enforced. If a Senator is on the floor and wants to have a clerk on the floor, he is entitled to have that clerk on the floor; but it is not apparently absolutely necessary that clerks of Senators be seated for long periods in the rear of the Chamber when their Senators are absent from the floor. Senate staff people have a gallery which is set aside entirely for them and for them only. No one else is allowed to be seated in that special gallery. Senate clerks are given permission to take notes in that gallery. If Senators will use microphones, as they are supposed to do, the clerks in the galleries will hear them just as well or better.

Mr. President, I ask that the standing rule be enforced.

The PRESIDING OFFICER. The Chair asks the Sergeant at Arms to enforce the rule.

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

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

Mr. CRANSTON. Mr. President, I ask unanimous consent that I may make a tabling motion, with a vote on it to be held at 2 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I wish the Senator would withhold his motion. There is a lot of interest in this matter, as he understands. He already knows the situation that I am in and that the committee is in. There is a lot of discussion going on now that might have some meaning and might not. I am sure the Senator has already heard my plea here for just a little more time to develop some very relevant facts.

I thought it was agreed by all that if there was going to be a tabling motion made, there would be some notice given and some reasonable time for discussion of the facts

Mr. JAVITS. Mr. President, is there a unanimous-consent request pending?

The PRESIDING OFFICER. There is a unanimous-consent request pending.

Mr. JAVITS. Mr. President, I reserve an objection to it. I do not know what it is. The minority leadership is not here. Would the Senator inform me?

The PRESIDING OFFICER. Would the Senator from California repeat his unanimous-consent request?

Mr. CRANSTON. Yes. I ask unanimous consent that I may make a motion to table, the vote to be at 2 o'clock.

Mr. WEICKER and other Senators objected.

The PRESIDING OFFICER. Objection is heard.

Mr. CRANSTON. Mr. President, I will speak until 2 o'clock and then I will make a motion to table at that time.

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. CRANSTON. I fully understand the position of the chairman of the committee, and his desire to get further facts before the Senate. However, it seems to me that in all the time that has elapsed—something like 80 days now since we had the draft suspended at midnight on June 30—there has been adequate time for all

information, all analyses, and all facts to be presented to Senators, to be worked out by the Pentagon and by others and presented to the Senate, and considered also by our constituencies who have been in touch with us on this very vital issue. I do not believe that it will serve any great purpose to delay further coming to grips with this matter. I do not believe that we need to give further time for those who are fearful of having a vote today to have more time to reach people in the Senate with a rehashing of old arguments.

It has been made quite evident that without the draft, enlistments have gone up. To the surprise of the Pentagon, there has been a quite dramatic increase in enlistments without the draft. The Pentagon seeks to look into the minds of those who have enlisted despite the absence of the pressure of the draft, and seeks to explain their enlistment by saying that they were afraid they would be drafted, that the pressure of the draft—though there is no pressure of the draft at this time—was the reason for their deciding to enlist.

I do not believe that these young Americans are that unaware of what has been happening. They are able to read newspapers, to watch television, and to listen to the radio. By these methods and by word of mouth, I am sure that they are quite well aware that the draft is in suspension at the present time.

The figures on the increase in enlistments that have occurred without the pressure of the draft are quite surprising, not only to the Pentagon but to others. Those figures, which I should like to represent for the consideration of the Senate, indicate a great increase in the number of enlistments this year over last year, month by month. Monthly acquisitions are even higher than last year, although the Army is dropping the force level. Even without the draft, July and August have total acquisitions far higher than in the same months last year. The training establishment plainly cannot be lying fallow, since total acquisitions are up to those in comparable months in a prior time.

The reasons for opposing the draft by those who do are many. I oppose the the draft, although I supported the draft in prior times—for example, during World War II, when I myself enlisted, and during the time of the Korean conflict, when we faced an international situation that was totally different from the one that we face at the present time.

At the present time, we are fighting the longest, the most unpopular, and the most destructive war in the history of our country. It is a war that has deeply divided the people. I believe that American youth, like others, are patriotic, that they will serve their country when their country needs them, and that we can rely upon them to serve, when we have a manpower need, primarily by voluntary methods.

However, if there is a crisis where we need massive manpower, as we did in World War II, then quite plainly a draft is in order. But at a time when we are not facing that sort of a crisis, at a time when we are engaged in the most unpopular war in our history, when we have hundreds of thousands of men in Vietnam who should not be in Vietnam, in accordance with the overwhelming viewpoint of the American public, at a time when we have many more men in NATO than we should have there, at a time when we have many more men in other provocative outposts than we need have there, at a time when many men in uniform are performing functions and services that might more wisely and better be performed by civil servants and people not in military uniform, why do we need such massive manpower?

I say we do not. I am utterly convinced that we can meet our real, true manpower needs by volunteer methods at the present time, and certainly it is more consistent with democracy to use persuasion and voluntarism rather than force. The compulsion of force should only be used, in our democracy, when absolutely necessary, and there is no evidence that force is needed at the present time.

That, basically, is my reason for opposing the draft itself. I oppose this particular measure for other reasons that are shared by a great many Members of this body.

I supported the Mansfield amendment in its original, strong version. I oppose the watered-down version that is before us in the present measure. The Mansfield amendment in its original form was the first forceful step that either body in this Congress managed to take adverse to our continued involvement in the Vietnam war. I see no reason for a Senate that actually had 61 votes cast for that amendment in its final form to accept the quite meaningless measure that emerged from the conference committee and is now before this body. That to me, and I know to many other Senators, is a compelling reason for opposing the conference report.

I also feel very strongly about the pay raise. We need to pay people in the Armed Forces more. We need, most of all, to pay them more in the lower echelons. There again, unfortunately, the conference report came back, shockingly, with a figure on pay lower than that adopted by either the House of Representatives or the Senate, and an increase in pay that is inadequate to the needs and unfair to those who serve our country in the Armed Forces, which should not be accepted by this body.

I therefore have worked closely with the Senator from Colorado (Mr. ALLOTT), the distinguished chairman of the Republican Policy Committee, in support of his original amendment, in his efforts to find one way or another to get a reasonable and fair pay raise back into this bill. He has offered what I think is a very sound and wise compromise, which actually would mean less expenditure in the current fiscal year than either the old House version, the old Senate version, or the current conference report, and for that reason I support that effort by Senator ALLOTT.

I am also very deeply disturbed about another aspect of the bill. That is the conscientious objector provision, where the Senator from Pennsylvania (Mr. SCHWEIKER) and I, and others, were deeply concerned about the fact that a court decision led to a situation where young men who did not understand that it was necessary for them to apply for conscientious objector status before they received their induction notices could no longer seek conscientious objector status until after they were inducted into the Armed Forces.

Certain Americans find induction into the Armed Forces at the present time contrary to their religious beliefs. This is particularly true of the members of the Amish sect in Pennsylvania and elsewhere. This has led to a situation in which, unhappily, many young Americans are confronted with the choice of either defying the law of the land they love or defying their consciences and their religious beliefs. I do not believe that we should subject young Americans to that totally unhappy and unacceptable choice. That is another reason why this bill should go back to conference, in an effort to straighten out that unfortunate aspect of the current version of the pending measure.

Mr. President, I yield to the Senator from California (Mr. TUNNEY), without losing my right to the floor. I yield for a question.

Mr. TOWER. Mr. President, a point of order.

Mr. CRANSTON. I yield to the Senator from California for a question and not for any other reason.

The PRESIDING OFFICER. The Senator from California is entitled to yield for a question, and that is in order.

Mr. TUNNEY. Mr. President, I should like to ask my distinguished senior colleague from California if it is not his feeling that if we pass this draft bill without the Mansfield amendment in it, in a very real sense we have lost our greatest opportunity in this session of Congress to be able to force the executive branch to withdraw all American troops from Vietnam?

It is quite clear to me that, as we have been moving for the past several years in Vietnam, there has been substantial disenchantment on the part of many Americans, including many Senators and Representatives, who have felt that they did not have any real power to effect a change of that national policy. It seems quite clear to me that the draft bill represents the most important instrumentality we have, those of us who feel that this disastrous war has to come to an end, that it represents the only way we can effect a change in that national policy.

I ask my senior colleague from California if he agrees that by tying the Mansfield amendment to this draft bill, we, as Congress, can implement a policy objective to get out of Vietnam that should have been implemented long ago?

Mr. CRANSTON. Mr. President, I am grateful to my colleague for asking a question that is the most relevant question, in the minds of many Americans, to the present situation in the Senate in relation to this bill.

I believe that he is absolutely correct—that by opposing adoption of the pending conference report until we get

a measure back that has the Mansfield amendment in its original form available to us for a vote upon it, we are in the strongest possible position we can be in relation to using the strength that we are given as U.S. Senators to fight against the Vietnam war. That is fundamental among the reasons for my taking the position I have taken in relation to this measure.

Mr. TUNNEY. Will the Senator yield further for a question?

Mr. CRANSTON. I yield.

Mr. TUNNEY. I think my distinguished colleague knows that he and I have had a different position with regard to the draft itself. I have felt that we should have a civilian army. It has been my opinion that a volunteer Army, in the long run, could be quite dangerous to the best interests of the United States. I recognize that there are very strong arguments on both sides of that issue, very strong arguments as to whether or not a volunteer Army would make it easier to become involved in wars or make it more difficult to become involved.

I ask my senior colleague if he agrees that this is not an issue as to whether or not one favors a volunteer Army or does not favor a volunteer Army, but the issue we are talking about is whether or not we are going to bring the war in Vietnam to a close, and that the way it will be brought to a close is by having the Mansfield amendment a part of this legislation.

Mr. CRANSTON. That is absolutely correct.

My very effective colleague from California and I agree on virtually all issues that come to this body, and we work very closely on behalf of State, National, and world issues. One issue on which we differ is that of the volunteer Army. He is against it; I am for it. But we are together in our position on this conference report, in opposition to it, because we also have strong feelings that we share about the Vietnam war.

We agree that the most effective way to speed our exit from the Vietnam war is to oppose the pending conference report and to demand a conference report that we can support, or that certain Senators can support, that includes a strong version of the Mansfield amendment, hopefully, with a shortened time sequence, taking account of all the time that has passed—2½ months—since the original Mansfield amendment was adopted. The original amendment called for 9 months in which to get out of Vietnam. I hope that we will be able to vote upon an amendment that calls for 6½ months in which to get out of Vietnam, since 2½ months have elapsed since then, inasmuch as the Nation and the world and our so-called allies in South Vietnam have been aware of this position in the Senate and recognize that the end of the war is desired by a majority in this body.

Since I announced that I would make a tabling motion at 2 o'clock, I have received various communications from various Members of the Senate; and if the majority leader desires that I yield to him at this point, I will do so.

Mr. MANSFIELD. Mr. President, I am delighted to respond to the suggestion made, and I am also happy to note that the distinguished chairman of the Committee on Armed Services is on the floor at this moment.

It has come to my attention that the distinguished Senator from California had indicated that he was going to make a tabling motion at 2 o'clock. The Senator will recall that he came to see me about it. I advised him against it, but I said, "As a Senator, you have the right to do whatever you wish." He said he would think it over.

Since coming into the Chamber, I have been informed that another Senator, the distinguished Senator from Connecticut (Mr. WEICKER), stated publicly that he thought that was too soon, but that he was prepared to offer a tabling motion at 11 o'clock tomorrow morning.

I think I should serve notice, in view of the circumstances which tie my hands, that I will offer a motion to table at 11 o'clock, or sometime shortly thereafter, tomorrow. All Senators should be on notice that that is what will happen. I hope they will understand the situation which developed and accept it on the basis of the facts which can be read in the RECORD.

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

Mr. MANSFIELD. The Senator from California has the floor.

Mr. CRANSTON. Mr. President, a Senator, as every other human being, has a right to change his mind. In view of the statement of the majority leader, I have changed my mind, and I will not make a tabling motion at 2 o'clock.

Mr. MANSFIELD. Does the Senator from Mississippi seek recognition?

Mr. STENNIS. Yes. Mr. President, I ask for the floor.

The PRESIDING OFFICER (Mr. GRAVEL). The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, what is the pending order of business before the Senate?

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. STENNIS. I thank the Chair.

Mr. President, I propose to review somewhat the similar statement I made on the situation yesterday, when so many of the Members were engaged in other matters and did not have a chance to be in the Chamber.

I know that the time comes in every debate when the membership feels it has heard enough discussion, feels it knows the facts, has had a chance to weigh the issues and facts, and is able to make up its own mind. Frequently, that is entirely true, but due to the circumstances I outlined this morning, we have had an excellent opportunity to find out where we are if we undertake to go into an all-volunteer service without any transition period or any preparation.

There is a great difference of opinion as to which system is the best. Each has its virtues. There is a great difference of opinion as to how we could go from one to the other; but, Mr. President, I believe that the overwhelming logic and the facts are that if we are going into a volunteer army, we must have a transition period for the all volunteer system. We must have a transition period. That is exactly what this bill has undertaken. It carries the volunteer service concept, with a 2-year selective service or draft period, in order to make the transition.

In my opinion, it will be tragic if we fail to provide this 2-year transition period through the processes of a Selective Service Act extension.

I was never more serious than I am now in saying that this matter is being kicked around, what with having extraneous matters brought into the bill, like the Mansfield amendment about the war. It has had such difficult sailing already in this body and in the House of Representatives. It had a tough go in conference, so that frankly I believe, if we go to defeating the conference report on a motion to table, instead of getting out of the woods we will be getting in deeper. The confusion will be greater and more uncertain, and the time will be more remote when we will be able to pass a Selective Service Act.

I am certain in my mind, as I say, that we can go along without the draft for 6, 8, or 12 months, but we will have to go back into it. There is no other way to keep the services going without a Selective Service Act extension.

That is why I urge again and again, with all the earnestness that I possess, that we lay aside other matters for the time being, and take what we have in the form of the Mansfield amendment—take that along with the rest of the bill and let us pass it and let it become law. Then we can go back and supplement the salary scale, if that is what appears to be needed or, pass additional Mansfield amendments on the war with more strength in them. Those options are always open to us. A new Member of this body, well versed in such affairs, filed a joint resolution this morning on that very subject.

