nesota per year. One question this mapping analytical tool could contribute an answer to is, "Are the ambulances distributed effectively within the geographical clusters from which most calls occur over a period of time?"

Once these data bases are established, the user of the geostatistical system can interrogate the computer on hundreds of different combinations of variables. For example, the group of 55–75-year-old males with primary cause of death listed as stomach cancer on a county-by-county distribution overlay can be interrogated and displayed. The computer then generates this combination of data in minutes, and the combination is plotted out by the computer in less than twenty minutes.

We at the Division of Health Computer Sciences are proud of this analytical tool. It represents a high degree of the state of the art and certainly represents one of the most comprehensive tools for obtaining a meaningful analysis of health care needs and health care delivery. It not only supplements voluminous tables, but often supersedes their informative value by displaying more succinctly what tables are unable to display.

I thank you, Mr. Fraser, for expressing an interest in our capabilities and ongoing contribution to health care need and health care delivery analysis, and I trust this will be of considerable additional interest to your colleagues in Washington.

Respectfully,

BRUCE A. BORAAS,
Assistant Director.

SENATE—*Friday, September 17, 1971*

The Senate met at 9 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:

Almighty God, ruler of men and nations, teach us the clear truth that our civilization cannot survive materially unless it is redeemed spiritually. Kindle the fire of faith in each of us to make us just and kind and pure that redemption may begin in us. Keep us steadfast and true to the highest revelation of Thyself and Thy will which Thou has made known to us. Enable us to draw upon the latent reserves of humanity, humility, and humor which are part of our heritage. Above all else keep us "a nation whose God is the Lord"—Lord of our homes, Lord of our schools, Lord of our churches, Lord of our ballot boxes, Lord of our government halls, Lord of our peace tables, Lord of our lives.

For it is in the name of the Lord we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 16, 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.

SENATOR FROM VERMONT

Mr. AIKEN. Mr. President, I present the certificate of appointment of the Honorable ROBERT T. STAFFORD as a Senator from the State of Vermont.

The PRESIDENT pro tempore. The certificate of appointment will be read.

The legislative clerk read as follows:

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Vermont, I, Deane C. Davis, the governor of said State, do hereby appoint Robert T. Stafford a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of Winston L. Prouty, is filled by election as provided by law.

Witness: His excellency our Governor Deane C. Davis, and our seal hereto affixed at Montpelier this sixteenth day of September, in the year of our Lord 1971.

By the Governor:

DEANE C. DAVIS,
Governor.

The PRESIDENT pro tempore. If the Senator-designate will present himself at the desk, the oath of office will be administered to him.

Mr. STAFFORD, of Vermont, escorted by Mr. AIKEN, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the President pro tempore (Mr. ELLENDER); and he subscribed to the oath in the official oath book.

[Applause, Senators rising.]

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, for the purpose of greeting our newest Member.

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

Thereupon, at 9:04 a.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 9:06 a.m. when called to order by the President pro tempore (Mr. ELLENDER).

Mr. MANSFIELD. Mr. President, I yield the 3 minutes allotted to me under the standing order to the distinguished senior Senator from Vermont (Mr. AIKEN).

The PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, I was very glad to present to the Senate the Honorable ROBERT T. STAFFORD, who has been designated by Gov. Deane C. Davis, of Vermont, to succeed the late Senator Winston L. Prouty as a Senator from Vermont.

Governor Davis has made an excellent selection. By this appointment, the Senate will have acquired a Member of sterling, if not ironclad character.

BOB STAFFORD is known to most of our Members. He has been an important Member of the House of Representatives for over 10 years. Until today he has been a member of the Armed Services Committee and vice chairman of the House Republican conference.

Previous to that, he was Governor of Vermont. Before that, he served as Lieutenant Governor and attorney general of the State of Vermont.

BOB STAFFORD's military record is highly commendable, since he served in both World War II and the Korean conflict.

He is married to the former Helen Kelley, of Bellows Falls, Vt., and they have four very attractive daughters.

As a lifelong Vermonter, BOB possesses the traits for which the State of Vermont is well known; namely, commonsense, understanding, and love for his State and country.

I might also add, he does not like to be pushed around, but prefers to make up his own mind.

Sometimes he agrees with me and sometimes he does not. That is one reason why I like him.

I wish to commend Governor Davis for his wise judgment in making this appointment.

On behalf of my wife and friends, I welcome BOB and Helen to the Senatorial arena, which is normally a very dignified place, and to which I expect him to make wise and constructive contributions.

ORDER OF BUSINESS

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

Mr. SCOTT. Mr. President, if I may, first, be recognized for the usual 3 minutes under the standing order for a different purpose.

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

Mr. SCOTT. Mr. President, I join the dean of Senators on this side of the aisle, the distinguished senior Senator from Vermont (Mr. AIKEN), on behalf of all of us, in welcoming BOB STAFFORD to the Senate of the United States.

This is one of those occasions when we celebrate a setback for the other body. It is a loss to the other body that BOB STAFFORD will not be there; but it is our gain, the country's gain, and Vermont's gain.

Mr. President, it has been my great pleasure to know BOB STAFFORD for a very considerable period of time, ever since he came to the House of Representatives. He has been a member of his party's leadership in the House. He has furnished wise guidance to House Members

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and to the President of the United States during the leadership meetings.

His intelligence and his strength of character, as well as his firmness of opinion and his excellent judgments, are all qualities which the Senate can enjoy with added benefit.

Thus, we welcome Senator ROBERT T. STAFFORD to this body. We will shortly provide him with some work to do and also illustrate to him the expedition with which the Senate proceeds with its work.

I know that he will observe, on the draft bill, that many months have gone by and the Senate is unable to act.

I am sure that he will observe, also, that whatever the House of Representatives does in its wisdom, the Senate does its best to undo, or at least to increase; but he will also find our good qualities as well.

We are delighted that Senator STAFFORD is with us.

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

Mr. President, I could not let this occasion go by without making it a bipartisan occasion of approval of the designation of the new Senator from Vermont (Mr. STAFFORD). I merely want to say to BOB STAFFORD on this occasion that we are delighted that he is with us in this Chamber. We know of his outstanding record as Governor and as the Representative from his State. I want to assure him that even though he is No. 100 in the list, he ranks just as equally as No. 1 on the list. I note that, at the moment, he is close to No. 1, physically, to the distinguished President pro tempore of this body (Mr. ELLENDER). Also, I think he is extremely fortunate to have as an associate the distinguished senior Senator from Vermont (Mr. AIKEN), the ranking Republican in this body and, in my opinion, one of the wisest men in this country.

Mr. SCOTT. Mr. President, I thank the distinguished majority leader. I could not agree more with his kind words and his warm estimate of our senior Senator from Vermont, as well.

THE HINGES OF PEACE

Mr. SCOTT. Mr. President, I read with great interest the thoughtful proposals of the distinguished majority leader on Tuesday concerning the future of NATO. His evaluation of our overall European policy follows closely the Senator's long-held view that we must reduce the American profile in Europe by reducing both our physical presence and our financial support of NATO. As the Senate knows, I have been sympathetic to the distinguished majority leader's goals. I, too, would like to see fewer Americans stationed abroad. I, too, would like to see this burden on our financial resources reduced. I, too, would like to see a prosperous Europe accept a more equitable share in its own defense. I, too, would like to see a more unified Europe.

All these are noble goals. Few among us can differ on their desirability.

Yet, I submit that this administration already—indeed, from the outset—has viewed and acted upon American foreign policy in much broader terms than its predecessors. While the purely regional approach to foreign policy is continuously important, President Nixon and his advisers have perceived foreign policy of the 1970's in much broader terms.

They conceive of foreign policy as being worldwide—that success or failure of our policy in one area of the world hinges to a large degree on success or failure of our policy in all other areas.

Thus, Europe can no longer be isolated as the American problem, nor Asia as the Far Eastern problem, nor the conflict in the Near East as the Middle Eastern problem.

At the time, critics viewed Mr. Nixon's visit to Rumania as merely an exercise in personal diplomacy. Yet, as subsequent events have proved, Rumania serves as a most useful conduit in developing new approaches to the so-called China problem.

I myself observed the good effects of President Nixon's recent visit to Rumania, where he had a 3-hour talk with President Ceausescu.

No doubt Dean Rusk and Walt Rostow are right to say that President Nixon is going to find it very hard to bring any specific agreements back from his visit to Peking.

No doubt George Ball is right to point out that President Nixon may endanger our present alliance with an existing great power, Japan, for the sake of a possible future understanding with a China that is still—to some—only a potential superpower.

There are indeed risks in what Mr. Nixon is attempting. And I concede it is the duty of critics to draw attention to them. But there are opportunities, not just in the Far East but throughout the world, provided we understand the manner in which Mr. Nixon is proceeding.

Have critics considered this overview? Have they considered that perhaps this policy toward China has had a salutary effect on Europe? Has this policy perhaps had an effect on our relations with the Soviet Union? I myself believe that it has. And I have had recent talks with some Soviet officials.

Before we return to great power summitry—before we even propose all-Europe summitry—I feel that we must look to a successful conclusion of the many minisummits now in progress.

Consider Berlin and the two Germanys.

Consider SALT.

Consider Middle East negotiations.

Consider Paris peace talks.

Consider the Geneva disarmament talks.

Consider finance ministers' discussions in Europe.

Even Britain divides its attention between Northern Ireland and the European Common Market.

I have often considered the wisdom of Tensing's comment to Sir Edmund Hillary that before one climbs the Himalayas, one must cross the Siwaliks. It is clear that Mr. Nixon has perceived the necessity for this tedious, low-keyed machining of the hinges between nations. For the doors of peace to open, the hinges must be strongly built and properly mounted.

President Nixon has spent 3 years setting about building the hinges.

This policy seems to be succeeding. There are signs of success.

Negotiations have at least begun and are continuing between Egypt and Israel.

Vietnam is being returned to the Vietnamese with two-thirds of our troops already brought home, and North Vietnam apparently unable to mount an offensive.

In the last 6 months alone profound changes have been wrought in the relations between the United States and Peking.

Here is another hinge: The Soviet Union has offered to negotiate mutual troop reductions in Europe.

What I am suggesting here is that President Nixon perceives foreign policy as the working of one agreement upon another problem which may well be located elsewhere in the world.

And since he does this so quietly, with little fuss and less rhetoric, the world always seems surprised at the progress he is making toward peace. Many in Europe perceive this perhaps more clearly than we in America do. It is within this context, then, that we must examine Europe, NATO and the Europeans today.

The majority leader spoke on Tuesday of a hoped-for trend toward detente. I suggest that this trend has been in existence for some time now.

Today's four-power agreement with respect to Berlin and the negotiations between East and West Germany are certainly a part of this trend.

If I may comment here, both the majority leader and I were in Helsinki and had an opportunity to see for ourselves the activities of the American negotiators and the businesslike progress and genuine sincerity evidenced on all sides.

What has already been achieved at Vienna and Helsinki is certainly a part of this trend.

The discussions on preventing a nuclear accident from becoming a nuclear war are certainly a part of this trend, and there is reason to expect progress in this area in the near future.

The trend, I would suggest, has already been well established. And it has been established by President Nixon.

But I urge him to compare the world of September 1971 with the world of January 1969, and urge him, with great respect, to lend his great talents and immense prestige, as he has already done on so many important occasions, to the orderly achievement of these goals, not only in Europe, but for the world.

I can understand and sympathize with the majority leader's impatience at the seemingly slow march of events. And I agree fully with his ultimate goals.

I conclude with the statement that the greatest source of pride which I feel in serving in the Senate is the bipartisan cooperation of the majority leader and, if I may say so, of the minority leader in all matters that pertain to the advancement of peace in the world.

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

Mr. SCOTT. I am glad to yield.

Mr. MANSFIELD. I commend the distinguished minority leader for the fine statement he has just made. Of course there are differences between us, but there are understandings, as well. I have never been one who was loath to give to another the credit which I think is due. I do think that the world is in process of flux, of change, in the sense of turmoil, at the present time, and that occurrences are taking place which we cannot understand nor fully comprehend.

As far as the President is concerned, he has done a number of things in the field of foreign affairs which I thoroughly approve of. I approve of his reduction to just in excess of 200,000 men in Vietnam from approximately 550,000 when he took office, and the further reduction to 184,000 by December 1, and from then on a further reduction, as well. That is a move in the right direction—not "in" but out. The only difference in that respect is that I would hope it would be faster but I recognize that he is charged with final responsibility.

I certainly approve of the President's initiative in going to Peking. I am aware of the part played by Romania as the "middle man," so to speak, in making that possible.

I appreciate the fact that the President brought about a reduction in the Armed Forces in excess of 1 million men since he took office. I note with interest, and this is incidental, that tens of thousands of other military personnel will be released ahead of time this year, to wit, those who have 120 days or less to serve.

I approve also of what the distinguished Senator said—up to a point, that is—relative to a summit meeting, but I would not go as far as he does, because if we wait for all of these things to come to a conclusion, I am afraid we will wait for decades. I believe the Berlin accord, while a first step, is a step in the right direction. The President played a very significant personal part at a critical point in bringing that to fruition.

Now, we have the two Germanys meeting. A little trouble is developing, but I hope they make an accord, and I think it will be done. Then, the four powers will sign a final Berlin Agreement, to be followed, hopefully, by a West German-Polish Treaty and a West German-Soviet Union Treaty.

Then, after those building blocks have been set in place we should give most serious consideration to the All-European Security Conference attended by NATO and Warsaw Pact nations, including the United States and Canada.

Furthermore, in the Middle East I think the Nixon-Rogers policy has been the right policy in facing a most difficult situation in a most combustible area. I thoroughly approve, and I have so stated, their taking almost all possible courses, walking the line down the middle, trying to bring the Israelis and the Arabs to a meeting to work out differences.

In all those respects I commend the President. But after a quarter of a century since the end of World War II 525,000 U.S. military personnel and dependents in Western Europe are far too many.

It is my intention at the appropriate time to offer an amendment seeking to bring about, not the sledge hammer drop anticipated earlier, but a graduated reduction over a period of years, so that there will be no reduction of NATO in that respect—and I say again that I believe in NATO. It is vital to our security and future. But I would seek a graduated reduction over a period of years, with European countries in NATO, at least those capable, taking up the burden and slack, and assuming responsibility on a partnership basis and not on a basis of leadership furnished by this Nation in this continent or other nations in other continents over 2,000 miles away.

Again I commend the distinguished minority leader for a well-thought-out and responsible speech. I am delighted to be here and to have had the opportunity to listen and make what few remarks I have.

Mr. SCOTT. I thank the distinguished majority leader for his fairness, as always, and for his very generous comments. Our differences are not really very great. This should be a signal to the rest of the world of how the United States and its representatives can stand together in times of great importance to our security.

As to the European Security Council conference I would not mean to suggest all problems must be settled, but ahead of final settlement of European problems lie these various situations where real progress is being made.

The Senator and I recently served at the Interparliamentarian Union conference in Paris earlier this month and we know those nations, including the Soviet Union, indicated their willingness to have a conference, including the United States and Canada; and in due time, after some of these things have been resolved—not all of them—for such a conference to be convened. But there should be ample discussions between governments in planning any such conference before it is called.

Mr. MANSFIELD. I forgot to mention the SALT talks which we both attended on different occasions, but which impressed us considerably because of the caliber of Ambassador Gerard Smith and his associates. His progress, although slow, has been steady and solid. We think that is a step forward, and we think big problems can be overcome and solutions arrived at which will stop or slow down the arms race so that there can be a diversion of funds from weapons of destruction to ways and means of constructive attempts on behalf of our people and the world.

Mr. SCOTT. While praising the U.S. delegation, I think it is fair that mention be made of the Soviet delegation led by Mr. Vladimir Semenov for their fair, just, and reasonable attempts in trying to arrive at the same conclusion we are, perhaps by different roads; but we hope for success in the end.

Mr. MANSFIELD. I agree.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Iowa is recognized for 15 minutes.

AN ISSUE OF COMMON GROUND

Mr. HUGHES. Mr. President, through the long, tragic years of our involvement in Southeast Asia, the debate over our Government's policies in this war have, at times, reached a point of acrimony that we all regret. At times, intemperate remarks on both sides have tended to cloud the motives of honorable Americans who differ on the issues but are equally devoted to the national interest.

I am not suggesting that we limit the scope or intensity of the debate. This is not the way democracy works. The issues cut too deeply into the heart of our national purpose; there is too much at stake for the future to justify silence on issues deeply felt. However, where there is a possible common ground of agreement on matters that do not directly impinge on whether or not we should be fighting this war. I believe these areas should be closely examined by all parties.

It occurs to me that recent developments relating to the conduct of the elections in South Vietnam present such a possible area of agreement.

Whether or not one is favorable to the present regime in Saigon, the prospect of an election in which President Thieu's name is the only one on the ballot is something I believe is abhorrent to all freedom-loving Americans.

Last April, President Nixon stated that an important condition for an end to American involvement was that we give "the South Vietnamese a reasonable chance to survive as a free people." He also said that the United States was fighting "only for the right of a people far away to choose the kind of government they want."

From the beginning, our Government's avowed purpose in Vietnam, as stated by administrations of both parties, has been to halt totalitarian aggression. Certainly, an election that permits the people no choice comes under this category.

If the election is permitted to proceed on this basis, the myth of self-determination for the South Vietnamese under the Thieu regime will have lost its last shred of credibility. And our Government's stated objective in helping the South Vietnamese will have been lost as well.

A recent statement by Tran Van Huong, President Thieu's hand-picked vice-presidential candidate, as quoted in the press, points up the utter incredibility of the arrangement.

Answering criticism of his association with President Thieu in this arrangement, Mr. Huong stated that he had made his decision "for the sake of the coun-

try" even "if my action did defile my honor, my reputation, and my ethics."

Perhaps it is not within the power of the United States to guarantee truly free elections in South Vietnam. However, it is clearly within our power, as the Senator from Washington (Mr. JACKSON) has recently pointed out, to prevent such a flagrant travesty of the democratic process as a so-called election in which there is only one candidate. Senator JACKSON, long one of the foremost supporters of our Government's policies in Southeast Asia, is so disillusioned by this advent that he has indicated he will vote against further aid to South Vietnam if the charade is permitted to go through.

President Thieu himself has stated that his regime could not survive without continuing U.S. aid. If he is looking for support of the American people in the years ahead, a convincing case can be made that it is in his own interests to postpone the elections and make possible a competitive race that has some semblance of legitimacy.

The main issue for the South Vietnamese people is continuing war or a negotiated peace; yet that issue, as it now stands, will not be allowed to come to a vote. The election law pushed through the parliament by the Thieu regime specifically forbids candidates who are sympathetic to neutralization. President Thieu himself has a platform based on the "four no's": No neutralization, no coalition government, no concession of territory to the Provisional Revolutionary Government, and no legalization of Vietcong activities.

Time magazine recently noted:

> Thieu might as well have added a fifth "No." No opposition in the presidential campaigns.

This final "no," Mr. President, should be the straw that breaks the camel's back for the United States since we have been unequivocally committed to self-determination for the Vietnamese people.

The sequence of events leading up to this final dictatorial move does not make pleasant reading. For several months now, the Thieu regime has gone to extraordinary lengths to inhibit free elections and guarantee its own continuation in power. It has used what the CIA calls "the heavy-handed methods of the government's powerful political machine."

The election law made it virtually impossible for more than two or three men to run for the presidency.

President's Thieu's supporters then gathered signed but blank nomination papers in an attempt to prevent endorsements of other candidates.

When General Minh withdrew from the contest, denouncing it as a "colossal farce," the South Vietnamese supreme court was hurriedly called into session to reinstate General Ky as a candidate. When Ky denounced this ploy, the court decreed that President Thieu was the only valid candidate.

Now President Thieu says that the election will be a test of the people's confidence in him. There will be no real chance for opposition, however, since on October 3, as in the past, elaborate efforts will be made to get voters to the polls, and they will vote because they know that a stamped voter card is required in order to receive allowances, refugee benefits, official licenses, and so forth.

The Saigon regime's efforts to manipulate and control the National Assembly elections last month were equally disillusioning.

President Thieu sent a directive—which American sources admit is genuine—to his hand-picked province chiefs. That directive ordered the creation of secret campaign staffs which would make "every effort" to "harass antigovernment elements." It suggested the use of threats, arrests, and even exile to discourage the opposition.

A committee of the South Vietnamese National Assembly reported numerous instances of election rigging just before the August 29 elections.

Candidates were threatened; their meetings were disrupted while police did nothing; opposition newspapers were seized.

On election day itself, the abuses were clearly evident. Reporters for the New York Times wrote that soldiers were trucked to areas where they had no knowledge of the local candidates and were sometimes advised how to vote by superior officers.

A reporter from the Washington Post wrote that in one village of 541 registered voters, 735 votes had been cast by midday.

The Baltimore Sun reported several other instances:

> In Gia Dinh, the province surrounding Saigon, the fourth battalion of the Vietnamese paratroopers was brought to a polling place and, according to an American newsman there, handed out envelopes with the pre-selected ballots already in them, ready to be dropped in the ballot box.
>
> In the northern port city of Danang, a downtown polling place was closed when only the ballot slips of the 10 pro-government candidates were on hand for distribution to voters and the observers for the other 20 candidates objected.
>
> In Hau Nghia province, outside Saigon, a peasant woman turned up at a polling place with 12 voters' cards and a list of places she was to use each to vote for pro-Thieu candidates. Her vote was not challenged.
>
> In the Mekong Delta province of Vinh Binh Representative Ngo Cong Duc complained that at many polling stations his observers had found the ballot boxes filled and the vote tally sheets completed even before the election began at 7 a.m.

That last example, regarding representative Duc, deserves further discussion. He was perhaps the best known opponent of President Thieu as well as the publisher of Saigon's second largest daily newspaper. Time magazine calls him "far and away the most popular candidate" in his province of Vinh Binh.

Yet, after urging the withdrawal of foreign troops and the establishment of a neutral provisional government, he has suffered continued harassment. His house was broken into and set afire; he was charged with attempted murder after a fight with an opponent who spat beer in his face; his paper has been bombed twice and its editions seized 150 times in recent months. Only last June, an American adviser told a Washington Post reporter:

> If Duc loses, it will be because the government stole it from him.

Mr. Duc lost, and journalists and U.S. diplomats agreed that a flagrant and systematic effort was made to defeat him.

In view of these circumstances, we must conclude that the recent elections were rigged to a significant degree. Although direct U.S. involvement in this process was apparently negligible, our Embassy tolerated these abuses and made no public effort to halt them. As a result, the South Vietnamese people have been deprived of the right for which we are supposed to be fighting, the right to choose freely their own government.

What would have happened if there had been open and honest elections? We cannot say for sure, of course, but there are strong indications that the results would have been substantial victories for the opponents of the current regime and its policies of continuing the war.

One indication was the surprising victory made by the anti-government Buddhist slate in last year's senatorial election, which is generally conceded to have been fair. Only one-third of the seats in that election were won by candidates pledged to support the Thieu regime.

In this year's election for the National Assembly, only 20 of the 100 incumbents known to be Thieu supporters were reelected. Few candidates openly admitted their support for President Thieu, and none were reported as endorsing his "four noes" platform.

As the Washington Post reported:

> Thieu's majority has been diminished, and in areas where a genuine campaign was waged his candidates took a thorough drubbing.

Opposition forces made their strongest showings in the cities, where candidates could travel more freely, publicize their views, and expose harassment more easily. In Saigon, opposition candidates won eight of 13 seats at stake. In Danang, they won all three seats, which helped to give the opposition victories in 22 of the 24 seats from the five northern provinces, where most of the military activity is at the moment.

All of this adds up to the unmistakable conclusion that the South Vietnamese, if given the barest foundation of a free choice in the election process, will exercise it.

If President Thieu's political position is so tenuous that it cannot be sustained without suspending free elective processes, then our support of his regime is support of a dictatorship, not of self-determination for the Vietnamese people.

If we are to keep faith with 55,000 American dead, 300,000 wounded, and innumerable Vietnamese military and civilian casualties, it is our Government's responsibility to assure the Vietnamese people with a choice in the forthcoming elections.

Up to this point, the American people may have been confused by the devious obscurities of the manipulations of the elective processes in South Vietnam.

But the spectacle of a purportedly

democratic election in which only one candidate is on the ballot puts this injustice in clear focus for all to see.

Can you imagine the U.S. electorate standing still for an election in which there was only one candidate on the ballot—be his name Lyndon Johnson, Richard Nixon, or any other?

It is obvious that we would reject such a charade out of hand. If our goal is self-determination for the Vietnamese people, we should use our influence to prevent such an obvious and flagrant affront to the Vietnamese electorate.

As we move today into a final vote on the deeply controversial issue of the draft extension, I believe all Americans can, in good faith, unite on the common, minimal objective of providing the South Vietnamese people at least a choice in the forthcoming presidential election.

Mr. President, I ask unanimous consent that the following articles relating to the South Vietnamese elections be printed in the RECORD:

An article by Michael Parks from the August 30 Baltimore Sun; an article by Ivar Peterson in the August 28 New York Times; an article by Peter Jay in the August 31 Washington Post; two articles by Peter Osnos in the August 30 and August 31 issues of the Post; an article on the elections from the September 6 issue of Time magazine; an article by Tad Szulz in the September 3 New York Times; and a summary prepared by my staff of major points in the election directive made public by General Minh.

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

[From the Baltimore Sun, Aug. 30, 1971]

TERRORISTS FAIL TO HALT VIET VOTERS

(By Michael Parks)

SAIGON.—In an election marked by Communist terrorism and charges of fraud, South Vietnamese voters selected a new lower house for the National Assembly yesterday.

At least 3 civilians were killed and 30 injured in election-related terrorist attacks, government spokesmen reported. In addition, military activity rose to a four-month high.

Despite the terrorism, 78.5 per cent of South Vietnam's 7.1 million registered voters went to the polls to select from among the 1,242 candidates for the 159-seat lower house.

Preliminary results this morning showed that opposition candidates had won most of the seats in the northern part of the country and in Saigon, but that pro-Thieu candidates were doing well in the Mekong Delta and rural areas. Both trends were expected.

In Saigon, 9 of the 13 seats went to opposition candidates, the four pro-government winners were all ethnic Chinese elected from the capital's large Chinese quarter, Cholon.

Despite the lack of national issues in the campaign and the large number of candidates—nearly eight for each seat—the election is expected to provide some indication of popular sentiment in the country's current political crisis over the October presidential election.

Some Vietnamese politicians had expressed the fear that the withdrawal of President Nguyen Van Thieu's two challengers from the race would leave voters apathetic and cynical. But yesterday's 78.5 per cent turnout—65 per cent was expected—suggests the turbulent presidential race may have whetted the Vietnamese political appetite.

SAIGON VOTE LOWER

As usual, voter turnout in Saigon was lower—60 per cent—than anywhere else in the nation. In this election Saigon voters were confronted by as many as 81 candidates contesting for five seats. Voting often took 10 minutes, and some persons stood in line for more than two hours to cast their ballots.

Three terrorist attacks were reported in Binh Dinh province by the national police.

In the most serious, a grenade was thrown into the polling station in an isolated village in the coastal province. Police reported 7 persons were killed and at least 20 injured.

TERRORISTS' SLAYING

Earlier in the same province, terrorists killed an elderly man and brought his body to a polling station to discourage voters; a government spokesman reported a woman voter was wounded while crossing a bridge in Binh Dinh.

More than two dozen shellings, minings and other incidents were reported elsewhere around the country.

Main force military action remained confined to the area around the demarcation zone separating North and South Vietnam, but the South Vietnamese command reported 51 Communist-initiated actions in the 24 hours before the elections the highest since April.

ROCKETS FIRED

The incidents included the firing of two rockets—both duds—into Saigon's Tan Son base in 20 months.

There were many charges and some evidence of government efforts to elect its supporters to the lower house and crush several outspoken opposition leaders.

In the Mekong Delta province of Vinh Binh, Representative Ngo Cong Duc complained that at many polling stations his observers had found the ballot boxes filled and the vote tally sheets completed even before the election began at 7 A.M.

"The frauds are worse, even more daring and outrageous than I feared." Mr. Duc charged. "This government of Nguyen Van Thieu is without conscience, totally without conscience."

Mr. Duc, one of the most outspoken of opposition firebrands and the publisher of a widely read Saigon newspaper, said he would file formal complaints with the central election commission.

In Bac Lieu province, also in the Delta, another opposition deputy was prevented from inspecting polling places by Vietnamese soldiers who fired into the air and set off tear gas cannisters to prevent his Vietnamese Air Force helicopter from landing. An American correspondent seeking to see the province chief, a relative of Mr. Thieu, was detained briefly by police.

In Hau Nghia province, outside Saigon, a peasant woman turned up at a polling place with 12 voters' cards and a list of places she was to use each to vote for pro-Thieu candidates. Her vote was not challenged.

In Gia Dinh, the province surrounding Saigon, the fourth battalion of the Vietnamese paratroopers was brought to a polling place and according to an American newsman there, handed out envelopes with the preselected ballots already in them, ready to be dropped in the ballot box.

Throughout the country, units of soldiers were trucked and flown into constituencies where their votes were needed to boost pro-Thieu candidates. Under Vietnamese law, troops on operations may vote anywhere; in addition provisions of the election law make it difficult to insure they vote only once.

POLL CLOSED

In the northern port city of Da Nang, a downtown polling place was closed when only the ballot slips of the 10 pro-government candidates were on hand for distribution to voters and the observers for the other 20 candidates objected.

In Phuociong where the present speaker of the lower house is running with strong support from President Thieu, Army trucks and other government vehicles were sent into the countryside to round up voters.

The speaker, Nguyen Ba Luong, was reelected with 43 per cent of the vote.

Catholics, most refugees from North Vietnam, were given lists of approved candidates during services at many Gia Dinh parishes. The lists, printed on government presses were distributed late Saturday by police along with a gift of up to $50 to the parish priest.

The power of religious leaders also was evident in Tay Ninh province west of Saigon. There a candidate, an Army colonel and former province chief, said, "At least we know there is no fraud here. The church leaders would not allow it. But then you can't win without their support." Tay Ninh is dominated by the Cao Dai religious sect.

In Saigon, the government's social welfare minister who is standing for the lower house used ambulances to bring supporters to the polls.

Many Saigon voters standing in long, slow-moving lines outside the polling places at 4 P.M. were unable to vote. Others in similar circumstances were permitted if they had gotten in line before the 4 o'clock deadline.

Government help apparently did not always produce a winner. In Binh Long province, north of Saigon, Mr. Thieu's support for a deputy caught smuggling gold was not enough.

In the Delta province of An Xuyen, however, the younger brother of the province chief, a strong Thieu supporter, easily won a newly created seat although he was virtually unknown in An Xuyen before the election.

Observers noting irregularities found it impossible to determine whether they were confined only to a few polling places, to a single province or were countrywide as charged by some opposition candidates.

The northern five provinces Military Region One registered the highest turnout 83 per cent in the Central Highlands and coastal area, Military Region Two, the turnout was 81 per cent. In Military Region Three, which includes Saigon, the turnout was 72 per cent. In the Mekong Delta, Military Region Four, the turnout was 82 percent, according to official figures.

Throughout the country, nearly 5.6 million persons voted, according to preliminary returns.

[From the New York Times, Aug. 28, 1971]

LEGISLATIVE UNIT IN SAIGON ACCUSES THIEU OF RIGGING; CHARGES MANY IRREGULARITIES IN UPCOMING ASSEMBLY AND PRESIDENTIAL ELECTIONS

(By Iver Peterson)

SAIGON, South Vietnam, Aug. 27—A South Vietnamese legislative committee accused the Government of President Nguyen Van Thieu today of numerous instances of election rigging.

The committee, consisting of senators and deputies, asserted in an interim report that it had evidence of irregularities and rigging in connection wth this Sunday's lower house election and the presidential election scheduled for Oct. 3.

It declared that its findings, together with a "secret document" purportedly containing Government orders to rig the elections, represented "a record of our bitter experiences with elections in this dark period of our

country." This controversial document was made public by Duong Van Minh, a retired general, in withdrawing from the Presidential race last week.

SEVERAL CASES CITED

The legislative panel, known as the National Assembly Committee on Election Fraud, cited several cases in which opposition candidates for the lower house and their supporters were arrested, allegedly without pretext. The report said that after the committee had learned of the arrests and protested to the Government, most of those arrested were released.

[Senator Vu Van Mau, the committee chairman, said the President and his supporters tried to monopolize or hoard the endorsements needed by other presidential candidates to qualify for the ballot, The Associated Press reported. The senator noted that Mr. Thieu was required to get only 40 signatures from members of the National Assembly or 100 from members of provincial or city councils, but that he obtained the backing of 87 deputies, 15 senators and 452 councilmen.]

THIEU STILL PLANNING ELECTION

In addition to General Minh, Vice President Nguyen Cao Ky has also dropped out of the presidential race on the ground that it is rigged in the President's favor. However, his name is still scheduled to appear on the ballot.

Mr. Thieu, although he has made no public statements on the situation, is reported to be determined to go ahead with the presidential election despite the absence of any real opponent and despite pressure from the United States to come up with a compromise that persuade Mr. Ky to reverse his refusal to campaign.

Mr. Ky is reported to believe that public outrage over the election fraud issue will eventually force the President to yield. The Vice President has suggested that both he and Mr. Thieu resign and that an interim government be set up to make new arrangements for a presidential election.

In its report, the legislative committee said that the document made public by General Minh was authentic. Such a statement had not previously been officially made.

South Vietnam's Premier, Gen. Tran Thiem Khiem, has denied that President Thieu has issued the instruction that the document contains, but he had not specifically denied the paper's authenticity.

DOCUMENT CONSIDERED GENUINE

The United States Embassy has not officially stated its position on the matter, but several officials there have said privately that they are personally satisfied that it is genuine.

The document, which was transcribed by General Minh's staff and mimeographed, purports to contain secret instructions from President Thieu to the province chiefs and other officials on ways to promote his own candidacy and those of pro-Government deputies. It also calls for the discouragement of opposition representatives through threats, arrests and exile.

The document opens by telling the province chiefs that they will be responsible for getting out the pro-Government vote in both elections.

Each of South Vietnam's 44 province chiefs are senior army officers and are appointed by President Thieu. Their loyalty to the President and their unchallenged authority over all facets of life in their respective provinces make them the foundation of the president political apparatus in the countryside.

Listing ways of moving against those backing opposition candidates, the document distributed by General Minh's office says:

"If they are civil servants, they can be transferred out of their districts. If they are elected village or hamlet chiefs, they should be attacked and discredited by other village council members and officials. In general, their dossiers should be checked to see if there are any instances of improper or illegal behavior in their past, so that we can use this evidence to persuade them to work for us, or, if they refuse, to arrest them.

The paper ends with an exhortation to the pro-Thieu officials to make themselves as popular as possible during the election period.

"It would be highly advisable for us to carry out social welfare projects during the elections time, such as well digging, road building, and so forth," the document states.

The legislative committee concluded its report by noting that the document distributed by General Minh and its own list of alleged elections abuses "are enough to give us an early glimpse of the probable outcome of the upcoming elections."

The committee is scheduled to issue its full and final report after the October voting.

[From the Washington Post, Aug. 31, 1971]

THIEU RETAINS MAJORITY; BUT OPPONENTS MAKE GAINS IN ASSEMBLY

(By Peter A. Jay)

SAIGON, August 30.—With the final returns in South Vietnam's election of a new National Assembly unofficially complete, President Thieu still controls a majority.

His opponents, however, have made some modest but real advances.

Thieu's majority has been diminished, and in areas where a genuine election campaign was waged his candidates took a thorough drubbing.

Because most of the victors are virtually unknown, it may be some time before the true balance emerges in the 159-member lower house elected yesterday.

[In San Clemente, Calif., a spokesman for President Nixon said, "It appears the lower house elections have gone off smoothly, with a large turnout despite enemy efforts to disrupt the process."]

The basis for the government's majority was its overwhelming success in sweeping the seats in thinly populated, remote provinces—especially highland areas where primitive, illiterate Montagnard tribesmen could be rounded up by government officials and herded to the polls to participate in a ritual few of them understood.

In cities and populous lowland areas where there is a higher degree of political sophistication, the government did poorly—surprisingly so to those who had assumed that every race was expertly rigged in Thieu's favor.

Almost everywhere, to be associated with the Saigon government was clearly a liability. Of 100 incumbents known as Thieu supporters, only 20 were re-elected. More than half the incumbent opposition legislators, on the other hand, won handily.

Informed sources close to Thieu said that the president considers about 40 of the new assemblymen to be hard-core opposition, with another 20 or so likely to vote against the government on any given issue.

These sources conceded that the opposition has gained strength in the election, both in numbers and because of the lackluster quality of the governments' supporters in the assembly, but said that Thieu still feels confident he can muster a two-thirds majority on key issues.

In the outgoing assembly, which has only 135 members, less than 35 legislators consistently voted against the government.

In two provinces in the Mekong Delta, the government mobilized all its forces to defeat a pair of popular and well-known opposition assemblymen, Ngo Cong Duc and Duong Van Ba, both of whom immediately cried fraud—a claim that diplomatic observers privately said was almost certainly justified.

In Military Region One, the northern section of South Vietnam and historically a hotbed of antigovernment activism, the candidate of the antiwar An Quang Buddhist Pagoda won 17 of the 24 seats. Conservative Candidates aligned against Thieu for factional reasons took two, and the president's men only five.

Former Gen. Tran Van Don, perhaps the most prestigious candidate of the 1,240 running and a man certain to wield a certain amount of influence in the new assembly, was elected to a seat from the northern province of Quangngai—the site of the Mylai massacre.

Don chose Quangngai simply because he thought he would do well there, not for any prior connection with the province. But generally, natives or long-time residents of a constituency did better than transplanted candidates looking for an easy race. (Vietnam has no local residency requirements.)

While many opposition leaders were disappointed they failed to elect more candidates, there is now every indication that the antigovernment bloc in the new assembly will be far more of a force for Thieu to reckon with than it was in the old.

Several key supporters of Gen. Duong Van (Big) Minh, until he withdrew in protest as Thieu's chief challenger for the presidency, were reelected to their house seats. Minh's vice presidential running mate, Ho Van Minh, received more votes than any other candidate running in Saigon.

Many Vietnamese, and certainly many American officials, took some satisfaction from the ability of voters—at least in the cities—to surmount immense procedural obstacles and cast reasonably informed ballots.

In one district in Saigon, for example, voters had to sort through a handful of 81 paper ballots to choose five candidates—a procedure that many critics said would make the election no better than a game of chance.

But the winners turned out to be four incumbents, three of them closely identified with Minh and the antiwar opposition, and a respected independent lawyer named Tran Van Tuyen, who once served as deputy prime minister.

"It's not a lottery after all," a Vietnamese reporter said last night in Saigon's crowded city hall as he watched the vote being tabulated. "The people did very well."

But any elation over the relative success of this election dissipated quickly as political discussion turned to the next—the Oct. 3 presidential contest, or noncontest, from which Thieu's only opponents have withdrawn while charging fraud.

Vice President Nguyen Cao Ky, whose name will still appear on the presidential election ballot despite his formal withdrawal from the campaign, received little encouraging news with the National Assembly returns.

In the outgoing assembly, Ky commands a fluctuating but significant bloc of votes. But in the new house only two assemblymen, both from suburban Giadinh Province, are acknowledged supporters of Ky.

Among the successful pro-government candidates, also from Giadinh, was Lt. Col. Tran Van An, the chief spokesman for the South Vietnamese army at its daily press briefings.