But, back to the real point at issue, the question now is: What can we do with reference to the conference report?

I submit that there is nothing we can do except to take it or leave it. It has reached that stage in its legislative life where a vote should be taken for it. If other Senators do not want to vote for it, they can vote against it, of course. That is why I was urging this morning that we proceed under the rules of the Senate, and, if necessary, file a petition on cloture to cut off debate after a reasonable period, and then vote this matter up or down. That has been rejected, but I refer to it in passing.

Now we come to the next step, whether we actually are going to approve the conference report. It happens that we have the finest kind of guideline available to us for getting information, which, while it is not complete yet, is a full analysis and the weighing of what has happened in the 75 days which have just passed since the power of the President to induct expired. That is not a long period. It is not enough to prove a great deal conclusively, but the indications are already clear. It is like a fine baseball pitcher. One can tell during his first

inning about how he will be for that day against that particular team. The first inning has not been completed, but it is in progress, and the balls are being hit and fielded, and we know something about how it will work out.

Experienced men who have been working on this very matter do not take the situation lightly. What the facts reveal, they can understand. Already, there is additional information that was not available until after the 75-day period, we have been given it this week and it had to be hurriedly analyzed. I say for the benefit of Senators who happened not to be here this morning, that the distinguished Senator from Maine (Mrs. SMITH) and I informally asked the secretaries of the services with whatever personnel aides they needed, plus the chiefs of staff of the four services, to come over informally to the committee room. We had our staff prepare questions which were of concern to us; we telephoned some questions over to them and told them to bring over such other data as we would require.

We have given the Senate the benefit of all the information we could on that basis, and there is additional light, additional facts, additional information as to how this will work without a draft bill in effect.

That was my plea here, to give us time—not to give us anything but time for the committee to complete this information, a rundown on the trends which are developing, to give us time to be able to make a final check with projections and prospective estimates into the future, as to how this matter will work out. But we already know enough to say that during that brief time the percentage of the high school graduates that the services are getting is decreasing without the pressure of an active selective service act.

This 75-day period has been a time when it has been assumed by most everyone that the draft act would be extended and that further calls would be made. So, an indirect pressure still applies. These are days in which, without direct pressure, these matters are still playing a part in the so-called volunteer enlistments in the services—not in one, but in all of them. This trend has developed so rapidly that in the Army about 35 percent of these new men that have been coming in since the draft act has expired are at the lowest possible level of intelligence, aptitude, and learning that it is possible to have and still be acceptable in the service. That has already happened. Thirty-five percent of the men that they are now able to get are in that lowest possible category.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I ask unanimous consent that, without losing my right to the floor, I be permitted to yield to the Senator from Florida (Mr. CHILES) for such purposes as he may have in mind, including perhaps a recess, and that at the termination of his remarks I still have the floor.

Mr. HUGHES. Mr. President, reserving the right to object, and I shall not object, might I inquire of the Senator from Mississippi the purpose of the request?

Mr. STENNIS. It relates to some guests that are present on the floor.

Mr. HUGHES. I have no objection.

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

VISIT TO THE SENATE BY MEMBERS OF THE PARLIAMENT OF THE DOMINICAN REPUBLIC

Mr. CHILES. Mr. President, I thank the distinguished Senator from Mississippi, the chairman of the committee, for yielding this time.

Mr. President, it is my distinct pleasure to be able to present to the Senate a delegation from the Dominican Republic, consisting of members of the Chamber of Deputies and a member of the Senate from the Dominican Republic.

These distinguished guests are visiting in Washington and today have been the guests of the Foreign Relations Committee at a luncheon.

I also ask unanimous consent to have printed at this point in the RECORD the names of the visitors and short biographies of the visitors.

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

GUESTS FROM THE DOMINICAN REPUBLIC

Dr. Emigdio Garcia Aquino, Vice President of the Chamber of Deputies.

Dr. Ramon Gonzalez Perez, Member of Chamber of Deputies and Foreign Relations Committee.

Mr. Jose Virgilio Alvarez, Member of Chamber of Deputies and Industry and Commerce Committee.

Mr. Juan Vargas Aquino, Member of Chamber of Deputies and President of Public Works Committee.

Ing. Helvio Rodriguez, Member of the Senate.

BIOGRAPHIES OF GUESTS

Dr. Emigdio Garcia Aquino, Vice President of the Chamber of Deputies: Elected to the Chamber of Deputies in 1966 and reelected in 1970. Political Party: *Partido Reformista. Born:* April 3, 1916, in Las Matas de Farfan, D.R. *Home Address:* Calle Guacanagarix 147, Ensanche Quisqueya, Santo Domingo, D.R. *Academic and Professional Training:* Lawyer and Notary Public; Graduate of Autonomous University of Santo Domingo. *Past Positions:* Teacher, Justice of the Peace, City Council President and Mayor of Las Matas de Farfan, and Member of the Dominican Delegation at the inauguration of the Governor of Puerto Rico in 1968. Married, one child.

Dr. Ramon Gonzalez Perez, Member of Chamber of Deputies, Member of the Foreign Relations Committee: Elected to the Chamber of Deputies in 1970. Political Party: *Partido Reformista. Born:* May 7, 1943, in San Pedro de Macoris, D.R. *Home Address:* Calle M No. 14, Los Prados, Santo Domingo, D.R. *Academic and Professional Training:* Lawyer; Graduate of Autonomous University of Santo Domingo. *Past Positions:* Secretary of State of Labor; Director General of Division of Social and International Affairs of the Secretariat of Labor; Second Secretary in Legal Division of Foreign Secretariat. *Memberships:* Dominican Association of Lawyers and Lions Club of San Pedro de Macoris. *Travels Abroad:* Venezuela, Japan, Republic of China, Italy, and Spain. Single.

Mr. Jose Virgilio Alvarez, Member of Chamber of Deputies, member of the Industry and Commerce Committee: Elected to the Chamber of Deputies in 1970. Political Party: *Movimiento de Integracion Democratica. Born:* September 20, 1922, in Santiago, D.R. *Home Address:* Independencia 30, La Vega, D.R. *Academic and Professional Training:* Agronomy Student and Farmer. *Past Positions:* Mayor of La Vega, Army Officer, and Dominican Vice Consul in Bahamas. Married.

Mr. Juan Vargas Aquino, Member of the Chamber of Deputies, President of the Public Works Committee: Elected to the Chamber of Deputies in 1966 and reelected in 1970. Political party: *Partido Reformista. Born:* October 4, 1930, in Bonao, D.R. *Home Address:* Duarte 80, Bonao, D.R. *Academic and Professional Training:* Accountant and 5th Year Student of Engineering. *Memberships:* Dominican Association of Engineers, Lions Club of Bonao, and Civil Defense Committee.

Ing. Helvio Rodriguez. Member of the Senate: Elected to the Senate in 1970. *Born:* June 22, 1928, in Monte Cristi, D.R. *Home Address:* Sanchez 75, Monte Cristi, D.R. *Academic and Professional Training:* Civil Engineer; Graduate of Autonomous University of Santo Domingo. *Past Positions:* President of Monte Cristi City Council and President of Monte Cristi Development Association. *Memberships:* National Youth Movement and *Corporacion Constructora* (professional association).

RECESS

Mr. CHILES. Mr. President, I ask unanimous consent that there be a brief recess subject to the call of the Chair so that the Senators who are in attendance in the Chamber might have an opportunity to greet our visitors.

The PRESIDING OFFICER. Without objection, the Senate will stand in recess subject to the call of the Chair.

(At 2 o'clock and 14 minutes p.m. the Senate took a recess subject to the call of the Chair.)

[Applause, Senators rising.]

(At 2 o'clock and 16 minutes p.m., the Senate reassembled, and was called to order by the Presiding Officer (Mr. WEICKER.)

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Continuing the remarks I was making before the interruption, I am trying to present to the membership an incomplete, but very positive and definite report, as to the trend of the last 75 days during which there has been no power for the President to induct men into the armed services.

The number of volunteers has held up fairly well, for a part of that time, particularly. There had been an accumulation of young men who had decided to go into the service and had already decided which service they would enter.

It was the very strong opinion that the draft extension bill would become law soon after June 30. And that was a continuing persuasion. In fact, that persuasion still prevails.

At any rate, during the 2½ months that have intervened, it became evident that there was an unmistakable trend

developing not only with regard to the number of enlistees in the services but also with regard to the quality of the enlistees—and by quality I mean their aptitudes, their educational experiences and levels, their character and qualities, and their talent quotients—so much so that, in this short time, the Army rapidly reached the point where 37 percent of those that were taken in were in category 4, which is the lowest level of quality that the Army will take. If men are below that level they will not take them. So over one-third of these volunteers now are falling into that category, which is a percentage that the Army cannot live with. My point here is that the trend has just started and it is unmistakable progress downward or backward, whichever one wishes to call it.

There are more of these facts and projections into the next 6 months that the Senator from Maine (Mrs. SMITH) and I have been trying to get for the benefit of Members of the Senate. This is a field where the facts are not readily available. We have had uninterrupted application of the Selective Service Act since 1948, so this period I referred to has given us some chance to make these gages we not otherwise have had. For the Senate not to wait for this material which can be put into a firm package which is more understandable is tragic to me.

It is that kind of work that we expect to do and hope to do over the week-end. I feel sure we can bring forth a more complete picture as to what this trend is going to be.

Another illustration is the Air Force. The Air Force is no better than other branches of the service but the Air Force has many attractive things that it can offer a young man to induce him to volunteer. I do not have to enumerate all of those matters: The thrill of adventure, the thrill of flying, the thrill of being a part of a crew keeping the big bombers flying, the feeling of belonging that airmen have when they belong to these crews. The Air Force has been getting a good number of the rather choice young men that went into the service. There is included the great field of electronics, avionics, radar, and technical training courses. Opportunities are almost without limit that the Air Force can offer. The Air Force has been using these men to the very best advantage and giving them remarkable training.

To illustrate, I was handling appropriation bills 2 or 3 years ago for the Department of Transportation. We needed a great many additional controllers. This position requires more than a year of special training. We were considering asking the Senate to increase the budgeted amount. I said not once but several times to officials in the Department of Transportation, "How can you get this many men to start off?" They assured me that they could. I pressed them as to how they could get the men, and they said, "We will take them away from the Air Force," meaning young men would be offered good jobs who were already trained, to a degree. There are other similar fields.

The point is that, percentagewise, the number of high school graduates going into the Air Force is dropping. That means there will be less talented men to train for these important crews that are protecting our people, such as the ICBM crews.

I find that 47 percent of these young men come into the Air Force through the draft; they come in as enlistees motivated by the draft law. That means that some of those men whose time is expiring will not be properly replaced when they are discharged, because we will soon not have enough men to fill those positions and because there have not been enough men of that type being taken in.

The same thing is true of submarine crews in the Navy and crews in the Army that have to do with helicopters and airplanes. The present trend has the same effect with respect to our attack submarines and our carriers with all their complicated avionics and technology. Our services have to maintain this equipment with the right kind of manpower. We can read into the figures I have cited a great number of things, and I want to get the data completed over the week-end.

I have mentioned these crews. In the Navy 42 percent of the crews that operate in this field are obtained in the same way.

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

Mr. STENNIS. I yield.

Mr. WEICKER. Mr. President, as I indicated earlier this morning I feel very strongly that this matter should come up for a vote either late this afternoon or tomorrow morning. As I indicated earlier this morning, if the matter does not come up for a vote today I shall offer a motion to table at 11 a.m. tomorrow.

In other words, I concur with the statements of the majority leader, the distinguished Senator from Montana, insofar as he felt the matter had been discussed long enough and that we are in possession of all the facts and that no further debate or investigation is necessary. That is where I draw the line insofar as my agreement with the Senator from Montana is concerned.

I also draw the line in that I disagree with the distinguished Senator from Colorado; and also in that I disagree with the delaying efforts of the distinguished Senator from Alaska and the distinguished Senator from California relative to the legislation at hand.

For a few minutes this afternoon, I would like to detail my disagreement with the motion to table and why I feel we should get on with the business at hand and vote through what we have.

There is no question in my mind that the draft is imperfect. I do not think there is a Member in this Chamber who does not share that feeling to some degree. But the fact is we have always remedied our procedures by substituting something better. So far no one has devised a better draft. To eliminate the draft with nothing in the way of a substitute is not the way we do business in this Nation.

There have been murmurings about a volunteer force, and this is the reason I am opposed to the efforts of the Senator from Colorado insofar as those efforts are directed toward the creation of a volunteer army.

I had not realized in my own mind, Mr. President, just how far down the road we had gone toward this body's automatically accepting the concept of a volunteer army until I read a letter from the three secretaries of the armed services which indicated that the steps called for in this conference report were essential to the creation of such a force.

The reason I am opposed to a volunteer army is that I think this Nation should always fully understand the consequences, specifically the suffering, of war. To go ahead and participate in conflict solely by paying for it in taxes would be one of the most dangerous concepts ever proposed to this Nation.

The reason why we reexamined our role in Vietnam was that, finally enough young men had died and enough young men had been injured so that the impact and meaning of the war came home to the average American family. To suggest that a conflict is something to be relegated to a small volunteer force removes from each one of us its impact and injects a concept deadly to the future compassionate awareness of this country.

I am opposed to the concept of a volunteer army then because I always want the whole Nation to be in a position to fully understand the consequences of its acts of war, specifically the consequences of death, of suffering, and of injury. It should not be something you pay in taxes for someone else to do. Since this Nation began we have all been a part of its good times and its bad. If we change that then we will not be in any different position than those who sat in the capitol of declining Rome while the nation's wars in which the nation itself did not participate were being fought by a paid few.

So I use this occasion, not to disagree with the Senator from Colorado insofar as the need for our men in the Armed Forces to have betterment of their salaries, conditions, and benefits—that I am for—but insofar as this is a first step toward creating a "volunteer" army—that I am against.

I know that a volunteer army sounds like the easy way out today. We are tired of the conflict in Vietnam. Very few care to go marching out at this point in time. But I suggest to you that if we alter our basic concepts of service which have been maintained over the years just to solve an immediate ache, we get ourselves into deeper future pain than ever contemplated today.

Now, Mr. President, we move on to the draft as a whole. There have been many efforts made, both in the House and in the Senate, to patch up this inefficient, inequitable system. For what purpose? Everybody recognizes it is no good; that it has many inequities in it. Why do we not go ahead and dedicate our energies, our minds, and our hearts toward a new system attuned to the conditions and needs of today? Why not a concept of national service where the abilities, the desires, and the energies of our young people are directed into the many areas of need?

The enemies of this country today are not just men bent on the destruction of other men. It is fact that the enemies of the Nation today are malnutrition, disease, despoilation of the environment, and the decay of our cities. The greatness of the Nation has always included the diversity of our young people. Many want to serve in the Armed Forces and that is proper and honorable service. But there are also those who feel they will serve their Nation well in areas of education, of medicine, of cities, of the environment—you name it. How much better the country is, if, its youthful energy is cut loose on diverse areas, each one of which represents an enemy to the greatness of our country just as surely as a man with a gun.

Yet we do not think in those terms. We merely go and take the present system and try to make it look a little bit better, when in fact the guts of the operation are no better at all.

So for that reason I oppose the efforts of the distinguished Senators from California and Alaska to attempt to have the present matter die on the vine without a constructive alternative. Such nonaction discredits this body. I think we should use the remaining time left this particular system to close it down first, and second to devise a system tailored to the needs of our times. Let us not rush in here decimating without creating.

Mr. President, I now get to the third point, the amendment of the Senator from Montana (Mr. MANSFIELD). All of us in this body and in the House of Representatives and in the Executive Mansion share the desire to terminate our participation in this war as soon as possible. But I point out to my colleagues that all the words said on the floor of the Senate have not brought men home from Vietnam. This was done by the President of the United States when we stopped the policy of escalation, rejected a policy of status quo, and commenced a policy of withdrawal. We are not talking in terms of 1967 and 1966, but, rather, in terms of 1971, and facts speak louder than amendments.

I know the earnestness of the Senator from Montana and my colleagues on the floor to be done with this matter. It is an earnestness born of patriotism and compassion. But I also say that it took 6 years to securely tie the knot, and unlike many things that we can cure with a pill in this Nation today, that is not the case with war. Rather, I give full credit to the administration and those who have pressed the administration in bringing about a total change of our position, not only in relation to Vietnam but, in fact, to the entire world. Never have we, or never at least in my lifetime have we, engaged in such bold, creative, and constructive foreign policy—policy geared to peace.

So I would hope that this aspect of the bill before us will not prevail, because no matter how each one of us feels, it will be interpreted in only one way—as it was on the day it originally passed—not as an expression of compassional patriotism on the part of the Members of this body, but rather as an accusing finger pointed at the President of the United States for failure, when in fact the opposite is true.

For all these reasons, Mr. President, I shall vote against any motion to table the conference report. I shall vote against it because, first, I want to use the time between now and July 1, 1973, to have a completely new system of national service brought into being, throwing away the draft in its entirety.

While on this subject, Mr. President, I would like to reconcile two of the objections heard in the Nation today. We hear so many of the older generation say that the only way to serve the Nation is to shoulder a gun. That is not so. On the other hand, we hear many of the young people talk about the ills around them, while rejecting any idea of service.

Let us face it: Service, as I have said, in the areas of education, medicine, the cities, or the environment is just as good as military service. In the second place, I do believe that each one of us owes a portion of his life to his country, and this to be not a matter of chance, but a matter of law.

So let us be done with the old and get on with the new, in the way of a draft.

Let us not get the lollipop of a volunteer army stuck in our mouths. As I have said before, the most fatal thing that could happen to the Nation would be to remove itself as a people from the suffering of war. Do that, feel quits when we pay our taxes, and I can assure you I envisage many more conflicts around the world, with the United States as an unfeeling participant.

Lastly, I favor the rejection of the amendment of the Senator from Montana, not because of its motivation but because the facts that exist today and that have been brought to pass by men like the Senator from Montana, working in conjunction with this President, do not warrant even indirect criticism of a President who has never stood for any policy other than withdrawal. Mr. President, I yield to the Senator from Texas.

Mr. TOWER. Does the Senator yield the floor?

Mr. WEICKER. I yield the floor.

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. WEICKER). Without objection, it is so ordered.

Mrs. SMITH. Mr. President, the draft legislation, which is so urgently needed, has had a long and arduous journey.

The motion to table seeks to return the bill to a new conference, which action in my view might well result in no bill at all.

Even if a new conference is possible, only those who participated in the House-Senate Conference before are aware of the pitfalls that lie ahead if this bill must again traverse that route.

I will name but a few of these.

I doubt most sincerely that the House conferees will be as successful with the Rules Committee in waiving points of order as they were before.

There are those who would resurrect the Mansfield amendment which would lead to another impasse.

The $2.4 billion representing pay increases will be delayed indefinitely and may possibly never see the light of day.

Another conference report will require months and may even than be unacceptable to either the House or Senate.

These are but a few of the problems which concern me.

As I see it, Mr. President, there is only one responsible action available to the Senate now that we have gone beyond the eleventh hour.

The action which seeks to send the bill back to a new conference must be defeated and the conference report must proceed to an up or down vote.

This week the distinguished chairman of the Armed Services Committee and I met with the service secretaries and the Joint Chiefs.

During that discussion I learned little that I did not already know.

We have been without induction authority for two and a half months and I can assure my colleagues that the manpower situation in the Armed Forces has deteriorated substantially.

In the months ahead these manpower problems will multiply and grow progressively worse.

At this time only the draft will provide the caliber of servicemen that are desperately needed.

The pay provisions in the conference report were forged only after a painstaking effort on the part of the conferees.

This is the principal issue now.

These increases in pay represent a compromise which was not an easy matter to achieve.

These provisions are designed not only to provide incentives to enlistment but are also meant to retain those who have attained the competence to operate and maintain our complex weaponry.

If we would have an all volunteer force, enlistments alone will not resolve our predicament.

The career men who represent the backbone of our military services must also be given recognition.

To those who clamor loudest for an all volunteer force, let me say, note well—sending this bill back to a hoped-for conference will postpone an all volunteer force indefinitely.

It is ironic that if this conference report is tabled, there will be no orderly transition to an all volunteer force nor will the pay inducements be available to attain that end.

Mr. President, again I urge that the Senate act responsibly and proceed to a vote on the conference report.

THE REPUBLIC STILL STANDS

Mr. HATFIELD. Mr. President, our country has been without a military draft for almost 4 months; and in spite of dire, emphatic warnings to the contrary, the Republic still stands.

Over the past 7 months, since the beginning of hearings in the Senate Armed Services Committee in early February, we have debated virtually every aspect of military conscription and

our involvement in Southeast Asia. During these many months three issues in particular crystallized. First, was whether or not to extend the President's authority to induct men into the Armed Forces. Second, was the pay increase for military servicemen. Third, was setting a time certain for our withdrawal from Southeast Asia.

As to the question of draft extension, many of my colleagues and I waded through a morass of data analyzing what I termed the numbers game that was being played by the Defense Department. The issue, as far as the data was concerned, boiled down to one point: If the Army cut out 95,000 nonmilitary jobs and the House pay package were adopted—a pay package of less attraction to a potential enlistee than the one adopted by the Senate—the shortfall predicted by the Defense Department for an end strength of 2.4 million men would be easily overcome. In spite of these facts, both the Senate and House of Representatives voted to extend the draft for 2 more years.

The next major issue was the pay package. The House had combined the administration's fiscal 1972 and 1973 pay recommendations and overwhelmingly passed the proposal. The Senate, after rejecting the House pay recommendation, voted by a wide margin, 51–27, to implement the recommendations of the President's Commission on an All-Volunteer Armed Force—Gates Commission—as embodied in the Allott amendment. The essential difference between the House and Senate pay scales was not in magnitude but in focus. The Senate focused more money in the first-term enlistee while the House focused more money in the upper ranks. The Senate-House conferees not only rejected the proposition of splitting the difference between the two proposals, but also they created a totally new pay scale $300 million less than the House recommended, which was itself less than what the Senate had favored. In other words, as Prof. Milton Friedman has stated, they added two and two and got three.

The third major issue to be dealt with during the draft debate was a deadline for troop withdrawals from Vietnam. After a long debate, and having rejected numerous stronger proposals, the Senate took the historic step of setting a deadline by a vote of 57–42, while the House rejected the proposition entirely. The conferees settled on a version of the Mansfield amendment which completely emasculated its intent: There was no date set for our withdrawal from Southeast Asia.

There were 28 differences between the Senate and House draft bills. There were three key issues which I have briefly discussed. Judging the compromises—and I use the word advisedly—that were reached by the conferees on the Allott and Mansfield amendments, one would expect that to be consistent the conferees would have extended the draft for 4 years rather than 2. The conference report cannot even be accused of consistency, let alone fairness, and it should be rejected on the merits of each of the three key issues.

Yes; the Republic still stands and the numbers game also continues. From four different sources in the Defense Department my office has received differing data on the accessions during the past 2 months—July and August. If my colleagues will recall, the same problem was encountered during the first days of the debate on the floor in June. It may well be that information of this nature is hard to come by and difficult to estimate, but the problem of varying figures on the same issue makes it extremely hard to make a policy decision.

Without going into great detail, in July there were between 35,428 and 53,549 enlistments into the Armed Forces. In August there were between 38,839 and 39,500 enlistments. Within these totals, the Army had between 13,626 and 14,800 nonprior service enlistments in July and between 14,413 and 14,900 enlistments in August. Of the Army enlistments in July and August, 26 percent and 24.5 percent, respectively, were delayed enlistments—that is, they had signed up for active duty before these months but delayed their actual entrance for reasons such as jobs or school commitments. It should also be noted that 37 percent of the men entering the Army during these 2 months did not have high school educations and roughly 36 percent were in the lowest mental category acceptable under the qualifications of the Army. Some have reportedly stated that if this trend continues, there may well be shortages in technical specialties next year. Based on current available data, however, I would question that contingency at this time, because many effective measures could be taken to at least delay that eventuality, if not completely eliminate it. I have already noted that at least 95,000 men could be removed from nonmilitary functions to more productive roles within the Armed Services. There are also at least 150,000 men in NATO who could be utilized in the specialty fields where shortages may arise. There are over 200,000 men in Southeast Asia who could contribute to alleviating this alleged shortfall in specialty personnel. But even without touching these disputed areas of foreign policy or the 95,000 men in nonmilitary roles, the need for specialty personnel could be met adequately by restoring the original Allott amendment or the compromise measure he proposed last Monday. The draft or the threat of the draft is not needed to maintain our military strength. As a matter of fact, I firmly believe that conscription has been a primary source of weakening our military and our society.

The same arguments held true for our Reserves and National Guard. Even without cutting back the total strength level of these forces, which has been proposed by the Defense Department over the years as well as by the Gates Commission, adequate quantity as well as quality of personnel can be attracted by the pay incentive offered in the Allott amendment. This point was continually stressed throughout the debate in this Chamber in May and June.

The numbers game that has been played from time to time by the Department of Defense was also played by the House and Senate conferees with respect to the pay increases. First, the "compromise" between the Senate and House basic pay proposals, $2.7 and $1.8 billion, respectively, was $1.8 billion. Second, the compromise between $0.9 and $0.1 billion was $0.5 billion. They were added together and $2.4 billion became the compromise between the Senate's $2.8 billion increase and the House's $2.7 billion increase. Not only was this compromise $0.3 billion below the House proposal but it was at the expense of the first-term enlistee who has been consistently receiving prejudicial treatment over the past 20 years when basic pay and allowances were involved.

As the Gates Commission pointed out, while pay increased 111 percent for men with more than 2 years of service between 1948 and 1969, pay for men with less than 2 years of service increased 60 percent for the same period. What this boils down to is that apparently certain Members of Congress are seemingly not willing to see the burden of our foreign policy equitably borne by every member of our society. They would rather see the first-term enlistee and his family bear not only the physical but also the primary financial responsibility of defending our Nation. This not only discredits our foreign policy but the basic tenets of our Republic as well. If we are not willing to pay for the cost of our foreign policy, that policy should not be followed.

At this point, Mr. President, I ask unanimous consent that a column written by Mr. Russell Baker be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HATFIELD. We are all too familiar with the mistakes we have made in Southeast Asia, mistakes due in no small part to Congress abnegation of its constitutional responsibilities over the past 20 years. Finally, after 6 years of Americans fighting and dying for a hollow myth, the Senate set a time certain for withdrawal of our troops from Vietnam. Again, the conferees added two and two and got three, because the conference report contained no date whatsoever for our withdrawal from Southeast Asia.

Mr. President, it is actions such as those I have just described that discredit our institutions in the eyes of our citizens. It is actions such as these that weaken the fiber of our country and threaten our security far more than tanks, planes, and armed personnel. Further evidence of this is contained in a statement prepared by the Friends Committee on National Legislation, which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. HATFIELD. Mr. President, proposed legislation has been introduced over the past 4 years to abolish the draft. Measures have been introduced over the past 4 years to set military pay at equitable levels. Measures have been introduced for many years to extricate us

from the morass of Southeast Asia. The Senate at last moved affirmatively in two of the three areas; yet, it stands at the precipice of having its entire effort undermined by a compromise that is a sham.

EXHIBIT 1

LEARNING TO DO NOTHING

(By Russell Baker)

By almost every measure the draft is an odious business.

The state, unwilling to pay wages sufficient to attract labor into military jobs, uses the threat of imprisonment or exile to force young men to work for it at substandard wages. This is involuntary servitude and along with slavery is expressly forbidden by the 13th Amendment to the Constitution. Thus the government has to violate its own statement of principles in order to engage in sweatshop employment practices.

In principle the government is using the totalitarian device of forced labor; in practice, the reality is forced idleness, which is worse.

Two years of labor might at least produce some wholesome improvement of body and character to compensate for the indignity of having been press-ganged by politicians. Most often, however, the draftee faces an interminable two-year sentence to idleness, an idleness of the exquisitely ingenious variety which only the vastest bureaucracies are capable of developing.

He will be instructed in the highest bureaucratic arts—the killing of time, the dodging of responsibility, the passing of the buck, the doing of nothing, the jollying of tyrants, the reassuring of incompetence, the comforting of half-wits of high rank and the monumentalizing of the infinitesimally trivial.