[From the Washington Post, Aug. 30, 1971]

BALLOTING IN ANLOC; MORE VOTES THAN VOTERS, BUT ERROR A POSSIBILITY

(By Peter Osnos)

ANLOC, SOUTH VIETNAM, August 29.—By 1:30 p.m. today, 735 votes had been cast for National Assembly representatives at a nearby Montagnard resettlement camp, a remark-

able turnout since there are only 541 voters.

It may have been that government agents lined the ballot box to help a friendly candidate, but judging from the bemused concern of the Vietnamese policeman assigned to watch the polling, innocent error was also a possibility.

As for the Montagnard tribesmen, few seemed to understand what was going on. Selection of candidates is a haphazard business when voters have never heard of them and can neither read nor write. They voted, they said, because they were told to.

Here in Anloc, the dusty capital of Binhlong Province, some 65 miles from Saigon, voting seemed to be going more smoothly. By truck, motorbike and on foot, the townspeople and soldiers streamed into a schoolyard and were told what to do by teen-age militiamen.

The teen-agers were armed with old carbines and captured AK 47s, but one assured a visitor that the guns were only used for shooting dogs.

Binhlong's incumbent deputy, a former army officer named Duong Van Thuy, spent the morning observing the balloting first hand—from a seat right next to the black-curtained polling booths.

He sported a ready smile and had his election symbol, the scales of justice, pinned prominently to his shirt.

Thuy may well have had good cause to keep a close eye on the voting since one of his principal opponents, Nguyen Quang Luyen, a carpetbagger from another province, is known as the "solid gold deputy" because he was stopped in the Bangkok airport last April with a suitcase full of gold.

The incident caused Luyen to resign and transfer his constituency to this sparsely populated backwater from urban Giadinh, where his troubles are common knowledge.

But the move to Binhlong may not have salvaged Luyen's political fortunes.

His brother, in an interview with three foreign reporters, which he conducted informally in his underwear, confided that he probably wouldn't win.

Gingerly avoiding the subject of gold, the brother said simply that other candidates were better known.

If Luyen does lose, it will most likely be because the government is said to have quietly withdrawn its support of him several days ago and turned to a local doctor, Pham Ke Toai.

Open government support is rare in South Vietnam because it is considered most desirable to be in opposition or at least a self-described independent. So backers of Dr. Toai denied their man was favored by Saigon.

Just what the government can do to assure the outcome is a matter of debate here as elsewhere. But incumbent militant An Quang Buddhists insist a great deal can be done.

There are 37,000 voters in Binhlong, including 8,000 Montagnards and some 5,000 soldiers (in all somewhat less than is found in most Mekong Delta districts to the south). They will select one deputy from 12 candidates but only Thuy, Luyen and Toai are given any real chance.

"The pressure from officers, from village chiefs and hamlet chiefs, telling the people who to vote for is heavy," said Thuy, charging also that the black-pajamaed Rural Development cadre have been agents for the government.

But for all that Thuy, chatting amiably while voters shuffled by him into the booths, confidently predicted victory. Proudly displaying a baseball hat with a braided brim and a paratroopers badge, he said he once was the province chief here and knows the population well.

"My cadre have been working too," he said, "and I have observers at all 50 polling places."

The backers of Luyen and Toai maintain no government pressure has been exercised. After a day of intermittant questioning of shy and fearful voters, a visitor is likely to feel that their claims bear the greater burden of truth.

There is no doubt that the people have been warned of punishment if they don't vote. When the polls closed at four p.m., a concession to uncertain nighttime security, 80 percent of those eligible had voted. All made sure to have their voting cards stamped.

The consequence of staying home are principally that without the stamp, any requests for government benefits may be turned down.

In a rural farming province like Binhlong, a village chief or local policeman can easily single out those who refuse or forget to vote. In Saigon, it should be much easier to escape detection, and yet many people were apparently afraid there too.

A driver hired in Saigon to take reporters to Binhlong hurried to get back to the capital by 4 p.m. and as the hour approached he became notably agitated. With seconds to spare, he dashed into a polling place waving his card.

He came out smiling. Asked who he voted for, the driver replied, "Oh I don't know. There were too many names, so I just took the first six."

[From the Washington Post, Aug. 31, 1971]

THE DEFEAT OF DUC; GOVERNMENT RIGGED THE ELECTION, OUTSPOKEN THIEU FOE CHARGES

(By Peter Osnos)

SAIGON, August 30.—Most days, in the late afternoon, Deputy Ngo Cong Duc can be found gossiping cheerfully with other politicians and Vietnamese journalists in the Givral coffee shop in downtown Saigon.

He was there today, with a few of his cronies huddled around him, but he wasn't nearly as well-groomed as usual. His eyes were red-rimmed and swollen. "I must be tired," he said, "I was up all night."

It may have been mostly fatigue, but Duc was also sad and he was angry and maybe just a little frightened. It had been a long and difficult campaign and in the end, he was beaten, from all indications because the government wanted it that way.

More than almost any other opposition candidate, Duc and his supporters in the Mekong Delta province of Vinhbinh had been bullied by the government. At one point he was thrown in jail and later dropped temporarily from the ballot as a "pro-Communist."

The 35-year-old deputy has probably been President Thieu's noisist critic, although by no means the most respected, and his lively newspaper, Tin Sang, is South Vietnam's second largest.

All that made him very well-known in Vinhbinh and, as nearly as such things can be judged by an outsider, genuinely popular.

"If Duc loses," an American adviser there said in June, "it will be because the government stole it from him."

And that, says Duc, is precisely what happened, not only to him, but also to the other two incumbents who were his allies. In their places were selected three pro-government stalwarts.

From the start, opposition candidates all over the country have been accusing the government of rigging the election and Duc was among the most vociferous.

Sometimes Duc exaggerates and after he was restored to the ballot by the central election committee, his claims sounded a bit hollow.

They don't anymore. From observers who spent election day there, both journalists and American diplomats, comes the word that a systematic fix was on, notable for its flagrancy.

In one village near the province capital of Phuvinh, said Duc, government agents were distributing used voting cards and telling the people to go home without casting their ballots, which had already been cast for them.

Elsewhere, he charged, village and hamlet officials in charge of the balloting were ordered to sign a pledge that if Duc got more than 10 per cent of the vote, they would resign. He said the officials were instructed to tell those voting for him they could be accused of being Communists.

Of the 102 people he brought from Saigon to act as observers at the polling places, he said, only 14 were able to take up their posts. He added that later, during the counting of the votes, none of his supporters was allowed to watch.

In the capital of Phuvinh itself, Duc reported, officials found it harder to manipulate the voters and out of 800 votes cast he claimed 700. Overall, however, he had not been told how many votes he and the other losers had received, he said.

Duc said he will appeal the results to a local court, with little chance of success, but he fears going back to Vinhbinh in person because he might be arrested on one charge or another.

He said one of his colleagues, Deputy Nguyen Van Thanh, was already in jail because a revolver fell out of his jacket during a scuffle over documents that Thanh said were being falsified by officials.

Duc may well have reason to be afraid. Last fall, after Duc made a peace proposal at a Paris press conference, aides to President Thieu noted how similar it was to that of the Communists and said that the National Assembly should consider bringing criminal charges against him.

The few days Duc spent in jail last June were for punching the chairman of the provincial councilors (a successful lower house candidate) during a political argument. Duc was freed by a special vote of the assembly.

But now Duc will not be in the assembly and the government has already assured he will not leave the country by denying him an exit visa last week for a trip to Paris. "would I have come back," he said. "I'll never flee."

In a way, Duc is proud of what has happened. "I could have run in Saigon and certainly I would be elected" (oppositionists led the voting in the capital), "but Vinhbinh is my home."

Then, recovering a little of his bravado, he added, "If I and the others are not reinstated, they'll have to send a general to govern there. Watch, you'll see."

[From Time magazine, Sept. 6, 1971]

SOUTH VIETNAM'S FIFTH NO

Alongside the broad, American-built expressway between Saigon and Bien Hoa, President Nguyen Van Thieu's eager campaign workers have already hung banners emblazoned with Thieu's "Four Nos" slogan —no neutrality, no coalition government, no concession of any South Vietnamese territory to the Communists, no Communist activity anywhere in South Viet Nam. Thieu might as well have added a Fifth No: no opposition in the presidential campaigns.

With only five weeks remaining until South Viet Nam's October election, there was still no end in sight to the political snafu that has become at once a bitter joke in cynical Saigon and a source of deep embarrassment to Washington. So long as Thieu held the lines of governmental power and could steer the results in his favor, neither retired General Duong Van ("Big") Minh nor South Viet Nam's feisty Vice President Nguygen Cao Ky would consent to run as opposition candidates. That left Thieu the sole con-

tender, knocking the underpinnings from the U.S. contention that it remains in South Viet Nam at the request of a freely and democratically elected government. As one measure of Washington's concern, U.S. Ambassador Ellsworth Bunker spoke almost daily with Richard Nixon last week on a direct telephone line between the embassy in Saigon and San Clemente.

ARTFUL PROPOSAL

In Saigon, the elements of force in the situation were underlined with tragedy. There was talk of a coup, and the guard around the presidential palace was reinforced. Saigon gossips began adding up the forces loyal to Vice President Ky, which are thought to include some marine, airborne and armor battalions, plus six prop-driven Skyraiders at Tan Son Nhut airbase. The U.S. command placed all American installations on alert, mainly to keep G.I.s off the streets of cities where short-lived but ugly anti-American riots had broken out last week.

As elections for the lower house of the National Assembly approached, antigovernment candidates found the going rough (*see box, page 24*); police beat up and arrested one opposition politician, Tran Tuan Nham, who made the mistake of using a picture of Nixon with a Hitler mustache as a campaign poster. And for the second time in two weeks a crippled veteran set himself ablaze in Danang to protest Thieu's election tactics. Saigon's Disabled Veterans Association grimly announced that it had 40 more volunteers ready to follow his fiery example.

What to do? Ky announced his refusal to run early last week, but not in time to get his name taken off the ballot. That meant that Thieu could claim that the election was a contest after all, and late last week he announced that the campaign would proceed as scheduled. He did not even comment on Ky's interesting proposal that they both resign, turn the government and electoral machinery over to the president of the Senate, Nguyen Van Huyen, and then contest a delayed election early next year. Ky's suggestion, which was taken straight from Article 56 of South Viet Nam's U.S.-inspired constitution, found considerable favor in Washington. The delayed election would have extended the campaign well past mid-November, when Nixon is scheduled to announce the next installment of his troop-withdrawal plan. But it did offer a way out of the present morass. "We'd have to rework the scenario," said one Washington official. "But then the scenario we have worked out has been shot to hell anyway."

Plainly, Ky's artful proposal was designed to put Thieu on the spot with the U.S. Just as plainly, Thieu felt less obliged than ever to heed Washington's advice, or any other. He convened twelve of his leading military and political advisers and found that only three of them thought that he should continue to run in an uncontested election. The minority was apparently enough for South Viet Nam's President, who was evidently determined to go ahead with the race in any case.

In that acrimonious atmosphere, all sorts of stories gathered currency, including an unsavory one that was categorically denied both in Washington and at the U.S. embassy in Saigon. The chief aides of both Ky and Minh told nearly identical stories that Ambassador Bunker had offered the two noncandidates a sackful of "campaign assistance" if they would only agree to run. Minh's people said Bunker's offer amounted to $3,000,000; Ky's men said that Bunker offered the Vice President $5,000,000. It is possible, of course, that the story was hoked up by Minh and Ky to embarrass Thieu and the U.S. Government further. But their aides repeatedly insisted that the money had been offered, and few in Saigon were ready to dismiss the story out of hand.

ISOLATED POSITIONS

While the political squabbles stirred up Saigon, Communist artillerymen, defying counterattacks by waves of B–52s, placed isolated South Vietnamese positions just below the Demilitarized Zone under tremendous pressure. Throughout the country, enemy sappers and mortar teams launched scattered attacks on a slew of targets, including the huge U.S. base at Cam Ranh Bay, where an ammunition dump was set ablaze and spewed forth explosives for twelve dangerous hours. Still, the U.S. command reported only ten American combat deaths—the lowest weekly total since August 1965.

That was still too many if the net result of U.S. policy is to be an electoral farce in Saigon. Unless Thieu changes his mind and accepts Ky's proposal, or something like it, he may regret his intransigence. A disillusioned Congress, returning from its recess next week, could slash away at the $565 million in economic aid that the Administration wants to give Saigon in the coming fiscal year. It might also go for something like Senate Majority Leader Mike Mansfield's proposal that all U.S. troops be legislated out of South Viet Nam if the election is not cleared up within 90 days. In that case, Thieu would stand to lose much more than he would by facing Ky and Minh in a completely free and fair election.

THE TRAILS OF NGO CONG DUC

South Viet Nam's presidential campaign overshadowed another important election this week. Vietnamese voters went to the polls to select from among 1,297 candidates the 159 who will sit in the House of Representatives. Patterned after the U.S. House, Viet-Nam's lower chamber originates the nation's legislation and, with a two-thirds majority, could override a presidential veto.

Until now, the House has always been progovernment by about a 2–1 margin. The makeup is likely to be much the same after this week's ballots are counted. However, significant antigovernment blocs have begun to coalesce, thus the election promised to be a litmus test of how much support such antigovernment parties could get in the facet of overwhelming obstacles.

GOVERNMENT WEAPONS

Opposition candidates in South Viet Nam must wage uphill battles that would dishearten the most determined American politician. The government not only controls television and radio, but its rigid press laws stifle antigovernment stories in newspapers and discourage favorable stories about opposition candidates. The army provides transportation and other services for government candidates, but none for the challengers.

The candidate who faced probably the worst obstacles in this election was Ngo Cong Duc, 34, a Socialist, Catholic and nationalist, who is also the best-known and most outspoken antigovernment legislator in Viet Nam. To find out what was involved in campaigning against President Thieu, Time Correspondent Stanley Cloud flew south last week to Duc's home province to follow the candidate on the hustings.

Ngo Cong Duc is far and away the most popular candidate in Vinh Binh, a flat, fertile province in the Mekong Delta, 60 miles southeast of Saigon. Son of a wealthy canton chief who was assassinated by Communists in 1954, Duc has gradually shifted from being a defender of the status quo to being a critic of the war and of the presence of foreign forces. He is now a national personality, and in any fair election would be an odds-on favorite to win. As the campaign came to an end last week, Duc expected to get no more than 20% of the vote.

BOMBS, ACID AND FIRE

Duc's difficulty is that he has been a particularly outspoken opponent of President Thieu, whom he denounces as serving "the interests of war profiteers, the privileged classes and a foreign power [the U.S.]." Soon after entering Congress in 1967, he founded an antigovernment newspaper, *Tin Sang* (Morning News), which soon became the most controversial journal in Saigon. He traveled to Paris and called for the withdrawal of foreign troops and the establishment of a neutral provisional government in Viet Nam. Since then, he has had nothing but trouble. Duc was labeled a Communist lackey and denied an exit visa for other overseas trips. *Tin Sang* has twice been bombed, has had its presses drenched with gasoline and acid and set afire, and its editions have been confiscated 150 times; the latest two crackdowns came only last week. Beyond all that, Duc's house in Vinh Binh was broken into and set afire, and his *pied-à-terre* in Saigon bombed.

DEMOLITION

During the election campaign, his posters were torn down and his workers harassed. Duc himself has been pelted with stones and rotten eggs. In this campaign's most flagrant incident, an opposing government candidate spat a mouthful of beer over him in a restaurant. When Duc responded with a punch in the nose, he was jailed on a charge of attempted murder and released only on the demand of a majority of the House.

Some Duc supporters in Vinh Binh could be forgiven if they hope that he loses this time. In certain areas they claim that government officials have threatened to reclassify their villages as Communist if he wins. This would leave the villages open to demolition and the villagers subject to forced relocation. In other instances, polls were located well outside villages in areas of marginal security to discourage voting and poll watching by the candidate's representatives. Nonetheless, as the campaign ended last week, Western diplomats were still fervently hoping for a Duc victory. "By every indication," said one, "Ngo Cong Duc should be a winner. If he doesn't win, it will cast a large shadow on the validity of the lower house election as a whole."

STUFF THAT BOX, FILL THOSE POTHOLES

Democracy may be new to South Viet Nam, but some Vietnamese already seem old hands at the more devious electoral arts. To back up complaints that the presidential race was rigged against him, erstwhile Candidate Duong Van ("Big") Minh and a number of disgruntled province chiefs gave U.S. officials several copies of a ten-page sheaf of instructions stamped "Top Secret." Thieu's government, they said, had sent the documents to the country's 44 provincial governments earlier this year. Whether the documents are authentic or not, they have already played a significant role in the election by providing an acceptable reason for Big Minh to withdraw. Even if they prove to be no more than an ingenious fabrication designed to discredit the Thieu regime, the instructions constitute a thorough manual on how to manipulate a national election. And there is one strong argument for their authenticity: some of the measures they recommend for the months leading up to the election have already been taken.

The instructions told province chiefs how to set up campaign staffs to operate on two levels—publicly, to give the appearance of an open election, and secretly, to make sure that the results are tightly controlled. Phase 1 of the secret campaign, a hamlet-level study of trends among the 6,600,000 voters who cast ballots in last September's Senate election, was to be completed in June. When

Phase 2 came around last July, each of some 20,000 carefully screened campaign managers was to submit short biographies on the 300 or 400 voters for whom he was responsible. The idea, said the document, was to "help the cadre know the target."

Photocopies of duplicate registration cards made out to a single voter showed how a good pro-government man could make not just one but two trips to the ballot box. Opposition voters could be dealt with in several ways. The manual suggested "dividing the opposition by buying off their leaders," and "arresting elements considered as pro-Communist." Then again, one could always "blackmail a person with a scar"—meaning a person with an unsavory background as a smuggler, say, or a habitué of brothels.

The documents suggested that just about everyone loyal to the government should be pressed into the secret campaign effort in one way or another. Campaign managers ought to be "generally prestigious." They should also have "a strategic sense, initiative, courage, a wide range of acquaintances and not be burdened with a bureaucratic mind."

Certain cadres would, of course, be suited to certain tasks. Popular Forces militiamen should be valued because they "are the eyes and ears of the uneducated who cannot judge for themselves whom they should vote for." Policemen would obviously be useful when it becomes necessary "to divide and neutralize the opposition." Army political-warfare specialists should be recruited for "hanging posters, distributing leaflets, organizing pep talks and passing out rumors." Administrators who can "incriminate" or "temporarily transfer government employees and cadres who campaign in favor of opposition candidates" are handy. (In fact, such transfers have been frequent since June.) But beware of teachers, who are commonly "uncommitted" and therefore useless. Because they are especially prone to "the complexes of an intellectual, they often cannot support the government."

One tactic that has been tried and found true in every city hall in the U.S. is evidently also thought to be promising in South Viet-Nam. Public employees, said the document, "should accomplish a number of social tasks in order to increase sympathy for the government. Examples: dig wells, fill up potholes, repair the marketplace, dig canals."

[From the New York Times, Sept. 3, 1971]

SAIGON GENERALS SPLIT ON ELECTION; U.S. REPORT TERMS MILITARY "LESS THAN UNANIMOUS" ON THIEU'S RUNNING ALONE

(By Tad Szulc)

WASHINGTON, September 2.—A United States intelligence report says that South Vietnam's military leaders are "less than unanimous" in supporting President Nguyen Van Thieu in his determination to run in the Oct. 3 elections even though he is unopposed.

The report, submitted to top Administration officials, said that President Thieu met secretly last week with senior South Vietnamese Army generals and found some of them "noncommittal," although most pledged their support.

According to the report, several of the generals expressed the view that they should have had an opportunity to meet separately with the Vice President Nguyen Cao Ky, who withdrew as a candidate in the presidential race.

ANNOUNCEMENT FOLLOWED

President Thieu's consultations with his military commanders reportedly preceded his announcement yesterday that he would run alone next month but that he would not accept another term if he felt that the voting showed a lack of confidence in his leadership.

The report also recounted a recent meeting between Vice President Ky and Gen. Can Van Vien, chief of the Joint General Staff.

The report said that while Mr. Ky "has shown a tendency to overrate his support in the past," he left his conference with General Vien feeling "optimistic that Vien would support him in any future political moves."

However, the intelligence report said, General Vien told Mr. Ky that the task of the South Vietnamese Army was to stay out of politics.

The report said that Mr. Ky "might be encouraged to oppose Thieu more vigorously if he saw cracks in the President's military support."

The report quoted Gen. Hoang Xuan Lam, the commander of Military Region I, which encompasses the northern part of South Vietnam, as having told President Thieu last week that South Vietnam's senior military men "should be allowed to meet with Ky, who also was a military colleague."

The report added that General Lam also conveyed to President Thieu his full agreement with the President's policies.

OPPOSITION GAINS IN VOTING

Vice President Ky and General Lam did meet briefly in Danang last weekend during the funeral of two South Vietnamese veterans who committed suicide in protest over the political developments in Saigon.

In last Sunday's elections to the lower house of the Vietnamese National Assembly, opposition candidates backed by the An Quang Buddhist faction scored important gains.

Although the Nixon administration maintained silence publicly over President Thieu's decision to run in the October election even though he was the only candidate, informed officials said that the current intelligence reports from Vietnam gave some cause for concern as to his ability to control all the military forces in the country during the electoral period.

American officials emphasized that yesterday's intelligence report noted that several of the generals with whom President Thieu met last week had expressed the opinion that the circumstances that led to Mr. Ky's withdrawal from the presidential race were unfair.

They also said that unrest among South Vietnamese students and veterans might work in Mr. Ky's favor and further dilute support for President Thieu.

LOYALTY CHECKS REPORTED

The uncertainties of the South Vietnamese political situation were stressed in earlier United States intelligence reports from Saigon.

These reports told of special measures taken by President Thieu before last Sunday's parliamentary elections to check out the loyalty of members of his Government.

An American intelligence report on Aug. 24 said that "the commander of the Military Region III, who has over-all responsibility for the security of Saigon, reportedly has been checking on the loyalty of subordinate commanders, and is satisfied there will be no coup attempt as a result of the political turmoil."

Reporting on the legislative elections Sunday, the Central Intelligence Agency advised the Nixon Administration that "Communist military efforts to disrupt the election process were widespread, but small-scale and ineffective."

FEW IRREGULARITIES FOUND

In a comment on the charges by opposition figures of fraud in the legislative elections, the report said that "in general, United States intelligence officials estimate that irregularities do not appear to have been a major factor in the election process."

A background analysis of South Vietnamese politics by United States intelligence, presented to the Administration on Aug. 20, emphasized that Mr. Ky, even after withdrawing as a candidate, "could remain a prominent opposition spokesman and continue to be a thorn in Thieu's side."

A review of recent United States intelligence assessments of South Vietnamese politics suggested that the Central Intelligence Agency had been outspoken in its comments on the Thieu Government.

The background review, for example, remarked that Mr. Thieu had succeeded in originally denying Mr. Ky a chance to rule for the presidency and in discouraging the candidacy of Duong Van Minh, a retired general, "by the heavy-handed methods of the Government's powerful political machine." Mr. Ky withdrew from the race after the supreme Court reversed its original decision to disqualify him as a candidate.

QUOTES FROM THE MINH DOCUMENT

On August 12, a week before he withdrew from the Presidential race, General Duong Van Minh gave Deputy Ambassador Samuel Berger a copy of a document said to be a directive from Pres. Thieu to his province chiefs on conduct of the 1971 elections. Newspaper reports from Saigon have subsequently said that U.S. Embassy sources believe that the document is genuine.

Much of the document is simply a political organization handbook, urging careful canvassing of voter attitudes, extensive organizing, and showy projects to prove how the Government is caring for the people. In addition to this overt activity, however, the document calls for carefully controlled secret cells for covert activity. Province Chiefs (who are appointed by the President) are told to "Analyze the various tricks and maneuvers which might be applied in order to undermine and paralyze these opposition elements in each village, urban ward, and district."

"For example: Can infiltration be carried out to cause confusion and internal division in any opposition groups? Is it possible to buy any leadership elements? By what means? For example, as in the cases of:

"Detention of pro-Communist elements.

"Oppressing elements who have a questonable past. . . .

"Transferring outside of their area of activity. . . ."

Officials are told to "study the techniques for controlling the polling stations and training the responsible personnel."

Each unit is to develop a "guiding index," which is "the number of votes which must be received."

The document repeatedly stresses that cadre must be loyal. When military and government officials cannot openly be cadre because of their other responsibilities, "All civilian and military personnel may be used in covert campaign activities."

"The undercover front is the most important." "Every district should have a person specially responsible for that district. This cadre should, in practice, only serve as a front for the district chief to arrange activities, because there are many tasks which district chiefs cannot carry out publicly."

"Order all levels of the government that they cannot promise support for anyone in the forthcoming elections except on order of the province chief."

Much of the organizing was supposed to be completed by the end of June, 1971. Between August 1 and October 3, "one month will be in secret and one month will be the period established by law."

"The entire group of cadre described above will be used for covert support in the 1971 lower house election."

In order to consolidate the administrative

system, the following measures are suggested: "Temporary transfer in order to block att (all?) personnel and cadre working for the opposition. Concerning officials elected by the people such as village chiefs, who cannot be replaced, use the officials under government control in order to surround them, escort them closely and use all necessary measures in order to paralyze their opposition activities. Use documents concerning undesirable activities which might be used as the basis for prosecution concerning all officials close to the opposition. . . ."

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed with the transaction of routine morning business, for a period of 15 minutes, with statements by each Senator limited to 3 minutes.

TERMINATION OF HOSTILITIES IN VIETNAM—SENATE JOINT RESOLUTION 155 READ THE SECOND TIME

The PRESIDENT pro tempore. The Chair lays before the Senate, Senate Joint Resolution 155, which was introduced yesterday and read the first time. Objection having been heard to the second reading on yesterday, the joint resolution will now be read the second time.

The legislative clerk read as follows:

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 ask unanimous consent that the joint resolution be placed directly on the Calendar

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

QUORUM CALL

The PRESIDENT pro tempore. Is there further morning business?

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

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

The legislative clerk proceeded to call the roll.

Mr. GRAVEL. 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.

PROTEST AGAINST SCHEDULED CANNIKIN UNDERGROUND NUCLEAR TEST

Mr. GRAVEL. Mr. President, public sentiment against the scheduled Cannikin underground nuclear test has been mounting steadily in recent weeks.

Newspapers, radio stations, and TV stations across the Nation have urged the President to cancel the blast.

Citizen groups have been writing to him and pleading with him to listen to arguments against the test.

I ask unanimous consent that a selection of these public comments be reprinted at this point in the RECORD.

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

[From the Anchorage Daily News, Sept. 13, 1971]

HALT CANNIKIN

President Nixon is said to be seriously considering cancellations of the five-megaton Cannikin atomic weapons test scheduled for next month in the Aleutions. We sincerely hope this is the case. Not only does the test appear to be wholly unnecessary to America's defense, or even its bargaining position, but it poses a real threat of vast environmental disturbance not only in the Alaskan area but as far away as Hawaii.

The Atomic Energy Commission's report on possible environmental effects of Cannikin said major earthquakes or tidal waves were unlikely. But the AEC did not completely rule out the possibility that something untoward could happen. It is this margin of doubt that has led to efforts to stop the test. The efforts include one pending federal court suit, and one unsuccessful suit by 30 congressmen asking publication of a special report to the President which allegedly placed five federal agencies in the anti-Cannikin camp.

The $190 million shot is scheduled for a spherical chamber 5,875 feet below the tundra on Amchitka Island, which has been a national wildlife refuge since 1913. Although a much smaller atomic explosion there resulted in no apparent environmental evil, opponents of Cannikin nonetheless fear earthquakes, because Amchitka is in a highly active seismic region, and because of seismic sea waves which conceivably could devastate Hawaii and other Pacific areas. In addition, there is concern for the area's wildlife—the sea otters, sea lions, seals, birds—including rare bald eagles and peregine falcons—and salmon.

Mr. Nixon, however, reportedly is not being swayed by the environmentalists' ears—he is instead accepting the AEC assurances. But he is believed to be impressed with mounting evidence that the test—of a Spartan warhead—is both unwise and unnecessary. In the first place, it could disturb delicate arms-control talks with the Soviet Union. In addition, the Spartan may well be too big for the Safeguard antiballistic missile system it was supposed to be a part of. It seems common sense would view the evidence of dictating cancellation of Cannikin, and we believe Mr. Nixon should see to it that common sense prevails.

[From the Anchorage Daily News, Sept. 9, 1971]

AEC REPLY TO CHARGE OF WILDLIFE DANGER AT CANNIKIN TEST SITE

(By Richard Fineberg)

(EDITOR'S NOTE.—In Wednesday's edition, The Daily News published a question and answer interview with Robert Jones, manager for the Interior Department of the Aleutian National Wildlife Refuge. In the interview, Jones charged that the Atomic Energy Commission has not been candid in assessing the environmental impact of its scheduled atomic test on Amchitka—code named Cannikin—late this month or in early October. In the following article, Dixon Stewart of the AEC answers Jones' charges.)

The manager of the Interior Department's Aleutian National Wildlife Refuge since 1951 has leveled a blast at the Atomic Energy Commission's activities on Amchitka Island, where the AEC plans to trigger a 5-megaton underground nuclear explosion shortly.

Refuge manager Robert D. Jones of Cold Bay charges that the AEC's presence on Amchitka since 1964 has seriously disturbed Amchitka's restoration as a base for waterfowl in the Aleutian Islands.

Jones maintains that the presence of the AEC on Amchitka "has denied the island for the natural re-establishment of the Aleutian Canada goose, has contributed to the decline in the nesting population of ducks, and has resulted in the virtual abandonment of the island as the wintering home of the Asiatic whooper swan."

These factors are either ignored or obfuscated in the AEC environmental impact statements, Jones says. He claims that results of bird counts in the refuge are classified "restricted" by the AEC and that the use of helicopters in many of these counts renders some of the commission's public statistics meaningless.

The AEC disputes the charges made by Jones. "It is entirely false that the AEC has classified any statistics on birds, wildlife or fish on Amchitka," says Dixon Stewart, Anchorage-based public information officer for the commission.

"I have never heard that our operation has had any major influence on bird populations." Stewart concedes, however, that "just having people there is going to have some influence."

Amchitka was occupied by the Army—and later the Air Force—from 1942 to 1951. With the exception of the AEC's work force, which is estimated at 700 at pre-bomb peak, the island is uninhabited today.

Stewart says that Jones, whom he identified as "Sea Otter Jones," is "not qualified to talk" about waterfowl. "He's a very good man on sea otters, but so far as I know he has never been recognized as an authority on birds."

But David Spencer, the area supervisor for the Interior Department's 18 wildlife refuges in Alaska, says that Jones' most recent field of specialization "is in Pacific Coast geese." Jones says that he published a paper on the sea otter during the 1950's, but that most of his publications in professional journals concern waterfowl. At present Jones is working on a doctoral degree in wildlife management under the auspices of his bureau.

Jones feels that the refuge, which spans the 1,100-mile Aleutian archipelago in which Amchitka is located, is large enough that birds driven from Amchitka may still find other areas for nesting. "But if they keep making portions of the chain unavailable to birds," he warns, "there will soon come a point at which man's presence will gravely affect the situation."

According to Jones, "Amchitka was one of the best waterfowl producers in the chain" prior to the 1920's, when foxes were introduced for fur-farming by Aleut Natives from other islands. During the 1950's the Interior Department decided to "restore key islands in the chain to their original ecology by eliminating the foxes."

This was done on Amchitka between 1957 and 1960, Jones reports, and many species of waterfowl were returning to the islands by 1964, when preparations for the first nuclear blast on Amchitka were begun.

"There is only one other sizeable island on the chain from which we have succeeded in eliminating the fox population . . . The bird population is expanding massively there, just as it was on Amchitka. The presence of the Bomb People has in effect denied the use of 50 per cent of the islands which were cleared of foxes for them."

He says that the Asiatic whooper swan, which is comparable in size to the trumpeter swan, used to winter on Amchitka. Since the advent of the AEC, he maintains, only a few

whooper swans come to the island, and they pass through rather than wintering.

Jones feels that the AEC's published reports, such as the environmental impact statement prepared by the AEC in June 1971 for the upcoming Cannikin explosion, slight these problems. "The AEC will not face up to these problems," he says. Moreover, he asserts, the exact figures on the whooper swan have been restricted.

Jones says that he considers data gathered on waterfowl by helicopters to be useless anyway. "If there is anything disturbing to wildlife, it is a flapping helicopter."

Spencer confirms that helicopter counts on many birds are not reliable. Most surveys of birds, he says, "are best done from the ground." Many ducks, he explained, dive when a helicopter comes over. An AEC report published earlier this year lists results of helicopter surveys taken before and after the nuclear explosion of October 1969 to show that the blast did not cause a significant reduction in the presence of a wide variety of birds.

According to Spencer, Jones' opinions "might or might not be shared" by others in the bureau.

[From the Christian Science Monitor, Sept. 13, 1971]

CANNIKIN OFF?

(By Erwin D. Canham)

It seems likely that President Nixon will cancel Cannikin.

This is very good news. The nuclear explosion planned to go off this fall a mile beneath the Aleutian island of Amchitka would have been 250 times the strength of the atomic bomb over Hiroshima. It would not have been as large as an atomic device the Soviets are believed to have exploded in the Arctic, but it would have been several times larger than anything the United States or anybody else has ever set off before.

The AEC and Defense Department experts believe the experiment would have been "safe." Perhaps they are right. But many other strongly qualified scientists take a different view. Any possible degree of error when you are talking about such a seismic event may well be too much.

Moreover, credible natural scientists—for example, Jeremy J. Stone, director of the Federation of American Scientists—say the test is unnecessary. It is, he says, "a bureaucratic oversight—an experiment that has been waiting to be canceled." The reasoning is that since it was to test the warhead of the Spartan antiballistic missile, this is no longer necessary with the revision of the ABM program.

POTENT OPPOSITION

Even if this were not so, the arguments against Cannikin (which is the meaningless AEC code name for the test) are very powerful. The explosion was to have been in a highly earthquake-prone region. How the experts could have been absolutely sure of its relatively harmless consequences is difficult for the layman to grasp. And if an earthquake were touched off, the "tidal" or seismic wave that follows—the tsunami—might have had very grave consequences. The 1964 Alaskan earthquake started a tsunami which destroyed California waterfront areas.

Further, if any radioactivity had leaked up from the explosion—and who can be absolutely certain it would not—it would have come in the very crossroads of Pacific spawning salmon. Amchitka, ironically, is set off, with the Aleutians, as a national wildlife refuge! It is only 800 miles from the Soviet Union, much nearer Canada than to continental United States, and not far from Japan.

VIEW PREVAILS

A significant number of governmental departments and agencies were said to have opposed the test. Now the word emerging from Washington is that they have prevailed. How much of the taxypayers' money has been spent to set up the test may be hard to dig out. Whether the "bureaucratic oversight" could have been headed off sooner would be worth determining.

Further ironically, the final determining reason the test may be canceled could well be President Nixon's welcoming handshake visit to Emperor Hirohito when he comes down at Anchorage on Sept. 26. The Cannikin was to have gone off in the time interlude between the Emperor's arrival and his touchdown on his return flight. The very height of poor timing since the Japanese Government has protested against the test.

In addition, the ABM system of which the Cannikin test was a part, is under active negotiation at the SALT talks, and was originally described as a means of defense against possible Chinese aggression. Thus it overhung both Helsinki and Peking, which the President expects to visit.

UNDONE BY TIMING

The United States and world order have suffered sadly in the past at poor timing. The unhappy U-2 flight over the Soviet Union just before President Eisenhower was to have conferred with Chairman Khrushchev in Paris is the most regretted example.

Now there is a chance, which apparently the President is seizing, to prevent another unnecessary fiasco.

It is important, still, for the United States to maintain a fully effective deterrent against nuclear attack. The existence of the atomic stalemate is a major element for peace, until such time as better guarantees can be found. The arms race continues to be a heavy burden and a potential danger hanging over the head of every human being on earth. But the certainty of unacceptable retaliation does seem to prevent major overt acts. It is a paarodx, but peace has never been entirely rational. Yet "overkill" is an unneeded and especially dangerous part of the race, and it should be avoided.

[From the Southeast Alaska Empire (Juneau, Alaska), July 29, 1971]

STOP THE BLAST

Governor William A. Egan's recent request to the Secretary of Defense urging postponement of the proposed fall nuclear test blast on Amchitka Island apparently has not been heeded in Washington. In a letter to Secretary Laird, Egan said the Department of Defense "has been officially silent on what this test is really supposed to prove." State Attorney General John Havelock's comments on the refusal of the U.S. Government to provide accurate data on the need for the blast were that the AEC had "made a charade" of federal law, Havelock also voiced the opinion that the requirements of the National Environment Policy Act had not been met.

During the EPA hearings which were held in Alaska, opposition to the test was almost unanimous. At that time representatives of the AEC could not convince Alaskans the blast was necessary or that it would not touch off an earthquake or other seismic activity within the state. In addition, it was brought out at the hearings that a quantity of nerve gas had been deposited off Amchitka Island after the second world war. These cannisters of death could be ruptured by the 5 megaton test.

The only apparent excuse the AEC can muster up for still staging the test is that it is in the national interest. However, we have repeatedly asked, is not Alaska part of the national interest? If an earthquake occurs or nerve gas is released, is this not in violation of the national interest?

What about the wishes of the people who have clearly demonstrated their unwillingness to have the nuclear device exploded in their state? Do not their views count for something?

Governor Egan and many other high officials have voiced the opinion that the test should either be delayed or cancelled. Are their statements falling on deaf federal ears?

It is time the AEC and the other federal agencies involved became responsive to the desires of the people of Alaska. We do not want this blast in our state. The good the test will create has never been disclosed, but the havoc it could reek is a very awesome reality.

[From the New York Times, Aug. 23, 1971]

UNDERGROUND A-TEST IS STILL SET FOR ALEUTIANS BUT IS NOT FINAL

(By Richard D. Lyons)

WASHINGTON.—The Nixon administration is pressing ahead with plans to explode a nuclear warhead in the Aleutian Islands despite the pleas of some scientists and ecologists that the test is either unneeded or harmful to the environment.

High Administration officials insist that the detonating of the nuclear warhead for the Spartan antiballistic missile vehicle is needed to measure its explosive effects before the multibillion-dollar Safeguard defense system is built and deployed.

Yet the final decision to explode the thermonuclear device—October is the target date—has not been made. The door is apparently being left ajar to cancel the test for political reasons, primarily complaints that are expected from Canada and Japan.

Work continues at the test site on Amchita Island, near the western end of the Aleutian chain. The five-megaton device—meaning its equivalent to five million tons of TNT—will be detonated in a chamber carved out of solid basalt 6,000 feet beneath the island.

TWO SHAFTS BUILT

The Atomic Energy Commission has already spent most of the estimated $200-million cost of the test on drilling two vertical shafts that are over a mile long and setting up instruments that will measure the effects of the blast.

The tremendous amounts of time, energy and money that have been expended on the test are collectively aimed at finding out what happens in the first millionths of a second after detonation of the warhead.

The rationale of the Spartan missile as a defensive weapon is to detonate the warhead scores of miles above the earth in an area occupied by incoming missiles aimed at the United States.

The brief burst of energy is designed to saturate the area in space with a mighty burst of X-rays and other forms of radiation so as both to disarm the warheads of the incoming ICBM's and to disable their radars.

The Safeguard defense system, of which the Spartan missile is a part, probably is the most complicated weapons system yet devised. Scientific opponents of the Safeguard have asserted that its expectations are beyond the realm of current technology.

"The main question being raised is whether something as intricate as this system can be developed without testing its components," said one high official connected with the test, which has been code-named Cannikin.