Should he exhibit some desire to work, he will be laughed at for his innocence until he accepts the military code that no one in his right mind ever volunteers. Two years of dodging work, of learning to equate cunning with wisdom and of standing on frowzy street corners of dim backwater towns on Saturday nights—two years like that could seem like 10 for a sensible man.

So, in a sense the most serious of all the many cases against the draft is not that it flouts the Constitution at a time when the nation is not in clear and present peril, nor that it puts the government in a hypocritical stance, nor that it involves all of us in exploiting our sons as cheap labor, but that it exposes the young to a system in which the ways of louts are shown to be the ways that lead to success.

Secretary of Defense Laird has been saying that with only a quarter of a million soldiers left in Vietnam, the Army would no longer be capable of combat. What a picture of stupefying idleness the secretary conjures up with this statement!

Imagine an Army that must have a quarter of a million men typing forms, servicing Coca-Cola machines, greasing spare parts, setting up the movie projector, cleaning the colonel's swimming pool, composing press releases for hometown papers, repairing the laundromat—and all this before it is sufficiently cranked up to send a platoon into combat.

That's idleness. Keeping that big an Army busy at the task of not fighting can be done only by an organization in which every member has been thoroughly indoctrinated in the importance of doing nothing, and doing it with great thoroughness.

But the corruption of the draft does not end with indoctrinating the young in corrupt values. To escape the two-year sentence is a concern which, quite rightly, preoccupies practically all our young men for two or three years before they become 19.

The two-year term of forced service is widely regarded as so distasteful that no dishonorable method of evading it should be overlooked. All that is a familiar and depressing old story. The guilt of the successful dodgers. The cynicism about government. The breakdown of respect between the young and the warlike old men who direct the state.

Most recently we have acquired another corrupted piece of draft equipment. The draft lottery. If you were born on the wrong day, off you go unless you can maim yourself beforehand, or get yourself related to someone with connections in the state, or play games for a professional athletic corporation with business methods for getting you into the National Guard. Otherwise, zap! It's American roulette.

Last week when they played it for the two million who were born in 1952 there was elation for the winners with high numbers. The winners were cheering because of the despair of others like them. The draft is forever doing things like that to us. "I'm all right, Jack," the highnumber men must have thought, and then hated themselves for thinking it.

The Senate will renew it after a summer vacation. The state needs forced idlers, cheap.

EXHIBIT 2

SELECTIVE SERVICE SYSTEM UNDER SIEGE

While Congress is concerned about the President's authority to draft young men, there is some question as to the ability of the Selective Service System to operate. The increased levels of opposition and resistance to conscription have virtually cancelled the purpose of such a system: to selectively procure manpower in a rapid and efficient manner.

The ability of this nation to conscript its youth has depended on a sense of trust between the government and the citizen. While conscription is odious to a free people, for most of the populace the national need for manpower overrides the democratic incongruities. The citizen trusts that his government has his long-range interests in mind, and the government trusts the citizen will comply.

In the last half decade, the mutual trust between the government and the citizen has deteriorated drastically. The Selective System has no legitimacy for large numbers of young men in the country. Many young men adamantly refuse to comply with regulations or virtually ignore the law.

This situation continues despite various government schemes to defuse the opposition—by limiting the draft's impact to the 19 year old group, by selecting only a part of that group via the lottery, and by attempting to reform an inherently unfair system.

There is no denying that the Selective Service System still conscripts young men or that it is able to meet its quotas. However, in reaching quotas, significant numbers of people defy the law. The reasons are multifarious; but one thing is clear—the government is unable to do much about it.

LOCAL BOARD CONCEPT DEBUNKED

The administration of Selective Service accounts for much of the present difficulty. The agency operates on a quasi-legal basis, where the local board is autonomous, and immune to judicial review. It has always been assumed that registrants would cooperate with local board operations. Now the "little groups of neighbors" have been called into question and their operations are found to be a procedural mess. Curtis Tarr, National Director of Selective Service, admitted in hearings recently that "In an actual check we found in our national headquarters that 90 percent of the information that came to us on personnel matters was incorrect for one reason or another." As a general rule, smaller draft boards are unsure of Selective Service Regulations and Memoranda, whereas larger boards in urban areas cannot handle the caseload. Curtis Tarr indicated that several boards on Long Island, though catching up, are six months behind in answering mail. This type of operation invariably leads to procedural error. The increased work due to inquiries has risen 181% in 1971 over 1958, though increased time available has risen only 71%.

Because the local board is the foundation of the Selective Service System, a crisis at this level profoundly affects the system as a whole. The breakdown at the local level is significant for this is where Selective Service is closest to the people. Kenneth Dolbeare and James Davis examined the problem in an article, "Little Groups of Neighbors—American Draft Board," in *Trans-action* magazine. It was found that "Draft boards are unrepresentative, biased, and out of touch with communities they were designed to serve . . . Conducting conscription through the local board system is costing Selective Service popular confidence and support; it is exaggerating the economic biases inherent in deferment policies; and it is creating the arbitrariness and lack of uniformity which are hallmarks of the system."

Moreover, draft boards are becoming an increasingly difficult system to maintain. Local board administrative procedure is a "straw man" in any court of law. Volunteers for board membership positions have declined and several boards have resigned from the pressure. Disruption and the concomitant difficulties have become widespread. As leases expire, local boards are being evicted or charged exorbitant rates for private facilities. Curtis Tarr referred to the volunteer situation recently in hearings before the House Armed Services Committee: "Now, nationally, it is becoming more difficult to get members of local boards than at any time in the history of the act, I would guess." He attributes this to increased case load, fear of "retaliation," and retirement and subsequent "difficulties . . . persuading the young people to serve on these boards."

APPEALS SYSTEM OVERBURDENED

Administrative difficulties are not limited to local boards. The appeal process is increasingly used to avoid induction. Since a court case is weakened if the registrant has failed to exhaust his administrative remedies, registrants are encouraged to appeal both strong and weak cases to lay the basis for subsequent court action.

The National Appeal Board, composed of three members, is the end of the line of the appeals procedure, and is accessible only to those not unanimously turned down at the state level. Prior to 1966 it averaged 200 appeals per year. In that year it tripled to almost 800 appeals. By 1969, the number had almost quadrupled again in just three years. In all, 2492 appeals reached the National Appeals Board in 1970, this despite the fact that the lottery has released much of the administrative pressure and that medical deferments have been made non-appealable.

EVASION WIDESPREAD

The response of draft-eligible men today is to avoid being inducted. Evasion is a common tactic of those who refuse to be conscripted just because the draft poses an inconvenience to their lives. By evading the system one often enlists the support of professionals (lawyers, doctors, etc.) and the like (draft counselors, education institutions, the courts, and Selective Service bureaucracy). Thus it is largely confined to those persons who have access to such assistance. In recent years draft centers have opened up in poorer areas where the draft hits the hardest. Curtis Tarr complained in hearings, "We have such a high rate of evasion in some of our communities by means that are legal and extralegal."

The Selective Service System is most vulnerable in a court case. To initiate a case, a

registrant must gamble and violate a Selective Service law, but the chances are with the registrant that he will win his case. The National Director recognized this form of evasion which is embarrassing to the agency: "There is a concerted effort on the part of many people to wipe out the draft by emphasizing in the courts the non-legal nature with which we do our work." He also stated, "the more difficult assessment is whether the system can continue to function smoothly. We will certainly become involved in more litigation. Many more young men now will appeal their cases as a legal means of delaying induction, particularly when such a delay offers the possibility of avoiding induction. . . ."

RESISTANCE STRAINS SELECTIVE SERVICE

Nationwide, young men faced with induction are disavowing the government's claim for their service. California is the lightning rod of draft opposition, yet in the past has been an indicator of the national mood.

In a three-part series for *The Santa Monica Evening Outlook*, in June 1970, Thomas D. Elias examined draft resistance in southern California. He describes the situation as having reached "epidemic proportions." Selective Service statistics bear out his diagnosis. To meet quotas, the state headquarters has to plan on an average of 39% of those issued induction orders will fail to appear for induction. What is more startling is that this figure is up 66% over the previous year and a half.

An article in *The Register* of Orange County, California, reprinted in *Slowdown*, June 7, 1971, quotes Timonthy D. Kelly, of the Selective Service Information office: "On a national basis we can usually get one inductee for every two called up following preinduction physicals. In Massachusetts the ratio runs 3-to-1, but in California the ratio is about 4-to-1."

United Press International indicates that in the six months prior to March 31, 1970, 4,463 men were ordered to report for induction at the Oakland, California induction center. Only 2,083 reported; 53% did not show up. According to Stuart Kemp, Director of National Council to Repeal the Draft, 110,387 induction orders were issued during March, April and May 1971, to meet a national quota of 47,000 men. Even so, only 36,195 actually reported, were found acceptable, and accepted induction.

In Chicago, 50% "no-shows" are reported. U.S. prosecutors there estimate 2,000 men have not reported for induction (UPI, December 6, 1970). According to Midwest Committee for Draft Counseling, at least 200 men have showed up and openly refused to be inducted this year, despite immediate arrests for such action. Lawyers' Selective Service Panel in San Francisco estimates that 75,000 persons refused induction between 1967 and 1969.

Non-registration is increasing as a method of resistance. Tom Reeves and Karl Hess, coauthors of *The End of the Draft*, indicate that 20% of the Black youth in areas such as Harlem and Washington, D.C., fail to register.

Defiance of the Selective Service Act is a national phenomenon. Although it appears to be confined to urban areas, it is because the Armed Forces Entrance and Examining Stations (AFEES) are located in major urban centers. Refusal to comply with Selective Service orders cannot be isolated geographically or economically; it exists throughout the United States. Nor is it confined to any social group.

Besides the Black youth failing to register in the poorer communities, California Local Board 98 in Beverly Hills reports that no-shows outnumber enlistees and draftees by 60% to 40%. Among America's youth there is often no better reason for obeying Selective Service orders than the threat of prosecution and the possibility of subsequent incarceration.

Another indicator of resentment of the draft is the number of young men who have emigrated to Canada. No figure can claim accuracy, but the range most often cited is 40,000 to 60,000 persons. These persons are seeking to avoid the conscription and militarism that forced their ancestors to this country in times past. Also, many draftees are deserting the military to live in foreign nations.

VIOLATIONS OVERWHELM PROSECUTION ATTEMPTS

The threat of prison is a small deterrent due to the large company of violators. Statistics indicate that a violator has increasingly better chances of skirting incarceration, first, by avoiding detection, second, by escaping indictment, or third, by being acquitted. Simply put, U.S. prosecuting attorneys just can't keep up with the growing number of violators.

According to figures of the U.S. Attorney's Office, in 1970 26,225 complaints of violations were received. After receiving these, 3,868 cases were instituted and of these, 973 were found guilty. The "average" violator thus has a 15% chance of being indicted. If indicted he has a three-in-four chance of not being convicted. Thus any single violator has a 25-to-1 chance of escaping conviction. This is hardly a deterrent for those who oppose conscription or death in Vietnam.

The Department of Justice spends much time on draft cases. Selective Service prosecutions account for 9.7% of all Federal criminal cases, the fourth largest segment of offenses. Perhaps most dramatic is the fact that Selective Service cases filed have increased 1,378.9% since 1961. David Nissen, a government lawyer from southern California cited in Elias' article, estimates "about 20% of the staff time at this U.S. Attorney's office is spent on the Selective Service System," and that "Overall . . . about one-tenth of the total FBI time in this area is devoted to Selective Service."

Furthermore, Selective Services cases in Chicago, San Francisco, Los Angeles, and New York have swamped court dockets; such violations have priority in being heard. William Sessions, Chief of the Government Operations Section, Criminal Division, Department of Justice, states: "We are faced with the situation where there is a continuing, open, obvious expressed intent by many groups to absolutely swamp the system and swamp the courts and the Department of Justice. I do not intend in my section to be a party to allowing our being swamped."

The situation indicates that if the Justice Department is not swamped, it is listing under the burden. Whereas, prior to 1965 Selective Service prosecutions averaged 300 a year, in the last few years there have been an average of 300 new prosecutions monthly, but the number of convictions has not increased proportionately.

LOCAL BOARD ATTACKS CONTINUE

Perhaps the most controversial harassment the Selective Service System encounters is the destruction of Selective Service property. Numerous instances of sabotage have proliferated over the last two years, dramatizing the seriousness of anti-draft groups and reflecting the national crisis engendered by Selective Service. This is hardly a minor problem. Selective Service officials reported in March that since January 1968 there had been an average of 7.5 attacks a month on their offices throughout the country. Sessions reported before the House Armed Services Committee that "successful prosecutions of various well-publicized groups for depredations on local boards and the burning of Selective Service records has failed to put a stop to these offenses." Moreover, those destroying Selective Service property have wide popular support as evidenced by the ease with which Father Daniel Berrigan remained at large after a warrant for his arrest had been issued.

STIFF SENTENCES, EARLY PAROLE

Convictions for Selective Service violations, while few in comparison to the number of offenses, are concomitant with stiff jail sentences. The average sentence in 1964 was around 21 months (depending on which agency's figures are cited). In 1968 the average sentence reached a high of 38 months. Since then sentences have remained extensive though declining somewhat. It is interesting to note that although the sentences are intimidating, the average time served has increased only three months, from 1964 to 1968. In 1970, the average time served was about 17 months upon release.

* * * * *

The Selective Service System has been put to the test by the seven year war in Indochina. It is buckling under the stress and strains. Young men in large numbers are rejecting the conscription system. Selective Service will probably be able to survive another two years of procedural morass, with the assistance of the Justice Department and the Federal Bureau of Investigation. But is the game worth the candle?

It is a tragedy that the nation still maintains an institution so despised by America's youth, which feeds so much of the disaffection and alienation that young people feel toward the government as a whole. The nation is able to function without the draft and the nation is accursed with it. Surely conscription is not worth the price paid.

Mr. TOWER. Mr. President, the Senator from Oregon has suggested that the Senate conferees are a discredit to the Senate.

I should like to underscore the fact that even though most of the conferees voted against the Mansfield amendment, they fought in conference to try to sustain the Mansfield amendment for many days and, beyond that, were confronted by the fact that the Mansfield amendment, under the rules of the House, was not germane. The Senate conferees not only were able to preserve enough of the substance of the Mansfield amendment but were able to secure an agreement from the House conferees that they would seek a waiver of their rule of germaneness.

So may I say that it was not because of any shirking of responsibility on the part of the Senate conferees that the Mansfield amendment does not appear in the conference report as it was passed by the Senate.

I most respectfully reject the notion that the conferees were a discredit to the Senate in this respect, or in any way tried to do other than represent the Senate's position with great diligence.

Mr. CRANSTON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point some material concerning the alleged manpower shortages in the Armed Forces.

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

INFORMATION ON DOD ALLEGATIONS OF MILITARY MANPOWER SHORTAGES DUE TO LAPSE OF INDUCTION AUTHORITY

(A report by the Selective Service Law Reporter, Sept. 16, 1971)

I. CONCLUSIONS

Sufficient draftable registrants remain in the pipeline to fill calls at previously-announced levels for at least the rest of cal-

endar 1971, probably for two or three years. The President can meet calls thru the end of calendar 1971 without drafting any men who would not have been called if inductions had continued without interruption.

II. RESIDUAL INDUCTION AUTHORITY

Under § 17(c) of the Selective Service Act, 50 U.S.C. App. § 467, the President retains power to draft all registrants who held deferments between 1967 and 1971 (at least), are no longer deferred and are not yet 35 years of age. The following figures include only men under 26; the average age of these registrants is probably about 21–22.

III. ESTIMATED MANPOWER IN THE DRAFT PIPELINE, 1971–72

A. Calendar year 1971 [includes first 3 months of 1972]:

1. The first priority group [1st PG] currently includes the following registrants in classes I–A and I–A–O [*i.e.*, "available" for induction]:

ex-college level students who graduated in June '71; these have random sequence numbers (RSN's) 1 thru 365	500,000
ex-high school students who have lost the high-school deferment [I–S(H)] since June '71 (RSN 1–365)	[1] 100,000
other registrants previously available but not called because their RSN's are above the current ceiling (RSN 125–365)	230,000
Total	830,000

[1] Rough estimate.

2. Second priority group currently includes some 746,000 registrants

B. Calendar year 1972:

1. 1st PG: Component groups will generally resemble 1971 1st PG, except: component (a) will not be available until July at the earliest; (b) will be somewhat larger by mid-year, then shrink; (c) will not exist. As a result, there may be a period of shortage in June 1972. Calls both before and after can easily be met, however.

2. 2d PG: All men from 1971 1st and 2d PG's not previously inducted

C. Later years:

1. Components will resemble 1972 except that group (b) will disappear in 1973.

Group (a) will not disappear until 1974.

2. All 1972 1st, 2d and 3d PG's not previously inducted will be available in '73, etc.

IV. ESTIMATES OF NUMBERS OF MEN AVAILABLE IN 1971 THROUGH MARCH 1972 AT DIFFERENT RSN CEILINGS

A. RSN 125 [the current ceiling]: roughly 72,000 available, or enough to fill about 3 monthly calls at the previously-announced level of 10,000.[1]

B. RSN 150 [ceiling which would have been reached had inductions not been interrupted. This number includes no men who would not have been inducted if extension had occurred normally]: roughly 32,500 additional men, or a total of 104,500; enough to fill about 4 calls.

C. RSN 175 [the highest number called for preinduction physical exams during 1971—these men must reasonably have expected they might be drafted this year]: roughly 32,500 more, or a total of 137,000; enough for almost 6 calls, *i.e.*, enough to last thru next March.

D. RSN 365 [entire 1st PG]: 830,000 in all.

V. MISCELLANY

The above men are men who have been insulated from the draft by deferments during the roughest part of the Vietnam war. Equity favors their being called at this time.

[1] The calculations which generated these and the following figures run as follows. The total estimated pool of available registrants under RSN 125–125/365 of the 600,000 men in categories III.A.1 (a) and (b), *supra*; about 50% of these will be found medically unfit, leaving roughly 72,000. Since about 2.5 available men must be called to actually induct 1, about 23–25 thousand must be ordered for induction to insure delivery of 10,000.

Calculations in IV.B. and IV.C. also include a component from group III.A.1. (c).

[From the New York Times, May 13, 1971]

DRAFT WILL GO ON EVEN IF LAW ENDS—COLLEGE GRADUATES TO REMAIN SUBJECT TO INDUCTION

(By David E. Rosenbaum)

WASHINGTON, May 12.—Even if Congress permits President Nixon's authority to draft most men to lapse July 1, thousands of men who will graduate from college this summer can still be inducted.

According to Selective Service System officials, there are enough of these men to fill the expected draft calls through the end of the year.

Most Senators and Administration officials believe that there is little chance that Congress can complete action on the draft legislation, currently on the floor of the Senate, by the end of June.

The President's technical authority to conscript men into the Army would thus expire until legislation was enacted. Many Senators who support an extension of the draft, including John C. Stennis, the chairman of the Armed Services Committee, have argued that to allow this conscription authority to lapse could endanger the security of the country.

A PROVISION EXAMINED

But, under a provision of the existing draft law that Congressional aides and lawyers for the Selective Service System have only recently begun to examine carefully, the millions of men under the age of 35 who have had draft deferments would still be eligible for induction.

It is unlikely that anyone over the age of 26 would be taken, since these men are lower on the priority list than men under 26. And there is a difference of opinion among lawyers about whether men holding deferments could be inducted.

But there is no question that men who lose their student deferments when they graduate from or drop out of college can continue to be drafted.

The provision of the 1967 law that permits them to be inducted states:

"No person shall be inducted for training and service in the Armed Forces after July 1, 1971, except persons now or hereafter deferred . . . after the basis for such deferment ceases to exist."

Based on past experience, Selective Service System officials said they expected about 400,000 men to lose student deferments this summer.

HALF WILL FAIL PHYSICAL

About half of these are likely to fail the physical examination. Two-thirds of those remaining have lottery numbers above 125, above which men are not now being drafted.

There would be 60,000 to 70,000 remaining eligible men. Some of them can be expected to delay their induction through various legal appeals, but if there are not enough men available with lottery numbers below 125, the top number can be raised.

In addition, a few thousand men other than former students, including men who lose occupational or apprenticeship deferments, will become available.

Defense Secretary Melvin R. Laird has said that he does not expect more than 60,000 men to be drafted in the last six months of the year, and most military manpower experts expect the total to be somewhat lower than 60,000.

Senator Mike Gravel, Democrat of Alaska, who has promised to filibuster the draft legislation, believes that if the President's authority to conscript other men lapses on July 1, it would place the President in a political bind.

"These men, the college students, are going to raise hell and object if they're the only ones being drafted," he said.

Mr. Gravel said that the provision in the law also destroyed the argument that his filibuster was irresponsible.

"The people who say we're going to be visited with a cataclysmic situation if the induction authority expires are simply wrong," he said.

Selective Service System officials said that, even if the induction authority was extended past July 1, a large percentage of the draftees in the latter part of the year would be men coming off student deferments.

Mr. TUNNEY. Mr. President, the real issue here today is not the draft but rather, still, the war in Vietnam.

The real issue is whether or not the U.S. Senate can retain an effective voice in the formulation of American foreign policy.

The facts are in. This issue has been fully and fairly debated for many months. And several additional days will not add new facts to that debate.

The draft bill as presently constituted is unacceptable. I intend to vote against this bill unless it contains the vital language of the Mansfield amendment.

The Senate determined that the Mansfield amendment would be an integral part of H.R. 6531. With the adoption of this amendment the Senate declared that it would be the policy of the U.S. Government to terminate all military operations of our Armed Forces in Indochina at the earliest practical date. The amendment also provided for withdrawal of all U.S. military forces not later than 9 months after the date of its enactment, subject to the release of all American prisoners of war.

In the absence of any moral commitment by the administration to fix a specific termination date to end our involvement in that disasterous and costly war, it is up to the U.S. Senate to exert the kind of leadership that is necessary to bring our men home.

The administration apparently would rather support the ambitions of a dictator than legislation aimed at ending the war.

I feel that it is long past time that the U.S. Senate stand up to the President of the United States and tell him that if the war does not end then the draft will.

I have long opposed the harsh and unfair operation of our current draft system. In an effort to redress some of the inequities in the draft system, I have participated in the following initiatives during this Congress.

I introduced legislation which would have prohibited draftees from serving in any combat zone without prior congressional authorization.

I have joined with others in introducing legislation which would have limited the extension of the draft to 1 year instead of 2 years.

I supported legislation which sets a congressional limitation on draft calls.

And, I have cosponsored the Mans-

field amendment in an effort to end our involvement in Vietnam. While I have made my opposition to the present system quite clear and have worked to reduce the inequities within it, I have resisted attempts to convert our Armed Forces into volunteer services.

To my mind, a volunteer army would present several serious problems for this country.

An all volunteer army would be devoid of the healthy cross currents of civilian life. It would be totally removed from civilian society and its ranks would not be affected substantially by the constant and salutary infusion of men who are not career soldiers.

It would create a permanent combat force comprised of the poor, the uneducated and the minorities—people who would look upon the military as the only avenue of opportunity to escape from the pockets of poverty and prejudice that exist in America.

A volunteer army would be less responsive to the civilian direction and control that is essential in a free society.

It would be far easier to wage wars with a band of mercenaries than with a group of draftees. It would be far easier to delude ourselves into thinking that lives are cheaper and wars are morally less debilitating when they are being waged by professionals.

This is an ugly and dangerous concept and one that I feel pervades the idea of an all volunteer army.

I urge my colleagues in the Senate to think about the draft in terms of life and death; for this is what the draft has meant to thousands of young Americans.

But, if this bill is allowed to pass without the Mansfield amendment included in it then the U.S. Senate will have failed in its responsibility to the great majority of Americans who want peace.

It will have failed to recognize the fact that the greatest priority that exists today is to get out of South Vietnam.

It will have failed to go on record on the issue of war and peace.

Mr. President, so long as the language of the Mansfield amendment is not included in a draft bill, I will oppose such legislation.

Mr. STEVENSON. Mr. President, the national debate about the draft has raged, at various levels of intensity, for many years.

And the Congress has spoken in this session. A majority of both Houses and the conference committee support a 2-year extension of the draft with some revisions and reforms.

My own view on this question, reflected in votes and lengthy statements already delivered on this floor, is quite simple: it is not enough to reform the draft. We should end it.

Conscription contradicts the most basic values of a free society. Many of our ancestors left their native lands to escape harsh systems of conscription. Now some of their descendants leave this land to escape the draft.

The draft promotes the inefficient use of manpower, perpetuates wasteful military budgets and squanders human energy. It contributes to the crisis of morale which afflicts our country both within the Armed Forces and outside them.

We all believe in a strong and sensible national defense. Military service is not only a necessary, but an honorable pursuit. I count it a privilege to have served as an officer in the U.S. Marine Corps. But the draft, with its heavy price of waste, unfairness and compulsion, does nothing to enhance the national defense or the honor of military service. It will be a better day for the United States, and the military, when we rely for our defense upon lean, armed forces, highly skilled and trained, and dependent upon modern technology for their firepower—and not upon large armies of semi-trained, poorly motivated conscripts better suited to military realities of the past than of the present or the future. Such forces could be recruited now, with equitable pay raises and without the draft. That day could be now if only the Congress required it.

I have also felt that it would be a mistake to push through major raises in military pay without first reforming the basic pay system and eliminating old inequities.

We have a responsibility to maximize the efficiency of each military dollar before we vote to spend more dollars.

I have urged, rather than a sweeping pay increase, an approach which would:

Wipe out glaring pay inequities for service men and women with less than 2 years service;

Bring some order to the chaotic military pay system with its confusing welter of special supplements and benefits;

Eliminate the waste of money and human energy by reducing force levels, cutting back on nonessential jobs and creating leaner, more efficient services;

Build a pay system which will pave the way for volunteer armed services.

I applaud the efforts of the conference committee, in a time of economic stringency, to keep military pay increases within reasonable limits.

But I am dismayed that the savings achieved have been at the expense of those service men and women who are most in need: the most junior officers and the enlisted personnel.

In a time of budgetary stringency, Mr. President, the only justification for a sizable pay raise is to build a fairer system: to eliminate the inequities.

If we fail in this purpose—and the bill before us now does fail, in my judgment—then we compound the error; we will be both extravagant and unfair.

But I rise, Mr. President, to oppose the conference committee report for another—and far more important—reason.

Months ago, the Senate enacted and sent to conference an amendment which was clear and forceful. It stated that it was national policy to withdraw American troops from Vietnam within 9 months, contingent upon the release of U.S. prisoners held in North Vietnam.

We have, however, received from the conference a toothless version of that amendment:

Instead of a clear statement of national resolve and a clear mandate to the executive, we are presented with a mere "sense of the Congress" resolution:

Instead of a specified date for withdrawal, we have now a vague call for withdrawal by an unspecified "date certain"—presumably to be determined by Mr. Nixon.

I went to Vietnam this summer with the feeling that the Mansfield amendment was a sound statement of policy by the Congress. I returned with the strongest possible conviction, reinforced by all that I saw in Vietnam, that passage of a strong Mansfield amendment is vital to both the United States and to South Vietnam.

My conviction can be simply stated:

It is time to end our involvement in Vietnam. To the South Vietnamese Government, we have given all that we should give. And from the South Vietnamese Government, we have taken all that we should take.

Those who question this conclusion should review the melancholy history of the past few months: Months in which President Thieu's regime has corrupted the democratic process in South Vietnam against all the hopes and aspirations of the people of South Vietnam; months in which the American Government has behaved like a "pitiful, helpless giant."

For 10 years we have fought for a democratic process in South Vietnam—or so the American people were led to believe by one President after another, including Mr. Nixon. And now what have we—10 years of war for self-determination crowned by rigged and uncontested elections.