He noted that "the gist of Congressional criticism with regard to defense procurement in recent years has been inadequate testing. The specific purpose of the test is to get accurate measurements."

The official, who did not want to be identified, emphatically denied allegations made last spring by members of the Federation of American Scientists that the Spartan missile warhead that is to be exploded was "obsolete."

"This is simply untrue," he said.

Federation spokesmen had contended that the Defense Department was seeking to modify the Spartan warhead to give it an explosive yield of less than five megatons, but to permit it greater flexibility to deal with low trajectory ballistic missiles such as those fired from submarines. Therefore, the federation members said, the Cannikin test is unwarranted.

Another variety of complaints about the Cannikin test has stemmed from ecologists who contend that the blast would either kill local wildlife or trigger earthquakes or start an ocean tidal wave called a tsunami.

Previous protests reached a peak two years ago before the first Aleutian nuclear blast, named Milrow, when a one-megaton device was set off to calibrate the measuring devices to be used in Cannikin.

At that time, Senator Mike Gravel, Democrat of Alaska, made a personal appeal to President Nixon to stop the testing.

The Milrow test produced neither destructive earthquakes nor tidal waves, nor wanton damage to the Aleutian ecology. But it did produce an impressive 6.5 rating on the Richter scale of earthquake measurement.

Although Cannikin is to be fired at a depth half again as deep as Milrow as a safety precaution, environmentalists have pointed out that the new blast is to be over four times as powerful as the last and that, even more importantly, the Aleutians sit athwart one of the world's major earthquake belts.

[From the New York Post, Aug. 25, 1971]

GRAVEL: RELEASE A-BLAST REPORT

(By Carl Greenberg)

LOS ANGELES.—Sen. Gravel (D-Alaska) has demanded that President Nixon make public a report in which Gravel said five of seven federal agencies recommended against a planned five-megaton nuclear blast in the Aleutians.

The Senator, who in June disclosed some of the Pentagon secret papers on the Vietnam war, said the report is a "secret study" ordered by the President and that the White House has not acknowledged a letter in which Gravel called for release of the document.

The American people should be made aware of the report's contents so they can share in the decisionmaking process," said Gravel.

He listed the five agencies recommending against the underground blast as the Interior Dept., the Office of Science and Technology, Environmental Protection Agency, the State Dept. and the Environmental Quality Commission.

Gravel said that among the adverse recommendations the "most interesting"—because of the expertise of the agency—was that of the Office of Science and Technology.

He added that some scientists say the bomb to be tested will "be obsolete in two years."

Favoring the blast, Gravel stated, were the Defense Dept. and the Atomic Energy Commission. The AEC has scheduled the blast for early October on Amchitka Island.

Gravel and other Alaskan political leaders, as well as Hawaii's two Senators, have voiced opposition to the blast on the grounds it may set off an earthquake registering 7 points on the Richter scale. (Alaska's devastating quake in 1964 registered 6.4).

Gravel also voiced concern that the detonation could cause a tidal wave such as that following the 1964 earthquake and which resulted in death and destruction in Crescent City, Calif.

[From the Anchorage Daily News, Aug. 31, 1971]

QUESTION OF HAZARD: AMCHITKA BLAST WOULD NOT JAR POISON GAS CANS SAYS AEC

(By Richard Fineberg)

Are containers of poison gas which the Army dumped off Amchitka Island on Alaska's Aleutian chain still resting on the ocean floor close to the site at which the Atomic Energy Commission intends to trigger a five-megaton underground nuclear blast?

The AEC's June 1971 environmental impact statement reports that "the Cannikin test should have no effect" on mustard gas and Lewisite dumped near Attu, about 240 miles west of Amchitka, in 1947.

The statement, however, makes no reference to reports of gas scuttled within 50 miles of Amchitka in 1946.

The question of hazards relating to gas dumped near the AEC's Amchitka test site was raised in May when an unidentified Alaskan reported that he helped scuttle large steel drums containing mustard gas and Lewisite off Amchitka early in 1946. He asked Sen. Mike Gravel to "pursue the matter" for him.

The lethal blistering agents were stockpiled in the Aleutians for possible use during World War II.

In response to Gravel's inquiry, the Army reported that 948 tons of mustard and Lewisite had been dumped off Attu Island in July 1947. The Army reported at that time that "a careful search" uncovered "no records which confirm that chemical agents were disposed of in the ocean near Alaska or the Aleutians in 1946."

The civilian informant who initially raised the question maintains that the 1947 dump off Attu is not the one he participated in. "I received my honorable discharge in late 1946," he explained. He recalls that the gas he helped get rid of was contained in large steel drums which were released from a barge at a distance he estimated to be less than 50 miles from Amchitka.

Gen. Edward B. Giller, AEC assistant manager for military applications, told questioners at a public hearing on the blast held in Anchorage May 28 that the potential gas problem had not come to AEC's attention "until three or four days ago."

At that time the AEC's draft version of the environmental statement contained no reference to the possible effects the big nuclear blast might have on Army chemical warfare munitions and explosives which had been scuttled near Amchitka since World War II.

"In the next version" of the impact statement, Giller promised, "I will address a paragraph or two" to the question.

At that time the AEC was advised that there was a discrepancy between the signed letter to Gravel and the Army's report. But the final environmental statement, issued in June 1971, did not mention the 1946 dump off Amchitka.

"In considering the possible effects of Cannikin," the report stated, "it was determined that the U.S. Army had disposed of a large number of containers of mustard gas and Lewisite in 1947 by dumping them at sea near Attu Island at a distance of about 240 miles from Amchitka.

"There was the question of whether Cannikin might cause these materials to be released into the ocean," the report continued. "At a distance of about 240 miles, the Cannikin explosion will appear as a simple seismic wave with no significant disturbance of the sea floor. Since the disturbance will be minimal at the location of the mustard gas and Lewisite containers, the Cannikin tests should have no effect upon these containers.

"It should be noted," the report added, "that there have been three earthquakes of magnitude 7.0 or greater in the Aleutian Islands west of Amchitka since 1947. Each of these seismic disturbances has probably subjected the containers to motions larger than those which will occur in connection with Cannikin."

An AEC spokesman acknowledged privately last week that the impact statement's discounting of the gas problem was based on the belief that the gas was more than 200 miles from the site of the explosion. The blast might have a considerably greater effect on drums lying closer to Amchitka than those covered in the impact statement. "If gas was dumped off Amchitka as has been alleged," he said, "it might be a completely different ballgame."

The wording of the impact statement gives the impression that the steel containers still remain intact on the ocean floor. But Giller speculated in May that the drums containing the gas "probably" had rusted through, exposing the submerged chemical agents to water.

Mustard gas and Lewisite are normally stored in liquid form. Lewisite neutralizes rapidly in water, while mustard gas breaks down more slowly. Because mustard gas freezes at 57 degrees fahrenheit, it would solidify at ocean-bottom temperatures in the Aleutians. In solid state, its dissolution into nonpoisonous elements would be still slower. Lewisite remains in liquid form to 1 degree fahrenheit.

It is conceivable, one expert noted, that the containers near Amchitka might still be intact on the ocean floor. In this case, the nuclear blast might break them open. If the containers have already ruptured, it is possible that large blocks of mustard gas might still remain in the area in frozen form. The impact statement does not deal with these possibilities. Nor does it consider the effects the release of the gas might have on the fish and other marine life in the vicinity.

[From the Washington Post, Sept. 2, 1971]

CANADIAN SLAPS U.S. BOMB TEST

BANFF, ALBERTA.—The proposed U.S. nuclear bomb test scheduled for October in the Aleutian Islands is a "travesty on justice" federal environment minister Jack Davis said today.

"I can't burn a few leaves in an old perforated oil drum in my back yard in West Vancouver without being hauled up in court," he hold a meeting of the Canadian Bar Association.

"And yet the U.S. brass . . . can set off the biggest underground test ever . . . in the least spoiled part of the Pacific Ocean in the midst of an earthquake zone and with the certain result that deep seated rocks and deep seated underground waters will be contaminated with radioactive waste from thousands of years."

[From the New York Times, Sept. 2, 1971]

RUCKELSHAUS SCORES LABEL OF SECRECY ON A-TEST NOTE

(By E. W. Kenworthy)

WASHINGTON.—William D. Ruckelshaus, administrator of the Environmental Protection Agency, says that there is no substantive reason for classifying as top secret his recommendations to a Presidential committee on the underground nuclear test scheduled for early next month on Amchitka Island.

"There was nohing in my comments that needs to be stamped 'top secret,'" he told reporters yesterday.

His comments and recommendations were made in a letter to John N. Irwin 2d, Under Secretary of State, who is chairman of the Under Secretaries Committee. President Nixon, in June, 1969, directed this committee

to review the underground test program of the Atomic Energy Commission.

In this capacity, the Irwin Committee transmitted to the President last July 17 a top secret memorandum and report on the proposed five-megaton blast to test an anti-missile warhead for the Spartan missile, the long-range interceptor in the Safeguard missile defense system.

The shot will be fired in a chamber carved out of solid basalt 6,000 feet below the surface of the Aleutian Islands. Already, almost $200-million has been spent on digging two shafts and setting up instruments in the chamber.

RUMORS PERSIST

Attached to the Irwin committee memorandum and report were several other documents, including letters from Mr. Ruckelshaus and Russell E. Train, chairman of the White House Council on Environmental Quality.

There have been persistent rumors in Washington that Mr. Ruckelshaus and Mr. Train recommended the cancellation of the test because of possible environmental damage.

It has been impossible to verify these rumors, however, because the Ruckelshaus and Train letters were classified "top secret" under a security practice known as "classification by association." This requires that any documents that could normally be unclassified become classified when they are attached to classified material.

Since the Irwin memorandum and report dealt with a highly classified weapons system, the Ruckelshaus and Train letters, dealing with possible environmental risks of the blast, also became classified when they were incorporated in "the package" sent to the President.

RUCKELSHAUS' VIEW

In a breakfast meeting with reporters yesterday, Mr. Ruckelshaus was asked whether he thought that his letter needed to be classified. He replied:

"The document I received [from Mr. Irwin for comment] was marked 'top secret.' I was informed my comment should be 'top secret.' There was nothing in my comment that needs to be stamped 'top secret.'"

Quite apart from the question of classification of his comments to the Under Secretaries Committee, Mr. Ruckelshaus is required by law to comment publicly in writing on the environmental impact of any proposed Federal project. This requirement is contained in the Clean Air Act of 1970.

Mr. Ruckelshaus has not made such public comment. He was not available to answer questions on why he had not done so.

Many environmental groups, several scientists and a fairly large body of Congressmen have urged cancellation of the Amchitka project, expressing fears that the blast—equivalent to five million tons of TNT—might trigger an earthquake in an area of geologic faults, start a seismic tidal wave known as a "tsunami," leak radiation into the air or water and kill others, sea lions, seals and birds.

However, the Atomic Energy Commission, with the support of many scientists, has insisted that such hazards are remote.

SUIT DISMISSED

Last Friday, Federal District Court Judge George L. Hart in Washington dismissed a suit brought by 33 members of Congress who sought a court order to force the publication of the Irwin report and the attachments.

It was the contention of the Congressmen that such publication was required by the Freedom of Information Act; that there was reason to believe the withheld documents warned of environmental damage from the blast, and they needed the information in the report to perform their legislative duties.

Judge Hart, however, asserted that "some things have got to be secret." He held that the material sought by the Congressmen rightfully came under the exemption in the Freedom of Information Act of matter relating to the nation's security.

On Monday, Judge Hart ruled for the Government in another suit brought by eight environmental and antinuclear testing organizations. They sought an injunction against the test on the ground that the Atomic Energy Commission had violated the National Environmental Policy Act by submitting to the Council on Environmental Quality an "environmental impact" statement that did not meet the law's requirements.

[From the New York Times, Sept. 7, 1971]

CANADA BREAKS WITH UNITED STATES ON ATOM TESTS; SEEKS BAN WITHOUT REQUIRING INSPECTION

(By Thomas J. Hamilton)

GENEVA.—Mitchell W. Sharp, Canada's External Affairs Secretary, called here today for a ban on all underground nuclear tests without the provision of on-site inspections to verify compliance.

In doing so, he broke with the United States on the need for such inspections. He said long-range instruments now available could detect all but the smallest of underground explosions.

"The verification problem is in the last analysis a political rather than a technical question," Mr. Sharp declared at a news conference after addressing the opening session of the fourth United Nations Conference on the Paceful Uses of Atomic Energy. At that session, he said it was time for the United States and the Soviet Union to negotiate an underground test ban.

A treaty prohibiting tests in the atmosphere, under water and in space was signed by the nuclear powers in 1963, but underground tests were excluded because of the inspection issue.

INFORMATION EXCHANGE SOUGHT

George Ignatieff, the Canadian representative on the Geneva Disarmament Commission, has been campaigning for more than two years for a worldwide exchange of information from seismological stations. His aim, he said, was to determine whether these could distinguish between an earthquake and an underground test without the need for inspection.

But until now, Canada continued to insist on the need for inspection in doubtful cases.

Mr. Ignatieff said today that instruments outside a country suspected of conducting underground nuclear tests could detect all underground blasts larger than the equivalent of 10 or 20 tons of TNT in hard rock.

In announcing the Canadian campaign for a treaty banning underground nuclear tests without regard to on-site inspections, Mr. Sharp spoke of fears that such tests would be harmful to the environment.

UNITED STATES PLANS PROTESTED

He said he had protested "at the highest level" in Washington against United States plans to set off a five-megaton underground blast—the equivalent of five million tons of TNT—on Amchitka Island in the Aleutians in October. He said he had been informed that no final decision had been made on whether to hold the test.

The atoms-for-peace conference, which is being attended by 4,000 delegates, also heard two leading nuclear experts defend the operation of nuclear reactors against attacks by environmentalists.

Dr. Glenn T. Seaborg, the conference president and former head of the United States Atomic Energy Commission, and Dr. Sigvard Eklund, director general of the International Atomic Energy Agency, both assured the delegates that the safety precautions employed in the nuclear generation of electricity guaranteed against contamination of the environment by radiation.

Dr. Seaborg complained that "strong and sometimes strident voices have been raised against the use of nuclear power on environmental grounds in a number of countries."

Dr. Eklund, a Swedish nuclear scientist, said public concern over the environment had "even reached the point where it has slowed down, if not impeded, the development of nuclear power in some countries."

He referred to last week's decision by the United States Atomic Energy Commission to bow to pressures from environmentalists and suspend operation permits for 96 nuclear reactors around the country until the effect of the discharge of heated wastes on streams was known.

Dr. Eklund said: "It is indeed paradoxical, and most unfortunate that an industry, the nuclear industry, which has from the beginning taken such care to insure that it will not harm the environment, and which can boast of a near-perfect safety record, should have become the target of well-intentioned, but not always well-informed environmentalists."

[From the New York Times, Sept. 7, 1971]

THEY HAVE GOT A SECRET

For the first time since the heyday of the late Senator Joseph McCarthy, State Department personnel are being grilled by F.B.I. agents, reportedly equipped with lie-detectors. The procedure—particularly inappropriate, it would seem, for people trustworthy enough to have been hired for sensitive work in the first place—is prompted by a suspected leaking to the press of "stories harmful to the national interest."

Out of the controversy that raged over the Pentagon Papers, some hoped might come a subsidence in the Nixon Administration's addiction to secrecy. That is not yet apparent. Possibly the State Department has legitimate reason for its current concern, but its course of action has to be weighed against two other recent episodes that point to continued and needless reliance by the Administration on concealment as a governmental way of life.

The first of these is the release, after a year's litigation, of a report on the SST which the Government kept locked up throughout the battle over that extravagant monstrosity. Six months before President Nixon announced his intention to invest Federal funds in construction of SST prototypes, he had before him this document—prepared at his request by a committee of scientists headed by Richard L. Garwin—which urged "withdrawal of government support."

The reasons included unpredictably excessive costs, the plane's dubious capabilities, "substantial doubt" that the competing European supersonic planes would prove commercially viable, and the chance of detrimental effects on the environment.

The Office of Science and Technology, in belatedly releasing the Garwin report, makes the obvious point that it was only one of a number of studies that went into the President's decision. However, those studies that recommended the project were made available; this negative one was marked "privileged" and denied even to members of Congress. Senator Proxmire of Wisconsin is not far off the mark when he calls the report's release now a "credibility blockbuster," which would have "stopped the SST dead in its tracks" if it had been released while the fight was on.

Similarly now comes word of a "top secret" letter to a Presidential committee from William D. Ruckelshaus, Administrator of the Environmental Protection Agency—which Mr. Ruckelshaus himself says should not be secret at all. Rumors are that his letter, together with one from Russel Train, chairman of

the Council on Environmental Quality, recommend cancellation of the proposed underground nuclear test scheduled for next month on Amchitka Island in the Aleutians.

Perhaps the rumor is true, perhaps not. In either case the American people have a right to know what their two top officials in the field of environmental protection have to say about the risks of an underground blast 250 times as great as the one that leveled Hiroshima. Will it require a lawsuit a year from now to show that the Government knew all the time that it was tempting earthquake, tidal wave and radioactive poisoning of the atmosphere?

The question, as before, is not whether the Government need fear "stories harmful to the national interest," but whether the national interest can stand much more of this excessive concealment of information.

[From the Anchorage Daily News, Sept. 8, 1971]

AMCHITKA ISLAND: A WILDLIFE REFUGE

(By Richard Fineberg)

ROBERT JONES

Today's Alaska Forum takes a different format—a question and answer session with Robert D. Jones, manager of the Aleutian National Wildlife Refuge where this fall the Atomic Energy Commission will detonate an underground nuclear test.

The test site, Amchitka Island, lies within an area designated as a sanctuary for the preservation of wildlife, a fact often overlooked in discussion of the AEC's activities. The national wildlife refuge stretches across an 1100-mile area in the North Pacific and includes the major portion of the Aleutian archipelago. Amchitka plays a key role in the refuge wildlife management program.

Its manager, Bob Jones, first came to the Aleutians in 1942 with the Army. He has been in the Aleutians with the U.S. Fish and Wildlife Service since 1948. He has been refuge manager since 1951. Presently, Jones is pursuing a doctoral degree in wildlife management under the auspices of his bureau.

Jones refers to the AEC as "the Bomb People." He feels that Amchitka's value as a waterfowl reserve has been reduced significantly by the AEC's activities on the island, and elsewhere within the Refuge he manages. His picture of Amchitka—based on extensive contact since his first visit in 1943—stands in marked contrast to the AEC's pronouncements.

This interview is a condensed transcript of several conversations by Richard Fineberg with Jones.

Q. What was Amchitka like when the Army arrived during World War II?

A. There were no humans on the island at the time that the Army occupied it in 1943. From the standpoint of wildlife, the significant thing was that there was a fully-saturated population of arctic foxes, on the island. The consequences of that were quite severe to bird life, and this situation exists today on the other islands of the chain where the foxes are still present.

Q. How did the foxes get there?

A. They were introduced in the 1920s, as a fur-farming measure; this was done on many islands of the chain. On Amchitka, the foxes did quite well. They were farmed by the natives of the village of Atka for several years.

You might be interested to know that Amchitka was the site of prehistoric Aleut villages. The last permanent village was abandoned during the nineteenth century, and the island was free of humans until the 1920s.

Q. When did the Army leave Amchitka?

A. The last permanent military group—actually it was the Air Force—departed from the island in 1951. At this time the refuge began eliminating the arctic fox population, which had been introduced commercially. Except for the presence of several thousand old quonsets—and other relics of war—the island was to be restored to its original ecology by the elimination of the fox.

Q. Why was this done?

A. Amchitka had been one of the best waterfowl producers in the Aleutian Islands. Also it was possible to reach the island relatively easily. Consequently, we started working there, and by 1957 the fox population had been reduced significantly. By 1960 we were able to find signs of a few foxes, but there were none reproducing.

With the fox population effectively destroyed, birds could find nesting places undisturbed by predators. By 1960 we were able to observe a significant increase in the number of birds on the island.

Q. What kind of birds were you interested in?

A. We were particularly studying the waterfowl. For example, we were studying the number of ducks on the island, and we were interested in the possibility that the Aleutian Canada goose might return to nest on the island.

Q. Did this occur?

A. No. At this time the Aleutian Canada geese began visiting the island during the summer months. In my opinion this was the first step in pioneering or recolonizing Amchitka as a nesting area. Canada geese are pioneers. If there is a suitable habitat into which an expanding population of animals, whether birds or mammals, can go, and they expand into it, we say they are colonizing that area.

Q. Had the Aleutian Canada Goose lived on Amchitka before?

A. Yes. Prior to the introduction of the arctic fox. It was the arctic fox that destroyed the nesting population on Amchitka.

Q. By 1960 they were returning during the summer months?

A. Yes. The first steps were being taken over those years when the fox population declined to the point where the habitat again was suitable.

Q. Are there Aleutian Canada geese on Amchitka now?

A. No reports of them have been received since 1962. We don't have reports on them in 1963 because there was no one on the island. Then of course in 1964 the Bomb People—this time not the AEC but the Defense Department's atomic support agency—arrived to fire the first Amchitka bomb.

I was personally on the island in 1965 and there were no Canada geese there until the time of migration southward, when one or two flocks from Buldir Island, where they nest, stopped briefly at Amchitka. Since then I have seen no record of Aleutian Canada geese visiting Amchitka under their own horsepower. Seventy-five were brought in and released on Amchitka this spring.

(According to the AEC's Environmental Statement, prepared in accordance with the National Environment Protection Act in 1969. In recent years and until 1971, no Aleutian Canada geese have been bred on the island. This rare type of Canada goose is known to breed only on Buldir Island and has been extirpated from other Aleutian Islands, persumably by predation by introduced foxes. However, the Department of the Interior, having considered Amchitka a suitable location for the reestablishment of breeding populations of these geese, transplanted 75 of them to the island in March 1971.)

Q. Did they remain on the island?

A. No. The geese disappeared. At this point apparently they do not find Amchitka a suitable habitat.

Q. What about other birds?

A. As I have said, Amchitka was one of the best waterfowl producers in the chain. This included the Aleutian race of the common teal of Europe. We banded a number of them on Amchitka in 1960, '61 and '62.

Q. That was before the AEC arrived?

A. Oh, yes. The duck population was increasing at that time. We also banded the glaucous-winged gull on Amchitka and the islets adjacent to it. During that time the glaucous-winged gull found that it was possible to nest even on Amchitka itself, now that the foxes had been removed. We banded well over 300 during the three years. I'm sorry, but I don't recall the exact numbers off-hand.

Since the AEC's arrival on Amchitka the glaucous-winged gull and the teal both have thinned their population. This is true of all the birds on the island except the dickeybirds.

Q. What are dickeybirds?

A. They are little birds which coexist easily with civilization. The birds that nest in the Aleutians—with the exception of the dickeybirds—are all birds of the wilderness. And the Bomb People's presence has affected many of them. For example, their presence on Amchitka has influenced the wintering population of the Asiatic whooper swan. Several hundred whooper swans winter in the Aleutian Islands, and according to Carl Kenyon's publication Amchitka was the island on which the largest numbers wintered. We have observed them there ourselves during winters past. But since the Bomb People have been working on the island through the winter, the whooper swans no longer winter on the island.

Q. What is the whooper swan?

A. It is a very large swan. It's the size of the North American trumpeter swan, which is considered to be the largest of the waterfowl. It is distinguishable by a large yellow patch at the base of the bill. These birds, curiously enough, are extremely wary. The Asiatic whooper swan's numbers on Amchitka have been greatly reduced. They go to the uninhabited portions of Adak, nearby Kanaga, Kagalaska, Atka—all to the east of Amchitka.

Q. What are the figures on that reduction?

A. Unfortunately, that is classified information; the precise figures reach me under restricted classification.

Q. Who has classified it?

A. The Bomb People, I can say that the few birds that were mentioned were not reported as wintering. They were reported as seen en route. The number that used to winter there, according to published counts, was around 120. The figure is now down to a handful.

Q. Is there room elsewhere in the Refuge to support these birds when they leave Amchitka?

A. Fortunately the refuge is large enough that if the birds do not choose to nest in an area of human activity they can still find other areas. This is of course what has happened.

But if they keep making portions of the chain unavailable to birds, there will come a point at which man's presence will gravely affect the situation.

It should be kept in mind that Amchitka is not the only island used by the Bomb People. They use Kiska, Semisopochnol, Amatignak and Rat Island, for example.

Q. They have used these islands, as well as Amchitka?

A. Yes, they have, although not on the scale of Amchitka. Moreover, when the birds are obliged to leave an island from which the foxes have been eliminated—and they were eliminated specifically for these very same birds—this must influence the overall ecology. The waterfowl cannot leave Amchitka and go to Kanaga and Tanaga, for example. There is ample space on these islands, but there they will find for populations such as formerly existed on Amchitka.

There is only one other sizeable island on the chain from which we have succeeded in eliminating the fox population. This is Agattu Island. The bird population is expanding massively there, just as it was on Amchitka. The presence of the Bomb People has in effect denied the use of fifty percent of the islands which were cleared of foxes for them.

Q. Your views are damaging to the AEC's case for using Amchitka, and your opinions are not reflected in public announcements by higher officials in your Department (Interior) in Washington. Has there ever been any suggestion that you should moderate your public comments?

A. No indeed. I've spoken my mind to anyone who will listen. Many people don't talk to me anymore. But the Service has never put any pressure on me. They have leaned over backwards on the issue of personal opinion.

Q. Are any species faced with extinction because of the AEC's presence on Amchitka?

A. No. But the case of the Aleutian Canada goose is most unfortunate. It seems likely that by now that goose would have returned to nest on Amchitka. This might be argued, of course, but we had observed the first steps in the pioneering process. Now, with the presence of all the grinding machinery and all the flapping helicopters and all the people hustling up and down and the multitude of other disturbing factors, the geese have abandoned Amchitka. And the only other large fox-free island available is Agattu.

The current wintering population of Emperor Geese at this point is about 4,000. This is a much lower figure than my own estimates of the number of wintering birds in the pre-Bomb People days. I have spent numerous winter months on Amchitka and formulated an estimate of 16,000 emperor geese wintering there.

Q. How did you reach this estimate?

A. By travelling around the island—essentially by small boat or by walking, noting the density of birds in the different types of habitat, the extent of each type of habitat, and extrapolating figures where necessary.

Q. The state has contested AEC wildlife figures. Do you feel that AEC waterfowl and animal population figures are reliable?

A. I do know that the Bomb People have been using helicopters for some of their estimates. I consider data on most waterfowl gathered from these efforts useless. If there is anything disturbing to wildlife, it is a flapping helicopter.

Q. How do you feel about the AEC's attention to the sea otter?

A. I feel that the emphasis the Bomb People have placed on the sea otter is just a public relations ploy. It's a red herring. The population of sea otters at Amchitka had grown to a larger number and was on the decline, entirely due to natural circumstances. Then of course came the issue of transplanting, and the Bomb People funded the operation. But in my judgment the animals were released in such a condition that relatively few survived at their new homes.

Q. In general, you feel that restoration of Amchitka as a base for waterfowl was disturbed by the advent of the nuclear test activity in 1964?

A. That is correct. I might mention that the Bomb People had their eyes on Amchitka long before 1964. A task force in 1951 was looking for a site to bury a bomb at a shallow depth. Its explosion would have created a crater and caused extensive fallout. They finally decided the island was not suitable for what they had in mind. But at that point the Bomb People were as inclined to blow up the island as they are now. Their public relations efforts are better now.

In sum, I think that the Bomb People have affected Amchitka in several ways not mentioned in their statements on environment. Their presence has denied the island for the natural reestablishment of the Aleutian Canada goose, has contributed to the decline in the nesting populations of ducks, and has resulted in the virtual abandonment of the island as the wintering home of the Asiatic whooper swan. These are concrete results of the Bomb People's interference on the island to date, over and above what effects might have accrued from radioactive leakage in the past and might occur from Cannikin.

[From the New York Times, Sept. 9, 1971]

NIXON MAY CANCEL ALEUTIANS A-TEST: AIDES SAY HE WEIGHS HALT OR DELAY—OTHER NATIONS' CONCERN CALLED FACTOR

(By E. W. Kenworthy)

WASHINGTON.—President Nixon, according to knowledgeable officials in the White House and the State Department, is giving serious consideration to canceling or postponing the underground test of a five-megaton antimissile warhead scheduled for next month on Amchitka in the Aleutians.

At San Clemente, Calif., last week, officials said, Wayne Smith of the National Security Council staff discussed with Henry A. Kissinger, the President's assistant for national security affairs, the reasons advanced by the Defense Department and the Atomic Energy Commission for going ahead with the test, code-named Cannikin.

The two men were also reported to have discussed the reasons advanced by the State Department, the White House Council on Environmental Quality, the Environmental Protection Agency and the White House Office of Science and Technology for cancelling it.

Weighing heavily in the President's consideration, officials suggested, was the opposition of the Canadian and Japanese Governments.

Last February, Mitchell W. Sharp, the Canadian Minister of External Affairs, sent a formal protest to the State Department about the planned explosion, which would be by far the largest ever detonated by the United States under ground, because of environmental risks.

The Japanese Government, officials said today, while registering its concern, has not lodged a formal protest.

The Atomic Energy Commission, in an environmental impact statement last June, said that "Cannikin is expected to have only a minimal long-term impact on the environment" because the radioactivity released "will be trapped underground," because the triggering of an earthquake in this area of geologic faults is "very unlikely" and because "a damaging [seismic sea wave] is even more unlikely."

UNITED STATES IS CONCERNED

Despite these assurances, there is concern here that something might go wrong, with consequent impairment of relations with Canada and Japan.

President Nixon is to greet Emperor Hirohito in Anchorage Sept. 26 when the Imperial plane makes a refueling stop on its way to Copenhagen for the first tour abroad of a ruling Japanese Emperor.

The Emperor's plane will also stop in Alaska on his return trip. Between the two dates, the Cannikin explosion is expected to take place if the President approves it.

In response to questions yesterday, Charles W. Bray 3d, a State Department spokesman, said the President had not yet made a decision.

When asked if this could be interpreted as meaning the President was considering cancellation, Mr. Bray said his answer could be so read.

NO DATE IS SET

In response to further questioning today, Mr. Bray emphasized that no date for the explosion had been set.

These remarks, coming on top of Mr. Smith's visit to San Clemente last week, have given rise to speculation that the President might announce a cancellation just before, or during, his meeting with the Emperor.

The President, according to officials, is not greatly concerned about environmental risks because of reassurances by A.E.C. scientists. But, the officials said, he is attaching much importance to the contention of scientists with long experience in nuclear weaponry that this test is not necessary.

This argument, advanced in Congressional hearings by Dr. Jeremy J. Stone, director of the Federation of American Scientists, is that the warhead to be tested was designed for the long-range Spartan missile in the Sentinel system, which was designed to defend cities against a light Chinese attack.

When Mr. Nixon in 1969 scrapped the Sentinel system for the Safeguard system, designed to defend Minuteman offensive missile sites against a heavy Soviet attack, Dr. Stone argues, the justification for the large Spartan warhead disappeared because the primary reliance of Safeguard should be placed on the small, short-range Sprint missiles.

Officials here say that this argument has considerable support in the Office of Science and Technology and the Office of Management and Budget.

EFFECT ON ARMS TALKS

Mr. Nixon was also said to be "weighing the possible effect of the Cannikin explosion on the strategic arms limitation talks with the Soviet Union in Helsinki.

On May 20, Mr. Nixon announced that the two Governments had agreed to "concentrate efforts this year" on a treaty limiting antiballistic missile systems. There have been reports that both sides are talking of limiting such systems to the defense of capital cities and, in the case of the United States, to a few Minuteman sites.

Scientists say that Spartans with the large warhead to be tested would not be necessary if such an agreement were reached and that going ahead with Cannikin might impede such agreement.

Another consideration for the President, officials said, is the intense opposition to Cannikin in Alaska. Gov. William A. Egan and Senator Mike Gravel, both Democrats, and Senator Theodore F. Stevens, a Republican, oppose the test.

[From the Washington Post, Sept. 10, 1971]

NIXON MAY HALT ALASKA A-TEST

(By Marquis Childs)

It is hard to put down the conservationists and environmentalists and fuzzy-minded idealists. But to their credit an important victory must be chalked up.

The Atomic Energy Commission has just ruled that all 96 nuclear power plants, 91 under construction, must show that in operation they will not pollute the environment. This means not alone the threat of a nuclear accident, which the AEC has stoutly maintained is virtually impossible under safety regulations stipulated by the commission, but pollution of the waters—thermal pollution—used in the cooling process.

That has been the outcry of the environmentalists who maintain that raising the temperature of the water in bays and estuaries by a degree or even a fraction of a degree will destroy marine life. This will, in turn, upset the whole ecological balance in coastal waters, endangering species already on the fringe of extinction.

The AEC order followed an opinion by Judge Skelly Wright of the U.S. Court of Appeals holding that the commission had not complied with the National Environmental Policy Act of 1969. It was not enough, the far-reaching Wright decision held, to rely on certification by the states that thermal and other kinds of pollution would not occur. The commission wisely decided against carrying an appeal to the Supreme Court.

Each nuclear plant is now given 40 days to prove to the AEC that it will not be a polluter in any form. As construction proceeds the responses will be evaluated.

The conservationists may exaggerate the dangers. The fact is, however, that ever since that first atom-bomb explosion in the New Mexico desert, man has been dealing with forces hitherto unknown on this planet. They are forces that give fallible, blundering mankind a reach in power never before dreamed of.

When he was informed of the success of the secret experiment in New Mexico that wisest of wise men, Albert Einstein, said, "Now everything is changed." Everything, he added, except the pictures in men's minds of what their world is like. That is reason enough for caution. In managing these new forces—after all, only 26 years in being—an irretrievable step could put the future in grave jeopardy. A significant body of scientists challenge the AEC's safety regulations and 96 plants means a multiplication of the risks.

The AEC is the target for an even more concentrated attack by conservationists along with antiwar protesters. This is over the AEC's five-megaton—equivalent to 5 million tons of TNT, 250 times greater than the bomb that demolished Hiroshima—underground test on the Aleutian Island of Amchitka. If it comes off, it will be America's biggest underground nuclear bang.

With protests coming from many sources, a provision by Congress puts the responsibility for going through with the Amchitka blast up to President Nixon. The cost is $160 million, with the AEC claiming that at a depth of 5,875 feet the danger of leakage of radioactivity into the earth's atmosphere is negligible.

But Amchitka is in the heart of an earthquake zone and Sen. Mike Gravel of Alaska and many seismologists contend that an explosion of that magnitude could trigger a major quake. Alaskans have painful memories of what happened on Good Friday in 1964. A large part of the state was devastated by an earthquake that began with a shock of 6.5 on the Richter scale and triggered itself to a peak of 8.4, only slightly less than the estimated force of the quake of 1906 that destroyed much of San Francisco.

From all around the Pacific rim have come protests against the Amchitka explosion, with Canada and Japan the most vehement. On the conservation side, the threat is to seepage of radioactivity into the Bering Sea. The Aleutians are the crossroads for the spawning migrations of Pacific salmon. Contamination of the salmon would be a devastating blow to one of Alaska's principal industries.

Emperor Hirohito of Japan is meeting President Nixon in Alaska on Sept. 25. The guess is that Mr. Nixon will use that occasion to cancel the Amchitka explosion. It would be taken through the Pacific basin as an act of great good will.

[From the New York Times, Sept. 12, 1971]

CANNIKIN: IS THIS TEST REALLY NECESSARY?

(By Richard D. Lyons)

WASHINGTON.—On a balmy afternoon last Thursday, a college student from Providence walked up Pennsylvania Avenue to the Executive Office Building next to the White House and handed the armed guard at the door an open letter to Richard Nixon. The commonplace event was but one small step in a protest movement that has been building all year to stop the largest underground nuclear weapons test ever scheduled by the United States.

The letter had been signed by 160 youths from 50 countries. It asked the President "to use the power of your office" to stop the test in Alaska because "we feel that this test is a needless insult to the world environment, that it could result in loss of human life, and that it establishes a dangerous international precedent."

This statement is a pretty good summary of the outpouring of protests over the blast, which is scheduled next month on the island of Amchitka in the Aleutian chain.

Last week there were indications that President Nixon was listening. According to officials in the White House and the State Department, he is giving serious consideration to canceling or postponing the test. Moreover, there were new diplomatic pressures from Canada and Japan to do so.

The Alaskan test, which carries the code name Cannikin, would be of a five-megaton (equivalent to 5 million tons of TNT) device containing 250 times the explosive force of the bomb that was dropped on Hiroshima. The device itself is a warhead that is to be fitted into a Spartan antiballistic missile, or ABM, which would be a major component of the Safeguard defense system.

A widespread opinion against the test holds that its effects might accidentally beget radioactivity that could profoundly affect the wildlife of the Aleutians and the northern Pacific for many decades. In addition, some environmentalists believe that the explosiveness of such a large test might trigger earthquakes and tidal waves that could cause widespread destruction in the Pacific Northwest.

The Atomic Energy Commission has insisted that either possibility is so statistically improbable that it would be foolish to take them into consideration.

The main argument for the test, however, coming from Defense Department planners, A.E.C. officials, and defense-conscious Congressmen, is that there is a need to test the crucial ingredient in the defense system—the warhead—before the first Safeguard system goes into operation in Grand Forks, N.D., three years from now.

The Spartan is designed to rocket through the atmosphere where the warhead would be detonated scores of miles above the earth. The blast would release an intense burst of X-rays that, in theory, would generate an intense heat within the target vehicle and disable it. The Alaskan test is to determine exactly the yield—and hence the penetrating ability and effectiveness—of the warhead.

This argument is regarded as specious, however, by the most authoritative group to have challenged the necessity for the Amchitka blast, the Federation of American Scientists. This group's main point is that after the Grand Forks installation becomes operational the Defense Department will shift its ABM battle plan for the Safeguard system to missiles with smaller warheads of a type different from the one to be tested in the Aleutians. The Defense Department has not yet committed itself to do so.

The argument is that the emphasis of the defense system would shift from protection against crude Chinese rockets to protection against sophisticated Soviet vehicles. Since the equipment will change, according to this argument, the Amchitka test is unnecessary. But the A.E.C. denies that the Amchitka warhead is obsolete.

In addition to military and environmental considerations, a third arises: political. On Monday, for example, Mitchell W. Sharp, Canada's External Affairs Secretary, said in Geneva that he had protested "at the highest level" in Washington against the Amchitka test. The Canadians issued similar protests against the previous Alaskan underground nuclear test two years ago. They argue that such tests could be harmful to the environment and could lead to a proliferation of nuclear weapons among more countries.

Another nation that is edgy over the test is Japan, with which the United States has been having touchy diplomatic negotiations on economic issues.

Would it not seem that President Nixon was extending an olive branch to the touchy Japanese if, when he meets with Emperor Hirohito in Alaska in two weeks, he decides to call off the blast? It would seem to many observers that the President could make political hay with the Japanese with such an action.

[From the New York Times, Sept. 12, 1971]

CANCEL CANNIKIN

TO THE EDITOR:

There is still time for responsible citizens to take action that could cancel the underground nuclear test scheduled to be conducted next month in Amchitka Island, Alaska.

The blast, code name Cannikin, would detonate five megatons of nuclear power, many times the magnitude of the Amchitka I test. It would be exploded in the Aleutians, a highly sensitive geological region.

The Amchitka I blast, code name Milrow, was set off Oct. 2, 1969. It was followed a week later by a severe earthquake in western Asia and a milder quake in California. These occurred within a day or two of the new moon Oct. 11, 1969. The implication is that the Amchitka blast may have set up earth-tensions which were triggered off by the next lunar tide.