I first proposed last April that the United States let the people of South Vietnam elect their government, that we abide their choice, and then, our purpose fulfilled, go home. I urged:

A strong congressional affirmation of U.S. neutrality in the Vietnamese elections;

A mandate to the President to insure neutrality by U.S. personnel in Vietnam;

A commission of the Congress to oversee U.S. conduct during the electoral process; and

To discourage rigging, a declaration that the United States would not support a government in South Vietnam which acquired, or retained, power through corrupt or coercive means.

The Congress did not act. The President did not act.

This administration has done nothing beyond its handwringing and feeble protestations of neutrality to insure a fair election.

The results of its neglect—or its infatuation with Mr. Thieu—are only too familiar. Elections for the lower house were held in August. They were manifestly rigged.

I saw the duplicate voter registration cards.

I talked with opposition candidates harassed, intimidated, arrested, and jailed.

I saw the directives from the Central Government which ordered the rigging.

I talked to Vietnamese officials who did not even bother to deny it.

I saw the immolation of a wounded war veteran protesting Mr. Thieu's rigging of the election. And I saw everywhere a people desperate for a chance

to choose their own government in a fair content—a war-weary people who might well have elected a candidate for President committed to peace.

Now they will elect the one candidate mostly clearly committed to war—not their candidate but the man perceived to be the candidate of the United States. They have no choice.

The administration did nothing to prevent it.

And what has been the response of the administration to this corruption of the very political process we have sought with 50,000 lives and $120 billion to impose in South Vietnam?

Secretary Rogers on September 3 gave this reaction to the lower house elections:

> The recent election for the Parliament was conducted, I think, in a way that can cause us to have some satisfaction in the knowledge that democracy is working. . . . We are encouraged by that demonstration of democracy.

And Mr. Zeigler pronounced the President gratified that all had gone smoothly.

Earlier this summer, the Thieu regime pushed through a law making it difficult for opposition candidates to qualify.

In mid-August, under that law, the Supreme Court of South Vietnam disqualified Vice President Ky.

On August 18, General Minh, charging a rigged election, quit the contest.

Two days later the Court reversed itself and reinstated Marshal Ky. Then he withdrew rather than run a hopeless race. And General Thieu emerged from this unsuspenseful drama the sole candidate for the Presidency.

Faced with no more than mild reproof from Washington, he sized up the situation:

> The Americans are going and I am staying, at least for 4 years. I should make the decision that I will have to live with . . . The Americans no more want me to lose the war or become the victim of a coup than I do. They have no alternative but to support me or withdraw.

Faced with such alternatives, Mr. President, many of us would prefer to withdraw.

But the administration feels otherwise. As Secretary Rogers said, in the same press conference:

> We hoped that there would be a presidential election that would be contested and that would be a fair election—we certainly tried. And President Thieu said he was disappointed. I think it is a little difficult from this distance to judge.

Many of us will not find it so difficult to judge—and to reach several conclusions:

We could have diminished Thieu's unfair political advantage by declaring the date at which our military presence in South Vietnam would end. His advantage is his power to oppress his opposition. It is a power he derives from the U.S. military presence.

We could have instructed our advisers in the Provinces and districts to advise fair election practices upon local officials. They advise on everything else.

We could have said that, our purpose being self-determination, we would not support a government which retained, or acquired, power through corrupt or coercive means.

And we could have demonstrated our seriousness by recalling Mr. Bunker, the symbol of American support for Mr. Thieu, until after the elections.

Upon leaving South Vietnam this summer, I urged all those steps upon Mr. Nixon. Again he did not act.

On August 4 he said in a press conference:

> With regard to the elections, let me emphasize our position. Our position is one of complete neutrality in these elections. Under Ambassador Bunker's skillful direction, we have made it clear to all parties concerned that we are not supporting any candidate, that we will accept the verdict of the people of South Vietnam.

Then Ambassador Bunker urged General Minh to run so he could become leader of the opposition after his defeat. The Ambassador also, it appears, insulted General Minh with an offer of American money for his campaign. That, so far as we can tell, is the action of this administration.

Mr. President, the administration has stripped the war, and all our sacrifices, of their one purpose—self-determination for the South Vietnamese. It has made a bad policy worse. It has laid bare the ugliness of a continuing war to prop up a corrupt and autocratic regime in a remote corner of the earth. And now to cover up Mr. Rogers says of the August election in South Vietnam "we are encouraged by that demonstration of democracy."

I am not encouraged.

At this late date, the only way to help ourselves and the South Vietnamese is to end our military involvement; to declare a terminal date for our military involvement; to withdraw American ground and support forces. That is the only way now to fulfill our professed purpose in South Vietnam.

Without the prospect of endless U.S. support, the South Vietnamese will be given an incentive to compromise their differences and make peace. And without the foreigners to fight, the Vietcong will have far less reason to carry on the conflict and less popular support. We can win the return of our men held hostage in the north and get on with our business at home. We can relieve the American military of a crushing burden. The South Vietnamese can get on with their business of making peace and reconstructing a land ravaged by a senseless and seemingly endless war. But the Congress must act. The administration refuses.

It refuses to end the war, win back the prisoners and let the people of South Vietnam determine their future.

The Congress must act. But the conference report language is just another empty, futile call upon the administration.

So let us convene a new conference.

Let us act, not with a toothless, bland, and empty resolution, but with a mandate. The Congress is the policymaking branch of the Government. It is time Congress made it the policy of the United States to withdraw from South Vietnam by a certain date, subject to the return of the prisoners.

This conference report should be tabled, a new conference convened, and a law enacted which reflects the already expressed will of the Senate.

Mr. BAYH. Mr. President, today's consideration of the selective service conference report focuses the attention of the Senate, once again, on the tragic war in Indochina.

The conference report contains a provision whose original intent was to set the stage for complete American withdrawal from South Vietnam by a date certain. The original language of this amendment, as proposed by the distinguished majority leader, declared it to be "the policy of the United States to terminate all U.S. military operations in Indochina at the earliest practicable date and provide for withdrawal of all U.S. military forces not later than 9 months after the date of enactment, subject to the return of all Americans held prisoner by the Government of North Vietnam and allied forces."

Many of us who have registered our disagreement with the intent and the character of the present American policy of Vietnamization had hoped that the Senate could write into a law a stronger, more decisive withdrawal plan. But although this amendment is not the legislation we first introduced, we recognize that it goes in the direction we believe our policy must go. And it establishes the foundations for further congressional action.

In the conference bill, the amendment has been eviscerated, and the clear purpose of the Senate's action thwarted. The conferees have diluted the original language to render the new provision a mere "sense of Congress" amendment—no longer making withdrawal an element of national policy.

While the report calls upon the President to terminate "all" American "military operations" at the "earliest practicable date," it merely charges him with the responsibility of "negotiating for the establishment of a final date" for withdrawal.

This permits the President, at his own discretion and pace, to determine that the "earliest practicable date" for an end to military operations might be. The pace of the Nixon administration is abundantly clear. The Presidential Press Secretary has informed us that even if an agreement could be reached for POW return and withdrawal by the end of this year, the administration would not accept it. Such a withdrawal date would be unacceptable, according to Mr. Ziegler, because it would not give the South Vietnamese adequate time to develop their own military capabilities.

The Nixon administration's discretion apparently allows it to condone—by the presence of American forces—the staged antics of the Thieu regime and its Supreme Court to sustain their political fortunes through a one-man electoral contest. The continued American presence is nothing less—and nothing more—than a commitment to the Thieu regime. That presence and that commitment pre-

vent the process of self-determination, prevent the free operation of Vietnam's own internal political alinements. Self-determination for the South Vietnamese can only begin when American involvement ends.

It has been a carefully nurtured self-delusion to believe, as many Americans have, that we would orchestrate a so-called democratic election in South Vietnam that would produce a democratic result. We cannot.

I have suggested that Vietnam's presidential election be postponed until after American withdrawal. Thus I cannot endorse a modified Mansfield amendment whose essential provisions would allow the President to continue an American military presence in Vietnam any longer than it takes to get out. The very existence of this American force lends legitimacy to the Thieu regime. If we are to move toward peace in Vietnam the language suggested in this bill must be rejected. Self-determination for the Vietnamese and the return of American prisoners of war can best be effected by decisive congressional action—if the President will not act—to set a final date for the American withdrawal from Vietnam.

There should be but one condition for disengagement, the return of American prisoners. The perpetuation of no particular regime and of no one man can justify the continued presence of thousands upon thousands of Americans, and the price in lives and dollars already paid. To accept the language of this bill is to accept the current policy of the Nixon administration.

The conferees explain their emphasis on negotiating an immediate cease-fire as being the most direct route to ending the bloodshed. This emphasis does no more than repeat past administration responses to Hanoi peace proposals. The North Vietnamese and Vietcong have always said that they would not agree to a cease-fire until other issues were settled. Nothing that I heard in Paris either from the North Vietnamese and the Vietcong delegation or from Ambassador Porter would lead me to believe they are about to change their minds on that point.

After 6 years, after 55,000 lives, after all the broken promises and unfulfilled expectations, no one has a right to play a shell game with the American people as to whether or when our boys will come home. Unfortunately, the revised bill permits the President to play just that game, just as he has in the past.

OTHER REVISIONS

Unfortunately, the liberties the conference committee took with this bill are not confined to a single amendment. Actions in both the House and Senate to remedy long-existing inequities in military pay have been nullified. By delaying its effective date, a so-called creative compromise reduced the pay increase to a level beneath that provided in either House or Senate version. More importantly, the conference version diverted increases in pay and quarters allowances which both Houses intended for the lowest paid ranks of servicemen by giving it to higher ranks, the traditional recipients of disproportionally higher pay and benefits. Both of these actions violated the spirit if not the letter of House and Senate conference rules.

Since then, as Senator ALLOTT has noted, the wage-price freeze has produced the economies the conferees sought in delaying the effect of the raise. Because of this, reconsideration of military pay scales and new action by Congress is definitely in order.

Another divergence from the Senate bill is in the radical change made in my manpower study amendment, an amendment, I would point out, which was passed by the Senate without dissent and with the active support of the distinguished chairman of the Armed Services Committee. Its second section, deleted in full by conference, would have required the Secretary to demonstrate in detail what changes in defense posture would have to be made, if total force levels were reduced by 10 percent. Now, rather than paving the way for the basic reorganization and reduction of American force structure that rising manpower costs and inefficiency demand, the bill merely amplifies my amendment of last year. Such a serious weakening of language may delay the planning and decisions necessary to achieve more austere and more efficient Armed Forces. It can only result in further equivocation by the Pentagon in providing Congress with the facts about the deployment and purposes of our forces, facts the Congress must have to make reasoned judgments on the force levels our national interest requires. The end result, I fear, will be the same vagueness and dissimulation that moved me, with the aid of Senator STENNIS, to attempt to require from the Department of Defense an outline for Armed Forces reduction.

Other concessions in the conference bill involved basic procedural rights. Though much progress was made, registrants are still deprived of the right to legal counsel while making a personal appearance before local and appeals boards. Those men wishing to change their status to that of conscientious objector after receiving notice of induction still must endure a kind of double indemnity. Judicial review of their classifications can still be obtained only if these men submit to prosecution for a criminal offense: Either noncompliance with the selective service law or desertion from the military.

We continue to deal capriciously with the lives of those we draft, whether or not they serve in Indochina. The Conference bill does not even sustain the Senate decision to establish programs for the treatment of drug and alcohol abuse in the military. And for the many young men who will return to their schools, the Conference bill makes no provision for prompt readmission, striking an amendment proposed by Senator KENNEDY that would do so when practicable.

It is unfortunate that young men must don uniforms and bear arms in the defense of their country. It is even more tragic when they must die in foreign lands. But it is shameful when a nation compels them to fight and then persists in treating them as second-class citizens.

We cannot—we should not seek to avoid the implications of approving this report. We must recognize the possibility that men whom Congress authorizes the President to induct may be obliged to fight and die in a war that many believe is illegal, immoral, and senseless to continue. Until that war is ended, this consequence is one that cannot be ignored.

Acceptance of the Mansfield amendment in the conference bill would not hasten the advent of total withdrawal, the return of American prisoners and the stabilization of Indochina. Acceptance of the other provisions of this bill would not restore dignity to our servicemen, nor bestow upon our young men their full agenda of rights. Until these provisions are changed, I see no basis to accept the report of the conference. I support the motion to table.

Mr. BENNETT. Mr. President, I support the conference report on the military draft extension bill. This is not an easy decision, because I am sure most Americans are anxious to see the United States move to an all-volunteer Army. In spite of the fact that this has never worked at critical times in the past, we are moving in that direction. Congress would be unrealistic and irresponsible if it imposed a transition period upon our manpower system of just a few months.

I believe our civilian defense authorities and the President are correct when they state that a 2-year transition period is required. The draft is gradually being reduced, and Secretary Laird—along with Secretary of the Navy John Chafee; Secretary of the Air Force Robert Seamans; and Secretary of the Army Robert Froehlke—have clearly indicated that the services are working and will continue to work for a goal of zero draft calls by July 1, 1973.

America is reassessing its national priorities. It is being done in the White House, in the Halls of Congress, and across the country in homes and shops, factories and wherever Americans discuss national issues. I support that reassessment, but in our fervor to make readjustments we should never take steps that will be detrimental to the security of the United States. To terminate the draft without sufficient transition time would be a serious mistake.

In talking with authorities in the Utah National Guard this past week, I am told that their ability to recruit personnel is in serious difficulty. If our draft-eligible men know there is no chance of them being inducted into the military, I think it is folly to believe they will join Reserve and National Guard units. Our manpower needs, therefore, will be in serious trouble. On this basis alone I think it is mandatory that the conference report be adopted.

There has been considerable discontent and concern over the fate of the Mansfield amendment in the report. I find this also an issue which blown out of all proportion. Latest reports indicate that President Nixon is ahead of schedule on troop withdrawals, and I do not believe the Mansfield amendment can improve upon the performance of the President in this particular area. The American job in Vietnam is essentially accomplished.

The Communists have made absolutely no concessions in spite of the many recommendations made by President Nixon. Their peace proposals at Paris have been one-sided at best, and adoption of the Mansfield amendment will, in my view, have no impact on the negotiating deadlock in Paris.

I think the compromise reached by the conferees on military pay is certainly fair in most respects and should be accepted by the Senate.

I received a letter one time from a man who said we should terminate the draft and eliminate our military-industrial complex, and not consider the consequences based upon the experience of the past. I am afraid that type of thinking is prevalent in too many people in America, for it is the experience of the past which has taught us that to terminate the draft at this time, prematurely, would be a serious mistake.

I urge Senators to accept the conference report and to vote against the measure to table it.

A MOTHER'S DECLARATION

Mr. BROOKE. Mr. President, as we debate the draft bill today, it is important to realize that something more is at stake than the policy questions of a deadline for withdrawal and an end to an unpopular Selective Service System. The lives of many hundreds and thousands of American young men depend on what we do here.

No group in our society is better qualified to express this concern than the mothers of these young men. Several of these mothers from Massachusetts, calling themselves the concerned American Mothers for the Preservation of the United States of America, have recently addressed their thoughts to me in a very moving statement. I ask unanimous consent that "A Mother's Declaration" be printed in full at this point in the RECORD.

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

A MOTHERS DECLARATION

We the Mothers of the United States, in order to restore a more perfect Union, reestablish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish our complete and unalterable opposition to any further service of our sons to prosecute this war in Indo-China, or any future military involvement anywhere without the express consent of Congress, as the due process set down in our Constitution.

Our conscience dictates our sincere belief in denying their service in this instance; it will prevent radicalism and violence from destroying our children and our country; will insure our government's policy of withdrawal and disengagement from the Southeast Asian conflict and establish its credibility here and in the world.

Our commitment to the South Vietnamese government has now been fulfilled. Six years of concentrated valiant effort, in excess of 50,000 killed, 300,000 wounded, and billions of dollars expended, the sacrifice and courage of our country and its people has proven our honor. Our total demoralization and our complete humiliation would be to stay there beyond this time.

To the Vietnamese people go our blessings and faith in their ability to heal their country and establish the solidity of their government now.

During the long years of this undeclared war, we have asked and we have pleaded for its end, but to no avail, how we demand the immediate and safe withdrawal of all our armed forces and the negotiated safe repatriation of our men held as prisoners in North Vietnam.

Congress must legislate an immediate end to this war and reassert itself to prevent the erosion of its historic powers under the Constitution, thereby, restoring hope and confidence to the hearts and minds of the people of our country.

(Concerned American Mothers for the Preservation of the United States of America.)

QUORUM CALL

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

The PRESIDING OFFICER (Mr. WEICKER). 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 RECOGNITION OF SENATOR SCOTT AND SENATOR HUGHES TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), be recognized for not to exceed 15 minutes.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order recognizing the able Senator from Iowa (Mr. HUGHES) then be effectuated following the order recognizing the minority leader and that the Senator from Iowa be recognized for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business, for which an order has previously been entered.

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

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. WEICKER). The Chair, on behalf of the Vice President, appoints the Senator from New Jersey (CLIFFORD P. CASE) to attend the third session of the Preparatory Committee for United Nations Conference on Human Environment to be held in New York, N.Y., September 13–24, 1971.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with Public Law 84–689, appoints the following Senators to attend the North Atlantic Assembly to be held in Ottawa, Canada, September 23–28, 1971: The Senator from Alabama (Mr. SPARKMAN) as Chairman; the Senator from Massachusetts (Mr. KENNEDY); the Senator from Virginia (Mr. SPONG); the Senator from Kentucky (Mr. COOPER); the Senator from New York (Mr. JAVITS); and the Senator from Alaska (Mr. STEVENS).

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination at which was reported to the Senate earlier today.

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

UNDER SECRETARY OF THE ARMY

The PRESIDING OFFICER. The clerk will state the nomination.

The legislative clerk read the nomination of Kenneth E. BeLieu, of Virginia, to be Under Secretary of the Army.

Mr. MANSFIELD. Mr. President, may I say that I am personally pleased and happy that the nomination of Ken BeLieu has been reported unanimously by the Committee on Armed Services and will shortly be approved unanimously by the Senate.

It has been a most pleasant relationship to work with Ken BeLieu, who has been the chief White House liaison man with the Senate. He has been most understanding and most considerate. He recognizes that there are differences of opinion—as does the President, may I say—and he has been a good man to work with. I once referred to him as a prince among men, and I am delighted to repeat that phrase again.

He enters into a most difficult assignment as Under Secretary of the Army, because the Army is in a bad way at this moment. There is a big job to be done there, and I can think of no one more capable than Ken BeLieu, because he has had experience, both on the inside and on the outside. He is enthusiastic about his new responsibilities. He recognizes that something must be done, and will be done.

I want to assure him that as far as the Senate is concerned, as usual, we will give him the fullest cooperation and do our best to be of assistance in the most difficult assignment which is now his. But the Senate is indeed glad that an outstanding man of this caliber, a man of integrity, Ken BeLieu, has been desig-

nated for this most important position in this most difficult period.

Mr. STENNIS. Mr. President, while the nomination is pending before the Senate, I first want to associate myself at this time with the points made by the distinguished majority leader, who is in such a fine position to know Mr. BeLieu. I can add that I see him come into this position with great personal satisfaction, and further with great official satisfaction that he comes here named as Under Secretary of the Army, for two reasons. Even though he is a fair and impartial man in his judgment, he has never lost his dedication and his devotion to the Army as an institution. He represented it in the finest of its traditions as well as a soldier out in the field in action, and the years away from the Army have not dimmed one bit his ardor, devotion, and dedication.

He is severe on himself, in disciplining his mind, so that his judgments are fair and impartial. Second, as the Senator from Montana has said, it comes at a time when the Army has been undergoing unusual difficulties, strained with a load to carry, in many, many ways.

Mr. BeLieu has that basic understanding. He knows a soldier from the day a man first enters the Army and from there on.

He knows the realities of life. I have never found a more practical man, who is better seasoned in judgment and in the realities and problems of life. In saying this, I feel as though I know him, because for more than 6 years he and I worked very closely together on the Senate Armed Services Committee, where he was a very highly valuable staff member, in connection with many bills, including military construction bills. So I know the man and I know the problem, and we are very fortunate to have him.

If I may be indulged to this extent, I hope he is given leeway and authority, or whatever terms would better fit—an opportunity to do something in a constructive way, and I quickly add that I believe he will, with Mr. Froehlke, the Secretary of the Army, and Mr. Laird, the Secretary of Defense. So I feel the appointment is a step forward.

Mr. BYRD of Virginia. Mr. President, I join with the distinguished majority leader and the distinguished Senator from Mississippi in commending the appointment of Kenneth E. BeLieu, of Virginia, as Under Secretary of the Army.

I feel that the President could not have made a better choice than his choice of Mr. BeLieu. Mr. BeLieu has the experience, has an intimate knowledge of the military services, has the competence, and has the esteem of Members of Congress which will stand him in good stead as he tackles his new and difficult assignment.

As the Senator from Montana and the Senator from Mississippi have pointed out, the Army today is faced with serious and difficult conditions. I think it is a matter of considerable importance that a man of the type of Ken BeLieu be selected, as he has been, by the President to assume the position of Under Secretary of the Army. I commend this appointment, and I urge the Senate speedily to confirm Mr. BeLieu's nomination.

Mr. TOWER. Mr. President, I should like to associate myself with what has been said about Ken BeLieu. As I said facetiously this morning, I had some reservation about voting to confirm his nomination, because we shall sorely miss him at the White House. He has performed a splendid job there. I think it is a very important task to help to build the Army of the United States into a great professional, full-time, volunteer organization. We could not have found anybody with more ability and experience. We could not have found anyone with more sincere and profound devotion to the Army of the United States and to the defense and security of the United States of America. I commend the President for submitting this nomination.

Mr. MATHIAS. Mr. President, I join the Senator from Texas (Mr. TOWER) and the other Senators who have spoken on the subject of the nomination of the new Under Secretary of the Army, Mr. BeLieu. I have known Ken BeLieu for a number of years. When I was a Member of the other body, he was Assistant Secretary of the Navy. I necessarily did a great deal of business with him. I have always found that he was on top of every problem that confronted him, and that if he did not have the answers, he knew where to get them.

His experience in Government since he left the Department of the Navy has given him an unparalleled oversight of the operations of the entire Government. I think he will be able to be of great assistance to the President and to Congress in putting into proper perspective some of the problems which may directly affect the Army, but indirectly affect every other aspect of Government.

I think that although it is customary when appointments of this kind are being made to congratulate the appointees, really the President should be congratulated on having a man of Ken BeLieu's ability to nominate; and I think that Ken BeLieu should be thanked for being willing to take this additional responsibility following the long public service he has already rendered.

Mr. GRIFFIN. Mr. President, I want to associate myself with the comments we have heard here this afternoon concerning Ken BeLieu.

As pleased as I am that Ken's very great abilities have been recognized in his appointment as Under Secretary of the Army, I would be less than candid if I did not express some regrets at the same time that we are losing him as the White House's chief liaison officer with the Senate.

In this capacity, Ken has shown most unusual tact and understanding of the problems we face in carrying out our Senate duties. He has always been available and he has always been willing to listen. For his many efforts to be helpful, I am personally very grateful.

I can think of no one who would be better qualified to serve as Under Secretary of the Army.

The U.S. Army has come upon trying days. It is beset with many difficulties, and to resolve those difficulties will require unusual perception, insight, and understanding.

I am confident that Ken will bring those qualities to his new undertaking. He knows and understands the Army; he has demonstrated his devotion to the Army and to his country in combat.

In 1940, he volunteered for active duty in the infantry as a second lieutenant. By 1945 he had participated in the Normandy landings and campaigns in France, the "Battle of the Bulge," Germany and Czechoslovakia. He was awarded the Silver Star, the Legion of Merit, the Bronze Star, the Purple Heart, and the Croix de Guerre.

Following World War II, he served in various assignments in the War Department, and was on combat duty in the Korean war, losing a leg in battle. He was executive officer for two Secretaries of the Army before retiring in 1955 as a colonel.

His experience, I am convinced, will be invaluable to the Army in meeting the problems it faces. I wish him well in his new assignment.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask that the President be notified immediately of the confirmation of the nomination.

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

LEGISLATIVE SESSION

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

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

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

Mr. STENNIS. Mr. President, I do not propose, at this time, to address the Senate at great length. I want to discuss something about the manpower problem in our Army Reserves, the Army National Guard, and the other reserves. I wish to announce also, Mr. President, with reference to the military procurement bill, when we do get back to it, that I am urging all Senators who have amendments to that bill to please file them and let us get staff work started, and let the arrangements be made as soon as possible as to when they will be taken up.

I am going to ask that the leadership take the primary responsibility with reference to getting the amendments in and urging them to be filed, and also, then, to proceed in arranging time to vote and time limitation requests. We know that last year the Senator from West Virginia (Mr. BYRD) did a splendid job, and it saved tremendous time for the individuals interested in the amendments as well as for the floor leadership on the bill and all Members of the Senate. Remarkable work was done by the Senator from West Virginia and the authors of the amendments in working out time agreements for debate, times to vote, and all the many things that come up in connection with a vast bill of this kind. I want to thank them for what they did

last year, and invite them to give it their active attention this time.

The Senator from West Virginia is working on these matters. I should say to him, the Senator from Montana, and the Senators from Pennsylvania and Michigan that just as far as we can, those of us on the committee will be available and will agree to time limitations as soon as we can. Also, this time more than heretofore, we have subcommittee chairman and members of the committee that I hope will find it possible to stay here, and I know they will be prepared to stay here and debate these amendments and discuss the various weapons in the bill.

This is all done for the sake of saving time, and also for the information of the Senate, in getting the facts about these weapons before the Senate and reaching some decisions.

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

Mr. STENNIS. Yes, I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I assure the distinguished Senator that the assistant majority leader and the majority leader will both do their very best to cooperate and work with the Senator along the lines he has mentioned. Although this is none of my business, I want to agree with the distinguished chairman of the committee that it would be helpful, if some of his subcommittee chairmen took over a share of the burden, because, having watched the Senator a good deal this year, having observed the tremendous strain and effort which were on him, having observed the magnificent way in which he has conducted the defense of the bills he has handled, it would be my hope that some consideration would be given to his health and some assistance would be given to him in the carrying out of these responsibilities; because we have under consideration not only the conference report on the draft but also a very big and difficult measure having to do with military procurement.

I want to assure the distinguished Senator again that, so far as the leadership on this side of the aisle is concerned—and I am certain on the other side as well—he will be given as much cooperation along the lines he has suggested as is possible.

Mr. STENNIS. I thank the Senator from Montana for his assurances as well as his personal remarks.

By no means have I been the only one who has worked on these bills. I have had a great deal of help. It adds up tremendously when all that is considered. We will have a great deal of help this time, and I hope we can move from amendment to amendment with rapidity, consistent with our obligations.

Mr. President, if the Senator from Colorado desires the floor, I will yield now and make my brief remarks about the Reserves and the Guard a little later.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. I thank the distinguished Senator. I hope the distinguished Senator can remain in the Chamber for the few brief remarks I have to make.

Mr. President, I have repeatedly made it clear that my great concern with the conference report before the Senate is the matter of military pay. I suppose military pay is something like a death. Death means just a statistic unless it happens to be a member of one's family or one's self, and then it becomes very vital. Military pay is just a bunch of figures unless you happen to be one of the people involved in the matter of military pay.

My purpose from the first in offering the amendment which was adopted by the Senate by a vote of 51 to 27 was to try to bring more equity into the lower grades of the service. Unfortunately, in all the other issues that came out of the conference report, I felt that the first four grades of the enlisted men and the first two grades of the officers were not given ample and sufficient consideration. As a matter of fact, these six grades—E-1, 2, 3, 4, and 0-1 and 0-2—received, as a result of the conference report, less money than they would have received under either the House bill or the Senate bill.

At the same time, as I said earlier today, I have been greatly concerned about the number of issues involved in this bill. This morning I outlined the three main issues as I saw them, which involve, first, draft extension itself; second, the Mansfield amendment; and third, the pay bill.

I am so serious and so concerned about the pay provisions of this measure that I have constantly sought to try to separate those considerations from others so that we did not get into a discussion on the floor of a garbled number of questions which might lead to unfortunate results.