There is an ancient theory that earthquakes are influenced by nearby large celestial bodies. It is, however, yet to be thoroughly investigated by modern scientists. Another old theory of the earth's shifting crustal plates has just recently been verified. There is a slight wobble of the earth's poles, the Chandler wobble, which is thought to have something to do with naturally occurring earthquakes.

This month, an international campaign to measure this wobble precisely is being launched. Yet to be discovered is the exact relationship between gravity, mechanical and electromagnetic forces. All of this implies that the science of earth physics is too immature to assure safety in test bombing, especially in large tests.

The Cannikin-Amchitka II test is to be conducted in October at President Nixon's discretion. It is encouraging that the President is giving serious consideration to canceling or postponing the test.

JOANNE ASHLEY.

MANILUS, N.Y., *September 8, 1971.*

[From the New York Times, Sept. 13, 1971]

FORGET "CANNIKIN"

A bright hope on a foreboding front is the news that President Nixon is considering cancellation of Cannikin, the underground nuclear test planned for this fall on Amchitka Island in the Aleutians.

Weighing against the test are the strenuous objections of Canada, expressions of concern by Japan and opposition from the State Department, the Council on Environmental Quality, the Environmental Protection Administration, top Alaskan political figures and the White House Office of Science and Technology. Still for the test, unfortunately, are the Atomic Energy Commission and the Defense Department.

Some of the elements in the resistance are diplomatic. The State Department is rightly concerned with Japanese-American relations, already strained both by the President's prospective visit to Peking and by his new economic program, with its pressure on the yen and on Japanese trade. Just as understandably, the department fears the negative effect the explosion might have on the SALT talks with the Soviet Union.

Basically, however, the test is objectionable for the danger it poses to the environment. There would be no serious opposition from

Canada, Japan or the American environmental agencies if there were not a lively fear that an underground explosion of such awesome magnitude—four times the size of the hydrogen bomb exploded at Amchitka two years ago and 250 times the one that destroyed Hiroshima—might trigger an earthquake or a tsunami. At the very least it could endanger fish and wildlife by contaminating the waters of the region and release radioactive gases, even beyond American borders.

Quite apart from all these hazards, even the indispensability of the test from the standpoint of the country's defense is much in question. There has been revealing testimony that the warhead to be tested was designed for a long-range antimissile that has already been supplanted by smaller, short-range missiles. Almost the only reason left for the explosion is that, of the $190 million Cannikin was expected to cost, $160 million has already been spent. Obviously, that is no reason for anything at all—unless it is for demanding more deliberation on launching such enterprises in the future.

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

The PRESIDING OFFICER (Mr. INOUYE). 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 SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar beginning with "New Reports."

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

U.S. ARMY

The second assistant legislative clerk read the nomination of Maj. Gen. Harris Whitton Hollis, to be lieutenant general.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE NAVY

The SECOND ASSISTANT LEGISLATIVE CLERK. Routine nominations placed on the Secretary's desk, in the Navy.

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

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

NOTICE OF INTENTION TO INTERCHANGE JURISDICTION OF CERTAIN CIVIL WORKS

A letter from the Secretary of the Army, and the Secretary of Agriculture, reporting, pursuant to law, on their intention to interchange jurisdiction of civil works and National Forest lands at Cave Run Dam and Reservoir in Kentucky (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on procurement from small and other business firms, for the fiscal year 1971 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED INTERNATIONAL BRIDGE ACT OF 1971

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to give the consent of Congress to the construction of certain international bridges (with accompanying papers); to the Committee on Foreign Relations.

REPORT ON PETITIONS ACCORDING THIRD AND SIXTH PREFERENCE TO CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports according third and sixth preference classification to certain aliens (with accompanying papers); to the Committee on the Judiciary.

REQUEST FOR EXTENSION OF TIME RELATING TO FILING OF A REPORT

A letter from the Secretary of Health, Education, and Welfare, requesting an extension of the due date for submission of a 5-year plan for the extension of family planning services and population research; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PASTORE, from the Committee on Commerce, without amendment:

H.R. 7048. An act to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes (Rept. No. 92-362).

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. INOUYE:

S. 2532. A bill for the relief of Jesus Tagle Kangleon and his wife, Solita Alconcel Kangleon. Referred to the Committee on the Judiciary.

By Mr. BEALL:

S. 2533. A bill for the relief of Gloria Emilia Portillo. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 2534. A bill to amend section 507 of the Housing Act of 1949 to make the veterans' preference applicable to veterans of the post-Korean era, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BAYH:

S. 2535. A bill to provide financial assistance for state and local small, community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling; to develop specialized curricula, the training of educational personnel and the funding of research and demonstration projects; to provide financial assistance to encourage the states to adopt special probation services; to establish a Federal Corrections Institute; and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 2536. A bill to enable lower income families to achieve homeownership and to enable certain private housing to be available for families at all income levels in order to achieve an economic diversification of income groups, particularly to avoid the clustering of low income families, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HATFIELD:

S. 2537. A bill to authorize treatment for certain narcotic addicts. Referred to the Committee on Labor and Public Welfare.

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

S. 2538. A bill to amend the Appalachian Regional Development Act of 1965 to extend its coverage to Greene County, Ala. Referred to the Committee on Public Works.

By Mr. HART (for himself and Mr. GRIFFIN):

S. 2539. A bill to designate certain lands in the Isle Royale National Park in Michigan as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARTKE:

S. 2540. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to provide a program for the accreditation of law enforcement agencies. Referred to the Committee on the Judiciary.

By Mr. HARTKE (for himself, Mr. THURMOND, Mr. COOK, Mr. HANSEN, Mr. RANDOLPH, and Mr. STEVENS):

S. 2541. A bill to amend title 38, United States Code, to provide that all income of a spouse be disregarded in determining the annual income of a veteran for pension purposes. Referred to the Committee on Veterans' Affairs.

By Mr. BIBLE (for himself, Mr. ALLOTT, and Mr. MOSS):

S. 2542. A bill to establish a system for the development of mineral resources on public lands of the United States. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TOWER:

S. 2534. A bill to amend section 507 of the Housing Act of 1949 to make the veterans' preference applicable to veterans of the post-Korean era, and for other purposes. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. TOWER. Mr. President, I am introducing today a bill which will amend the Housing Act of 1949 by extending the veterans' preference clause to those veterans who have honorably served this country since the conclusion of the Korean war.

Congress has acted to extend to the Vietnam veteran many of the programs that it offered to the veterans of World

War II and the Korean war, such as educational opportunities and employment readjustment programs. In fact, last year Congress amended the Consolidated Farmers Home Administration Act to extend its veterans preference clause to include those veterans who have served in the Armed Forces since the conclusion of the Korean war. This amendment affected two programs which are administered by the Farmers Home Administration, the loans for farm operation and farm ownership.

The rural housing loan program, which is also administered by the Farmers Home Administration, also has a veterans' preference clause, but it has not been amended to include those men and women who have served our country during the Vietnam conflict. The purpose of this legislation is to correct this oversight.

I believe that this amendment is much needed, for it will directly benefit this newest deserving group of veterans. Legislation of this nature is a constructive method of assisting these individuals in their efforts to successfully readjust to civilian life.

Mr. President, I ask unanimous consent that the text of my legislation 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. 2534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 507 of the Housing Act of 1949 is amended by inserting after "concurrent resolution of Congress" each time it appears therein the following: "or during the period beginning after January 31, 1955, and ending on August 4, 1964, or during the Vietnam era (as defined in section 101 (29) of title 38, United States Code)".

(b) The third sentence of such section is amended by inserting before the period at the end thereof the following: "or era".

By Mr. BAYH:

S. 2535. A bill to provide financial assistance for State and local small, community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling; to develop specialized curriculums, the training of educational personnel and the funding of research and demonstration projects; to provide financial assistance to encourage the States to adopt special probation services; to establish a Federal Corrections Institute; and for other purposes. Referred to the Committee on the Judiciary.

OMNIBUS CORRECTIONAL REFORM ACT OF 1971

Mr. BAYH. Mr. President, today I am introducing the Omnibus Correctional Reform Act of 1971. This act is designed to change the nature and direction of our Nation's correctional system by providing assistance for the development of a radical new approach to the treatment of prisoners. For too long, the Congress and the Nation have wasted billions of dollars in a vain attempt to salvage an archaic system which does far more harm than good. My proposal would give us a chance, in the course of the next 20 years, to sweep away the present system and replace it with a system that is correctional in the true sense of the word—not the hopeless "college of crime" it is today.

The events of the last week at Attica State Prison dramatically illustrate that our so-called corrections system is in urgent need of reform. The carnage at Attica is a disgrace, not only for public officials who preferred to shoot rather than negotiate, but for an entire Nation that builds and condones a system of despair and degradation in the name of "correction" and "rehabilitation." But Attica will happen again—perhaps in another place and another time—it will happen again. It will happen again unless the American people face the fact that a major overhaul of our prison system is the only way to overcome its failure. For the American prison system today is truly that: a failure.

The particular tragedy of the insurrection at Attica and its aftermath is that the problems of that institution—and the larger New York State system of which it is a part—had already been diagnosed. Its failures were known, if not to the general public, certainly to its State officials. It was known, for example, that over 60 percent of the persons released from the system are rearrested and that almost half of these arrests occur within the first year following release. And it was known why this occurred: because the system's correctional facilities are situated in such isolated areas that community involvement and work-release programs are all but precluded and family ties strained; because the rate of confinement of inmates to their cells is 50 percent higher than was the case 200 years ago; because there is a total absence of full-time staff psychiatrists and related services, and almost no counseling, educational or rehabilitation personnel; because known narcotics addicts are still being sent to prison without the benefit of the treatment programs. Under such conditions, one might wonder not why Attica occurred—but why it did not occur sooner, and more often.

But the conditions at Attica and other prisons in the New York State system are no different from conditions at most other prisons in every State in our Nation. Indeed, I spoke out almost 2 years ago after a tragic incident at Pendleton State Prison in Indiana, where 47 inmates were wounded and one killed by guards during a peaceful demonstration against the failure to implement prison reforms. Across the Nation, such conditions have been diagnosed repeatedly, publicized occasionally and nearly always overlooked and forgotten after the initial burst of publicity about their discovery.

Unfortunately, the field of corrections is an area of the criminal justice system which is the least visible and the most neglected. Except when there are prison riots, jail breaks, or scandals, little thought, attention or concern is given to our correctional institutions or their inhabitants.

All too often prison inmates—men, women, juveniles, young and old alike—rather than being rehabilitated as we benignly and benightedly expect them to be, are beaten, brutalized, exploited, sexually abused and even killed by fellow inmates or by prison staff. The mere storage of more and more convicted criminals under such barbaric conditions is not the way to solve their problems, and it is not the way to solve the problem of an increasing crime rate.

For it is all too obvious that we actually contribute to our crime problem through the failure of our correctional institutions. Arrest, court and prison records all testify to the fact that repeated offenders constitute the hard core of the criminal problem. Thus, according to the FBI's Uniform Crime Reports, nearly 70 percent of all crimes committed in this country last year were committed by people with previous convictions. And of the approximately 100,000 persons released from confinement each year and returned to society, 75 per cent again commit serious crimes and return to confinement. It is all too clear that for most offenders, the term "correctional facility" is a gruesome euphemism. Our prisons do not correct offenders; they create them, toughen them, embitter them, and "educate" them in the way of crime.

It is time the American people face the fact that punishment in itself does not bring correction. It is time we recognize that our prisons are "graduating" growing legions of bitter and hateful individuals, better equipped and more highly motivated to commit crime than when they entered. If we are serious about reducing our crime rate and avoiding further Atticas, we are going to have to change our basic ideas about the prison systems and spend a good bit of money in the process.

We in America spend somewhere in the neighborhood of $1 billion a year on corrections now. That sounds like a lot of money, and it is. But we spend $36.6 billion on automobiles and parts each year, $14.5 billion on alcoholic beverages, and $9.2 billion on tobacco. We even spend $2 billion a year on our pets. Surely we can find the necessary funds to support a meaningful reform of our prison systems. If Attica is not to have occurred in vain, let us try to pick up the pieces while there is still time.

Mr. President, since the tragic episode in Indiana 2 years ago, I have tried to formulate what I believe this Nation needs in the way of correctional reform legislation. I joined with former Senator Goodell of New York in introducing several measures in the 91st Congress. Since assuming the chairmanship of the Subcommittee on Juvenile Delinquency in January of this year, I have introduced other legislation, I have held hearings on the subject of juvenile correction facilities and have personally toured several such institutions, and I have investigated and drafted addititonal legislation for introduction in this Congress.

Today I am introducing a comprehensive bill which is an effort not only to pull together the many facets of our correctional program that are fundamentally related but also to chart a new course in the area of correctional facili-

ties systems for America. It would be ironic indeed if it were to take a tragedy of the magnitude of Attica to bring major correction reform to our Nation. But the worst irony of all would be to learn no lesson from the tragic events now still so fresh in our memory.

Mr. President, that is the spirit in which I offer my bill, the Omnibus Correctional Reform Act of 1971. This bill attempts to restore sanity to our prison systems through a variety of means.

First, it would provide funds to phase out the large penal institutions located a substantial distance from major urban areas and replace them with small, community-based corrections facilities designed to utilize the most modern corrections theory.

Penologists are agreed that large and isolated institutions do not serve a useful correctional purpose. Incarceration without rehabilitation temporarily postpones the offender's problems, but it does not solve them. Every major survey ever done shows that, when such offenders return to the community from where they came, they are tougher, more schooled in crime, and very likely to become repeating offenders.

If we are ever to break this continuous circle of recidivism we must involve the offender's community in his rehabilitation. That is where his problems are and he must learn to cope with them there and not at some far off institution. Small institutions utilizing the medical, psychological, and counseling services of the community could effectively reintegrate offenders where isolated institutions cannot, moreover, only such community-based institutions could carry out effective after-care services when the offender is released. All experts agree such services are absolutely crucial in the rehabilitative process.

This program would develop over a 20-year period, thus gradually redirecting America's entire penal approach. Under my program, at least 40 percent of all LEAA money would be authorized each year for this purpose alone—$700 million in the next fiscal year.

Second, my bill would provide funds for programs of rehabilitation, job placement, on-the-job counseling and correctional education for criminal offenders, youth offenders, and juvenile delinquents. Heavy emphasis would be placed on the rehabilitation of those who have committed no more than one serious offense, and on the involvement of the community in the correctional process. My bill would require the allocation of 55 percent of all Federal funds to governments and private and public institutions at the local level. Hopefully this would result in a more diversified approach and in a gradual change in the community's attitude toward offenders. For the programs funded under the first section of my bill to be effective, the local community must be made to realize that offenders must be corrected not simply incarcerated and that to accomplish this goal the entire community's assistance is needed. Four hundred million dollars would be authorized for this program over the next 4 years.

Third, my bill would provide special funding for the development of specialized school curriculums, for the training of educational personnel and for research and demonstration projects. These programs and projects would be especially tailored to the needs of persons detained in State and local correctional institutions. Ten million dollars would be provided for the next fiscal year and $25 million for each of the next 4 fiscal years. Additionally, the Commissioner of Education is authorized to spend $13 million over the next 3 years for research or demonstration projects relating to the academic and vocational education of juvenile delinquents, youthful offenders, and adult criminal offenders.

Fourth, my bill would provide financial assistance to the States for the creation of special probation programs designed to reduce the necessity of committing youthful offenders to State correctional institutions. This will aid in the transition period which is envisioned in the first part of my bill by reducing the role of present institutions in the treatment of offenders. The program created here will allow the States maximum flexibility in their approaches to new programs. Forty million dollars for each of the next 5 fiscal years is authorized for this program.

Fifth, my bill would create a Federal corrections institute which would provide a means for the collection and the dissemination of information in the corrections field. Such an institute would provide a vital link between the individual corrections systems of the various States, and would allow them to easily share their acquired experience.

Mr. President, it is my earnest hope that the members of the Senate will give swift attention to this vitally needed legislation. I ask unanimous consent that the full text of the bill, together with a summary, be printed at this point in the RECORD.

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

S. 2535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Correctional Reform Act of 1971." Section 2. The Congress finds and declares that—

(1) The correctional system of the United States is underfinanced and overtaxed, and it does not provide effective correctional programs.

(2) The Nation's peace and tranquility depends, in part, on the development of an effective system to rehabilitate and reintegrate criminal offenders back into the community at large.

(3) This goal can best be achieved by the creation of State and local small, community-based correctional facilities that will actively involve the community in the corrections process.

(4) Such a reform would require the total redirection of the Nation's correctional system, and would take a substantial length of time to accomplish.

(5) In the interim numerous programs must be started in order to make the present correctional facilities more effective in rehabilitating criminal offenders, and to develop the knowledge and the techniques necessary for redirecting our correctional system. These programs must be multipurpose in scope and massively funded.

TITLE I

SEC. 101. Section 303 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting immediately after the second sentence the following new sentence: "Within two years after the date of enactment of this section no State plan shall be approved as comprehensive, unless it provides that 40 percent of the Federal assistance granted to the respective State planning agency for any fiscal year shall be allocated to improvement of correctional programs and practices as provided in part E."

SEC. 102. Section 453 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is further amended by changing "(9)" to "(10)" and by adding a new section (9) as follows: "provides a satisfactory 20 year program developed in five year stages for the phasing out of large high, medium, and low security prisons which are located a substantial distance from major urban centers and their replacement with small correctional facilities, located in the communities from which the majority of offenders come and providing diagnostic and rehabilitative services in accordance with the most modern corrections theory."

SEC. 103. Section 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is further amended by deleting the last sentence and inserting in lieu thereof: "Beginning in the fiscal year ending June 30, 1973, and in each fiscal year thereafter there shall be allocated for the purposes of part E an amount equal to not less than 40 percentum of the total amount allocated under this title."

TITLE II

SEC. 201. There are hereby authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1972; $100,000,000 for the fiscal year ending June 30, 1973; $100,000,000 for the fiscal year ending June 30, 1974; and $150,000,000 for the fiscal year ending June 30, 1975, for the purpose of carrying out this title. Sums appropriated pursuant to this section shall remain available until expended.

SEC. 202. (a) From the sums appropriated pursuant to section 201 for each fiscal year the Secretary of Health Education and Welfare shall allot not more than 5 per centum thereof among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their specific needs. From the remainder of such sums the Secretary—

(1) shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the number of persons who are determined to be persons detained in correctional systems in such State bears to the numbers of such persons in all States, and

(2) shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the population in such State bears to the population in all States. For the purposes of this subsection, the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Secretary determines will not be required, for the period such allotment is available, for carrying out the purposes of this title shall be available for reallotment from time to time, on such dates during such period as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum

which the Secretary estimates such State needs and will be able to use for such period for carrying out such portion of its State application approved under this title, and the total of such reductions shall be similarly realloted among the States whose proportionate amounts are not so reduced. Any amount realloted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

SEC. 203. (a) Any State desiring to receive its allotment of Federal funds under this title shall submit a State plan which is in accordance with sections 204 and 205 of this Act and which shall—

(1) designate a single, State comprehensive corrections rehabilitation board for the development and administration of the plan to be composed of not more than twenty-one persons who shall be appointed by the chief executive of the State from among persons representative of State and local governmental agencies administering programs and providing services for corrections, crime control, pursuant to the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, and the Juvenile Delinquency Prevention and Control Act of 1968, education, labor, manpower training and vocational rehabilitation, and other public and private organizations engaged in activities related to the purposes of this Act;

(2) set forth a comprehensive, coordinated and statewide program for the improvement of innovative projects providing for vocational rehabilitation, job placement, on-the-job counseling, and correctional education for criminal offenders, youth offenders and juvenile delinquents;

(3) provide that at least 40 per centum of all Federal funds granted to the State board under this title for any fiscal year will be available to local governmental bodies and nonprofit private organizations in such State, and at least 15 per centum of all Federal funds granted to the State board under this title for any fiscal year will be available to private, profitmaking individuals, businesses and organizations except that in any case in which the provisions of section 105 of this title cannot be met, the board shall notify the Secretary of the reason therefor, and upon being satisfied that such provisions cannot be met, the Secretary shall direct the board to allocate the funds to public and private nonprofit organizations and governmental bodies in such proportion as the board, in its discretion, deems appropriate;

(4) set forth policies and procedures designed to assure that Federal funds made available pursuant to this title will be used so as not to supplant State or local funds, but to supplement and, to the extent practicable, to increase the amounts of such funds that would in the absence of such Federal funds be made available for the improvement of State and local corrections systems;

(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the board under this title; and

(6) provide for making such reports in such form and containing such information as the Secretary may reasonably require to carry out his functions under this title and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a) of this section.

SEC. 204. Each State plan shall contain provisions adequate to assure that projects carried out under the plan will be given priority in the following order—

(1) programs directed toward the rehabilitation of adjudicated juvenile delinquents and youth offenders, and adult offenders who have been convicted of not more than one serious criminal offense;

(2) institutional and on-the-job occupational training and placement, where feasible, in governmental public service agencies, including a State corerctional system, and placement in private, nonprofit public service organizations and in private industry;

(3) incentives to public and private employers who hire adjudicated delinquents and offenders, including reimbursement for a limited period when such newly hired employees might not be fully productive;

(4) on-the-job counseling, testing, work evaluation and adjustment, and followup services;

(5) programs in State departments of education and in public and private institutions of higher learning to develop and expand teacher preparation programs and curriculums for the instruction in basic and secondary education of juvenile delinquents, and youth and adult offenders;

(6) recruitment and training of professional and subprofessional diagnostic and treatment staff personnel for corrections systems.

SEC. 205. The State board is authorized to contract with private profitmaking individuals, business concerns to perform services for the rehabilitation of adjudicated youth offenders and juvenile delinquents, and convicted adult offenders. Each such contract shall contain provisions adequate to assure that any such individual or business concern will—

(1) determine the demand in the community in which a trainee lives or intends to live for persons with particular occupational skills and vocational training;

(2) provide an approved course of training in a particular occupational area for which a demand has been determined to exist;

(3) provide for the job placement of individuals who successfully complete the course of comprehensive, occupational training.

SEC. 206. (a) Except as provided in section 209 and subsection (b) of this section, payment under this title shall be made to those State boards which administer plans approved under section 203. Payments under this title from a State's allotment with respect to the cost of carrying out its State plan shall not exceed 75 per centum of such costs for any fiscal year. In determining the cost of carrying out a State plan, there shall be excluded any cost with respect to which payments were received under any other Federal program.

(b) No payments shall be made to any State from its allotment for any fiscal year unless and until the Secretary finds that the State which will carry out the State plan for that year will have available during that year for expenditure from non-Federal sources for the purposes authorized by this Act not less than the total amount actually expended by such States for such purposes from such sources during the fiscal year ending June 30, 1971, plus an amount equal to not less than the non-Federal share of the costs with respect to which payment pursuant to subsection (a) is sought.

(c) Payments to a State under this title may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments, and they may be paid directly to the State or to one or more public agencies designated for this purpose by the State or to both.

SEC. 207. (a) The Secretary shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State board submitting the plan reasonable notice and opportunity for a hearing.

(b) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State board administering a State plan approved under section 203, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of such section, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Secretary shall notify the State board that the State will not be regarded as eligible to participate in the program under this title until he is satisfied that there is no longer any such failure to comply.

SEC. 208. (a) If any State is dissatisfied with the Secretary's final action with respect to the approval of its plan submitted under section 203 or with his final action under section 207, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

SEC. 209. In any case in which a State fails to submit a State plan pursuant to this title within six months after the date of enactment of this Act, the Secretary may make grants to the extent practicable in accordance with the provisions of this title to general public political subdivisions within such State and nonprofit private organizations within such State.

TITLE III

SEC. 301. Section 511(b) of the Higher Education Act of 1965 is amended by—

(1) striking out from "and $80,000,000 for the fiscal year . . ." to the end of the paragraph and inserting in lieu thereof the following: "and $100,000,000 for each of the next 5 years."

(2) by adding at the end thereof the following new sentence: "Of the sums appropriated pursuant to the preceding sentence for the fiscal year ending June 30, 1972, $10,000,000 shall be available only for the purpose of carrying out paragraph (6) of section 513(a) and for each of the next 4 succeeding fiscal years $25,000,000 will be available only for that purpose."

SEC. 302. (a) The Commissioner of Education (hereinafter referred to as the Commissioner), is authorized to make grants to State and local governments, State and local educational agencies, public and nonprofit private institutions of higher learning, and other public and nonprofit private education, or research agencies and organizations for research or demonstration projects, relating to the academic and vocational education of antisocial, aggressive, or delinquent persons, including juvenile delinquents, youth offenders, and adult criminal offenders. Such projects should seek to develop criteria for the

identification or specialized educational instruction of such persons from the general elementary and secondary school age population. Special curriculums, and guidance and counseling programs should also be developed. All projects shall include an evaluation component. Such grants shall be made in installments, in advance or by way of reimbursement, and on such conditions as the Commissioner may determine.

(b) The Commissioner is authorized to appoint such special or technical advisory committees as he may deem necessary to advise him on matters of general policy relating to the education of persons intended to be benefited by this section, and shall secure the advice and recommendations of the Director, Bureau of Prisons, of the Director, Office of Juvenile Delinquency and Youth Development, the Director of the Teacher Corps, the head of the National Institute of Law Enforcement and Criminal Justice, the Administrator of the Law Enforcement Assistance Administration, and such other persons and organizations as he, in his discretion, deems necessary before making any grant under this section.

(c) Members of the committee appointed under this section who are not regular full-time employees of the United States shall, while serving on the business of such committee, be entitled to receive compensation at rates fixed by the Secretary of Health, Education, and Welfare, but not exceeding $75 per day, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of persons in the Government service employed intermittently.

(d) There is authorized to be appropriated to carry out the purposes of this section the sum of $3,000,000 for the fiscal year ending June 30, 1972, and the sum of $5,000,000 for each of the two succeeding fiscal years.

TITLE IV

SEC. 401. As used in this Title the term—

(1) "Administration" means the Law Enforcement Assistance Administration;

(2) "locality" means any city or other municipality (or two or more municipalities acting jointly) or any county or other political subdivision or State (or two or more acting jointly) having general governmental powers;

(3) "special probation supervision program" means any program operated by a locality using qualified probation personnel for the supervision of youthful offenders placed on probation by an appropriate court that (A) involves new and improved supervision practices and (B) meets the standards prescribed by the Administration;

(4) "State" includes in addition to the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and

(5) "youthful offender" means any person who has not attained 18 years of age and who has violated a law of a State or an ordinance of a locality not punishable by death or life imprisonment or has not attained 25 years of age, has not previously been convicted of a felony and who has violated a law of a State or an ordinance of a locality not punishable by death or life imprisonment.

SEC. 402. (a) There is authorized to be appropriated to carry out the provisions of this Title $40,000,000 for the fiscal year ending June 30, 1973, and for each of the four succeeding fiscal years thereafter.

(b) The Administration is authorized to make grants to States that have plans approved under section 404, to pay the Federal share of the costs of carrying out special probation supervision programs.

SEC. 403. (a) From the sums appropriated pursuant to section 402, the Administration shall allot not more than 5 percent among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs. From the remainder of such sums the Administration—

(1) shall allot to each State an amount which bears the same ratio to 50 percent of such remainder as the number of persons who have not attained 25 years of age in such States bears to the number of such persons in all States, and

(2) shall allot to each State an amount which bears the same ratio to 50 percent of such remainder as the number of youthful offenders who have not been committed to a State correctional institution in such State bears to the number of such offenders in all States.

For the purposes of this subsection, the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Administration determines will not be required, for the period such allotment is available, for carrying out the purposes of this Title shall be available for reallotment from time to time, on such dates during such period as the Administration may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Administration estimates will be needed in such State and will be used for such period for carrying out the plan approved under this Title, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount realloted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

(c) The number of persons who have not attained 18 years of age shall be determined by the Administration on the basis of the most satisfactory data available to it for each fiscal year. The number of youthful offenders who have not been committed to a State correctional institution shall be determined by the Administration for the fiscal year preceding the fiscal year for which the determination is made based upon data furnished to it by the State planning agency established pursuant to the Omnibus Crime Control and Safe Streets Act of 1968 as amended. The Administration shall establish uniform criteria for the determination required by this subsection.

SEC. 404. (a) Any State desiring to receive assistance under this Act shall submit a State plan consistent with such criteria as the Administration may establish under section 405. Each such plan shall—

(1) provide for the administration of such plan by the State planning agency established pursuant to the Omnibus Crime Control and Safe Streets Act of 1968 as amended;

(2) provide assurances that the State has enacted or will enact legislation of general applicability within the State—

(A) providing for the necessary supervision by the appropriate State agency of the special probation services to be provided youthful offenders within the State;

(B) providing requirements for localities to employ qualified probation personnel for youthful offenders;

(C) providing incentives for localities to operate a special probation supervision program—particularly involving supervision practices—which is designed to reduce the necessity of committing youthful offenders to State correctional institutions;

(D) providing procedures for determining the yearly reduction of such commitments; and

(E) providing such other relevant and necessary matters relating to the operation of such a program as the Administration prescribes;

(3) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement, and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the State for the purposes for which the State plan is submitted, and in no case supplant such funds;

(4) provide that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State and including funds paid to localities by such State under this title;

(5) provide that no application by a locality will be denied without first affording the agency submitting such an application reasonable notice and opportunity for a hearing; and

(6) provide that the State will make to the Administration—

(A) periodic reports evaluating the effectiveness of payments received under this title in carrying out the objectives of this title, and

(B) such other reports as may be reasonably necessary to enable the Administration to perform its functions under this title, including such reports as it may require to determine the amounts which localities of that State are eligible to receive for any fiscal year, and assurances that such State will keep such records and afford such access thereto as the Administration may find necessary to assure the correctness and verification of such reports.

(b) State plans shall be approved under this Act by the Administration only if—

(1) the plan meets the requirements set forth in subsection (a); and

(2) the programs set forth in the plan are consistent with criteria established by the Administration for the purpose of achieving equitable distribution of assistance under this Title within each State, which criteria shall be developed by it on the basis of a consideration of (A) the geographic distribution of youthful offenders within the State and (B) the success that each locality within the State displays in reducing the number of such offenders committed to State correctional institutions.

The Administration shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to such State.

SEC. 405. As soon as practicable after the enactment of this Title, the Administration shall issue basic criteria required under section 404. In prescribing the criteria for general legislation set forth in paragraph (2) of section 404(a), the Administration shall consult with the Attorney General.

SEC. 406. (a) The Administration shall pay in any fiscal year from each State's allotment to the State which has a plan approved pursuant to this Title for that fiscal year, the Federal share of the cost of such plan as determined by it.

(b) The Federal share of the programs covered by the State plan shall not exceed 75 per centum for any fiscal year. In determining the cost of such programs the Administration shall exclude any cost with respect to which payments were received under any other Federal program.

(c) Payments under this section may be made in installments, in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

SEC. 407. Whenever the Administration, after reasonable notice and opportunity for a hearing to any State, finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 404; or

(2) that in the operation of any program or project assisted under this Title there is a failure to comply substantially with any applicable provision of this Title;

the Administration shall notify such State of its findings and that no further payments may be made to such State under this Title (or in its discretion that the State shall not make further payments under this Title to specified localities affected by the failure) until it is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected. The Administration may authorize the continuance of payments with respect to any program or project assisted under this Title which is being carried out pursuant to such State plan and which is not involved in the noncompliance.

TITLE V

SEC. 501. Part IV of title 18, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 404.—FEDERAL CORRECTIONS INSTITUTE

"SEC.
"5041. Establishment; purpose.
"5042. Functions.
"5043. Director and staff.
"5044. Powers.
"5045. Advisory Commission.
"5046. Location; facilities.
"5047. Curriculum.
"5048. Enrollment.

"§ 5041. ESTABLISHMENT; PURPOSE

"There is hereby established a Federal Corrections Institute (hereinafter referred to as 'Institute'). It shall be the purpose of the Institute to provide a coordinating center for the collection and dissemination of useful data regarding the treatment and rehabilitation of criminal offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State, and local judges and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay personnel, connected with the treatment and rehabilitation of criminal offenders.

"§ 5042. FUNCTIONS

"The Institute is authorized—

"(a) to serve as an information bank by collecting systematically the data obtained from studies and research by public and private agencies on criminal behavior and recidivism, including, but not limited to, programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal offenders;

"(b) to publish data in forms useful to individuals, agencies, and organizations concerned with treatment and rehabilitation of criminal offenders;

"(c) to disseminate pertinent data and studies to individuals, agencies, and organizations concerned with prisoners, parolees, probationers, and other criminal offenders;

"(d) to devise and conduct in various geographical locations, seminars and workshops providing continuing studies for persons engaged in working directly with prisoners, parolees, probationers, and other criminal offenders;

"(e) to devise and conduct a training program of short-term instruction in the latest proven-effective methods of treatment and rehabilitation of criminal offenders and prevention of recidivism for law enforcement officers, judges and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay personnel, connected with the treatment and rehabilitation of criminal offenders; and

"(f) to develop technical training teams to aid in the development of training programs within the several States and with the State and local agencies which work directly with prisoners, parolees, probationers, and other offenders.

"§ 5043. DIRECTORS AND STAFF

"(a) The Institute shall be under the supervision of an officer to be known as the Director of the Institute who shall be appointed by the President, by and with the advice and consent of the Senate, to serve for a term of four years. The Director of the Institute shall receive basic pay at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(b) The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administration personnel as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Advisory Commission. The Director is authorized to delegate his powers under this Act to such persons as he deems appropriate.

"(c) If the Office of Director is left vacant, by resignation or otherwise, the President shall appoint a successor who shall serve for the unexpired portion of the term of office.

§ 5044. POWERS

"The functions, powers, and duties specified in this Act to be carried out by the Institute shall not be transferred elsewhere or within any executive department unless specifically hereafter authorized by the Congress. In addition to the other powers, express and implied, the Institute is authorized—

"(a) to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute;

"(b) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel or facilities or equipment of such departments and agencies;

"(c) to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

"(d) to enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any of the functions of the Institute;

"(e) to compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate to be fixed by the Director of the Institute but not exceeding $75 per diem and while away from home, or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently; and

"(f) to report to the Congress at appropriate intervals on programs which have been implemented with the cooperation of the Institute within and among the several States, and to recommend to the Congress further legislative action which may appear desireable.

"§ 5045. ADVISORY COMMISSION

"(a) The overall policy and operations of the Institute shall be under the supervision of an Advisory Commission.

"(b) The Advisory Commission shall consist of the Director of the Institute, the Attorney General (or his designee), the Director of the United States Judicial Center (or his designee), the Director of the National Institute of Mental Health (or his designee), and fourteen persons having training and experience in the area of corrections appointed by the President from the following categories:

"(1) prisoners or ex-prisoners (two persons),

"(2) criminal court judges (two persons),

"(3) probation personnel (two persons),

"(4) correctional personnel (two persons),

"(5) representatives of private organizations concerned with corrections (four persons), and

"(6) representatives of State agencies established under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (two persons)

"(c) Members of the Advisory Commission shall serve for terms of four years and shall be eligible for reappointment, except that for the first composition of the Commissions, one-third of the members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms, thereafter each member's term shall be for four years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(d) While performing their duties, members of the Commission shall be reimbursed under Government travel regulations for their expenses, and members who are not employed full time by the Federal Government shall receive in addition a per diem of $100 in lieu of subsistance, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(e) The Director shall act as Chairman of the Advisory Commission. The Commission shall establish its government rules of procedure.

"§ 5046. LOCATION; FACILITIES

"(a) A suitable location for the Institute shall be selected by the Advisory Commission.

"(b) Following the selection of a location for the Institute, the Director, with the approval of the Advisory Commission, shall—

"(1) acquire such property as has been selected pursuant to subsection (a), and

"(2) make such arrangements as may be necessary or desirable for the construction, equipping, and physical organization of the Institute.

"S. 5047. CURRICULUM

"The Advisory Commission shall design and supervise a curriculum utilizing a multidisciplinary approach (to include law enforcement, judicial, correctional and welfare as well as probation disciplines) which shall be appropriate to the needs of the Institute's enrollees.

"§ 5048. ENROLLMENT

"(a) Each candidate for admission to the Institute shall apply to the State agency established under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 198; 42 U.S.C. 3701 et seq.), in the candidate's State. The State agency or agencies shall select an appropriate number of candidates and forward their applications for admission to the Director of the Institute. The Director shall prescribe the form of all applications for admission to the Institute and shall make the final decision concerning the admission of all students or enrollees.

"(b) While studying at the Institute and while traveling in connection with his study, including authorized field trips, each student or enrollee in the Institute shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code."

SEC. 502. The table of contents to "PART IV—CORRECTION OF YOUTHFUL OFFENDERS" of title 18, United States Code, is amended by inserting after

"403. Juvenile delinquency---------- 5031"

the following new chapter reference:

"404. Federal Corrections Institute--- 5041".

SEC. 503. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

SUMMARY OF OMINIBUS CORRECTIONAL REFORM ACT OF 1971

This bill provides a new comprehensive approach to prison reform on the state and local level. It provides substantial federal support for a program of creating a new, modern correctional system built around smaller institutions, located in or near the urban communities they serve. At the same time, it takes account of the major effort needed to redirect the nation's penal effort by requiring the development of certain short range programs which will make present penitentiaries more effective.

TITLE I—COMMUNITY-BASED CORRECTIONAL FACILITIES

Title I outlines the basic long range program which will result in a new penal strategy. It consists of several amendments to the Law Enforcement Assistance Administration provisions of the Omnibus Crime Control and Safe Streets Act of 1968:

(1) Require that after two years from passage no state plan for LEAA assistance will be approved as comprehensive (a necessary prerequisite to receiving Federal funds) unless it allocates at least 40% of the requested funds to the improvement of correctional practices and programs. (Part E of the LEAA Act presently requires a 20% allocation.) The actual allocation of LEAA funds is also changed accordingly. In terms of present Congressional authorization this would authorize $700 million for this new program in fiscal year ending June 30, 1973.

(2) Require that any such correctional plan contain a 20 year program developed in detail by five year segments for the gradual phasing out of large country prisons located a substantial distance from major urban areas whose community they serve (regardless of whether they be classified as low, medium, or high security) and their replacement with small, community-based corrections facilities designed to apply modern corrections theory.

TITLE II—REHABILITATION AND RELATED PROGRAMS

Title II is the first of several programs designed to provide immediate improvement while the states develop their long range programs. It authorizes the expenditure of $400 million over the next four years to develop and fund projects providing programs for rehabilitation, job placement, on-the-job counseling and correctional education for criminal offenders, youth offenders, and juvenile delinquents. Heavy emphasis is placed on the rehabilitation of those who have committed no more than one serious offense on the theory that these are the most easily helped.

To be eligible to receive a grant under this title a state must appoint a planning and administration council which would develop a plan and submit it to the Secretary of Health, Education and Welfare. The plan would be required to allocate at least 40 percent of all Federal funds granted to local government bodies and nonprofit organizations and 15 percent of all Federal funds to private, profit making individuals, businesses and organizations. This would result in the involvement of many segments of the community in the corrections process.

Grants to the states will be determined by the number of persons detained in correctional institutions and by the total population of the state. However, in no case will such grants amount to more than 75 percent of the total cost of such programs in any given year. The title also provides means for the Secretary to determine that funds are actually expended in accordance with the provisions of this title, and for a method of judicial review should a state not be satisfied with the Secretary's ruling.

TITLE III—EDUCATION AND TRAINING PROGRAMS

This title is intended to provide special funding for the development of specialized school curricula, for the training of educational personnel and, for research and demonstration projects. These programs and projects would be especially tailored to the needs of persons detained in state and local correctional institutions with the intention of improving their vocational and academic education so as to enhance the possibility of rehabilitation of such persons.