I state again that I do support an extension of the draft for 2 years. I have previously made the statement—as late as this morning—that I was prepared to offer a motion to table the conference report this afternoon unless we could find a way and get some assurance that the pay provisions would have a chance of becoming effective this year.

Mr. President, as a result of this, a plan of action has been evolved which is as follows:

It is the intention of the senior Senator from Colorado to offer an amendment to the military procurement bill setting forth the compromise proposal which were outlined in tables 1 to 5 of his speech of Monday of this week, September 13. This proposal will give our first 2-year enlisted men some opportunity of serving their country at a reasonable rate of compensation.

The matter of military compensation is not a new thing with me. I dislike to talk about personal matters; but I recall when my own son was a young officer in the Navy, some 8 years ago, and when I visited him, he pointed out to me the conditions under which some of the enlisted men were forced to live because of the rate of pay that was then in existence, and he took me to see some of the places in which they were living.

So I have had a long and abiding interest in this matter. I have had a long and abiding interest in it ever since the time in 1958 or 1959 when Senator GOLDWATER made his great effort, which I supported to the best of my ability, to try to put military pay on a comparability of skills basis.

I believe that my compromise proposal of Monday of this week, goes a long way to do just this. My figures tell me that as many as a thousand families of enlisted men in the United States receive such a low rate of pay that they actually qualified for and were drawing welfare.

As a result of these numerous conversations and numerous conferences today—in fact, literally dozens of them—I am going to offer an amendment which would put these rates into existence as of November 15 of this year, which is the end of the present freeze under the President's order of August 15. In doing this, I have had, of course, to secure certain assurances.

I might say here, Mr. President, that I have received from the White House—indeed, from the President, himself—the complete, unqualified assurance of his support for this amendment. He has studied this matter and is in complete accord with it.

I have spoken to both the chairman of the committee and the ranking minority member, the Senator from Maine (Mrs. SMITH), about the same matter. Senator SMITH has not at this point given me a final answer, but I am sure she will be favorably inclined to it and will approach it with an open mind.

The chairman, himself, has given me the assurance that he will, with all his strength, support this position—which is also supported by the White House—with respect to this matter. Since the chairman is in the Chamber, I think he would want to speak to this matter and reply to the statement I have just made.

Mr. STENNIS. Mr. President, if the Senator will yield, I will make a brief statement.

First, reference was made by the Senator to the pay of certain junior officers being less than either the House bill or the Senate bill. Technically, that is correct, and in percentages it is fairly small, but it was a defect that showed up in the schedules that were adopted when it was exactly figured out. Frankly, it is one that I regret. In making the adjustments in conference, in putting more money into the quarters allowance and more money for the families of noncommissioned officers and the lower enlisted grades that were entitled to support under the Dependents Assistance Act, that was what occurred. The Senate conferees held out on this, and won, but this other matter, the small percentages I have mentioned, was overlooked.

With reference to the overall matter on pay for the volunteer army concept, and the matter of getting men in the service, that is of deepest concern to me. I feel that I know the trend will be downward, and severely, as I have stated today and yesterday, unless we do enact this standby draft act. I am willing, and have been generally willing all the time, to put in the money that was needed to make the plan go that is now in the bill.

If the President says that in order to make the plan work that is in the confer-

ence report—in order to make it work and carry it out—this manpower plan needs the additional money—he has not said this in his other recommendations to us—but if he does make that recommendation, I will favor it and support his recommendation. This is entirely in line with my position all the time to favor giving him the necessary funds to solve the manpower problem in our service.

This, I have assured the Senator, and am glad to assure anyone else, that I would look with greatest interest on an amendment to fill out what the President now thinks is necessary, should the plan not stand up under examination. I would do this even if the amendment had to come in on the military procurement bill, because of the time elements, there being no other salary bill up this year.

I speak only for myself, though, in saying that I can support it. I have not had a chance to confer with other Senators on the committee. It will undergo the usual scrutiny and consideration. I would think, then, that it would have to go with the plan if the President recommended it as necessary.

That would be my position, to support it.

Mr. ALLOTT. I want to say to the Senator that the annualized cost, of course, of the suggestions I made, including tables 1 to 5 in my speech, do run $1.7 billion over the original administration request for this year. So the administration said that it intended to bring it up to that figure as of June 1 of next year. Because of the time that has elapsed, of course, the figures will be much less. As I recall, the cost will actually be, under my proposal, I believe $300 million less than the cost in the conference bill. At least those are the figures we have worked out now. As I understand it, the Senator has told me privately and agreed that he will support the amendment I will place in the RECORD and support wholeheartedly the suggested compromise I made—and it is a compromise—in my speech of Monday, September 13, which was offered as an amendment to the military procurement bill.

Mr. STENNIS. I am familiar with the facts in that recommendation. I have already stated clearly and emphatically my position and the reasons therefor. There is no use to repeat and go over all this again.

I want to add this, that this will not affect one bit my insistence that we go after quality men for the services, that we cut down, unless there is some unusual emergency, on the number of men, the number of bodies, in the services, both enlisted men and officers. I am willing to put more money on fewer men in order to get that quality. That is a mistake we have made in the past, I believe. We must allow for this war, of course, but when we go into this thing, if we get only men in the lowest "category four" for the Army, I would expect that judgment and discretion would keep from filling it up with "category four" men, but we can come back here and ask for new legislation. I am sure that the Senator would approve of that.

Mr. ALLOTT. I would approve of that. I understand. I recall that Senator, on the floor of the Senate earlier this year, during consideration of the draft bill, stating that he would hold hearings on a volunteer army. I know that he is not persuaded of the efficacy of that concept, as of this moment, but I remember the statement he made that he would hold hearings.

As I look at it, the question of pay is separate from the question of a volunteer army.

I think that the pay is necessary, upon the basis of sheer equity and justice to these men; but I do not think it is necessary at this time to get into an argument pro and con on a volunteer army. My own convictions are that we will never get a volunteer army unless the pay raise of the kind I will offer as an amendment, and the Senator has said he will support, comes into effect.

Thus, Mr. President, with that, I merely want to make a statement of my position that I shall not, having had these assurances, and some assurances from the House side—not from everyone over there, of course, not from everyone on the Armed Services Committee because there has not been a chance to discuss the situation which prevailed today with all the members of the Armed Services Committee—but with that I will not make a motion to table the conference report.

Mr. STENNIS. Mr. President, I have not had a chance to bring the full picture to the attention of the Senate with reference to the National Guard and the Reserves and their manpower problems, but I have said many times that without a draft law of some kind, it will strip the units of their manpower rapidly. There will not be enough inducement to bring in the men needed to keep the Army and the National Guard up to strength. The times and events, of course, of the past several months and years have proved over and over again in many States a condition, from which no State seems to be immune, that we must have enough of a quality type of man in the National Guard for home protection. With reference to our other reserves, that is where we find some of our very finest military talent. Much of it has been trained in the services. Some of it is trained by the reserves and the Guard themselves, beginning with the new young men. But we have found that they have been neglected in this new legislation, that there has been no provision made to take care of that problem.

I assume that the Department of Defense will have some recommendations later. I am not a fanatic about the Reserves or the National Guard, but I think the principle applies there, that if we have a reduced manpower, we will get more of our money to take care of the quality requirement.

However, the men we conferred with the other day—the service secretaries and service chiefs—told us that during the 2 months' lapse in the draft law both the number of men willing to enter the Reserve and the Guard and the actual strength of units have begun to fall sharply.

That means they are finding that they can take in fewer, and as the terms expire, they are not signing up for another tour. They are going out, and they do not have the men coming in to take their places.

They said that since December, and that is last December, there has been a 45-percent reduction in those willing to enter the Army Reserve and an even larger reduction of 67 percent in those willing to enter the Army National Guard.

That was from last December, which is a longer period than this 2½-month period I have mentioned.

They said further that, even more seriously, those who have signed up are not now willing to go in when the final date arrives. That means that the men who signed up for the Guard and the Reserve were not willing, when the time arrived, to go in the service.

They further said that last year, one out of three who initially signed up for the Reserves and Guard ended up entering the service. Now the figure is only 1 out of 7 in most of the Southern States and about 1 out of 20 in many other parts of the country.

That geographical comparison is not mine. It was made by the spokesman who made this survey. However, it shows the proposition we are up against for the right kind of manpower, the kind that is needed and is not forthcoming unless we have on the books a Selective Service Act.

These things are highly significant because the losses are beginning to appear so quickly and the reserve and guard units contain men who have signed up for long periods.

One State has lost 5 percent of its guard strength in 2 months. Two other States have lost 3 percent in the same period. If we lose 5 percent of the guard every 2 months, it does not take long to destroy the Guard and Reserve Forces.

The Defense Department representatives essentially said that if we fail to renew the draft and throw away the 2 years of transition we need in order to develop a successful volunteer military system, we will kill the volunteer Army before it even has a chance to take a breath.

I emphasize that because we know that the situation has been slanted here already where the military men were supporting the volunteer concept. We told them that we had to have the facts, whichever side they were on, with reference to this two and one-half month period. We had to have the hard facts of life as to how the lack of a draft was affecting their units.

Mr. President, these are the facts. It was facts of this kind and the further development of that kind of facts, as well as projections into the 6-month period that I was referring to this morning, when I was asking for, not much, but just a little more time to fill in some of these blank spaces.

I am glad to put that in the RECORD at this time.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, does any Senator wish to be recognized?

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that I may be recognized following the rescinding of the order for the quorum call.

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

Mr. BYRD of West Virginia. Mr. President, I yield to the very distinguished Senator from Missouri (Mr. SYMINGTON) with the understanding that I not lose my right to the floor and with the further understanding that I do not yield for the purpose of making any motion.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

EXTENSION AND REVISION OF THE DRAFT ACT

Mr. SYMINGTON. Mr. President, I appreciate the courtesy of the able Senator from West Virginia in yielding to me.

Mr. President, controversies about the draft, allocation of increases in military pay, and a firm policy for termination of our military operations in Indochina are not new to the Senate. They come alive again today, however, as we move to decision.

For various reasons, many Senators have expressed dissatisfaction with the compromise proposal as compared to the legislation to extend the draft approved by the Senate last June 24.

They know, however, and I, as a conferee on the bill, am particularly cognizant of the vigorous efforts of the able chairman of the Armed Services Committee to retain Senate views in conference with the House. I salute him for his typical fairness and commend him for the strength with which he sought to reflect and uphold the will of the Senate.

Due recognition must be given in a legislative body to the need for compromise; it is essential also on matters of such importance, to exercise our own best judgment.

Primarily because of the dilution in conference of the Mansfield amendment, I did not sign the conference report.

Originally the Mansfield amendment was a mild but nevertheless firm statement of U.S. policy to terminate America's military operations in Indochina and withdrawal of our forces within nine months, subject to the release of all American prisoners of war.

As now revised in conference, it is mute testimony to the will and the desire of the American people to end this tragic war.

It is indeed all shadow and no substance. It expresses the sense of the Congress—not the will, not the policy of the United States—to terminate military operations as soon as may be possible, and to provide for withdrawal at some unspecified time certain.

As of a week ago, the toll of American dead and injured in this war that has done so much to devastate the goodness, the strength, and the spirit of our country mounted to 356,784 of our youth.

We cannot, we should not proceed indefinitely with an indefinite policy on ending U.S. participation in this war. The Congress has a responsibility. The President has a responsibility. I submit that it would be unfortunate indeed for the Congress to provide for the extension of a military draft without full recognition of a will, a determination and a time to bring this war to an end.

I thank the able whip, the distinguished Senator from West Virginia, for his courtesy in yielding to me.

Mr. BYRD of West Virginia. The distinguished Senator is welcome.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without losing my right to the floor.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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 TO LAY BEFORE THE SENATE CONFERENCE REPORT ON EXTENSION OF THE DRAFT TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of routine morning business, the Chair lay before the Senate the conference report on the extension and revision of the draft.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day. I ask unanimous consent that I be recognized on rescinding of the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered. 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 from the quorum call be rescinded.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 o'clock a.m. After the recognition of the two leaders under the standing order, the distinguished minority leader (Mr. SCOTT) will be recognized for not to exceed 15 minutes. At the conclusion of his remarks, the distinguished Senator from Iowa (Mr. HUGHES) will be recognized for not to exceed 15 minutes. At the conclusion of his remarks, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

Upon the conclusion of the routine morning business the Senate will resume consideration of the conference report on the extension and revision of the draft, which is a privileged matter, the unfinished business being the military procurement authorization bill.

Mr. President, it is the intention of the distinguished majority leader tomorrow to move to table the conference report on the draft, and the vote on that motion will be a rollcall vote. That vote will not occur earlier than 11 o'clock a.m., but it is not expected to be delayed long thereafter.

ADJOURNMENT TO 9 A.M.

Mr. BYRD of West Virginia. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 26 minutes p.m.) the Senate adjourned until tomorrow, Friday, September 17, 1971, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 16, 1971:

U.N. SESSION REPRESENTATIVES

The following-named persons to be representatives of the United States of America to the 26th session of the General Assembly of the United Nations:

George Bush, of Texas.
Christopher H. Phillips, of New York.
Charle C. Diggs, Jr., U.S. Representative from the State of Michigan.
Edward J. Derwinski, U.S. Representative from the State of Illinois.
Daniel P. Moynihan, of New York.

The following-named persons to be alternate representatives of the United States of America to the 26th session of the General Assembly of the United Nations:

Alan B. Shepard, Jr., of Texas.
Arthur A. Fletcher, of Washington.
Mrs. Gladys O'Donnell, of California.
W. Tapley Bennett, Jr., of Georgia.
Bernard Zagorin, of Virginia.

IAEA CONFERENCE REPRESENTATIVES

Glenn T. Seaborg, of California, to be the representative of the United States of America to the 15th session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be alternate representatives of the United States of America to the 15th session of the General Conference of the International Atomic Energy Agency:

William O. Doub, of Maryland.
T. Keith Glennan, of Virginia.
Dwight J. Porter, of Nebraska.
James T. Ramey, of Illinois.
James R. Schlesinger, of Virginia.

DEPARTMENT OF DEFENSE

Kenneth E. BeLieu, of Virginia, to be Under Secretary of the Army.