Section 301 of title III would amend section 511(b) of the Higher Education Act of 1965. Presently the authorized funding is $80 million per year, but in unrestricted form. Under the proposed amendment the authorized funding would be increased to $100 million for each of the next five years. Additionally the amended bill would require that $110 million, be spent on projects under Section 1103(a)(6) of title 20 of the United States Code which authorizes the development of special educational programs for criminal offenders.

Section 302 of title III would authorize the Commissioner of Education to make grants to state and local governments, educational agencies, public and nonprofit private institutions of higher learning, and other public and nonprofit private education or research agencies. Such grants would fund research and demonstration projects to the academic and vocational education of antisocial, aggressive, or delinquent persons including juvenile delinquents, youth offenders, and adult criminal offenders.

To advise on the creation of general policy with regard to the education of persons covered by this title, the Commissioner is authorized to appoint special technical advisory committees. Members of such committees who are not already full time employees of the United States are entitled to receive compensation as shall be determined by the Secretary of Health, Education and Welfare but not in excess of $75 a day. $13 million is authorized to be spent on this title over the next three fiscal years.

TITLE IV—SPECIAL PROBATION PROGRAMS

Title IV authorizes the expenditure of $40 million during each of the next five fiscal years for the creation of special probation supervision programs. These programs will be designed to accommodate juvenile delinquents and young offenders under 25 who have not yet become repeated offenders and who have not been found guilty of capital crimes. Such programs must be structured so as to reduce the need for the commitment of such offenders to state correctional institutions.

Any state desiring assistance must submit a state plan to the Law Enforcement Assistance Administration. The plan must establish suitable controls to insure that the appropriate state agency exercises proper supervision, qualified probations personnel are employed, and incentives for local participation in programs designed to reduce the need for commitment to correctional institutions are provided.

Funds will be provided for the states on the basis of a formula which takes into account the number of persons under the age of 25 within the states and the number of youthful offenders who have not been committed to state correctional institutions. Provision is also made to insure that the federal share of such programs will not exceed 75% and that the funds provided under this program will not be in lieu of funds coming from other sources and already being spent on such programs. Additionally, each state involved shall develop programs to monitor the effectiveness of the special probations programs developed. Provision will be made for the collection and utilization of such information by the Federal Corrections Institute.

TITLE V—FEDERAL CORRECTIONS INSTITUTE

Title V amends title 18 of the United States Code by adding at the end thereof a new chapter creating a Federal Corrections Institute. The Institute would serve several functions related to the short range improvement of present corrections systems and the long range development of a new corrections system as foreseen in title I. It would collect and disseminate useful data relating to efforts to improve the present corrections system and develop a new, community based system as provided in title I. It would also provide training for Federal, State and local personnel involved in the judicial system and corrections field so as to facilitate the acceptance and development of a new corrections system.

The Institute's overall policy and operations would be under the supervision of an Advisory Commission including personnel from the judicial, probations and corrections fields and including private, concerned citizens and persons who have actually served in prisons. Also included on the Advisory Commission will be the Director of the Institute, the Attorney General (or his designee), and the Director of the National Institute of Mental Health (or his designee).

The Director of the Institute with the approval of the Advisory Commission shall acquire property and shall make the necessary arrangements for the Institute's construction and equipment. The Advisory Commission shall supervise the design of a training curriculum for enrollees from the judicial and corrections fields. Candidates for admission to the Institute shall be selected by the State planning agencies created under LEAA, subject to final selection by the Director of the Institute. While studying with the Institute each enrollee shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons intermittently employed in government service under section 5703(b) of title 5, United States Code. Such funds as may be necessary to carry out the provisions of this title are authorized.

By Mr. MONDALE:

S. 2536. A bill to enable lower-income families to achieve homeownership and to enable certain private housing to be available for families at all income levels in order to achieve an economic diversification of income groups, particularly to avoid the clustering of low-income families, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. MONDALE. Mr. President, I join today in endorsing the remarks of the distinguished Senator from Massachusetts (Mr. BROOKE), one of the leading congressional experts on housing programs for lower-income families.

The Housing Reform Amendments Act of 1971, which I will cosponsor when it is drafted, is a product of our mutual

interest in legislation to expand existing housing programs: to amend these programs to achieve consolidation of essential assistance provisions; and to extend them to assist the full range of families who are not able to afford the expense of adequate housing in our Nation.

We worked together to prepare the section-by-section summary which Senator BROOKE has just introduced. It incorporates our original ideas, as well as other proposals which have been put forward over the past 2 years by various public interest groups. I believe that its adoption will correct most of the major problems associated with the present array of housing programs—problems which have impeded their use to assist all families in need of assistance to obtain safe, decent, and suitable housing. This rich Nation should be able to organize its housing programs to assure that all famlies can achieve a suitable standard of shelter.

The time has come to complete the recent congressional efforts toward decent housing by consolidating our assistance programs, by extending them to cover existing gaps in coverage, and by adopting provisions to assure a sound and healthy living environment. During 1967 and 1968, the Senate Housing Subcommittee spent an enormous amount of time in developing the section 235 homeownership and the section 236 rental assistance programs. This effort was worthwhile: these two programs are rapidly expanding to serve an enlarging number of families who require housing assistance. In 1969 and 1970, the public housing program was amended to achieve a greatly expanded capacity, largely through the amendments sponsored by Senator BROOKE, and by the chairman of the Senate committee, the distinguished Senator from Alabama, JOHN SPARKMAN. Despite these achievements, however, inadequacies in program structure still exist, some of which were forecast as early as 1967 by the housing subcommittee. The expansion of these housing programs over the last 2 years makes it essential that these inadequacies be corrected without delay.

The four major inadequacies among existing programs are: First, a lack of uniformity in such basic provisions as income limits, income definition, rent requirements, and quality of housing product; second, failure to include coverage for all families who need housing assistance; third, isolation of low-income families in "ghettoized" housing developments; and, fourth, concentration of low-income housing opportunities in central cities, to the exclusion of metropolitan and regional areas which are rapidly developing as the chief centers of employment for lower income families.

The Housing Reform Amendments Act of 1971, proposed by Senator BROOKE and myself, addresses itself to each of these major inadequacies. It proposes full consolidation of the basic elements of housing assistance under the FHA mortgage assistance programs and the public agency housing programs; it provides for assistance to all families who require housing assistance to the degree that they need it; it provides for a "cross section of income" occupancy in all assisted housing; it provides incentives for expansion of assisted housing into metropolitan and regional areas through full tax payments and public service grants, as well as "emergency housing" powers to the Secretary of Housing and Urban Development to develop assisted housing in those areas where no sponsor is willing to undertake it. As Senator BROOKE has indicated, these provisions, coupled with the housing requirements in the Community Development Act of 1971, S. 2333, introduced by Senator SPARKMAN, and the Government Facilities Location Act, S. 1282, introduced by Senator ABRAHAM RIBICOFF, should produce new and effective ways to achieve housing opportunities for lower income families in areas of urban growth outside central cities.

Mr. President, before I began discussions with Senator BROOKE on the Housing Reform Amendments Act of 1971, I had been working on a proposal designed to accomplish a greater cross section of income occupancy in Government assisted housing. This measure would provide a subsidy to those who need it and would also make available a percentage of units at reduced rentals or reduced mortgage interest rates to encourage occupancy by higher income families.

In the rental housing program, this would be done by calculating rentals as though the mortgage carried an interest rate 2 percent below the FHA rate. The FHA rate is now 7 percent which would mean that the rentals would be calculated at a 5-percent interest rate and this would result in a substantial rental reduction. The 2-percent interest rate differential would be paid by HUD to the lender.

It is proposed that up to 20 percent of the units may be occupied by families without regard to income limitations. There would be no certification as to income and the families would pay whatever rental is called for on the basis of the mortgage calculated at the rate 2 percent below the FHA rate. An additional 20 percent of the units would be occupied by families at varying income not in excess of the public housing limits and who will pay one-fourth of their income for rental, including utilities. The remaining 60 percent of the units will be occupied by families at carying income levels who also will pay one-fourth of their income for rental. Families obtaining subsidies would recertify their incomes every 2 years. This program would also permit cooperative ownership.

A similar proposal relates to the purchase of single family sales housing. In specified subdivisions or geographical areas designated by the Secretary, such as new communities, 20 percent of the buyers would get the benefit of a home purchase mortgage 2 percent below the FHA rate. The balance of the purchasers, 20 percent of whom would have incomes not in excess of public housing limits, would pay 20 percent of their income, and the subsidy would cover the balance due for principal, interest, taxes, insurance, and mortgage insurance premiums.

In many respects, my proposal is very similar to the housing reform amendments bill. For example, both bills would provide a single subsidy program that would cover the complete range of low- and moderate-income housing; both bills provide that at least 20 percent of the units in an assisted project would have to go to the lowest income families; both bills provide a rental not to exceed 25 percent of a family's income; and both bills insure that under the homeownership program, the maximum mortgage payment—including taxes and insurance—would be 20 percent of a family's income.

I believe that it is important that each of these bills be submitted for full discussion. That is why I am cosponsoring, with Senator BROOKE, the Housing Reform Amendments Act of 1971, while at the same time introducing the Housing Opportunities Act of 1971.

In order to insure full consideration of both bills, I ask unanimous consent that the full text of my proposal, the Housing Opportunities Act of 1971, 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. 2536

A bill to enable lower income families to achieve homeownership and to enable certain private housing to be available for families at all income levels in order to achieve an economic diversification of income groups, particularly to avoid the clustering of low income families, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing Opportunities Act of 1971".

SEC. 2. (a) The text of section 235 of the National Housing Act is amended to read as follows:

"SEC. 235. (a) The Secretary is authorized to make, and to contract to make, periodic assistance payments on behalf of homeowners and cooperative members. The assistance shall be accomplished through payments to mortgagees holding mortgages meeting the special requirements specified in this section.

"(b) To qualify for assistance payments, the homeowner or cooperative member shall be of lower income, or otherwise meet the eligibility provisions prescribed by the Secretary under this section, except that if any cooperative member who has received assistance payments transfers his membership and occupancy rights to another person who satisfies the eligibility requirements prescribed by the Secretary and undertakes the obligation to pay occupancy charges, the new cooperative member may qualify for assistance payments upon the filing of an application with respect to the dwelling unit involved to be occupied by him. The amount of the mortgage attributable to the dwelling unit shall involve a principal obligation not in excess of $20,000, except that the Secretary may, by regulation, increase the limitation by not to exceed 25 per centum in any geographical area where he finds that cost limits so require and by an additional $3,500 for any family with five or more persons.

"(c) The assistance payments to a mortgagee by the Secretary on behalf of a mortgagor shall be made during such time as the mortgagor shall continue to occupy the property which secures the mortgage, except that (1) assistance payments may be made on behalf of a homeowner who assumes a mortgage if the homeowner is approved by the Secretary as eligible for receiving such assistance, and (2) the Secretary is au-

thorized to continue making assistance payments where the mortgage has been assigned to the Secretary. The payments shall be in an amount not to exceed—

"(1) the balance of the monthly payment for principal, interest, taxes, insurance, and mortgage insurance premium due under the mortgage remaining unpaid after applying 20 per centum of the mortgagor's income, but in no event shall the amount of any payment by the Secretary under this clause be less than the amount of the payment computed under clause (2) of this sentence; or

"(2) in any subdivision (including a geographical area designated by the Secretary), condominium, or cooperative approved for sale under this section, not more than 20 per centum of the families shall be eligible without regard to income limitations to have assistance payments made on their behalf in an amount equal to the difference between the amount of the monthly payment for principal, interest, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage and the monthly payment which the mortgagor would be obligated to pay if the mortgage were to bear interest at a rate 2 per centum per annum below the maximum rate fixed by the Secretary for mortgages insured under section 203(b) of this title.

"(d) Assistance payments to a mortgagee by the Secretary on behalf of a family holding membership in a cooperative association operating a housing project shall be made only during such time as the family is an occupant of such project and shall be in amounts computed on the basis of the formula set forth in subsection (c) applying the cooperative member's proportionate share of the obligations under the project mortgage to the items specified in the formula.

"(e) The Secretary may include in the payment to the mortgagee such amount, in addition to the amount computed under subsection (c) or (d), as he deems appropriate to reimburse the mortgagee for its expenses in handling the mortgage.

"(f) Procedures shall be adopted by the Secretary for recertification of the mortgagor's (or cooperative member's) income at intervals of two years (or at shorter intervals where the Secretary deems it desirable) for the purpose of adjusting the amount of such assistance payments within the limits of the formula described in subsection (c), except that no recertification of income will be required of mortgagors receiving payments under subsection (c)(2) of this section.

"(g) The Secretary shall prescribe such regulations as he deems necessary to assure that the sales price of, or other consideration paid in connection with, the purchase by a homeowner of the property with respect to which assistance payments are to be made is not increased above the appraised value on which the maximum mortgage which the Secretary will insure is computed.

"(h) (1) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to make the the assistance payments under contracts entered into under this section. The aggregate amount of contracts to make such payments shall not exceed amounts approved in appropriation Acts, and payments pursuant to such contracts shall not exceed $325,000,000 per annum prior to July 1, 1972, which maximum dollar amount shall be increased by $400,000,000 on July 1, 1972, and by $400,000,00 on July 1, 1973.

"(2) Not less than 20 per centum of the assistance payments authorized in paragraph (1) of this subsection shall be contracted to be made on behalf of families whose incomes at the time of their initial occupancy are not in excess of the maximum income limits which can be established in the area, pursuant to the limitations prescribed in sections 2(2) and 15(7)(b)(ii) of the United States Housing Act of 1937, for initial occupancy in public housing dwellings. Other payments may be made in behalf of families whose incomes exceed those limits but who would nevertheless be eligible for assistance payments under the formula specified in subsection (c)(1) of this section.

"(3) Not more than 15 per centum of the appropriation authorized under this section shall be contracted for in connection with existing dwellings, or dwelling units in existing projects, unless such units are approved by the Secretary for substantial rehabilitation.

"(i) The Secretary shall from time to time allocate and transfer to the Secretary of Agriculture, for use (in accordance with the terms and conditions of this section) in rural areas and small towns, a reasonable portion of the total authority to contract to make assistance payments as approved in Appropriation Acts under subsection (h)(1)."

(b) The amendment made by subsection (a) shall be applicable to contracts for assistance payments entered into on and after the date of enactment of this Act. The provisions of section 235 of the National Housing Act, as it existed immediately prior to such date, shall be applicable to contracts for assistance payments entered into prior to such date.

SEC. 3. (a) The text of section 101 of the Housing and Urban Development Act of 1965 is amended to read as follows:

"SEC. 101. (a) The Secretary of Housing and Urban Development (hereinafter referred to as the 'Secretary') is authorized to make, and contract to make, periodic payments to a 'housing owner' on behalf of 'qualified tenants', as those terms are defined in subsection (c) of this section, in such amounts and under such circumstances as are prescribed in or under this section. A contract providing for such payments shall be for such period, not in excess of 40 years, as the Secretary determines. The aggregate amount of the contracts to make such payments shall not exceed amounts approved in Appropriation Acts, and payments pursuant to such contracts shall not exceed $250,000,000 per annum prior to July 1, 1972, which maximum dollar amount shall be increased by $300,000,000 on July 1, 1972, and by $300,000,000 on July 1, 1973.

"(b)(1) For the purpose of reducing rentals of dwelling units approved hereunder, the Secretary is authorized to make, and to contract to make, periodic interest reduction payments on behalf of the owner of a rental housing project designed for occupancy by families eligible under subsection (d), which shall be accomplished through payments to mortgagees holding mortgages meeting the special requirements specified in this section.

"(2) Contracts for interest reduction payments shall be made for the same period and under the same conditions as for the periodic payments on behalf of 'qualified tenants' as provided in section 101(a).

"(3) The interest reduction payments to a mortgagee by the Secretary on behalf of a project owner shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premium which the project owner as a mortgagor is obliged to pay under the mortgage and the monthly payment for principal and interest such project owner would be obligated to pay if the mortgage were to bear interest at a rate of 2 per centum less than that fixed by the Secretary for mortgages insured under section 207 of the National Housing Act.

"(4) The Secretary may include in the payment to the mortgagee such amount, in addition to the amount computed under subsection (b)(3), as he deems appropriate to reimburse the mortgagee for its expenses in handling the mortgage.

"(5) The aggregate amount of contracts to make such interest reduction payments shall not exceed amounts approved in appropriation Acts and payments pursuant to such contracts shall not exceed $75,000,000 per annum prior to July 1, 1972, which maximum dollar amount shall be increased by $100,000,000 on July 1, 1972, and by $100,000,000 on July 1, 1973.

"(c) For the purpose of this section—

"(1) the term 'housing owner' means a private nonprofit corporation or other private nonprofit legal entity, a limited dividend corporation or other limited dividend legal entity, or a cooperative housing corporation, which is a mortgagor under section 221(d)(3) of the National Housing Act and which, after the enactment of this section, has been approved for mortgage insurance thereunder and has been approved for receiving the benefits of this section, and includes a private nonprofit legal entity, a limited dividend corporation or other limited dividend legal entity, or a cooperative housing corporation, which is the owner of a rental or cooperative housing project financed under a State or local program providing assistance through loans, loan insurance, tax abatement, or other assistance, and which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section;

"(2) the term 'qualified tenant' means any individual or family who can satisfy the following requirements pursuant to criteria and procedures established by the Secretary:

"(A) Not less than 20 per centum of the units shall be occupied by such tenants having incomes at the time of initial occupancy not in excess of the maximum amount which can be established in the area, pursuant to the limitations prescribed in sections 2(2) and 15(7)(b)(ii) of the United States Housing Act of 1937, for occupancy in public housing dwellings; and

"(B) Not more than 20 per centum of the units may be occupied by tenants without regard to income limitations, provided that such tenants shall pay the full rental as fixed pursuant to subsection (b) and no payment shall be made under subsection (a) on their behalf; and

"(C) Other qualified tenants shall include those whose incomes exceed the limitations specified in paragraph (A) above but would nevertheless be eligible to have periodic payments made on their behalf pursuant to subsection (d) of this section; and

"(3) the terms 'qualified tenant' and 'tenant' include a member of a cooperative who satisfies the foregoing requirements and who, upon resale of his membership to the cooperative will not be reimbursed for any equity increment accumulated through payments under this section; and

"(4) the terms 'rental' and 'rental charges' mean, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative.

"(d) The amount of the annual payment with respect to any dwelling unit shall not exceed the amount by which the rental for such until exceeds 25 per centum of the tenant's income as determined by the Secretary pursuant to regulations and procedures established by him. In determining the income of any tenant for the purposes of this section, there shall be deducted an amount equal to $300 for each minor person who is a member of the immediate family of such tenant, or for any person in excess of 65 years of age, living with such tenant, and the earnings of any such minor person shall not be included in the income of such tenant. The Secretary may authorize other standard deductions to compensate for deductions for social security, unusual and long-term medical expenses, care of children, and other such recurring expenses.

"(e)(1) For the purposes of carrying out the provisions of this section, the Secretary shall establish criteria and procedures for

determining the eligibility of occupants and rental charges, including criteria and procedures with respect to periodic review of tenant incomes and periodic adjustment of rental charges.

"(2) Procedures adopted by the Secretary hereunder shall provide for recertifications of the incomes of the occupants, except the elderly and those eligible under subsection (c)(2)(B) hereof, at intervals of 2 years (or at shorter intervals in cases where the Secretary may deem it desirable) for the purpose of adjusting rental charges and annual payments on the basis of occupants' incomes, but in no event shall rental charges under this section for any dwelling exceed the full rental as fixed pursuant to subsection (b) hereof.

"(3) The Secretary may enter into agreements, or authorize housing owners to enter into agreements, with public or private agencies for services required in the selection of qualified tenants including those who may be approved on the basis of the probability of future increases in their incomes, as lessees under an option to purchase (which will give such approved qualified tenants an exclusive right to purchase at a price established or determined as provided in the option) dwellings, and in the establishment of rentals.

"(4) No payments under this section may be made with respect to any property for which the costs of operation (including wages and salaries) are determined by the Secretary to be greater than similar costs of operation of similar housing in the community where the property is situated.

"(f) The Secretary is authorized to make such rules and regulations, to enter into such agreements, and to adopt such procedures as he may deem necessary or desirable to carry out the provisions of this section.

"(g) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including but not limited to, such sums as may be necessary to make annual or other periodic payments as prescribed in this section, pay for services provided under (or pursuant to agreements entered into under) subsection (e), and provide administrative expenses.

"(h) In carrying out the provisions of this section, the Secretary shall give due consideration to section 4 of the Housing and Urban Development Act of 1968, regarding improved architectural design in housing being provided for low and moderate income families."

(b) The amendment made by subsection (a) shall be applicable to contracts for assistance payments entered into after the date of enactment of this Act. The provisions of section 101 of the Housing and Urban Development Act of 1965, as it existed immediately prior to such date, shall be applicable to contracts for assistance payments entered into prior to such date.

By Mr. HATFIELD:

S. 2537. A bill to authorize treatment for certain narcotic addicts. Referred to the Committee on Labor and Public Welfare.

NARCOTICS ABUSE TREATMENT ACT OF 1971

Mr. HATFIELD. Mr. President, I send a bill to the desk which I have entitled the Narcotics Abuse Treatment Act of 1971. And I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

Mr. President, all of us are generally familiar with the growing problem of drug abuse within our country. There are varying estimates as to the number of drug addicts in the United States. They range from 150,000 to 400,000, but the usually quoted figure is 250,000, up to one-half of whom reside in New York State. Indication of the growth of the problem in recent years is the fact that between 1962 and 1970 there was a 1,000-percent increase in felony prosecutions for the possession or sale of dangerous drugs in Kings County, N.Y.—from 168 in 1962 to 1,861 in 1970. In Philadelphia arrests for narcotic violations increased 678 percent in the 5 years between 1965 and 1970. Estimates for Detroit are a 169-percent increase in the last 2 years for drug related arrests. Officials in Boston have estimated that the addiction rate is increasing perhaps as much as 50 percent per year. And in Virginia it is estimated by the Bureau of Narcotics and Dangerous Drugs that there was an increase of 556 percent during the decade of the 1960's. Yet it has been estimated that each addict commits 120 crimes for each crime that he is arrested.

Besides the cost in human lives and personal tragedy, crime that is caused by drug addiction is also very costly. President Nixon in his June 17, 1971, special message to the Congress pointed to this cost, asserting that it takes between $30 and $100 per day per addict to sustain a habit. It has been estimated that each addict in the District of Columbia gets $50,000 of illegal goods to sustain his habit each year. If Washington, D.C., and New York data are at all representative of the Nation in general, this means that the cost of sustaining drug addiction through illegal means in the United States is in the neighborhood of $12.5 billion each year. And this does not include government and private expenditures to deal with the problem of addiction, nor does it include courts, police, probation, penal, and other costs.

The Congress has become increasingly aware of the growing magnitude of the addiction problem and has taken steps which in its judgment would help alleviate it. During the 91st Congress, for instance, no less than 20 major bills were introduced to deal with the various aspects of drug abuse. During this, the 92d Congress, further important legislation, focusing on rehabilitative efforts, has been introduced. There remain, however, two key problems: first, there are not at present any claimed rehabilitation techniques that have won a consensus of support; second, if there were such techniques, there would still remain the problem of changing the abuser's motivation so that he or she would want to be rehabilitated. These are not insurmountable obstacles, but it must be realized that it will take a long time before both of these problems can be successfully remedied. In the meantime we will continue to have the soaring drug-caused crime and drug addiction rate unless something is done.

The bill I am introducing today, Mr. President, I believe would overcome the issues I have raised. Specifically, the bill would establish a program within the Department of Health, Education, and Welfare whereby the Secretary can authorize a physician to administer drugs to an addict. The physician would be required to submit an itemized statement to the Secretary containing the costs of the services provided and would also provide such verifying data as the Secretary requests in order for the addict to benefit from the program. The information regarding the addict would be confidential and not divulged to any person or government entity and not be admissable for any criminal action against the abuser. The cost of the program would be fully borne by the Federal Government. This proposal would not in any way alter present prohibitions against the illegal possession or sale of drugs.

It would, in my opinion, virtually eliminate drug-related crime from our society. And it would save the taxpayer billions of dollars as well. Studies in the cost of methadone maintenance programs, for instance, estimate that an addict can be maintained for $3,800 annually, which is less than one-third the cost of keeping an addict in prison. Projecting these figures into a national program the cost would be roughly $950 million per year. Looked at from another perspective, heroin tablets sold in bottles of 100 tablets each cost $2.16 for each bottle in England, where they have a program roughly the same as I am proposing. Computing this cost into a comparable one in the United States would mean an expenditure of approximately $10.8 million per year to maintain heroin addicts on a Government program. Yet this expenditure would incur savings of over $2 billion in potential prison costs and $12.5 billion in drug-related crime. Consequently, while the budgetary expenditure for the program I am advocating would be in the neighborhood of $942.5 million, assuming a $3,800 expenditure per addict, there would be a real savings of approximately $13.6 billion, let alone the savings in despair and heartache on which no dollar value could be put. But perhaps most importantly, we would virtually eliminate the crime caused by illegal drug trafficking and take a significant step toward completely eradicating the trafficking itself.

The concept I am advocating is not a new one. Between 1919 and 1923 a similar program was instituted in our country but it was halted not because it failed, but because it ran against "the philosophy of a punitive approach," according to the New York Academy of Medicine. Great Britain has also had good success with a similar program. In spite of increases in the rate of addiction during the 1960's, a trend which has definitely reversed, there are, according to one source, just under 3,000 narcotics addicts in England. This is for a total population of 55 million people or a ratio of approximately one addict for every 19,000 people. In the United States the picture is quite different, because it is estimated that there is one addict for every 800 persons: almost 24 times the rate in England. Admittedly, the problem of estimating the number of drug addicts within our country is difficult due to the obvious obstacles encountered under prevailing conditions. Yet, if the data presented here is anywhere near the truth our system of dealing with addiction is in great need of change.

It is my firm belief that the proposal I am offering today would reduce the crime rate in some areas of our Nation by

as much as 85 percent. I say this not as some gesture of rhetoric but on the basis of statements of those who should know, the police. For instance, besides the facts I related earlier, the New York Times of May 12, 1971, quotes Chief Robert Rapp of the Transit Police Department as saying—

More than 85 percent of the people we apprehend are addicts, and they readily tell us the holdups are to feed their habits.

In Washington, D.C., police have blamed up to 80 percent of serious proper crime on drug users. And in Pennsylvania 70 percent of the men serving prison sentences have drug-connected records.

One of the saddest aspects of the drug problem in our country is its increasing frequency among the young. According to one report in the District of Columbia, addicts report that "most heroin users today are between 16 and 25 years of age" and that "drug use begins among youths between 15 and 17 years old." In Detroit police have reported that heroin arrests have increased 442 percent in the 17-to-27 age bracket. Governor Linwood Holton, of Virginia, reports that 90 percent of the drug users in his State are under the age of 30, the youngest addict being 12 years old. In New York in 1967, the average age of the heroin addict was 29; today, it is 21 and, further, 35 percent of the 12,000 addicts under rehabilitative care in New York are under 20. Today, 53 percent of those admitted to the Federal hospital at Lexington are under 19 in contrast to 1936 when 15 percent of those admitted were under 20.

Mr. President, by treating drug addiction as a medical and social problem as envisaged in the legislation I have introduced today, we will have struck a major if not fatal blow to illegal trafficking in drugs, the rapidly growing drug addiction rate in our country, and drug-related crime. By taking drugs off the black market by allowing physicians to administer drugs to addicts there would no longer be the financial incentive for the user to steal in order to support his or her habit.

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

S. 2537

A bill to authorize treatment for certain narcotic addicts.

NARCOTICS ABUSE TREATMENT ACT OF 1971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized and directed to take such action as he determines necessary to establish and carry out a program pursuant to which physicians approved by the Secretary shall be authorized to administer controlled substances to certain addicts. Any controlled substance administered to any addict pursuant to such program shall be considered as having been administered for a medical purpose.

(b) Any program established and carried out pursuant to this Act shall provide that any physician, approved by the Secretary, administering a controlled substance to any addict on the basis of an Addict Medical Card issued to such addict pursuant to this Act shall, upon submitting an itemized statement to the Secretary containing the costs of such service so provided (together with such additional verifying data as the Secretary may require) be compensated by the Secretary in the amount set forth in such statement and approved by the Secretary.

SEC. 2. (a) The Secretary, upon receipt by him of an application filed by an addict in accordance with regulations promulgated by the Secretary, is authorized to issue to such addict an Addict Medical Card which shall entitle such addict to the benefits provided for under any program established pursuant to the first section of this Act.

(b) Any such card so issued shall be in such form and contain such information (for identification purposes only) as the Secretary shall by regulation prescribe.

SEC. 3. (a) Subject to the provisions of subsection (b) of the first section of this Act, all records, information, and other data acquired by any physicial in connection with the treatment of any addict under any program carried out pursuant to this Act shall be confidential and, except with the specific approval of such addict, shall not be divulged, distributed, disseminated or otherwise made available to any person, or governmental entity, or be admissible as evidence in any criminal action against such addict.

(b) No records, information, or other data acquired by the Secretary, in the administration of any program authorized by this Act, in connection with the treatment of any addict shall be divulged, distributed, disseminated or otherwise made available to any person or governmental entity without the specific approval of such addict, or be admissible as evidence in any criminal action against such addict.

SEC. 4. The Secretary is authorized to issue such regulations as he may determine necessary to carry out the provisions of this Act.

SEC. 5. As used in this Act, the term—

(1) "physician" means any individual authorized by Federal or State law to practice medicine;

(2) "addict" shall have the same meaning as that provided in section 102(1) of the Controlled Substances Act;

(3) "controlled substance" shall have the same meaning as that provided under section 102(6) of the Controlled Substances Act;

(4) "administer" means the direct application of a controlled substance to the body of a patient whether such application be by injection, inhalation, ingestion, or other means;

(5) "person" means any individual, corporation, partnership, association, agency (public or private), or other entity; and

(6) "governmental entity" means any department, agency or instrumentality of the United States or any State, or any political subdivision thereof, or any officer or employee thereof.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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

S. 2538. A bill to amend the Appalachian Regional Development Act of 1965 to extend its coverage to Greene County, Ala. Referred to the Committee on Public Works.

Mr. ALLEN. Mr. President, I am sure all will agree that one of the legislative highlights of the 92d Congress to date was the recent passage of legislation to extend the Appalachian regional development program. To my way of thinking, the Appalachian Regional Development Act passed by the Congress 6 years ago is one of the most novel and innovative laws in the history of American Government. Since 1965, the programs authorized under the act have been helping the people of a region which stretches across 13 States from the southern tier of New York to the northern corner of Mississippi to better develop the institutions and facilities that will enable them to participate more fully in the economic growth of our Nation.

The hallmark of the Appalachian program is that it embraces the concept of States' rights in that no project can be funded unless it springs from local initiative and local planning. In addition, the program largely devotes itself to the making of permanent improvements such as the building of hospitals, highways, vocational schools, water and sewerage treatment plants and other facilities which will serve not only this generation but future generations in Appalachia. I only wish that more of our Federal assistance programs embraced the unique and highly successful concepts of the Appalachian program, both from the standpoint of intergovernmental cooperation and in connection with the distribution of funds and how they are to be spent.

In keeping with the economic, social, and geographic framework of the Appalachian Act, I am today introducing for myself, the distinguished senior Senator from Alabama (Mr. SPARKMAN) and the distinguished junior Senator from Indiana (Mr. BAYH) a bill to bring Greene County, Ala., within the purview of the Appalachian Regional Development Act of 1965, as amended.

Like the overwhelming majority of counties already included in the Appalachian Act, Greene County is marked by severe unemployment and underemployment and by a lack of basic facilities and job services; in fact, I am advised that Greene County has been determined to be the fifth poorest county in the United States in terms of per capita income.

Also like the overwhelming majority of counties already included in the Appalachian Act, Greene County suffers from a severe outmigration problem. While the State of Alabama enjoyed a 5.4-percent growth in population in the 1960–70 decade, the population of Greene County during that time dropped from 13,600 to 10,650, or a decrease of 21.7 percent. Eutaw, the county seat and the largest town in the county, has a population of less than 2,800. It is, therefore, clearly evident that Greene County desperately needs the kind of developmental assistance afforded by the various Appalachian programs which will help to provide the facilities and services necessary to the establishment of a sound economic base.

From a look at a map, it is easily seen that Greene County could, perhaps should, have been included in the 1965 enabling law in that it is contiguous to the Alabama counties of Tuscaloosa and Pickens, which are already included in the Appalachian region as defined in section 403 of the act.

From the foregoing and as I have previously stated, Greene County does, in truth, fall within the economic, social, and geographical framework of the Appalachian Regional Development Act.

Upon enactment of this bill, I am quite sure that the people of Greene County will enthusiastically take advantage of the new opportunities and programs which will be afforded them to develop the self-sustaining economy which is so desperately needed if they are to share in the Nation's prosperity.

By Mr. HARTKE:

S. 2540. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to provide a program for the accreditation of law enforcement agencies. Referred to the Committee on the Judiciary.

ACCREDITATION PLAN FOR LAW ENFORCEMENT AGENCIES

Mr. HARTKE. Mr. President, today the question of adequate protection for life and property is a serious one for all Americans. The cries for law and order continue, but too little has been done to insure that the citizens of this country are adequately protected. The problem of protection will not be solved by a bumperstrip war against crime. It will be met only through the application of the most sophisticated methods to the fight against crime.

The bill I offer today is designed to give that direction. This bill seeks to establish a national accreditation program for police departments, to guarantee that the law enforcement agencies in this country are truly professional agencies. I introduce this bill because the citizens of our Nation are entitled to the best law enforcement protection possible. Today, we realize that standards of recruitment, selection, training, and operations must be upgraded to insure work citizens of uniform treatment and justice. Consequently, every effort must be made to further professionalize the Nation's police departments by urging them—where needed—to strive for new standards of excellence.

In 1967, the President's Commission on Law Enforcement and the Administration of Justice recommended the establishment of State commissions on standards to assist in improving the quality of law enforcement in this country. Although there have been some efforts in that direction, the vast majority of the States have taken little or no action to comply with the recommendations of the study. It is a national tragedy that most States in this country do not have any form of substantive law enforcement standards legislation. It is the clear need for professionalization in the field of law enforcement that causes me today to introduce this legislation which I hope will be the impetus for a national effort to achieve heightened stature for law enforcement agencies throughout our country.

This bill proposes the establishment of a national accreditation commission comprised of nationally prominent figures in the field of law enforcement the primary function of which would be to establish guidelines for use in determining the relative caliber of police departments. These guidelines would be administered by a regional accrediting commission which would examine municipal, county, and State police organizations to determine if they meet certain minimum standards. The concept of the establishment of regionally administered standards is by no means a new or novel idea. For example, J. Edgar Hoover, Director of the FBI, has recommended the establishment of national uniform standards to achieve police excellence. Also, Mr. James F. Ahern, former police commissioner of New Haven, Conn., recommended earlier this year in a speech before the Democratic National Policy Committee that—

> A major step in the professionalization of law enforcement would be creation of a national institute of police standards. The institute would direct federally supported experimentation in law enforcement and draft and distribute a set of voluntary standards in such areas as police recruitment, training, operating procedures, organizational design, conduct, and ethics.

Mr. Ahern felt that such a professional organization is needed to provide leadership and guidance to the thousands of police departments in this country.

In line with Mr. Ahern's thoughts the program I am proposing would initially be voluntary, but eventually departments that do not meet the requirements of the regional accreditation panels would become ineligible for Federal funds. The bill contains a 2-year period for voluntary compliance during which law enforcement agencies would have time to correct any deficiencies discovered by an accrediting panel.

As previously stated, the national commission would be comprised of nationally prominent figures in the field of law enforcement and related academic areas. This commission would be able to draw on their professional experience and training to develop national guidelines for the regional accrediting agencies to implement. Of course, it is impossible for any national commission to develop clear and concise rules which would be applicable to each and every law enforcement agency in the country. Consequently, the national commission would develop guidelines which the regional panels would implement in light of their knowledge of regional and local circumstances.

It is imperative to state at this point that my proposal is not intended, nor does it create a national law enforcement body to control the functions and responsibilities of State and local law enforcement agencies. The commissions—national and regional—will be constituted of academicians and officials who are completely independent of the control of the Federal Government. The members of the commission will be prominent figures in the field of law enforcement and related areas who are willing to give of their time to assist in developing professional standards for law enforcement agencies.

A vital feature of this legislation is the inclusion of criteria that most law enforcement officials consider important to any evaluation of a police department's caliber. These criteria are not meant as the exclusive means for evaluating the professionalism of a police department but will be an important part of the evaluation process.

First, there must be standards established in the area of recruitment and selection practices of police departments. This would, in all probability, include establishing minimum standards of education and aptitude for police work. The role of the law enforcement officer in present-day America makes many more demands than in the past. Yet, very little has been done to insure that the law officer is suited by education to his post. Educational standards set by many police departments in the Nation require less than a high school education. A 1961 survey by the International Association of Chiefs of Police revealed that of the over 300 departments surveyed, 24 percent had no minimum educational requirements and less than 1 percent required any level of college preparation. There has been very little change in those figures in the past 10 years, even though two major national commissions have stressed the need for a better educated and more professionally trained law enforcement officer.

A recent publication cited the problems facing police departments in this country and stressed that—

> Failure to overtake or at least keep pace with the rising educational standards in other occupations means that law enforcement officials will have to be drawn from the minority of the population least educated, least talented, and least qualified to assume the responsibilities of modern law enforcement.

Another example of the glaring deficiency in most police department recruitment programs has been their failure to permit lateral movement of police officers, the process of permitting a law enforcement officer to transfer from one jurisdiction to another without losing his rank and accrued benefits.

Another area of obvious importance is that of training programs for recruits and inservice personnel. Any accrediting panel should inquire into the scope and extent of training programs, the nature of the course and the quality of instruction, and the extent of the training in general with respect to the particular problems the local jurisdiction faces. A recent study found that fewer than 15 percent of all law enforcement agencies provide immediate recruit training for officers. In far too many jurisdictions, officers are simply handed a revolver and a ticket book and assigned to an older officer to glean what training and experience they can. Where formal training programs do exist, they range from a few days to several months. Unfortunately, the training given is largely outmoded and not structured to the needs of current day law enforcement. The tendency has been to train an officer so that he responds mechanically to problems rather than as a skilled professional. We must make a commitment that no longer will we put individuals in our tension ridden communities with little training to face the problems that are part and parcel of his daily tasks.

One area that deserves utmost consideration is an examination of the compensation and benefits that are provided for the officers. This is a problem I have recognized before and have

introduced legislation to supplement police salaries. As J. Edgar Hoover has previously stated, the fact that the begining pay for a police officer is under $7,000 nationwide is a national disgrace. Inadequate compensation has been a significant factor in failing to entice and retain competent persons in the law enforcement area. The existing pay scales continue to prove incapable of attracting men who can more adequately meet the high standards that are required by the present conditions in our society, but little has been done to rectify this deplorable situation.

Administrative organization of police departments must also be examined. The size of police departments in many cities is such that too many departments are administrative disaster areas with haphazard delineation of responsibilities and very poorly established chains of command. The existence of such poorly organized agencies makes it extremely difficult for police officials to be responsive to the problems of officers, and for officials to insure that the highest ethics and integrity are maintained.

Last, but by no means of minor importance, it is imperative that serious consideration be given to an examination of the community relations training programs and efforts of police departments. The changes in the urban structure of our society necessitate that the new enforcement officer increase his function from the traditional police role to a wider and more expanded relationship with the public at large. This requires that the police officer be sufficiently trained in working with, and understanding groups with which he comes in daily contact. Unfortunately, the police officer has had to deal with the results of our many social ills. Societal ills such as inadequate housing, unemployment, and poor education have made the always difficult job of the police officer even more trying today. A failure to recognize the need for enhancing the training and work in the area of police-community relations could unfortunately negate all other advancements made in upgrading the status of law enforcement agencies.

In conclusion, the citizens of this country deserve and desire a new standard of excellence in law enforcement to guarantee protection for all citizens. This legislation can be the impetus for a national effort to raise law enforcement to truly professional status. The public demands no less.

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

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

S. 2540

A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to provide a program for the accreditation of law enforcement agencies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately after Part E the following new part:

"PART F—ACCREDITATION OF LAW ENFORCEMENT AGENCIES

"SEC. 471. It is the purpose of this part to encourage the improvement of law enforcement agencies of the States and units of general local government on a voluntary basis by providing for a program of accreditation and financial assistance to the States and units of general local government having agencies that are accredited pursuant to this part.

"SEC. 472. (a) There is hereby established in the Law Enforcement Administration a Commission on the Accreditation of Law Enforcement Agencies (hereinafter in this part referred to as the 'Commission') composed of nine members to be appointed by the President, by and with the advice and consent of the Senate from among individuals who are officials in the field of law enforcement for the Federal Government; for any State; for any unit of general local government; or experts and teachers in the field of law enforcement. In making appointments under this section, the President is requested to give due consideration to appointment of individuals, who collectively, will provide appropriate geographical balance on the Commission.

"(b) The term of office of each member of the Commission shall be six years; except that—

"(1) the members first taking office shall serve as designated by the President, three for a term of two years, three for a term of four years, and three for a term of six years, and

"(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

"(d) The President shall designate one of the members of the Commission to serve as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

"(e) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner and subject to the same limitations as the original appointment was made.

"(f) Five members of the Commission shall constitute a quorum.

"(g) In the exercise of its functions, powers and duties, the Commission shall be independent of the Attorney General, the Administrator of the Law Enforcement Administration and all other offices and officers of the Department of Justice.

"SEC. 473. (a) The Commission is authorized to—

"(1) establish criteria for the accreditation of law enforcement agencies of the States and units of general local government, including provisions for such criteria for each appropriate class and type of law enforcement agency, after giving consideration to the following factors—

"(A) recruitment and selection practices, including minimum educational qualifications, minority group selection allowances, and the criteria for lateral movement into the law enforcement agency;

"(B) the availability and quality of training programs for new law enforcement personnel, existing personnel of any such agency;

"(C) the quality of the physical facilities of such agency and the availability and the contemporary nature of the equipment and support services of any such agency;

"(D) minimum acceptable rates of compensation for such personnel, and the availability of workmen's compensation, health insurance, death benefits, and other benefits available to such personnel;

"(E) the number of on the line personnel of such agency in relation to the population of the State or unit of government which that agency serves;

"(F) minimum adequate management practices and a model of organizational structure for any such agency; and

"(G) the quality of the community relations program, including the amount of training of law enforcement personnel in such program and the accessibility of law enforcement personnel of the agency to the public;

"(2) establish national and regional accrediting associations composed of law enforcement officials who are representative of all levels of the work personnel of the agency being accredited;

"(3) provide for the establishment of accrediting boards by the regional accrediting association, one of whose members, in the case of a law enforcement agency of a unit of general local government, is representative of a law enforcement agency of the State in which that agency is located;

"(4) provide for the general policy with respect to accrediting such agencies, including the manner of establishing accrediting boards by regional accrediting associations and the daily rates of compensation to be paid association and board members, except that in no event shall such compensation exceed $100 per day;

"(5) make grants in accordance with section 475; and

"(6) perform such other functions as are necessary to carry out the purposes of this part.

"(b) The Commission shall submit such interim reports to the President and the Congress as it deems advisable to keep the Congress fully informed of the establishment of criteria for, and the process of, accreditation under this section. The Commission shall submit, as part of the report of the Administration as required under section 519 of this Act, a report setting forth the activities of the Commission and such recommendations including recommendations for additional legislation as it deems advisable in each calendar year.

"SEC. 474. (a) There shall be a full-time staff director for the Commission who shall be appointed by the President by and with the advice and consent of the Senate and who shall receive compensation at a rate to be fixed by the President not in excess of the rate prescribed for GS–18 of the General Schedule under section 5332 of title 5 of the United States Code. The President shall consult with the Commission before submitting the nomination of any person for appointment to the position of staff director. Within the limitations of its appropriations, the Commission may appoint such other personnel as it deems advisable, in accordance with the provisions of title 5 of the United States Code, and may procure services as authorized by section 3709 of such title 5 but at rates for individuals not in excess of the daily rate prescribed for GS–18 of the General Schedule.

"(b) The Commission may accept or utilize services of voluntary or uncompensated personnel.

"(c) The Commission may constitute such advisory committees within States composed of citizens of that State and may consult with governors, attorneys general, and other representatives of State and local governments, and private organizations, as it deems advisable.

"(d) Members of the Commission, and members of any advisory committees shall, for the purposes of chapter 11 of title 18, United States Code, be deemed to be special Government employees.

"(e) All Federal agencies shall cooperate fully with the Commission in order to assure that the Commission may effectively carry out its functions and duties.

"(f) The Commission, or on the authorization of the Commission any subcommittee of three or more members, may, for the purpose of carrying out the provisions of this

Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 5 of this Act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman. The holding of hearings by the Commission, or the appointment of a subcommittee to hold hearings pursuant to this subsection, may be approved by a majority of the Commission, or by a majority of the members present at a meeting at which at least a quorum of five members is present.

"(g) In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce pertinent, relevant and nonprivileged evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"(h) Each member of the Commission shall have the power and authority to administer oaths or take statements of witnesses under affirmation.

"(i) The Commission shall have the power to make such rules and regulations as are necessary to carry out the purposes of this part.

"SEC. 475. (a) The Commission is authorized to make grants to any State or any unit of general local government in accordance with the provisions of this section if such State or unit of general local government has been accredited pursuant to section 473.

"(b) No grant shall exceed 25 per centum of the amount of the funds received by such State for operating purposes and not for distribution to units of general local government, or received by such unit of general local government under part C of this title in the fiscal year preceding the fiscal year in which the grant is made. If a unit of general local government is accredited under this part and has not received a grant under part C of this title for that preceding fiscal year, the Commission shall determine the amount to which such unit of general local government is entitled under this part after giving consideration to units of general local government of a similar size that have received grants under such part C.

"(c) Any State or unit of general local government that has been accredited pursuant to section 473 and desires to receive a grant under this part for any fiscal year, shall submit an application to the Commission at such time, in such manner and containing or accompanied by such information as the Commission may reasonably require.

"SEC. 476. It is the intention of the Congress that the national and regional accrediting association and accrediting boards established by such associations shall be totally independent of any officer or agency of the Department of Justice or any other department or agency of the Federal Government.

"SEC. 477. There are authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1972 and $1,000,000 for the succeeding fiscal year.

"SEC. 478. Except the provisions of section 510, 511 and 516(a) title, the provisions of part G of this title, relating to administrative provisions, shall not apply to this part."

(b) Section 601 of such Act is amended by inserting at the end thereof the following new subsection:

"(m) The term 'law enforcement agency' means any police department, sheriff's office or other similar law enforcement agency of a State or a unit of general local government as determined pursuant to criteria established by the Commission of Accreditation of Law Enforcement Agencies."

(c) Parts F and G of title I of such Act are redesignated as parts G and H, respectively.

SEC. 2. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following—

"(131) Members of the Commission on Accreditation of Law Enforcement Agencies."

By Mr. HARTKE (for himself, Mr. THURMOND, Mr. COOK, Mr. HANSEN, Mr. RANDOLPH, and Mr. STEVENS):

S. 2541. A bill to amend title 38, United States Code, to provide that all income of a spouse be disregarded in determining the annual income of a veteran for pension purposes. Referred to the Committee on Veterans' Affairs.

Mr. HARTKE. Mr. President, I introduce today, on behalf of myself, Senators THURMOND, COOK, HANSEN, RANDOLPH, and STEVENS, legislation which will remedy an obvious inequity in our veterans' pension system.

Certain veterans have lost their pensions, or had them drastically reduced, when their wives retire. The law now provides that a working wife's earned income need not be counted in computing the veteran's annual income for pension purposes. However, when she retires, her retirement income is considered in computing his annual income. Although their annual total income is generally less than their preretirement income, it causes the veteran to go over the income limitations and he loses, or suffers a reduction in, his pension.

For this reason, we introduce this bill today, to provide that all income of a spouse be disregarded in determining the annual income of a veteran for pension purposes.

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

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

S. 2541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (f) of section 521 of title 38, United States Code, is amended to read as follows:

"(f) For the purposes of this section, all income of the spouse shall be disregarded in determining the annual income of a veteran."

By Mr. BIBLE (for himself, Mr. ALLOTT, and Mr. MOSS):

S. 2542. A bill to establish a system for the development of mineral resources on public lands of the United States. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, on behalf of myself, Senator ALLOTT, and Senator Moss, I introduce for appropriate reference a bill to establish a system for the development of mineral resources on public lands of the United States.

In its report entitled "One-Third of the Nation's Land," the Public Land Law Review Commission found that the public interest requires that exploration, development, and production of minerals on public land be encouraged—not merely permitted—by maintaining a continuing invitation to the private sector to explore for and develop minerals on the public lands. The proposed bill incorporates many of the recommendations contained in the report of the Public Land Law Review Commission.

I ask unanimous consent that the provisions of the bill and a section-by-section analysis of the Mineral Development Act of 1971 be printed at this point in the RECORD.

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

S. 2542

A bill to establish a system for the development of mineral resources on public lands of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That: This Act may be cited as the "Mineral Development Act of 1971."

PURPOSE

SEC. 2. The purpose of this Act is to assist in carrying out the policy of the United States as expressed in the Mining and Minerals Policy Act of 1970 (Public Law 91-631) by establishing a system to provide for and encourage the development of certain mineral resources of the public lands of the United States.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term

(a) "Lands available for mineral location," shall mean surveyed and unsurveyed public lands in the states of Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming, including lands in said states in which minerals have been reserved to the United States and lands the title to which was heretofore or is hereafter obtained by the United States pursuant to:

(1) Act of March 20, 1922 (16 U.S.C. § 485).

(2) Act of June 28, 1934 § 8 (43 U.S.C. § 315g),

and said term shall also mean those certain lands in Oklahoma ceded to the United States which were declared open to location by the Act of March 2, 1895 (ch. 188, 28 Stat. 876, 899) or by the Act of June 6, 1900 (ch. 813, 31 Stat. 672, 680). "Lands available for mineral location": (i) shall include areas of said lands which have been designated for special uses to the same extent and under the same conditions which have heretofore been prescribed by Congress with respect to the availability of such areas for entry under the Mining Law of 1872:, (ii) shall not include areas of said lands during any time they are included within an authorized classification or withdrawal prohibiting mineral location, or during any time such areas are (a) included in a mining claim perfected with a discovery of a valuable mineral deposit made prior to the effective date of this act for which a declaration of interest under title II could be filed or the declaration of interest has been filed and the claim is being maintained under title II, (b) included in a mining claim not perfected

with a discovery of a valuable mineral deposit for which a declaration of interest has been filed under title II and is being maintained under said title II, (c) during a period of one year after the effective date of this Act, included in a mining claim not perfected with a discovery of a valuable mineral deposit for which a declaration of interest is filed at any time within said one year period or if the ground covered by such mining claim is located by the owner with a title III claim at any time within said one year period, (d) included in a valid mill site for which a declaration of interest has or could be filed, or (e) included in a mining claim located and maintained under title III hereof: *Provided, however,* that so long as a mining claim located prior to the effective date of this Act is maintained under title II hereof, the owner of said claim shall be entitled to locate a mining claim pursuant to title III covering the same lands, and if such mining claim could be maintained under title II hereof, the owner of such claim be entitled to locate a mining claim pursuant to title III covering the same lands without filing a declaration of interest.

(b) "Mineral deposits covered by this Act," shall mean deposits of all minerals except:

(1) Coal, oil and gas, oil shale, native asphalt, solid and semisolid bitumen, bituminous rock (including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried);

(2) Chlorides, sulphates, carbonates, borates, silicates, and nitrates of potassium and sodium;

(3) Phosphates, and associated and related minerals in phosphate deposits;

(4) Sulphur in the States of Louisiana and New Mexico;

(5) Geothermal steam and associated geothermal resources as those terms are defined in the Geothermal Steam Act of 1970, 84 Stat. 1566; and

(6) Those deemed not to be a valuable mineral deposit by the provisions of section 3 of title VI of this Act.

(c) "Smallest legal subdivision" shall mean any tract of land surveyed by the United States consisting of a regular quarter of a quarter section containing forty acres, or an irregular quarter of a quarter section platted as a lot containing more or less than forty acres.

(d) "Work year" shall mean the period of one year commencing at 12 o'clock meridian on the first day of September.

(e) "Remaining interests in land owned by the United States" shall mean all interests in such land including those substances deemed not to be a valuable mineral deposit by the provisions of section 2 of title VI of this Act but not including the Leasing Act minerals defined in 30 U.S.C. section 530 which would be reserved to the United States from mineral patents pursuant to 30 U.S.C. section 524.

(f) "Surveyed lands" shall mean lands which have been surveyed by the United States. "Unsurveyed lands" shall mean lands which have not been surveyed by the United States.

(g) "Lands with a found monument" shall mean surveyed or unsurveyed lands on which a United States survey monument or mineral monument is found by a locator of a mining claim within a distance of one mile from any part of such mining claim. "Lands without a found monument" shall mean said lands on which no such monument is found by a locator of a mining claim within said distance.

(h) "Field survey" shall mean a survey at least as accurate as a transit or plane table survey by a person competent to survey mining claims.

(i) "Citizens of the United States" shall mean all persons born or naturalized in the United States, corporations organized under the laws of the United States or any State or territory thereof, and associations of such persons and corporations.

TITLE II—EXISTING MINING CLAIMS AND MILL SITES

RECORDATION

SEC. 1. (a) Notwithstanding any other provisions of law, any unpatented mining claim or mill site located prior to the effective date of this Act, or any unpatented mining claim based on a tunnel site pursuant to 30 U.S.C., section 27 which may be located after the effective date of this Act in accordance with federal and state mining laws in effect prior thereto, shall be null and void unless an application for patent or a declaration of interest required by this section has been filed with the Secretary of the Interior on or before the later of (i) three (3) years after the effective date of this Act, or (ii) three (3) months after conclusion of proceedings on appeal from any action of the Secretary of the Interior under this section. A declaration of interest may be filed for a mining claim whether or not there has been a discovery of a valuable mineral deposit on the claim or whether or not it has been maintained as a mining claim: *Provided, however,* that the area covered by a mining claim located prior to the effective date of this Act is subject to location by any person after the effective date of this Act and such area shall be treated as part of said claim located pursuant to title III unless the prior claim could be maintained under this title II and a discovery of a valuable mineral deposit had been made on such prior claim before the effective date of this Act or unless and until, at any time within one year after the effective date of this Act, a declaration of interest is filed for such prior claim as provided by this section or the ground covered by such claim is located by the owner with a title III claim. A declaration of interest may be filed for a mill site whether or not it is then used or occupied for mining or milling purposes: *Provided, however,* that the area covered by a mill site located prior to the effective date of this Act is subject to location by any person after the effective date of this Act with a mining claim located pursuant to title III unless the mill site is then valid.

A declaration of interest may be filed for one or more mining claims or mill sites by any person claiming an interest therein and will be for the benefit of all persons having an interest therein whether or not they, or their interests, are known to the person filing the declaration.

(b) The declaration of interest shall contain the following:

(i) Name, current mailing address and interest of the person filing the declaration in the mining claims and mill sites included in the declaration.

(ii) Name, current mailing address and any asserted interest in the mining claims and mill sites of others known to the person filing the declaration.

(iii) Names of the mining claims and mill sites for which the declaration is filed and book and page of the local record of the location notices or certificates and any amendments thereto.

(iv) The number of acres claimed within and contained by the mining claims and mill sites.

Except in the case of placer mining claims that conform to the legal subdivisions of surveyed public lands, the declaration shall be accompanied by a map with a scale of not less than one inch equals one thousand feet, prepared from a field survey and shall show the following:

(i) The name and address of the person preparing the map.

(ii) The legal subdivisions of the land upon which the mining claims and mill sites are located, if such land be surveyed.

(iii) The positions and dimensions with courses and distances of the mining claims and mill sites' exterior boundary lines and course and distance from one corner of each claim and mill site to a public land survey corner or to a United States mineral monument, provided, if neither can be found within one mile from the claim or mill site, then to such a natural object or permanent monument by which such claim or mill site can be identified by a reasonably knowledgeable person conversant with such natural objects and permanent monuments in the vicinity. If the description of the lands given in the declaration is not sufficient for the Secretary of the Interior to ascertain, with reasonable accuracy, the location of the mining claims and mill sites included in the declaration on maps of lands maintained in the local land office of the Bureau of Land Management having jurisdiction of the land, the Secretary of the Interior may require that the declaration be supplemented by such further description, map, plat, or survey as may be necessary to ascertain the location of the land with reasonable accuracy.

(c) Mining claims and mill sites subject to the provisions of this title II may be amended for the reasons and in the manner heretofore provided by the laws of the State where the land is situated: *Provided, however,* that no such amendment will be effective after a declaration of interest has been filed as provided in this section until an amended declaration of interest has been filed with the Secretary of the Interior. The provisions in paragraph (b) of this section applicable to a declaration of interest and supplemental data shall be applicable to an amended declaration of interest.

(d) If the United States demonstrates a specific present need for a limited area of land, it may, in a contest proceeding, declare null and void any mining claim or mill site in such area for which a declaration of interest is or could be filed as provided by this title II if at the time the contest complaint is filed the mining claim is not perfected with a discovery of a valuable mineral deposit or if the mill site is not then valid. The filing of a declaration of interest or performance of other acts called for by this section will not render valid any mining claim or mill site which is invalid on the effective date of this Act or which becomes invalid thereafter: *Provided,* mining claims for which declarations of interest are filed in accordance with the provisions of this title II which lack discovery of a valuable mineral deposit may be perfected by discovery of such a deposit at any time within five years after the effective date of this Act, and mill sites on nonmineral land for which declarations of interest are filed in accordance with the provisions of this title II may be perfected by use and occupancy for mining or milling purposes at any time within five years after the effective date of this Act. Except in the case of placer mining claims that conform to the legal subdivisions of surveyed public lands, if the boundaries of a mining claim, as marked on the ground, are inconsistent with those given in the survey filed with the declaration of interest, the boundaries as shown on such survey will control. The boundaries of placer mining claims that conform to the legal subdivisions of surveyed public lands will be determined by the United States survey.

(e) Mining claims located prior to the effective date of this Act shall, after September 1 following the effective date of this Act, be subject to the work and expenditure requirements provided in section 5 of title III except that, until a declaration of interest is filed, the affidavits of annual labor required by section 5 shall be recorded in the county or district recording office where location notices or certificates are recorded under the provisions of the law of the state in which the claim is located. A mining claim for which a declaration of interest is filed as provided in this title II is maintained under

said title until (i) there is an abandonment, (ii) there is a failure to comply with the provisions of section 5 of title III or (iii) the claim becomes void under section 2(a) of this title. Reasonable expenditure incurred in surveying and in the preparation of maps or plats or similar identification data in compliance with the requirements of paragraph (b) of this section may be applied toward the yearly work and expenditures required by section 5 of title III.

PATENTING OR TERMINATION OF VALIDITY OF MINING CLAIMS AND MILL SITES

SEC. 2. (a) Any unpatented mining claim or mill site for which a declaration of interest has been or may be filed as provided by section 1 of this title shall be null and void five years after the effective date of this Act unless on said date, an application for patent of the mining claim or mill site is pending. Such mining claims and mill sites for which patent applications are pending after the effective date of this Act shall become null and void one hundred eighty (180) days after said patent application is cancelled or disapproved and the final appeal therefrom has been decided adversely to the applicant. Within said one hundred eighty days period, the owner of such mining claim shall have the exclusive right to locate a mining claim pursuant to title III hereof covering lands for which said mining claim patent application was cancelled or disapproved.

(b) If the owner of a mining claim located prior to the effective date of this Act can prove that, at the date of the application for mineral patent, the mining claim contains a valuable mineral deposit and he is in other respects entitled to a mineral patent under the laws in effect immediately prior to the effective date of this Act, he will be entitled to a mineral patent in accordance with those laws upon following the procedure to obtain patent and paying to the United States the purchase price provided by those laws.

(c) If the owner of a mill site can prove that, at the date of the application for a mill site patent, he is entitled to a mill site patent under the laws in effect immediately prior to the effective date of this Act, he will be entitled to a mill site patent upon following the procedure to obtain patent and paying the purchase price provided by those laws.

TITLE III. PROVISIONS FOR NEW CLAIMS

Sections 2319, 2320, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2332, 2333, 2334, 2335, 2336, 2338, 2343, 2344, 2345, 2347, 2348, 2349, 2350, 2351 and 2352 of the Revised Statutes (30 U.S.C. secs. 22, 23, 26, 27, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 46, 47, 48, 71, 72, 73, 74, 75, and 76); Chapter 140 of the Act of March 3, 1881 (30 U.S.C. sec. 32); section 1 of the Act of April 26, 1882 (30 U.S.C. sec. 31); section 1 of the Act of May 5, 1876 (30 U.S.C. sec. 49); section 1 of the Act of August 4, 1892 (30 U.S.C. sec. 161); sections 15, 16 and 26 of the Act of June 6, 1900 (30 U.S.C. secs. 49a, 49c and 49d); Chapter 186 of the Act of January 31, 1901 (30 U.S.C. sec. 162); sections 1 and 2 of the Act of March 2, 1907 (30 U.S.C. secs. 49e and 49f); Chapter 87 of the Act of April 23, 1912 (30 U.S.C. sec. 77); sections 2 and 3 of the Act of May 4, 1934 (30 U.S.C. 49b); sections 1, 2, 3, and 4 of the Act of June 21, 1949 (30 U.S.C. secs. 28b, 28c, 28d, and 28e); and sections 1 and 2 of the Act of September 2, 1958 (30 U.S.C. secs. 28–1 and 28–2) are repealed. By this Act, Congress hereby declares its intent to preempt the laws and regulations of the States and mining districts respecting the location and maintenance of mining claims. The following new sections are added:

MINERALS AND LANDS AVAILABLE FOR MINERAL LOCATION

SECTION 1. Subject to reserved royalty in the United States provided in section 10 of this title, all mineral deposits covered by this Act in lands available for mineral location shall be open for exploration, development, mining, production and disposition, and patent, and said lands shall be open to ingress, egress, occupation, and use for mineral purposes, and to patent by citizens of the United States and those who have declared their intention to become such: *Provided, however,* that any land covered by a mining claim located under this title shall not thereafter be located under this title or held by any person who at any time had located or held an interest in such claim, for a period of two years after the date of expiration of rights of such person to such land covered by such mining claim located under this title, unless such person or his predecessor or successor in interest performs annual labor or makes payments in lieu of labor on or for any such lands in the amounts authorized and required by section 5 of this title. For the purpose of this section 1, an affidavit showing such labor or payments shall be filed in the manner provided by paragraph (e) of section 5 of this title prior to reacquiring any interest in the land. The annual labor or payments in lieu of labor under the provisions of section 5 for a mining claim containing a reacquired interest in land as herein provided shall be in an amount for each work year as it would have been had the reacquired interest in land in such claim been continuously held in the former mining claim. To the extent that any portion of a mining claim purports to cover land not available for mineral location, it shall be void as to said portion: *Provided, however,* that nothing contained herein shall be construed to limit the rights of the holder of a mining claim in that portion of land covered by such claim which is available for mineral location under the provisions of this Act.

RIGHTS IN MINING CLAIMS, USE AND SURFACE PROTECTION

SEC. 2. (a) The locators and their successors of all mining locations made after the effective date of this Act shall, subject to section 6 of the Act of August 13, 1954 (30 U.S.C. Sec. 526) and section 4 of the Act of July 23, 1955 (30 U.S.C. Sec. 612), have the exclusive right of possession and use of all the surface included within the boundary lines of their locations necessary for exploration, development, mining, and processing operations and uses reasonably incident thereto, and the exclusive right to explore for, develop, mine, produce and dispose of, and patent all mineral deposits covered by this Act within the vertical planes extended downward along the boundaries of said mining claims. Said exclusive rights of locators of mining claims to the surface and mineral deposits shall be freely alienable and as subject to all encumbrances and transactions as are the rights in other property.

(b) The exercise of said exclusive rights shall be conditioned upon maintaining in effect a good and sufficient bond or undertaking to secure payment of damages to the surface resources and tangible improvements of the United States or, if the land had been patented with a reservation of minerals to the United States, to secure the payment of such damages to the surface resources and tangible improvements of the owner of the land, as may be agreed upon between the owner of the mining claim and the United States or the surface owner or, if agreement cannot be reached, as determined and fixed in an action brought in a court of competent jurisdiction: *Provided, however,* that in the event said bond or undertaking should cease to remain in effect or become insufficient or defective, the exercise of said exclusive rights shall not be affected until the owner of such claim receives written notice thereof from the Secretary of the Interior and is given not less than sixty days from such receipt to correct any defect or obtain a new bond or undertaking. Such bond or undertaking shall be in the form and in accordance with rules and regulations prescribed by the Secretary and in a reasonable amount determined by an authorized officer of the local land office of the Bureau of Land Management having jurisdiction of the land, and during the term of any bond its amount may be increased or decreased by the said designated officer, but in no event shall the amount of the bond be greater than the fair market value of the surface resources and tangible improvements. The bond and any increases in the amount thereof shall be subject to appeal to the Secretary or such officer as he may designate and the decision of the Secretary or such officer shall be appealable to the courts: *Provided, however,* that during any such appeals, the owner of the mining claim shall have the right either to continue all activities upon the mining claim authorized by this Act by posting a bond in the amount or in an increased amount prescribed by an authorized officer, or said owner shall be entitled to suspend on his mining claim all activities for which the bond is required and, in case of such suspension, the annual labor or payment in lieu of labor required under section 5 of this title shall be deferred for each work year during which there is pending any appeal as to any mining claim or group of claims subject to said bond. Such deferred annual labor or payment in lieu of labor shall be performed or paid at the rate provided for in section 6(b) of this title. The owner of the mining claim shall have the right to post a bond in the amount determined by any final appeal. The requirement for bond may be waived by the department head of the Federal agency having jurisdiction over the surface or by the surface owner by filing a waiver with the local land office of the Bureau of Land Management, and the bond for lands owned by the United States shall be waived whenever the owner of mining claims demonstrates that the nature and conduct of his contemplated operations would not under normal circumstances cause significant or lasting damage to the surface resources or improvements. A bond furnished and maintained pursuant to the requirements of any statute, rule or regulation other than this section shall be sufficient if it complies with the requirements of this section.

LOCATING MINING CLAIMS

SEC. 3. (a) Except as otherwise provided in this section, the area contained within the exterior boundaries of a mining claim may be equal to, but shall not exceed eighty acres except that, where the boundary lines of a claim coincide with a tract of land consisting of not more than two contiguous smallest legal subdivisions in one or more sections of surveyed land, which contains more than eighty acres but not more than one hundred (100) acres, such claim may contain the number of acres contained in such tract. A mining claim shall not be located, or created by conveyance of part of another claim, so that it would contain less than twenty acres of land available for mineral location, unless such land is surrounded by lands shown on the Bureau of Land Management records as not available for mineral location: *Provided, however,* that during each full work year any land contiguous to such claim is available for location as shown on the Bureau of Land Management records, the owner of such claim shall expend, to comply with section 5 of this title, whichever is the lesser, the amount required for a mining claim of twenty acres of land available for mineral location or the amount required if the available land had been included in the mining claim.

(b) Where a mining claim is located on land with a found monument, the description of the position of the mining claim shall be tied by a field survey to any such monument. In all other cases, such description shall be tied by a field survey to some other natural object or permanent monu-

ment by which such claim can be identified by a reasonably knowledgeable person conversant with such natural objects and permanent monuments in the vicinity. The exterior boundaries of each mining claim located on surveyed lands with a found monument shall conform to the lines of a rectangular survey or any one-half subdivisions of any smallest legal subdivision in one or more sections of such survey, notwithstanding that the area within such exterior boundaries may contain conflicting claims and other areas unavailable for location. The boundary description shall be set forth in the location notice of such mining claim and shall determine the position of the boundaries of the claim on the ground. Except where it is necessary to conform to the lines of the public survey, each claim shall be rectangular in shape and its length shall be no greater than four times its width. The boundary lines of each claim located on land without a found monument shall be placed in approximate north to south and east to west directions. Until the locator prepares, and files and records a field survey of his claim as required by paragraphs (c)(4)(i) and (ii) of this section, the boundary lines of a claim located on land without a found monument, as marked on the ground by the corner monuments of the claim, shall, in case of any conflict between the said boundaries marked on the ground and any descriptions of such mining claim, control for the purpose of determining the exterior boundaries of the claim. After a field survey is so filed and recorded, it shall control for the purpose of determining said boundaries.

(c) A mining claim location shall be made in the following manner:

(1) Erect a conspicuous monument at each corner of each claim located on unsurveyed land or on surveyed land without a found monument, and at the northwest corner of each claim located on surveyed land with a found monument, such mining claim monument consisting of a mound of stones not less than two feet in height, or a secure upright post not less than three feet in height above the ground. Where it is impracticable to place a monument in its correct position, or where such monument would interfere with a public land survey monument, a witness monument shall be erected as close as practicable to the corner it witnesses. Each monument shall be marked with the position of that monument on the claim, the name of the claim, and, if it is a witness monument, it shall be marked with a reference to the corner monument it witnesses. A claim shall not be invalid because a monument has been posted on land not available for mineral location.

(2) Post on the northwest corner monument of each claim, or on the witness monument for that corner, a location notice signed by or for the locator which shall contain the following information:

(i) The name of the claim.

(ii) The name and address of the locator.

(iii) The date of location which shall be the date of posting the location notice.

(iv) If the claim is located on unsurveyed lands, or on surveyed lands without a found monument, a description of the location of the northwest corner monument by such reference by course and distance to some natural object or permanent monument so that a reasonably knowledgeable person conversant with the prominent natural objects and permanent monuments in the vicinity can identify the claim, and a description of the boundary lines of the claim. Such description of the boundary lines shall include a statement of the length and the direction of each boundary line of the claim. Such description shall also contain the name of the county or recording district and the State in which the claim is located and the township, range, section, and legal subdivision where such information can be inferred from protracted surveys or from the proximity of surveyed lands.

(v) If the claim is located on surveyed land with a found monument, a statement of the number of acres claimed by the locator, and a precise description of the boundary lines of the claim by reference to the township, range, section and legal subdivision of the public survey, and the county or recording district and the state in which the claim is located.

(3) A signed identical copy of the location notice posted on the claim shall be recorded in the county or recording district office in which the state law authorizes instruments relating to title to land to be recorded, and a signed identical copy shall be filed in the land office of the Bureau of Land Management having jurisdiction over the land on which the claim is located. Failure to record and file the notice within thirty days after posting shall cause the claim to be null and void and all rights thereunder shall be forfeited.

(4) With respect to claims located on unsurveyed lands, or on surveyed lands without a found monument, within one hundred eighty days after posting the location notice of mining claim:

(i) If the mining claim has not previously been surveyed, a field survey shall be made of the mining claim. Said survey shall determine the courses and distances of the claim's exterior boundary lines, the number of acres claimed by the locator, and the course and distance from the northwest corner of the claim to a public land survey monument or to a United States mineral monument, if either is found within one mile from any part of the claim, and if not, then to a natural object or permanent monument which would permit a reasonably knowledgeable person conversant with the prominent natural objects and permanent monuments in the vicinity to identify the claim.

(ii) There shall be recorded in the county or recording district office in which the state law authorizes instruments relating to title to land to be recorded, and filed in the land office of the Bureau of Land Management having jurisdiction over the land on which the claim is located, a signed location certificate containing the information required by paragraphs (c)(2)(i), (iii) and (iv) of this section, and stating the number of acres claimed by the locator. There shall be drawn on said location certificate a map with a scale of not less than one inch equals one thousand feet showing the position, dimensions and bearings of the claim as determined by the field survey.

Failure to record and file the location certificate within said one hundred eighty days shall cause the claim to be null and void and all rights thereunder shall be forfeited.

(5) Until the location notice for claims located on surveyed lands with a found monument or the location certificate for claims located on all other lands is recorded and filed, any claim located improperly in the manner of posting and monumenting the claim on the ground shall be invalid with respect to any parts of the claim in conflict with claims properly located subsequently by any person without actual notice of the claim, and, notwithstanding the other provisions of this paragraph (5), such rights of said person may be asserted either before or after the location notice or location certificate has been recorded and filed as prescribed by this section. Except as provided by the preceding sentence, after said notice or said certificate has been recorded in the proper county or recording district office and filed in the proper land office of the Bureau of Land Management, the claim covered by said notice or certificate shall not be invalid for any defects in the manner of locating the claim by posting and monumenting on the ground.

(6) For the purpose of satisfying any provision of this Act requiring the statement of the number of acres claimed by the locator within any mining claim, said locator or owner of the claim shall be entitled to rely upon the accuracy and completeness of any of the records and plats maintained by the Bureau of Land Management pursuant to title IV hereof, and no error or omission in such records shall affect the validity of any mining claim.

(d) With respect to the United States and all other persons, the rights of locators of mining claims prescribed by section 2 of this title shall be deemed to have been established when all of the acts prescribed by paragraphs (c)(1) and (2) of this section have been completed.

AMENDMENTS

SEC. 4. A location notice or certificate may be amended at any time to correct errors or omissions in the contents thereof by posting, recording and filing an amended notice or certificate as required by the provisions of section 3 of this title. A mining claim may be amended at any time to correct errors or omissions in the manner of location of the claim and shall be amended when the area claimed or shape thereof is changed in making conveyances or relinquishments of part of the claim or in adding land to the claim. An amendment of a mining claim shall be made by erecting, if necessary, a new monument or monuments, making a new field survey, if necessary, where a field survey is required by law, and posting, recording and filing an amended notice or certificate. Such amendments shall be effective when the amended notice or certificate is recorded and filed and all other acts required by section 3 have been performed, and shall be subject to valid existing rights. The amended notice or certificate shall be signed by or on behalf of the owners of the claim, shall contain all of the information required in the original notice or certificate, and, in addition, shall contain the name and address of the present owners, a statement of the date and place where the original notice or certificate was recorded by reference to the county office or recording district and book and page, the date and place where the original notice or certificate was filed in the Bureau of Land Management by reference to the location of the land office and serial file number or other reference used by the land office, and the purpose of the amendment.

ANNUAL LABOR

SEC. 5. (a) Except for any work year in which a claim is located after July 1 but prior to the end of such work year, no less than the following amounts shall be expended during each work year for each acre of land available for mineral location and contained within a mining claim which is held pursuant to the provisions of this Act for labor, materials, surveys, improvements and activity of any kind which would tend to discover or tend to facilitate the development, mining or processing of mineral deposits within the claim:

(i) Five Dollars per acre per work year during the first five work years for which annual labor is required;

(ii) Ten Dollars per acre per work year during the second five work years for which annual labor is required;

(iii) Fifteen Dollars per acre per work year during the third five work years for which annual labor is required;

(iv) Twenty Dollars per acre per work year thereafter.

Work may be performed by anyone having an interest in the claim and such work may be applied in satisfaction of all or part of such requirement, to the extent of the reasonable cost of having such work performed by others. Such expenditures and work are referred to as "annual labor". Annual labor may be performed on or for the benefit of

any part of a mining claim or a contiguous group of mining claims by anyone having an interest therein and shall be deemed to be for the benefit of each such mining claim and all of the mining claims within the contiguous group, provided that all such claims are so located that the entire area of such contiguous group can be contained within the exterior limits of four square miles and such area larger than four square miles to the extent that any smallest legal subdivision of surveyed land within the contiguous group contains more than forty acres.

(b) At his election, anyone having an interest in any mining claim or claims, in lieu of performing annual labor may pay into the Treasury of the United States an amount equal to all or any portion of such annual labor not actually performed, hereinafter referred to as "payment in lieu of labor," and such payment in lieu of labor shall satisfy the requirements of this section. Annual labor and payment in lieu of labor made after the effective date of this Act on or for a claim or a contiguous group of claims during any one work year in excess of the amount of annual labor required for those claims during that year may be applied during subsequent work years to satisfy the annual labor for the same claims. All annual labor required by this Act made by or for the benefit of owners shall be applicable to the benefit of their successors in interest to satisfy all of such annual labor requirements.

(c) The owner or holder of mining claims shall have the exclusive rights provided by this Act: (1) during the work year in which the claim is located; (2) during the work year following the work year in which a claim is located after July 1 but prior to the end of such work year; and (3) during the work year subsequent to each work year in which annual labor is performed or payment in lieu of labor is made in accordance with the provisions of this section.

(d) Whenever annual labor is required for less than a full work year, the amount thereof shall be reduced proportionately. In the event annual labor is required for any part of a month, it shall be required for the full month.

(e) Before the end of each work year, the owner of a mining claim shall file or cause to be filed in the Bureau of Land Management Office where the location notice of the mining claim was filed, an affidavit that annual labor has been performed or payment in lieu of labor made for that work year containing the following information:

(i) The name and address of the claim owner,

(ii) The name, the book and page of recordation in the county or recording district, and the Bureau of Land Management serial file number of the location notice or certificate of the claim or claims to which the annual labor of payment in lieu of labor was applied,

(iii) The monetary amount of the annual labor or payment in lieu of labor,

(iv) The places where the annual labor was performed,

(v) The dates during which such annual labor was performed and a statement that the same annual labor or payment in lieu of labor has not previously been applied toward the satisfaction of the requirements of this section,

(vi) A description of the annual labor actually performed, and

(vii) The name and address of the person or persons doing the annual labor.

Reproduced copies of receipts, canceled checks, or other supporting documents evidencing the performance of said annual labor or payment in lieu of labor shall be submitted with said affidavit or, within thirty days after the end of each work year, by supplemental affidavit containing the information required by item (iii) of this paragraph. Failure to file copies of such receipts, checks, or other supporting documents shall be prima facie evidence that the annual labor has not been performed and payment in lieu of labor has not been made. If both, the affidavit of annual labor and the reproduced copies of receipts, canceled checks, or other supporting documents evidencing the performance of said annual labor or payment in lieu of labor, are filed in the manner and within the times required by this paragraph (e), they shall constitute prima facie evidence that the annual labor was, in fact, performed or payment in lieu of labor was, in fact, made.

(f) In the event the annual labor and payment in lieu of labor required by this section have been deferred or exempted for any reason authorized by this title, the claim owner shall file a notice thereof in lieu of such affidavit of annual labor or payment in lieu of labor. Said notice shall be filed in the same manner, place, and within the same time as required by paragraph (e) of this section for said affidavits, shall contain the same information required by subparagraph (e) (i), (ii), (iii), and (iv), and shall state the cause for the deferment or exemption.

(g) Any claim for which no such notice of deferment or exemption or affidavit of annual labor or payment in lieu of labor was filed before the end of any work year shall be void and all rights to it shall be forfeited upon the expiration of said work year. Unless deferred or exempted for any reason authorized by this title, the failure in any work year to perform the annual labor or make the payment in lieu of labor required by this section, or the filing of a substantially insufficient affidavit or one containing a materially false statement, shall cause the mining claim and the holder's interest in it to be voidable by a proper proceeding brought within one hundred eighty days after the end of such work year in accordance with rules which shall be established by the Secretary of the Interior, and diligently prosecuted against such holder by the United States or by a person asserting a present legal interest in the minerals in any land covered by such claim: *Provided, however,* That no claim for which an affidavit has been timely filed shall be voidable if the holder can prove the annual labor was performed or payment in lieu of labor was made as required by this section: *And provided further,* subsequent to said one hundred eighty day period, no such mining claim for which an affidavit has been timely filed, shall be voidable for failure to comply with the provisions of this section. In the event a claim is declared void in any such proceeding, it shall be void as of the expiration of the work year for which annual labor was not performed or payments in lieu of labor were not made. During the course of any such proceedings and until the final appeal therefrom has been decided, the person asserting such present legal interest shall not be required to perform the annual labor or make payment in lieu of labor required by this section with respect to the lands in dispute: *Provided, however,* That if such person prevails in the final appeal of such proceedings, he shall perform or pay during the work years subsequent to the work year in which the final appeal was decided, such annual labor or payment in lieu of labor which have accrued since his asserted interest was created, and his performance of such accrued annual labor and his payment in lieu of labor shall be made during each such subsequent year in addition to, and in an annual amount not less than, that which is otherwise required during such subsequent work years pursuant to this section. With respect to any lands in dispute to which the claim holder is determined by a final appeal of such proceedings not to have the right, any payment in lieu of labor made by such claim holder during said proceedings and appeals pursuant to this section attributable to such lands shall be repaid to him by the United States within sixty days after the decision of such appeal becomes final.

(h) The owner of a mining claim may eliminate or convey lands from his claim, and, with respect to such lands, he shall be relieved of the requirement to expend the amounts prescribed by paragraph (a) of this section for the work year in which such lands were conveyed or eliminated to the extent provided by paragraph (d) of this section, and for every year subsequent to any work year in which the locator eliminated or conveyed such lands from his claim. The owner of a mining claim may add lands to his claim and the work year and rate of expenditures for such added lands shall be the same as that prescribed by paragraph (a) of this section for the claim. For the work year in which such lands are added to a claim, the owner shall be required to perform the annual labor or make payment in lieu of labor on or for such added lands in the amount provided by paragraph (d) of this section. For the purpose of eliminating any lands from or adding lands to his claims, the owner shall file and record an amended location notice or an amended location certificate.

(i) At the time an application for mineral patent is filed pursuant to section 9 of this title or at the time a plan of development is filed pursuant to section 7 of this title, and during the course of any proceedings thereon until the final appeal therefrom has been decided, the applicant shall not be required to perform annual labor or make payment in lieu of labor required by this section with respect to the lands covered by such application or plan. Withdrawal of an application for patent or final determination that the applicant is not entitled to a patent shall not invalidate any mining claim covered by the application if annual labor or payment in lieu of labor is resumed not later than the next work year at the rate which would have been applicable if the annual labor requirement had not been suspended, and if not later than the end of such next work year additional annual labor is performed or payment is made in the amount accrued during the period for which no annual labor was performed and an affidavit is filed in accordance with the provision of section 5.

DEFERMENT OR EXEMPTION OF ANNUAL LABOR

SEC. 6. (a) The performance of annual labor and payment in lieu of labor required under the provisions of section 5 of this title to be made during each year, may be deferred by the Secretary of the Interior as to any mining claim or group of claims upon the submission by the owner of evidence that the title or right to such mining claim or group of claims is in litigation or that such mining claim or group of claims is surrounded by lands over which a right-of-way has been denied or is in litigation or is in the process of acquisition under State law or that other legal impediments exist which affect the right of the claimant to enter upon the surface of such claim or group of claims or to gain access to the boundaries thereof. The period for which said deferment may be granted shall end when the conditions justifying the deferment have been removed. If such right-of-way, access or use of the claim is withheld, denied or caused to be denied or caused to be denied by an officer or agency of the United States or of any state or local government, all parties who would otherwise be required to perform annual labor or make payment in lieu of labor shall be exempted from such requirement for the period during which such right-of-way, access or use is denied or withheld.

(b) Except in the case of deferment because an officer or agency of the United States or of a state or local government has withheld, denied or caused to be denied, a right-of-way, access, or use as aforesaid, all annual labor or payment in lieu of labor

deferred as authorized by this section shall be performed or paid during the work years next subsequent to the work year in which the cause for deferment was removed, and such performance or payment shall be made during such subsequent years in addition to, and in an annual amount not less than, that which is otherwise required during such subsequent work years pursuant to section 5 of this title.

QUALIFICATION FOR PATENT

SEC. 7. (a) The owner of a mining claim under the title III hereof shall be entitled to a patent therefor:

(i) If it contains a valuable mineral deposit, in which event it shall be sufficient for a valuable mineral deposit to have been discovered at any single point on land held by the claim notwithstanding that such claim may contain or be intersected by lands not held by the claim; or

(ii) If the owner of the claim has filed a plan of development with the Secretary of the Interior, such plan has been approved by the Secretary, and equipment and facilities have been acquired and installed in substantial compliance with such plan of development or approved amendments thereof.

(b) A valuable mineral deposit, as used in this section 7, is one which would justify a person of ordinary prudence in performing work or making expenditures on or for the benefit of the claim or claims containing such deposits with reasonable expectation of developing a profitable mining operation. A valuable mineral deposit shall exist in the mining claim, although the expectation of obtaining a profitable mining operation is based on mineral deposits only part of which are in the mining claim.

(c) A plan of development may cover a mining claim or claims, and shall show:

(i) The known and inferred boundaries of the mineral deposit, the quantities and grades of proven and probable mineral reserves contained therein, and the test results and data from which such information is derived,

(ii) The planned location of excavations, tunnels, surface facilities, and all other uses of the surface and subsurface of the mining claims,

(iii) A description of the types and capacities of the equipment and facilities which the owner anticipates using to mine the mineral deposit,

(iv) The contemplated time schedule of each phase of mine development, facility and plant construction, and commencement of mineral production,

(v) An estimate of the total investment to be made before mineral production is commenced,

(vi) A designation, by survey or by legal subdivision description of the contiguous or noncontiguous tracts of land owned by the United States outside the exterior boundaries of the mining claim which the claim owner selects for purchase under section 1 or for exchange under section 2 of title V hereof, and a description of the planned uses which will be made of each such tract in connection with the development, mining and processing operations for the mining claim, and

(vii) The manner in which compliance with Federal, State, and local laws and regulations relating to the protection of the environment will be effectuated.

The plan or amended plan may be disapproved by the Secretary only if it does not constitute a method by which the mineral deposit can be extracted by an operator operating in good faith and in compliance with all applicable laws, or if the lands described in item (vi) are not reasonably necessary with respect to quantity or location for mining or processing operations or uses reasonably incident thereto. The plan or amended plan shall be deemed approved in writing by the Secretary within 180 days after it is filed and such written disapproval sets forth in detail the reasons for disapproval. Applicant may submit an amended plan at any time and from time to time, whether or not the original plan or a prior amended plan has been approved by the Secretary, and each such plan shall be considered by the Secretary as an original plan, or in the event the Secretary disapproves a plan or amended plan, applicant may appeal to the United States District Court for the district in which any claim covered by the plan is situated for a review of the Secretary's action.

The filing of a plan or amended plan of development shall have the effect of segregating the lands designated by the claim owner pursuant to item (vi) of this paragraph (c) from all other uses and appropriations inconsistent with the contemplated uses incident to mining or processing operations. Such segregation shall remain in effect for the periods during which the plan of development is being considered by the Secretary, during any appeal from the decision of the Secretary, and during any time the claim owner is proceeding under an approved plan of development. At any time after the plan of development is approved by the Secretary the claim owner shall have the right to the exclusive use of such lands for purposes of carrying out the plan of development, and upon the acquisition and installation of the equipment and facilities pursuant to such plan the claim owner shall have the exclusive right to acquire such lands and shall acquire such lands by exchange pursuant to section 2 of title V hereof, or, at his election, by purchase at their appraised fair market value. At any time atfer the plan of development is approved by the Secretary, the claim owner may file an application for patent pursuant to section 9 of this title, and proceed in accordance with that section.

(d) An application for patent may be based upon either a discovery of a valuable mineral deposit, or a plan of development, or both, and any application for patent may be withdrawn or amended at any time. The action of the Secretary in denying any application for patent may be appealed to the United States district court as herein provided. When an application for patent is withdrawn or a final determination is made that an applicant is not entitled to a patent, a new application may not be filed for any of the claims covered by such application until all suspended annual labor requirements have been performed or payments in lieu of labor have been made as provided in section 6. The purchase price for lands covered by a mineral patent shall be at the rate of $50 per acre for the mineral deposits plus the appraised fair market value of the remaining interests in the land owned by the United States exclusive of and without regard to the mineral deposits.

RIGHTS GRANTED BY MINERAL PATENT

SEC. 8. A mineral patent shall grant to the patentee and his successors in interest the title to the mineral deposits which are within the boundaries of the mining claim extended downward vertically and the title to the remaining interests in the lands owned by the United States subject to reserved royalty in the United States provided in section 10 of this title.

PROCEDURE TO OBTAIN PATENTS

SEC. 9. (a) The owner of a mining claim located on unsurveyed lands, or a mining claim which contains lands unavailable for mineral location, or a mining claim the exterior boundaries of which do not conform to the lines of the public survey, or a mining claim located on surveyed lands without a found monument, may file in the proper land office an application, under oath, together with a survey plat of the claim or claims owned in common, made by or under the direction of the United States Chief Cadastral Engineer, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground and said monuments shall at all times after patent constitute the highest authority as to what land is patented. The owner of a mining claim located on surveyed lands, which does not contain lands unavailable for mineral location, and the exterior boundaries of which conform to the lines of any rectangular legal subdivisions of such survey or any one-half subdivisions of any smallest legal subdivision of such survey, may file in the proper land office, without a survey plat, an application, under oath, describing the boundaries of the claims according to the township, range, section, and legal subdivision, and said description shall at all times after patent constitute the highest authority as to what land is patented.

(b) Previous to the filing of the application for a mineral patent, a copy of such survey plat, if required, together with a notice of such application for a mineral patent, shall be posted in a conspicuous place on the land embraced in such notice of application, and an affidavit of at least two persons that such notice has been duly posted, and a copy of the notice shall be filed in such land office, and the applicant shall thereupon be entitled to a patent to the mineral deposits and the remaining interests in the land owned by the United States in the manner following: The manager of the land office, upon the filing of such application, survey plat, notices, and affidavits, shall publish once per week for a period of eight successive weeks in a newspaper of general circulation to be by him designated as published nearest to such claim, a notice that such application has been made; and he shall also post such notice in his office for the same period. At the time of filing this application, or within sixty days thereafter, the applicant shall file with the manager a certificate of the United States Chief Cadastral Engineer that the survey plat, if required, is correct, with such description by reference to natural objects or permanent monuments as shall identify the claim accurately, to be incorporated in the patent. At the expiration of the sixty days of publication the claim owner shall file an affidavit, showing that such plat, if required, and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the manager of the proper land office at the expiration of the sixty days of publication, and if the applicant otherwise meets the requirements of this Act, he shall be entitled to a patent to the mining claim, upon the payment of the Treasury of the United States of the amounts prescribed by Section 7(d) of this title; and thereafter no objection from third parties to the issuance of a patent shall be heard. The application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his authorized agent, where said agent is conversant with the facts sought to be established by said affidavits.

(c) The United States Chief Cadastral Engineer may appoint in each land district as many competent surveyors as shall apply for appointment to survey mining claims. The expenses of the survey of claims, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to employ any United States deputy surveyor to make the survey. To the end that the Director may be fully informed on the subject, each applicant shall file with the manager a sworn statement of all charges and fees paid by such applicant for publication and surveys, together with all fees and money paid to the manager of the land office which statement shall be transmitted, with the other papers in the case, to the Director of the Bureau of Land Management.

(d) Any applicant for a mineral patent may include in his application the lands segregated under section 7(c) (vi) of this title to be acquired pursuant to title V hereof.

ROYALTY

SEC. 10. (a) There shall be paid to the United States with relation to minerals extracted from mining claims located pursuant to title III hereof, a royalty of 2 per centum of the mine value of said minerals. Mine value of the minerals extracted shall be the proceeds from the sale of such minerals less: (i) all costs incurred, both direct and indirect, including depreciation and amortization, for processing, transportation, and selling, of said minerals from the mine to the point of delivery to the purchaser thereof; (ii) reasonable profit attributable to such processing, transportation, and selling; and (iii) all taxes (other than Federal income taxes) paid or accrued upon the production thereof. In the event that the owner demonstrates that the value of a product can be determined at a stage in the processing prior to the sale, the mine value shall be the value of the product at such stage, rather than the sale price of the product sold, less: (i) all costs incurred, both direct and indirect, including depreciation and amortization, for processing and transportation up to and including the stage at which such value is established; (ii) reasonable profit attributable to such processing and transportation; and (iii) all taxes (other than Federal income taxes) paid or accrued upon the production thereof. In no event shall the royalty payable hereunder for any calendar year exceed 5 percent of the net mining income for such year allocable to the mineral for which said royalty is payable. Net mining income shall be the mine value of such mineral as determined hereunder less all costs incurred, both direct and indirect for mining the same.

(b) Payment of royalty shall be made by the owner of the claim to the United States within 90 days following the end of the calendar quarter in which the mineral extracted is sold or in which the value thereof is otherwise established by the owner in accordance with this section. Excess royalty payments shall be refunded promptly.

(c) In the event the owner of a mining claim subject to this section fails or refuses for a period greater than 30 days to pay the royalty required by this section, the Secretary of the Interior may enforce such payment by bringing an action in the United States District Court for the district in which the owner resides or in which the mining claim is located. If the owner and the Secretary cannot agree as to the amount of the royalty, such amount shall be determined by an action brought in the United States District Court for the district in which the owner resides or in which the mining claim is located, and the owner shall have the right to continue mineral production while such determination is being made. In an action brought pursuant to this section, upon a showing by the Secretary that it is necessary for the interests of the United States to be protected, the court may require the owner to post a bond or deposit securities or cash sufficient to secure the payment to the United States of the amount of accumulated royalties to which it may be found to be entitled.

(d) Nothing in this section shall be construed to require that mineral production from any mining claim subject to this section be commenced or continued, and no right in any such mining claim shall be affected by the failure to commence or continue to produce minerals therefrom.

(e) Royalties under this section shall be deductible as ordinary and necessary business expenses under the income tax laws of the United States when paid or accrued.

(f) Each patent issued under title III hereof shall contain a reservation of the royalty provided for herein.

ADVERSE CLAIMS

SEC. 11. Where an adverse claim is filed during the aforesaid eight week period of publication provided in section 9(b) of this title, it shall be upon oath of the person making the same, or his authorized agent or attorney in fact, and shall show the nature, boundaries and extent of such adverse claim, and the proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim is waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction, to determine his asserted rights, and prosecute the same with reasonable diligence to final judgment, and failure to do so shall be a waiver of his adverse claim. After such final judgment shall have been rendered, each party determined to have the right to the mining claim or any portion thereof, may, without giving further notice, proceed as otherwise required by section 9 of this title, and a patent shall issue thereon for the mining claims or such portion thereof to the parties as they shall appear, from the decision of the court, to be entitled. Nothing herein contained shall be construed to prevent the alienation of the title by a patent to any person whatever.

APPLICABILITY OF ENVIRONMENTAL LAWS; LIMITATION ON USE AND REVERTER

SEC. 12. (a) Nothing in this Act shall be deemed to exempt the owner of a mining claim from applicable Federal, State and local laws relating to the protection of the environment.

(b) Any land acquired under this title or title V shall be used only for mining, mineral exploration, development, processing, or uses reasonably incident thereto. A patentee or his successor may not use the land or permit it to be used for any other purpose, except with the consent of the Secretary. If the land is used for any unauthorized use and such use is not discontinued within ninety days after the Secretary gives the patentee or his successor written notice to discontinue such unauthorized use, title to the land shall revert to the United States. At any time the Secretary determines that continuance of the reverter serves no public purpose, he may release to the patentee or his successor the possibility of reverter to the land held by the United States without receipt of any consideration for such release. Each patent to land acquired under this title or title V shall state that it is subject to the provisions of this paragraph.

TITLE IV. BUREAU OF LAND MANAGEMENT RECORDS

DOCUMENTS FILED; RECORDS MAINTAINED

SECTION 1. (a) The Secretary of the Interior shall maintain in each local land office of the Bureau of Land Management, in addition to the public files and records maintained before the date of this Act, the public files and records required by this title for mining claim documents, as hereinafter defined, for mining claims on lands within the respective jurisdictions of said offices, and shall perform the other duties in connection with such files and records required by this Act.

(b) "Mining claim documents" as used herein means: declarations of interest, location notices, location certificates, affidavits of, and notices of deferment or exemption from, annual labor and payment in lieu of labor filed pursuant to title II or title III of this Act, applications for mineral patents, mineral patents, and amendments to each of the aforesaid documents.

(c) The Secretary shall require each local land office as to lands within its jurisdiction to maintain the following records and files, to make the following entries therein and thereon, to keep all mining claim documents in appropriate permanent files, and to do such other things as are required by this title:

(1) Each declaration of interest filed pursuant to title II and each mining claim location notice filed pursuant to title III of this Act shall be assigned a serial number by the land office at the time of filing.

(2) A daily reception record shall be maintained upon which the local land office shall immediately upon the filing of a mining claim document enter the day, hour, and minute of filing, showing in such record the serial number of the location notice or declaration of interest affected, and noting on each such document the day, hour, and minute of filing, which shall be deemed to be the time of record.

(3) A serial register and a separate permanent file under the same serial number as the serial register shall be maintained for each such locatiton notice filed under title III or declaration of interest filed under title II. The local land office shall, when a mining claim document is filed, immediately enter on the serial register the date of filing and a description of the document filed. Any such document so filed shall be immediately placed in the appropriate permanent file; if more than one such file is affected a duplicate of such instrument or appropriate written cross reference by serial number shall be placed in each such file.

(4) Each local land office shall maintain a mining claim plat of all lands available for mineral location for each surveyed and unsurveyed township within its jurisdiction on which shall be shown the serial number of the location notice or declaration of interest filed for, and the boundaries of, each mining claim that is currently maintained.

(5) A new serial number may be assigned to a location notice, declaration of interest, or amendment thereof for all or any portion of a mining claim, in which event the local land office shall make a new serial register and separate permanent file for the new number and make appropriate entry on the serial register for the prior serial number showing the new number and shall also immediately enter the new number on the mining claim plat.

(d) The Secretary of the Interior shall have ninety days after the effective date of this Act to comply with the provisions of this section.

FILING FEES; RECORDS OPEN TO PUBLIC

SEC. 2. (a) The Secretary, after public notice in the Federal Register as to amounts and after a reasonable period of time during which interested parties may submit recommendations, shall fix and establish reasonable fees to be charged by local land offices in connection with filing of mining claim documents and issuance of certified copies thereof.

(b) Each mining claim document which is filed with the local land office, and as to which the prescribed fee is tendered, shall be accepted for filing. The notations with respect thereto shall be made promptly as hereinabove provided.

(c) The records and files required by this section to be maintained, or photographic or microphotographic copies thereof, shall be public records open to inspection during office hours in the respective local land offices. Upon request and upon payment of the prescribed fee, the local land office shall furnish, or permit to be made, an exact copy or reproduction accurately showing such document in all details, and the Secretary, or someone delegated by him, shall, upon request, certify or authenticate that any such copy is a true and correct copy of the original document.

(d) No local land office shall receive a mining claim document for filing or make any entry on the records with respect thereto, or furnish a certified or authenticated copy of any filed document or records pertaining thereto, unless the prescribed fee

for such filing or certified copy, as the case may be, shall have first been tendered.

(e) Nothing herein shall be construed as requiring any document respecting mining claims which was prepared prior to the effective date of this Act to be filed hereunder, nor shall any right be adversely affected for failure to file such prior document pursuant to this section.

TITLE V. ACQUISITION OF LANDS

Section 2337 of the Revised Statutes (30 U.S.C. sec. 42) is repealed and the following sections are added:

PURCHASE

SECTION 1. The Secretary of the Interior is authorized to sell, upon the application of any person holding an interest in a mineral deposit whether acquired from the United States or otherwise, any other land owned by the United States, whether it be mineral or nonmineral in character, which the applicant demonstrates is reasonably necessary for any mining or processing operations with respect to such mineral deposit or uses reasonably incident thereto. The land shall be sold to such applicant at its appraised fair market value.

EXCHANGE OF LANDS

SEC. 2. (a) When the development of mineral resources will be promoted thereby, the Secretary of the Interior is authorized to accept on behalf of the United States, title to any interest in privately owned lands in exchange for conveyance of any interest in surveyed or unsurveyed public land or land previously acquired by the United States in any state. In the event the lands or interests in lands involved in the exchange are not equal in value, a cash consideration to compensate for the unequal value based upon the appraised fair market value of the land may be paid or received by the United States, as the case may be. For the purpose of effecting exchanges, the identification and area of unsurveyed lands may be determined by protraction or otherwise. The character of the lands to be exchanged may be either mineral or nonmineral.

(b) Before any such exchange under this section shall be effected, notice of the contemplated exchange, describing the lands and the interests in the lands involved, shall be published by the Secretary of the Interior once each week for four sucessive weeks in a newspaper of general circulation in each county in which the lands to be accepted by the United States are situated, and in the same manner in some like newspaper published in each county in which the lands to be conveyed by the United States in such exchange are situated. Lands conveyed to the United States under this section shall, upon acceptance of title, become public lands available for mineral location and mineral leasing. No fee shall be charged for any exchange of land made under this section except the cost of publishing the notice of a proposed exchange as herein provided.

SEC. 3. Any land acquired under this title shall be subject to all of the provisions of Section 11 of title III of this Act.

TITLE VI. RESERVED MINERALS

SECTION 1. That section 2 of the Act of June 17, 1949 (30 U.S.C. sec. 54) is amended to read as follows:

Sec. 54. Liability for damages by mineral activities on lands patented with minerals reserved to the United States.

Notwithstanding the provisions of any Act of Congress to the contrary, any person who hereafter prospects for, develops, mines, or removes any minerals from any land included in a patent from which such minerals were reserved to the United States, shall be liable for any damages to the surface resources and tangible improvements thereon of any nature and purpose, caused by such prospecting for, development, mining, or removal of minerals. Nothing in this section shall be considered or construed to impair any vested right in existence on the date of this Act.

COMMON VARIETIES

SEC. 2. That section 3 of the Act of July 23, 1955 (30 U.S.C. sec. 611) is hereby amended to read as follows:

Sec. 611. Common Varieties of Sand, Stone, Gravel, Pumice, Pumicite or Cinders and Petrified Wood.

(a) No deposit of common varieties of sand, stone, gravel, pumice, pumicite, or cinders and no deposit of petrified wood shall be deemed a valuable mineral deposit within the meaning of the mining laws of the United States so as to give effective validity to any mining claim hereafter located for such common varieties under such mining laws: *Provided, however,* That nothing herein shall affect the validity of any mining location based upon discovery of some other mineral occurring in or in association with such a deposit. "Common varieties" as used in sections 601, 603, and 611–615 of this title, include deposits of such materials which are primarily valuable as construction materials but do not include so-called "block pumice" which occurs in nature in pieces having one dimension of 2 inches or more and deposits of such materials which are commercially valuable for use in manufacturing, industrial, or processing operations, such as, but not limited to, gypsum, silica, sand, limestone suitable in the production of cement, and metallurgical or chemical-grade limestone. "Petrified wood" as used in Sections 601, 603, and 611–615 of this title means agatized, opalized, petrified, or silicified wood, or any material formed by the replacement of wood by silica or other matter.

SURFACE MANAGEMENT

SEC. 3. That sections 5 and 6 of the Act of July 23, 1955 (30 U.S.C. secs. 613, 614) shall be repealed five years after the effective date of this Act, and section 4 of said Act (30 U.S.C. sec. 612) is hereby amended to read as follows:

§ 612. Surface Management

(a) As used in this section, the term "mining claim subject to this section" shall mean all mining claims prior to issuance of patent located after July 23, 1955. Any mining claim subject to this section shall not be used for any purposes other than prospecting, mining or processing operations and uses reasonably incident thereto.

RESERVATIONS IN THE UNITED STATES TO USE OF THE SURFACE AND SURFACE RESOURCES

(b) Rights under any mining claim subject to this section shall be subject to the right of the United States to manage and dispose of the vegetative surface resources thereof and to manage other surface resources thereof (except mineral deposits subject to location under the mining laws of the United States). Any such mining claim shall also be subject to the right of the United States, its permittees, and licensees, to use so much of the surface hereof as may be necessary for such purposes or for access to adjacent land: *Provided, however,* that any use of the surface of any such mining claim by the United States, its permittees or licensees, shall be such as not to endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto: *Provided further,* That nothing in sections 601, 603, and 611–615 of this title shall be construed as affecting or intended to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the ninety-eighth meridian relating to the ownership, control, appropriation, use and distribution of ground or surface waters within any mining claim subject to this section.

SEVERANCE OR REMOVAL OF TIMBER

(c) Except to the extent required to provide clearance for the mining claimant's prospecting, mining or processing operations and uses reasonably incident thereto, or to the extent authorized by the United States, no claimant of any mining claim subject to this section shall, sever, remove, or use any vegetative or other surface resources thereof which are subject to management or disposition by the United States under subsection (b) of this section.

MINING ON POWER SITE WITHDRAWALS

SEC. 4. That section 4 of the Act of August 11, 1955 (30 U.S.C. sec. 623) is repealed and subsection (b) of Section 2 of said Act (30 U.S.C. sec. 621(b)) is amended to read as follows:

(b) The locator of a mining claim under this chapter, however, shall conduct no mining operations for a period of sixty days after the filing of a location notice pursuant to section 3 of title III of the Mineral Development Act of 1971. If the Secretary of the Interior, within said sixty day period, notifies the locator by registered mail or certified mail of the Secretary's intention to hold a public hearing to determine whether mining operations would substantially interfere with power development or power site uses of the land included within the mining claim, mining operations on that claim shall be further suspended until the Secretary has held the hearing and has issued an appropriate order. The order issued by the Secretary of the Interior shall provide for one of the following: (1) a complete prohibition of mining; (2) a permission to engage in mining upon the condition that the locator shall, following mining operations, reclaim the surface of the claim; or (3) a general permission to engage in mining. No order by the Secretary with respect to such operations shall be valid unless a certified copy is filed in the same State or county office in which the locator's location notice has been filed in compliance with the United States mining laws.

The Secretary shall establish reasonable rules and regulations concerning bonds and deposits with respect to the reclamation of mined lands. Moneys received from any bond or deposit shall be used for the reclamation of the surface of the claim involved, and any money received in excess of the amount needed for the reclamation of the surface of that claim shall be refunded.

Nothing in this section shall affect the requirements of the Act of August 11, 1955 (30 U.S.C. secs. 621–625) applying to mining claims located before the effective date of the Mineral Development Act of 1971.

TITLE VII. ADMINISTRATION

The provisions of this Act shall be administered in conformity with the Administrative Procedure Act.

SECTION-BY-SECTION ANALYSIS, MINERAL DEVELOPMENT ACT OF 1971

This is a bill to establish a system for the development of mineral resources on public lands of the United States.

TITLE I

SECTION 1 recites the short title.

SEC. 2 recites the purpose of the bill to be to develop certain mineral resources of the public lands of the United States consistent with Congressional policy as expressed in the Mining and Minerals Policy Act of 1970.

SEC. 3 contains definitions of nine terms used in the bill: (1) "Lands available for mineral location" are the public lands, including lands containing reserved minerals, to which the 1872 mining law now applies, but not including areas presently covered by mining claims, perfected by a mineral discovery or other claims for which a declaration of interest has been filed so long as the claims are maintained in accordance with Title II of this bill, except such areas are subject to lo-

cation of a mining claim pursuant to Title III by the owner of mining claims covering such areas which are or could be maintained under Title II; (2) "Mineral Deposits covered by this Act" are the mineral deposits to which the 1872 mining law now applies; (3) "Smallest legal subdivision" is a 40-acre surveyed tract consisting of a quarter-quarter section; (4) "Work year" is the one-year period commencing at noon on September 1; (5) "Remaining interests in land owned by the United States" are all interests in such land including those substances deemed not to be a valuable mineral deposit by the Multiple Surface Use Act of 1955 but not including certain Leasing Act minerals; (6) "Surveyed lands" are lands surveyed by the United States, and "unsurveyed lands" are those which have not been so surveyed; (7) "Lands with a found monument" are surveyed or unsurveyed lands on which a locator finds a U.S. survey monument or mineral monument within one mile from any part of the claim, and "Lands without a found monument" are lands on which no such monument is found; (8) "Field survey" is a survey at least as accurate as a transit or plane table survey; (9) "Citizens of the United States" are native-born or naturalized citizens, corporations organized under the laws of the United States or any state or territory, and associations of such persons and corporations.

TITLE II

This Title relates to mining claims and millsites located under the 1872 act, prior to the effective date of this bill.

SEC. 1 provides that such mining claims and millsites are null and void unless an application for patent or a declaration of interest is filed within three years. A declaration of interest may be filed for a mining claim whether or not there has been a discovery of a valuable mineral deposit. The land covered by a claim will be subject to location by a new claim under this bill unless a declaration is filed within one year or there has been a discovery, or in the case of a millsite, unless the millsite is on nonmineral land and is then being used for a millsite purpose. Any person having an interest in a claim may file the declaration of interest. The declaration of interest must show the names and addresses of the owners, and a description of the claims, including acreage. Except for placer claims already located to conform to the public survey, the declaration must be accompanied by a map prepared from a field survey showing the position of the claims. If the description is insufficient, the Secretary of Interior may require additional information. Such claims may be perfected by a discovery at any time within five years, but if the United States has specific need for any limited area of land, claims on that land may be contested and declared null and void if not then perfected by a discovery or, in the case of millsites, if the millsite is not then valid. Claims for which a declaration of interest is filed are subject to the annual labor requirements of this bill, and will be void if such requirements are not met.

SEC. 2 provides that claims for which a declaration of interest has been or may be filed will be void five years after the effective date of this bill unless an application for patent is then pending. If the application is denied, the owner will have the exclusive right for 180 days thereafter to locate a mining claim pursuant to Title III for the lands covered by the application which was denied. Owners of such claims are entitled to a patent under the 1872 law if they meet the requirements of that law.

TITLE III

This Title relates to location of new claims after the effective date of the bill. It repeals applicable provisions of the general mining law of 1872 and certain acts amendatory or supplemental thereto, and enacts a new mining law.

SEC. 1 provides that, subject to the reserved royalty in the United States provided in Section 10 of Title II, all mineral deposits covered by this Act in lands available for mineral location (as those terms are defined in Title I) shall be open for exploration, development, mining, production and disposition, and patent, and said lands shall be open to ingress, egress, occupation, and use for mineral purposes, and to patent by citizens of the United States (as that term is defined in Title I) and those who have declared their intention to become such. No person who holds an interest in a claim can relocate the same land for two years unless annual labor has been performed on the land for the period, and an affidavit is filed prior to relocating the land, and in that event, the amount of annual labor as to the relocated portion shall be the same as if it were covered by the original claim. To the extent that a mining claim purports to cover land not available for mineral location, it is void as to said portion.

SEC. 2 provides that locators of mining claims shall have the exclusive right of possession and use of all the surface of the claims for exploration, development, mining, and processing operations and uses reasonably incident thereto, and the exclusive right to explore for, develop, mine, produce and dispose of, and patent the mineral deposits within the vertical planes of the claim boundaries. The rights to the use of the surface are subject to the provisions of the Multiple Surface Use Act of 1955 and the Multiple Mineral Development Act of 1954. All rights of locators are freely alienable and subject to the encumbrances and transactions as are the rights in other property. The locator or holder of the claim is required to maintain in effect a bond to secure a payment of damages to the surface and tangible improvements, in an amount determined by the Bureau of Land Management, but in no event greater than the fair market value of the surface resources and tangible improvements. The bond and the amount of the bond are subject to appeal to the Secretary and the Courts, but during the appeal the owner of the mining claim has the right to continue all activities upon the claim by posting a bond in the amount specified or he may suspend all activities on the claim and his annual labor requirement will be deferred during the period of the appeal. The federal agency having jurisdiction may waive the requirement of the bond if the owner of the claim demonstrates that there will not be significant or lasting damage to the surface resources or improvements. A bond furnished under any other statute or regulation will be sufficient if it meets the requirements of this bill.

SEC. 3 provides that a mining claim shall contain not less than 20 acres nor more than 80 acres, except where necessary to conform to the lines of a public survey, and the minimum size is subject to the exception that isolated tracts of land available for mineral location may contain less than 20 acres.

If there is a found monument, the description of the claim shall be tied by a field survey to the monument. Otherwise, the description must be tied by a field survey to some other natural object or permanent monument by which the claim can be identified by a reasonably knowledgeable person conversant with such natural objects and permanent monuments in the vicinity. On surveyed land with a found monument the boundaries must conform to lines of a rectangular survey, even though the area within such boundaries may contain conflicting claims and other areas unavailable for location. The claim must be rectangular in shape and its length no greater than four times its width. If there is no found monument the boundary lines must run generally east and west and north and south. When there is no survey of the claim, the monuments on the ground control the positions of the boundaries, but after a survey is made, if one is required, the survey controls over the monuments.

A location is made by erecting a monument at each corner of a claim on unsurveyed land or on surveyed land without a found monument, and at the northwest corner of each claim located on surveyed land with a found monument. Each monument must be marked with its position, the name of the claim, and if a witness monument it must refer to the corner monument it witnesses. The locator must post on the northwest corner monument a location notice stating the name of the claim, the name and address of the locator, the date of the location, and a description of the claim including, in the case of surveyed lands with a found monument, the number of acres. An identical signed copy of the notice must be recorded in the county or recording district office in which the state law authorizes instruments relating to title to land to be recorded, and an identical signed copy must be filed in the Bureau of Land Management. If both are not done within thirty days the claim is void.

If the claim is on unsurveyed land or on surveyed land without a found monument, the locator must also survey the land within 180 days after posting and then record in the county or recording district office and file in the Bureau of Land Management a signed location certificate containing a map and description of the land according to the survey. If a claim is improperly located, it will be subject to subsequent location by another person who has no actual notice of the claim at any time before the location notice is recorded and filed (if no location certificate is required) or at any time before the location certificate is recorded and filed (if a location certificate is required).

SEC. 4 provides that a location notice or certificate may be amended to correct errors or omissions therein and a claim may be amended to correct errors or omissions in the manner of location or to change the size or shape of a claim. The amendment is made by erecting a new monument or monuments, making a new field survey if necessary and posting, recording, and filing an amended notice or certificate. The amendment is effective when the notice or certificate is recorded and filed and all other acts required by Section 3 have been performed, and is subject to valid existing rights. The notice or certificate must be signed by or on behalf of the owners, must contain all of the information required in the original location notice or certificate and in addition the name and address of the present owners, references to the filing and recording of the original notice or certificate, and the purpose of the amendment.

SEC. 5 provides that annual labor must be performed on or for the benefit of the claims, consisting of labor, materials, surveys, improvements, and activity of any kind which would tend to discover or tend to facilitate the development, mining, or processing of mineral deposits within the claim. The work may be performed by the owner of the claim and such work will be applied to the extent of the reasonable cost of having it performed by others. The work may be performed anywhere on a group of contiguous claims not greater in area than four square miles in which event the labor will be deemed to be for the benefit of each of the claims in the group. The amount of the annual labor is $5 per acre per year for each acre of land available for mineral location within the claim during the first 5 years, $10 per acre per year during the second 5 years, $15 per acre per year during the third 5 years, and $20 per acre per year thereafter.

At his election, the owner of a claim may discharge the annual labor requirement by making payment of all or part thereof to the Treasury of the United States.

Amounts of annual labor performed or payments in lieu of labor paid in excess of the annual requirement carry over into the subsequent years.

If a claim is located after July 1 and prior to September 1 of any year, annual labor does not have to be performed for that work year. Otherwise, annual labor must be performed in the required amounts in order to hold the claim in a subsequent year. Thus, the holder of a mining claim has the exclusive rights therein during the work year in which the claim is located, and where the claim is located after July 1, also in the subsequent work year, and in addition in every work year subsequent to each work year in which annual labor is performed or payments in lieu of labor are made.

If annual labor is required for less than a full work year, the amount is reduced proportionately, but no reduction is made for any part less than one full month.

Before the end of each work year the owner of the claim must file in the Bureau of Land Management an affidavit showing the name and address of the claim owner, an identification of the claims by reference to location notices or declarations of interest, the amount of the annual labor or payment in lieu of labor, the place where the work was performed and the dates thereof, a description of the annual labor actually performed, and the name and address of the person doing the work. If the annual labor has been deferred, the claim owner must file a notice thereof. The affidavit of annual labor must be supported by reproduced copies of receipts, cancelled checks or other supporting documents or, at the option of the person filing the affidavit, this may be done by a supplemental affidavit which must be filed within 30 days. If supporting documents are filed, the affidavit of annual labor is prima facie evidence of its contents; failure to file supporting documents is prima facie evidence that annual labor was not performed. If annual labor is deferred or exempted for any reason authorized by this bill, a notice thereof must be recorded and filed. If the affidavit of annual labor or payment in lieu of labor or notice of deferment or exemption is not filed on time, the claims become void. Unless deferred or exempted for a reason authorized by the bill, failure to perform the work or make payments, or the filing of a substantially insufficient affidavit or one containing a materially false statement, shall cause the claim to be voidable if a proceeding is brought within 180 days after the end of the work year, but no claim is voidable if the holder of the claim can prove that annual labor was actually performed or payment in lieu of labor was made. After 180 days, no action may be brought to void the claim. If an action is brought to void the claim, the annual labor requirement is suspended, and if the holder of the claim prevails, the accrued annual labor or payment in lieu of labor must be performed or made during each subsequent work year in addition to, and in an annual amount not less than that which would otherwise be required during the subsequent work years. If the holder of the claim elects to make payments in lieu of performing annual labor during the contest period, and he does not prevail, he is entitled to be reimbursed for the amount paid to the United States for such period.

The owner of a mining claim by amendment may eliminate or convey lands from his claim or add such lands. With respect to any lands which are eliminated he is relieved of the annual labor requirement, and with respect to lands added, he must perform the annual labor or make payment in lieu of labor for the work year in which the land is added and for every year thereafter, and the rate shall be the same as that for the claim or claims to which the land is added.

At any time that an application for mineral patent is filed, and during the course of any proceedings thereon, the applicant need not perform annual labor or make payments in lieu of labor, but if the application is withdrawn or a final determination is made that the applicant is not entitled to a patent, the owner or holder of the claim may continue to hold the claim by resuming annual labor or payments in lieu of labor not later than the next work year at the rate which would have been applicable if the annual labor requirement had not been suspended, if not later than the end of such next work year additional annual labor is performed or payment is made in the amount accrued during the period for which no annual labor was performed, and an affidavit is filed to cover such annual labor or payments.

SEC. 6 provides that the Secretary of Interior may defer the annual labor obligation upon a showing that the title or right to a mining claim or claims is in litigation or that access has been denied or is in litigation. At the end of the period of deferment, the annual labor must be resumed and performed for the period for which it was suspended in addition to, and in an annual amount not less than that which is otherwise required during the subsequent work years, unless access was denied by any government or governmental agency, in which event annual labor need not be performed for the period during which it was suspended.

SEC. 7 provides that the owner of a mining claim located under Title III will be entitled to a patent if the claim or claims contain a valuable mineral deposit; or if the applicant files with the Secretary of Interior a plan of development for a claim or claims, that plan is approved by the Secretary, and equipment and facilities have been acquired and installed in accordance with the plan. A valuable mineral deposit is defined as one which would justify a person of ordinary prudence in performing work or making expenditures on or for the benefit of the claim or claims containing such deposits with a reasonable expectation of developing a profitable mining operation. A plan of development must show the boundaries of the mineral deposits, the quantities and grades of proven and probable mineral reserves, test results and data, planned location of excavations, tunnels, surface facilities, and all other uses of the surface and sub-surface, a description of the equipment and facilities which will be used, a contemplated time schedule for mine development and construction of plant, estimate of the total investment, a designation of land other than that covered by the mining claims which will be needed in connection with the development of the property, and a statement of the manner in which compliance with all applicable laws and regulations relating to the protection of the environment will be effectuated. A plan may be disapproved by the Secretary only if it does not constitute a method by which the mineral deposit can be extracted by an operator operating in good faith and in compliance with applicable laws or if the lands outside the claims are not reasonably necessary to the development of the mining claims. A plan shall be deemed approved unless it is disapproved in writing by the Secretary within 180 days. An applicant who files a plan of development can file his application for patent at any time after the plan is approved but his patent may not be issued until acquisition and installation of equipment and facilities in compliance with the plan. The filing of the plan of development will segregate the lands outside the claim which are designated in the plan of development from all other uses and appropriations, and such segregation shall remain in effect until patent is issued or the application for the patent is finally disallowed. The applicant will have the right to use such land during the period of installation and upon completion of acquisition and installation, shall have the exclusive right to acquire the land by purchase or exchange and must so acquire the land.

An application for patent may be based upon either a discovery of a valuable mineral deposit a plan of development or both, and an application for patent may be withdrawn or amended at any time. If the Secretary denies an application, the matter may be appealed to the United States District Court. If an application is withdrawn or a final determination is made that an applicant is not entitled to a patent, a new application may be made if the applicant performs all suspended annual labor requirements or makes payments in lieu of labor as provided in Section 6. The purchase price is $50 per acre for the mineral deposits plus the appraised fair market value of the remaining interests in the land owned by the United States exclusive of and without regard to the mineral deposits.

SEC. 8 provides that, subject to the reserved royalty in the United States provided in Section 10 of Title III, a mineral patent grants the title to the mineral deposits within the boundaries of the mining claim extended downward vertically and the title to the remaining interest in the lands owned by the United States.

SEC. 9 relates to the procedure for obtaining patents. If a claim is located on unsurveyed land, or if it contains lands unavailable for mineral location, or if the exterior boundaries do not conform to the lines of a public survey, or if it is located on surveyed lands without a found monument, it must first be surveyed under the direction of the United States Chief Cadastral Engineer and an application for patent covering such claims may be filed, under oath, but must be accompanied by a survey plat showing the boundaries of the claims which shall be distinctly marked by monuments on the ground and those monuments will control. With respect to other mining claims, the applicant may file an application under oath, without a survey plat, and the application shall describe the lands according to the Township, Range, Section and legal subdivision.

Previous to the filing of an application, a copy of the survey plat, if required, and a notice of application must be posted on the land covered by the application and a copy of the notice, with an affidavit of at least two persons that the notice has been posted, must be filed in the Bureau of Land Management. The manager of the land office must publish once each week for a period of eight successive weeks in a newspaper of general circulation published nearest the claim, a notice of application and the notice must be posted in his office. The applicant must file with the manager a certificate of the United States Chief Cadastral Engineer that the survey plat is correct and the description shall be incorporated in the patent. At the expiration of 60 days of publication the claim owner must file an affidavit showing that the notice and plat, if one is required, have been posted during the period of publication. If no adverse claim has been filed and if the applicant otherwise meets the requirements of this Act, the applicant shall then be entitled to a patent upon payment of the purchase price prescribed by the Act.

The United States Chief Cadastral Engineer may appoint as many competent surveyors as shall apply for appointment. Expenses of survey must be paid by the applicant, and each applicant must file a sworn statement of all charges and fees paid for publications and surveys, and all other fees that might be paid to the manager of the land office.

An applicant for a mineral patent may include in his application lands outside the claim designated in the plan of development

which he is entitled to acquire under Section 7.

SEC. 10 provides that there shall be paid to the United States with relation to minerals extracted from mining claims located pursuant to Title III a royalty of 2% of the mine value of the minerals except this royalty during any calendar year shall not exceed 5% of the net mining income for such year allocable to the mineral for which said royalty is payable. Both "mine value" and "net mining income" are defined. Mine value of the minerals extracted shall be the proceeds from the sale of minerals less all costs and a reasonable profit for processing, transportation from the mine to the point of delivery to purchaser and for selling and all taxes (other than Federal income taxes) paid or accrued upon the production thereof. If the owner demonstrates that the value of a product can be determined at a stage in the processing prior to the sale, the mine value will then be the value of the product at such stage less the above mentioned deduction for processing, transportation and taxes. "Net mining income" is defined as the mine value of such mineral less all costs incurred, both direct and indirect for mining the same.

Royalty will be payable to the United States within 90 days following the end of the calendar quarter in which the mineral extracted is sold or in which the value is established by the owner in accordance with Section 10. If an owner fails or refuses to pay royalty due for a period greater than 30 days, the Secretary of the Interior may enforce such payment by bringing an action in the United States District Court for the district in which the owner resides or in which the mining claim is located. The owner may continue production but the court may require the owner to post a bond or deposit securities or cash sufficient to secure the payment to the United States of the amount of accumulated royalties to which it may be found to be entitled.

Nothing in Section 10 shall be construed to require that mineral production from any mining claim subject to its provisions be commenced or continued, and no right in any such mining claim shall be affected by the failure to commence or continue to produce minerals therefrom.

Royalties under Section 10 shall be deductible as ordinary and necessary business expenses under the Federal income tax laws when paid or accrued.

Each patent issued under Title III shall contain a reservation of royalty in the United States provided for in Section 10.

SEC. 11 provides that an adverse claim under oath may be filed during the eight week period of publication of the notice of application for patent, and in the event of the filing of an adverse claim all patent proceedings shall be stayed until the claim is decided by a court of competent jurisdiction, or the adverse claim is waived. Court proceedings must be commenced within thirty days after filing of the claim, and prosecuted to final judgment with reasonable diligence. After final judgment, each party determined to have a right to the mining claim or any portion thereof may proceed to patent.

SEC. 12 provides that nothing in the bill shall be deemed to exempt the owner of a mining claim from applicable Federal, State and local laws relating to the protection of the environment. It states that any land acquired under Title III or Title V shall be used only for mining, mineral exploration, development, processing or uses reasonably incident thereto, and if the land is used for any unauthorized use and such use is not discontinued within 90 days after notice from the Secretary, title to the land shall revert to the United States. If the Secretary determines that continuance of the reverter serves no public purpose, he may release the possibility of reverter to the patentee or his successor without any consideration. Patents to land acquired under Title III or Title V shall state that the land is subject to the provisions of Section 12(b).

TITLE IV

This title relates to certain records which must be maintained by the Bureau of Land Management.

SEC. 1 provides that there shall be maintained in each local land office of the Bureau of Land Management, in addition to files and records presently maintained, files and records for mining claim documents for mining claims within the respective jurisdictions of said offices. Mining claim documents are defined as declarations of interest, location notices and certificates, affidavits of and notices of deferment or exemption from annual labor and payments in lieu of labor, application for mineral patents, mineral patents, and amendments to each of said documents.

Each local land office is required to assign a serial number to each declaration of interest and each mining claim location notice filed with the land office; to maintain a daily reception record showing the day, hour and minute of filing, with the serial number, and noting the time of filing on each such document, which becomes the time of record; to maintain a serial register and a separate permanent file under the same serial number for each location notice or declaration of interest, noting in such serial register the date of filing and a description of the document filed; to maintain a mining claim plat of all lands available for mineral location on which shall be shown the serial number of the location or declaration of interest filed for, and the boundaries of each mining claim that is currently maintained. A new serial number may be assigned to a location notice, declaration of interest, or amendment thereof for all or any portion of a mining claim, in which event a new serial register and permanent file shall be made.

The Secretary has 90 days after the effective date of the bill to comply with the provisions of this Section.

SEC. 2 provides that the Secretary may establish reasonable fees for filing and issuance of certified copies. Mining claim documents for which a fee is paid must be accepted for filing. Such records and files are public files, open to inspection during office hours, and upon request and payment of the prescribed fee the local land office must furnish copies, certified or authenticated if requested.

This section provides that no document respecting mining claims which was prepared prior to the effective date of the act need be filed, and that no right is adversely affected for failure to file such prior document.

TITLE V

This title provides for the acquisition of land additional to that contained in mining claims which is necessary for any mining or processing operation.

SEC. 1. Provides that the Secretary of the Interior is authorized to sell, upon application of any person holding an interest in a mineral deposit, any other land owned by the United States which the applicant demonstrates is reasonably necessary for any mining or processing operations with respect to such mineral deposit or uses reasonably incident thereto. The land is to be sold at its appraised fair market value.

SEC. 2. Provides that the Secretary is authorized to exchange lands, upon the basis of appraised fair market value, with a cash consideration to compensate for unequal value if that is necessary. In the case of an exchange, published notice is required, once each week for four successive weeks in a newspaper of general circulation in each county in which the lands to be accepted by the United States are situated and also in each county in which lands to be conveyed by the United States are situated. Lands conveyed to the United States shall be public lands available for mineral location and mineral leasing. There shall be no fee except the cost of publishing notices.

SEC. 3. Specifically provides that any land acquired under this Title shall be subject to all of the provisions of section 12 of title III.

TITLE VI

This title amends certain existing statutes.

SEC. 1. Amends section 2 of the Act of June 17, 1949, to provide that any person who prospects for, develops, mines or removes any minerals from any land included in a patent from which such minerals were reserved to the United States shall be liable for any damage to the surface resources and tangible improvements. This section will extend this liability for damages to any lands from which minerals have been reserved to the United States, and it will make the mineral operator liable for damages to any surface resources and tangible improvements.

SEC. 2. Amends section 3 of the Multiple Surface Use Act of 1955 by providing a new definition for common varieties of sand, stone, gravel, pumice, pumicite and cinders. The provision presently in Section 3 has been omitted which provides that common varieties of these materials shall not be any of such materials "which are valuable because the deposit has some property giving it distinct and special value." Instead the definition states those mineral materials which are primarily valuable as construction materials are common varieties. The definition continues to exclude from common varieties so-called "block pumice" which occurs in nature in pieces having one dimension of 2 inches or more and expressly excludes from common varieties those deposits of sand, stone, gravel, pumice, pumicite and cinders which are commercially valuable for use in manufacturing industrial or processing operations, such as, but not limited to, gypsum, silica sand, limestone suitable in the production of cement and metallurgical or chemical-grade limestone. The application of the common varieties definition to petrified wood is unchanged.

SEC. 3 provides that Sections 5 and 6 of the Multiple Surface Use Act of 1955 will be repealed five years after the effective date of this bill, because any existing claims not patented within five years would be void and Sections 5 and 6 would then be unnecessary. Sections 5 and 6 provide the procedure for determining rights to the surface of unpatented mining claims. Section 3 also amends Section 4 of the Multiple Surface Use Act to provide that it shall be applicable to claims located under this bill, and to limit removal or use of timber to that necessary to clear the claim for uses permitted by the bill. The right to free timber from other public lands would be eliminated.

SEC. 4 repeals Section 4 of the Mining Claims Rights Restoration Act which requires the recording and reporting of unpatented mining claims located on power site withdrawals. This section will no longer be necessary because the Act will require that all claims be recorded and reported. Section 4 also amends Section 2 of the Mining Claims Rights Restoration Act to apply it to all mining claims, since under this bill there will be no distinction between lode and placer claims. The right of the Secretary to restrict or prohibit mining would be limited to operations which interfere with power development or power site uses, and the right to operate could be conditioned upon an obligation to reclaim (rather than restore) the surface.

TITLE VII

This Title provides that the provisions of this Act shall be administered in conformity with the Administrative Procedure Act.

Mr. MOSS. Mr. President, the 1872 mining law is an anachronism, and the time has come to change it. For that reason I have today joined my colleagues on the Minerals, Materials and Fuels Subcommittee of the Senate Interior Committee in sponsoring a bill to be known as "The Mineral Development Act of 1971." This bill would repeal much of the 1872 mining law as it now exists. Almost 100 years ago when the Congress enacted the 1872 mining law, the needs and the problems of our new country were very different from those which we face today. With vast areas of unexplored land when the Congress enacted the first mining law in 1866, it saw no need to protect the environment. It's objective was to invite exploration and development by private owners of lands and capital. There was no consideration for Uncle Sam acting in the role of landlord to preserve and protect his land.

I recognize that the public interest requires in 1971, and in the years to come, exploration, development and production of minerals on the public lands and I have supported and sponsored legislation earlier in Congress in the Mining and Minerals Policy Act of 1970 (Public Law 91-631).

Additionally I support the principle of fair market value for our public lands. This bill which is introduced today sets an amount to be paid per acre for mineral lands and reserves to the United States a royalty on minerals produced.

Also written into this bill are provisions requiring a locator to post a bond to secure payment of damages to the surface resources and tangible improvements of the land. It is further provided that nothing in the act shall exempt the owner from any applicable Federal, State and local environmental laws.

I have grave concern for maintaining the beauty of our land. I should like to point out that in August, I introduced my own surface mining law requiring reclamation of surface mined areas.

In August I held public hearings in Billings, Mont., on the efforts of the Forest Service to work out acceptable environmental practices with mining companies in the scenic forest areas of that State. Cooperation has been good, but statutory power to require compliance is indicated.

I await hearings on this measure to obtain evidence as to whether the market value and royalty provisions as written are entirely adequate. I am also gravely concerned about exploratory practices and access rights.

In the meantime, Mr. President, I endorse this bill and urge its consideration by the Senate to change the mining laws so that adequate protection can be had for our beautiful land, while at the same time, we can go forward with our national policy of encouraging the development of certain mineral resources of the public lands of the United States.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 325

At the request of Mr. BEALL, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 325, to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan.

S. 1408

At the request of Mr. MUSKIE, the Senator from Alaska (Mr. GRAVEL) and the Senator from Michigan (Mr. HART), were added as cosponsors of S.1408, to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies.

S 2332

At the request of Mr. TOWER, the Senator from Kentucky (Mr. COOPER) was added as a cosponsor of S. 2332, to permit a member of the U.S. Armed Forces to send mail matter without payment of postage if the member is performing duties at an overseas isolated or hardship area.

S. 2470

At the request of Mr. TAFT, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2470, to amend the act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers.

SENATE JOINT RESOLUTION 112

At the request of Mr. BROCK, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Joint Resolution 112, proposing an amendment to the Constitution of the United States relating to open admissions to public schools.

SENATE JOINT RESOLUTION 117

At the request of Mr. MCINTYRE, the Senator from Minnesota (Mr. MONDALE), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Tennessee (Mr. BROCK), and the Senator from Nebraska (Mr. HRUSKA) were added as cosponsors of Senate Joint Resolution 117, asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

SENATE RESOLUTION 169—SUBMISSION OF A RESOLUTION DISAPPROVING PAY PLAN RECOMMENDED BY THE PRESIDENT

(Referred to the Committee on Post Office and Civil Service.)

Mr. MOSS. Mr. President, I submit a resolution to disapprove the "alternative plan" for Federal employees' pay adjustments which was submitted to Congress on August 31, 1971. The resolution is similar to House Resolution 596 which has been reported favorably by the House Post Office and Civil Service Committee.

While a resolution of protest by either House is sufficient for rejection of the plan, and the other body may well dispose of this issue early in October, we should nevertheless be prepared to consider this plan if it becomes our responsibility. So that this resolution will be printed and referred to the Post Office and Civil Service Committee, so to permit immediate action if the House resolution is not passed, I have determined to introduce it at this time.

Last week President Nixon declared that the wage-price "freeze" will terminate in mid-November. This announcement removed the last possible justification for retention of the administration's earlier decision to postpone civil service pay increases originally scheduled for January 1972.

Like all Americans, the Federal employees felt the effects of the 90-day "freeze" on wages and prices. By a rigorous interpretation of administration guidelines they were also denied normal "within-grade" longevity promotions. Unlike other groups in the society, however, they have been singled out by the administration for an additional 6-month "freeze" beginning in the new year.

There is no justification for this action. The pay increases scheduled for January are based entirely upon comparability with private industry. They would merely bring the civil service in line with other segments of our economy. This was the intention of Congress under the Federal Pay Comparability Act of 1970.

The President's "alternative plan" will also have an adverse effect on our Armed Forces during the coming year. Salary raises for the military are directly related to adjustments in the civil service pay scale.

Suspension of these pay increases has created doubt as to the administration's determination that the economic burden of its program be shared equally by all the citizens. In singling out Federal employees for this special "freeze" the President's decision has led to confusion and even bitterness toward administration policies.

Some will interpret the rejection of any of Mr. Nixon's proposals as an attempt to stymie his entire economic program. I do not intend, nor do I accept, this interpretation. Congress must judge each proposal on its merits—on how well it addresses our national economic goals of full employment and reasonable price stability.

Congress must judge these measures by an additional standard—that of fairness. If we are to appeal to a nation's patriotism, we cannot do so cynically. No one should be free to benefit economically while another is asked to make sacrifices in the national interest. The whole success of any new national policy relies largely on a spirit of cooperation. It certainly cannot be helped by this obvious attempt at selective discrimination.

Next month President Nixon will announce his plans for "phase II" of his economic stabilization program. A new system of controls on wage and price increases will be proposed. I believe that Congress should make clear to the administration its resolve that Federal employees be treated like everyone else during this phase of the program. Wages and salary increases in the public sector should be regulated as part of an overall national program. The civil service should not be set apart for special sacrifices or for special benefits. National policy should be comprehensive. It should also be consistent.

Mr. President, I send the resolution to the desk and I ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. FANNIN). The resolution will be received and appropriately referred.

The resolution is as follows:

S. Res. 169

Resolved, That the Senate disapproves the alternative plan for pay adjustments for Federal employees under statutory pay systems recommended and submitted by the President to Congress on August 31, 1971, under section 5305 (c) (1) of title 5, United States Code, and section 3 (c) of the Federal Pay Comparability Act of 1970.

ADDITIONAL COSPONSORS OF AMENDMENT

AMENDMENT NO. 347

At the request of Mr. BAKER, the Senator from Kentucky (Mr. COOPER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kansas (Mr. PEARSON), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of amendment No. 347, to S. 1437.

NOTICE OF MIGRATORY LABOR SUBCOMMITTEE HEARINGS ON FARMWORKERS IN RURAL POVERTY

Mr. STEVENSON. Mr. President, as chairman of the Migratory Labor Subcommittee of the Committee on Labor and Public Welfare, I announce that we will continue hearings on Farmworkers in Rural Poverty at 9:30 a.m., September 21 and 22, in room 6202 of the New Senate Office Building.

At this series of hearings we will be reviewing the extent to which land use policies and the increasing involvement of large corporations and conglomerates affect the small farmer and farmworker, and the extent to which economic development is an alternative for all those in rural areas. Witnesses, in addition to persons with experience and expertise in farmer and farmworker cooperatives, will include Mr. Geoffrey Faux of the Center for Community Economic Development and coauthor of the Nader Task Force Report on Land Use in California.

ADDITIONAL STATEMENTS

CHEYENNE CHIEFS TO REAFFIRM FAITH IN NATION

Mr. MANSFIELD. Mr. President, an interesting article appeared in a recent issue of the Great Falls Tribune concerning the Northern Cheyenne Indians—the Race of Sorrows.

It had to do with the ceremony held on August 7, in Billings, Mont., by the Cheyennes to reaffirm their loyalty to this country and their desire for their returning Vietnam veterans to have education and job opportunities.

Albert Tall Bull, the Northern Cheyennes' chief, prior to the ceremony, related a part of the history of his people—and a significant history it has been. Their story is one which all America should learn. I honor the Northern Cheyennes for their dignity, their understanding, and their outstanding contributions and ask unanimous consent that the article appear at this point in the RECORD.

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

[From the Great Falls Tribune, July 29, 1971]

SOLEMN RITES IN BILLINGS AUG. 7—CHEYENNE CHIEFS TO REAFFIRM FAITH IN NATION

BILLINGS.—The Northern Cheyenne Indians—victims of the 1861 Sand Creek Massacre and victors in the Battle of the Little Big Horn—will reaffirm their faith in the United States Aug. 7.

Albert Tall Bull, recognized head chief and descendant of Tall Bull, the famed scout, said: "Long ago we, the chiefs of the Cheyennes, did not have to send our boys to the white man's wars.

"But our chiefs met, smoked and decided to dedicate our tribe to the American Flag and what it stands for. In August, we will reaffirm that dedication," he said.

While a young Cheyenne translated, Tall Bull told of the pride in being the son of Cheyenne warriors who beat Col. George A. Custer. They also told of their people's forced trek from Oklahoma.

"We have been massacred, our women and children killed. We have been treated very badly," said Chief James Atwood.

"But while young Anglos are burning and desecrating the flag, we choose to reaffirm our loyalty."

The half dozen chiefs coming to Billings are among the Cheyenne's 44 hereditary chiefs—a number decreed by the Cheyenne prophet Sweet Medicine.

The ceremony, not a tourist attraction but a somber rite to be sealed with smoking of the sacred pipes, will climax a two-day pow wow at Lame Deer.

The flag will be presented to Chief Tall Bull. It will be the same flag given to Chief Two Moons by representatives of President Taft in 1914.

The Saturday will mark the beginning of a determined Cheyenne effort to revive their culture.

"We are a sovereign nation," the chiefs stressed. "We were awarded our reservation not by treaty, but by executive order."

On a percentage basis, the Cheyennes had more soldiers in World War I, World War II and the Korean War than any other ethnic group, the chiefs said.

"Now that young Cheyennes are returning from Vietnam, all we want for them is education and job opportunity," Atwood said.

AGNEW'S RECORD SPEAKS FOR ITSELF

Mr. THURMOND. Mr. President, the Evening Star of September 15, contains an article by David Lawrence entitled "AGNEW's Record Speaks for Itself."

Mr. Lawrence cites the many accomplishments of SPIRO AGNEW when he was county executive of Baltimore County and since he has been Vice President of the United States. His active, working role as Vice President has earned for him the distinction of being one of the few Vice Presidents to make his office a viable and meaningful part of the executive branch of our Government.

Aside from the fact that I am in accord with many of the beliefs espoused by Mr. AGNEW, it is always refreshing to hear him voice his views without fear of retaliation from those who disagree with him.

Mr. President, regrettably there are too many people in public life whose positions on issues confronting them are not ascertainable. This is not true of SPIRO AGNEW, and to be able to say this about him is one of the most admirable attributes that can be bestowed upon a public figure.

As Mr. Lawrence points out in his article, the record does speak for itself regarding the achievements of Mr. AGNEW. It is sad that there are those who might not be aware of his achievements because of the constant criticism he receives from many in the news media. Mr. AGNEW receives this criticism because he has dared to voice opposition to certain practices of the news media and because he so clearly enunciates the true feelings of a majority of Americans on many vital issues.

Mr. President, as Mr. Lawrence's article indicates, SPIRO AGNEW has strong appeal with the people in this country and with his party, and his strength lies in his outstanding record, despite a maligning news media.

Mr. President, I ask unanimous consent that this very fine article be printed in the RECORD.

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

[From the Washington Star, Sept. 15, 1971]

AGNEW'S RECORD SPEAKS FOR ITSELF

(By David Lawrence)

Gov. Ronald Reagan of California said the other day that he is confident that Vice President Spiro Agnew will be on the Republican ticket in the 1972 election. A number of other governors gathered at San Juan, Puerto Rico, for the annual meeting of the National Conference have made the same comment. Indeed, the executive committee asked Agnew to act as liaison man for the governors on "hard-to-solve" problems with the federal government.

Gov. Warren Hearnes of Missouri, chairman of the conference, said:

"We asked the vice president if he would take the job and he said he would. He agreed to make himself personally available to the governors for the problems we can't get solved in the ordinary way. Naturally, we're not going to take every problem to him—some of them you can solve yourself."

Perhaps not much is known generally about the work Agnew has done in his contacts with state and local governments since he has been serving as vice president. He came into public office originally as the county executive of Baltimore County, which is one of the nation's largest subdivisions of local government, and served in that post for four years prior to his election as governor of Maryland in 1966.

Gov. Agnew's first accomplishment, with the support of a Democratic-controlled General Assembly, was to make a thorough revision of the state's tax structure, establishing such innovations as a graduated income tax rate, and making other changes and increasing the state's aid to public schools.

Agnew sponsored the first statewide fair-housing bill in his region of the country and legislation which accelerated highway construction programs. He pushed for antipollution measures on the state's waterways. He took part in planning funds for rapid-transit systems in the Baltimore and Washington metropolitan areas. He supported many social reforms.

Spiro Agnew has been deeply interested in public affairs and has experience in the operations of local government which is unrivalled by many of the persons who are aspiring to the presidency. He served on the executive committee of the National Governors Conference as vice chairman of the committee on state urban relations. President

Lyndon B. Johnson appointed him to the Advisory Commission on Intergovernmental Relations.

Since becoming vice president, Agnew has exercised considerable influence in shaping the new policies of the federal government in revenue sharing with state governments. Very soon after his administration took office, President Nixon assigned the vice president to work with the governors in intergovernmental relations, and he has a 12-man staff for the purpose. He has an office in the White House and, while he participates in some ceremonial duties in behalf of the President, spends much of his time taking care of specific assignments for the chief executive.

The vice president sits with the Cabinet and on the National Security Council. He heads or is a member of a number of special commissions which the President has established. He attends Nixon's meetings at the White House with the congressional leadership and private briefings with government specialists. He gets the same information that goes to the President from the Council of Economic Advisers. Aides at the White House say that Agnew has become very familiar with executive affairs and that hardly a meeting passes in which he doesn't express an opinion.

The vice president has traveled around the country in behalf of the President and also has made trips abroad. His record has been satisfactory to the President.

Then why should there be so much talk about the possibility that Agnew might not be nominated for vice president next time? The only reason is that he managed to antagonize some members of the TV commentators. When he pointed out that they had been unfair in some of their remarks about the President's speeches, this started a wave of hostility. The mail that reached the White House, however, indicated that a "silent majority" agreed with his criticism in the instances to which he referred.

Agnew has contended again and again that he is entitled to "free speech" just as are others who have spoken out in public affairs. It is believed that the criticism has brought friends to his side and the Republican National Convention in 1972 will renominate Spiro Agnew for vice president.

CONFERENCE ON INTERNATIONAL ORGANIZATION AND THE ENVIRONMENT

Mr. MUSKIE. Mr. President, last May there was a very fruitful 3-day conference held in New York on "International Organization and the Human Environment." It was my great privilege to address the opening session of this conference at U.N. headquarters.

The conference was organized by two private organizations—the Institute on Man and Science and the Aspen Institute of Humanistic Studies. Under the able chairmanship of Philip C. Jessup, former U.S. judge on the International Court of Justice, 40 key decisionmakers from governments, international agencies, and the scientific community spent 3 days probing the central question: "How can the international community be organized most effectively for environmental action?"

The conference last May was designed partly as a preparatory meeting for the United Nations Conference on the Human Environment which will reach a climax at Stockholm, Sweden, during the 2 weeks from June 5 through 16, 1972.

Mr. President, the Saturday Review of August 7 contains a very valuable article reviewing the conclusions of the conference last May. The article was written by one of the conference participants, Dr. Richard N. Gardner. Dr. Gardner is Henry L. Moses, professor of law and international organization at Columbia University and serves as the U.N. representative of the International Union for the Conservation of Nature and Natural Resources. I ask unanimous consent that Dr. Gardner's article be printed in the RECORD.

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

GLOBAL POLLUTION—U.N. AS POLICEMAN

(By Richard N. Gardner)

One of the boldest adventures in international cooperation ever attempted—the United Nations Conference on the Human Environment—will reach a climax at Stockholm, Sweden, during the two weeks from June 5 to 16, 1971. Representatives of 130 countries and several dozen international organizations will come together then to deal with six enormous subjects:

Planning and management of the environmental quality of human settlements everywhere.

Environmental aspects of natural resource management (defined broadly to include animal, botanical, and mineral resources).

Identification and control of environmental pollutants and nuisances of broad significance.

Educational, informational, social, and cultural aspects of environmental issues.

Economic development and the environment (including environmental policies as a component of comprehensive planning in developing countries).

International organizational implications of proposals for action.

Since the conference is limited to two weeks, and since Stockholm has only three conference halls large enough to hold all the proposed participants, there is only one week available to cover each of these items. How can it be done? One U.N. official answers: "The Stockholm conference is like a marriage ceremony. Most things are being arranged beforehand, and as little as possible will be left to chance on the day."

The simile is apt enough. It is difficult to remember any other U.N. meeting so thoroughly prepared in advance as this one. Under the overall direction of a twenty-seven-nation preparatory committee, intergovernmental working groups are drafting concrete proposals on marine pollution, soil conservation, environmental monitoring, a World Heritage Foundation, and the text of a Declaration on the Human Environment. Concurrently with these activities, governments are submitting reports describing their experience in environmental management and suggesting ideas for international action. And the interested specialized agencies of the U.N. are preparing a consolidated statement of their current work and future plans.

A conceptual framework for the Stockholm deliberations is expected to be ready for publication in the spring of 1972. It will be issued as a report on the state of the global environment. Considering that Maurice Strong, Secretary General of the Stockholm Conference, only left his former post as head of Canada's International Development Agency to assume his new duties at the beginning of this year, he and his small staff in Geneva will perform a miracle if the conferees are able to take more than a fraction of the decisions necessary to preserve the global environment. A senior international official recently put the situation this way:

"The Stockholm conference comes both too late and too early. Too late if its purpose is to arouse public opinion; this has already happened, at least in the developed countries. Too early if it is to take decisive action: most governments aren't ready, and besides in many areas we simply don't have the knowledge necessary."

Inevitably, then, the most important agenda item at Stockholm will be the last one listed above—international organizational implications of proposals for action. For if final answers to the world's environmental problems cannot be looked for next June, there must be established at least an institutional framework in which those answers can be effectively sought in future years.

Curiously, nobody gave much thought to the organizational question until recently. To help move things forward, a kind of "Mini-Stockholm" was organized at the end of May by two private organizations—the Institute on Man and Science and the Aspen Institute of Humanistic Studies—at the former's idyllic headquarters in Rensselaerville, New York. Under the chairmanship of Philip C. Jessup, former U.S. judge on the International Court of Justice, forty key decisionmakers from governments, international agencies, and the scientific community spent three days probing the central question: "How can the international community be organized most effectively for environmental action?"

While the meeting was not intended to and did not reach formal agreement on an institutional design, it yielded a surprising consensus on some issues and usefully clarified the choices facing the Stockholm conference on other matters. The areas of consensus may be summarized as follows:

The new institutions for environmental action should be within the framework of the United Nations. Environmental problems are global as well as regional and local; they need to be dealt with by global as well as regional and local institutions. An organization limited to developed countries or to NATO countries could not deal effectively with environmental problems on the territory of non-members or with the ocean environment, which is the common concern of all. Despite much talk to the contrary, most developing countries face serious environmental problems and want help in solving them. As Strong told the Rensselaerville meetings:

"In my recent travels in the developing countries, I have found that while the word "environment" has not yet acquired the magic it has in the more industrialized countries, the issues it embraces are of real and growing concern to them: polluted water supplies, degradation of agricultural lands, depletion of wildlife and fisheries, and, perhaps most urgent, the problem of cities which are growing at rates unprecedented in human history. Some of these cities face the prospect of water contamination and health hazards which will make them unfit for human habitation within the next decade or so. Indeed, the "eco-catastrophes" of which we hear so much are much more likely to occur in the developing world than in the wealthier countries which have the resources to deal with these problems."

One thing *not* to do is to establish a new U.N. specialized agency. Environment covers a broad range of subjects already being dealt with within the functional responsibilities of existing U.N. agencies—atmospheric pollution in the World Meteorological Organization, environmental health in the World Health Organization, conservation of soil, forest, and animal resources in the Food and Agriculture Organization, etc. Environmental matters also are being dealt with in the U.N.'s Regional Economic Commissions. A Specialized Agency for the Environment would result in duplication of activities and

would compound already serious coordination problems.

The principal need is for new institutions at the center of the U.N. system to serve as the "brain" of the international environmental network. The central institutions should undertake a global review of environmental trends, policies, and actions; should determine important issues to be brought to the attention of governments; should suggest priorities for further action in respect of those issues; and should identify gaps in the knowledge and in the performance of organizations carrying out measures of environmental control. The central institutions should draw upon rather than duplicate ongoing work in existing functional and regional agencies and should be flexible and capable of adaption as understanding of environmental problems grows.

One element in the central mechanism should be a small, highly competent secretariat operating on the interface between the scientific community and the political process. It should be headed by an Undersecretary General or a Commissioner for the Environment, and should enjoy sufficient independence within the U.N. system to operate effectively.

Another element in the central mechanism should be some kind of intergovernmental body to which the secretariat would be responsible. There could be an environmental board established by the General Assembly, or an environmental committee under the Economic and Social Council (ECOSOC), or perhaps even periodic ECOSOC meetings at the ministerial level devoted to the environment.

Some participants in the Rensselaerville meeting urged that environment be kept in the ECOSOC framework so that one institution could face the interrelated issues of development and environment; these people warned that separate bodies on environment and development could result in two sets of conflicting resolutions each reflecting a limited and inadequate perspective. Others urged that environment needed greater visibility and status than could be achieved in ECOSOC, which in their view has an unsatisfactory record.

Although the issue was not resolved, there was agreement that whatever intergovernmental body is created should be composed not just of career diplomats acting upon instructions but of highly qualified government officials responsible for environmental affairs. Moreover, the work of the intergovernmental committee should be reviewed regularly by one of the main committees of the U.N. General Assembly and perhaps also by a periodic "Stockholm conference."

The central secretariat and intergovernmental body should be assisted by some kind of scientific group to provide independent and expert judgment free from government influence. One possibility is an International Center for the Environment (ICE), a proposal that has gained support in the International Council of Sicentific Unions. ICE could conduct research on environmental problems and assist specialized agencies such as WMO and WHO in the designing of environmental monitoring networks and in the evaluation of information received. A more modest possibility would be a scientific advisory group attached to the intergovernmental committee and composed of persons serving in their individual capacities, perhaps with subgroups on specific environmental problems.

Whichever possibility is chosen, representatives of some of the specialized agencies at Rensselaerville said, the agencies should design their own monitoring networks and evaluate the data derived from them. The agencies are clearly reluctant to have any central scientific group performing functions that they regard as within their traditional fields of competence.

It was further agreed that the new international environmental institutions should encourage existing agencies to get on with other fundamental tasks. One is the training of personnel needed for environmental management. Another is formulation of environmental education programs for schools and for the general public. A third is establishment of environmental criteria to be applied by national and international development agencies. A fourth is the devising of means to avoid undesirable trade barriers resulting from different national approaches to pollution control.

That was the extent of the consensus at Rensselaerville. But some crystallization of opinion occurred on several other key questions.

Should there be some kind of environment fund—and, if so, what should be the arrangements for its administration? An environment fund, it was urged, would help coordinate the activities of individual agencies. It would provide developing countries with extra financing over and above existing aid funds to help them take environmental protection measures they otherwise could not afford; it would also assure developed countries that funds they contributed for environmental purposes would be used for top-priority environmental projects. But several governments represented at Rensselaerville were not yet ready to commit themselves to such a fund. Moreover, there was no consensus as to whether a fund should be managed by the U.N. Development Program or by a new body. Nor was there agreement on the kind of governance of the fund that would satisfy both developed and developing countries.

What kind of institutions should be established for the settlement of environmental disputes? More specifically, what degree of international control should be established over the actions of a nation within its territory that might affect the environment of others? Some examples given in Rensselaerville were U.S. uses of the Colorado River injurious to Mexico, possible damage by the Aswan Dam to the fisheries and beaches of the eastern Mediterranean, and the potential climatic effects of contemplated Soviet diversion of rivers presently flowing from Siberia into the Arctic Ocean.

In his address to the opening session of the May meeting held at U.N. Headquarters, U.S. Senator Edmund Muskie proposed that U.N. members should henceforth report to the United Nations on all their actions that might affect the environment of others. While conceding that nations were not yet ready to accept an international veto over national decisions on environmental matters, Muskie urged that every nation not only should make full disclosure of its environmental actions but should consult in good faith with other nations and international agencies when they advanced comments or objections. In cases of disagreement, he said, an impartial group should report on the facts and make appropriate recommendations.

The sessions at Rensselaerville produced a number of different reactions to the issues raised by Senator Muskie. Judge Jessup urged that the International Court of Justice be used for the settlement of environmental disputes. The Court could sit in special chambers for this purpose and make use of scientific "assessors," or fact-finders, where necessary. Other Rensselaerville participants felt a need for more flexible machinery than the Court could provide. In their view, it would be better to bring environmental disputes to the proposed intergovernmental committee on the environment and its scientific advisory group. Dr. Gerardo Budowski, director general of the International Union for the Conservation of Nature and Natural Resources, suggested that his organization could usefully serve as an "expert witness" in international disputes because of its nongovernmental character. In his view, moreover, the international community sooner or later would have to face the need for some kind of "policing" to prevent actions causing irreversible damage to the environment.

The Rensselaerville discussions reveled that this thorny issue might be difficult to resolve at Stockholm. A number of diplomats and government officials expressed doubt that governments would be ready to accept international review of national actions. Dr. Konstantin Ananichev, director of the International Organizations Department of the U.S.S.R. State Committee for Science and Technology, emphasized that any new environmental machinery should be of an "international and not of a supranational character" and should operate "only through cooperative actions of sovereign states." However, he also stressed the need for "joint research on agreed international programs" and did not exclude the possibility that such joint research could be organized on a case-by-case basis with the consent of all the parties involved to evaluate the international consequences of national actions.

What international machinery should be established to deal with pollution of the seas? The participants at Rensselaerville agreed that this was a matter of urgent importance, since the marine environment, accounting for 70 per cent of the Earth's surface, is presently subject to almost no effective measures of protection.

The Intergovernmental Working Group on marine pollution is considering an international agreement regulating ocean dumping (the transportation from national territory to the oceans of waste materials that could harm the marine environment). Even if this were approved at Stockholm and ratified by governments, it would still leave untouched the main sources of marine pollution—the pollutants coming to the oceans directly from land, from rivers, and from the atmosphere.

Should some international machinery be established to monitor and eventually regulate all these additional sources of marine pollution? Should it be global in character, or should we begin with separate regional efforts to clean up the Mediterranean, the Baltic, and the North Sea? Should pollution from vessels in maritime commerce continue to be dealt with by a separate agency—the Intergovernmental Maritime Consultative Organization—or should one agency deal with marine pollution from all sources? What should be the relation between agencies concerned with marine pollution and the proposed International Seabed Authority that would have responsibility for exploitation of the deep sea bed? Should there be a single agency for all the problems of the oceans, including the difficult issue of fisheries as well? It was clear at Rensselaerville that the international community was very far from a consensus on these fundamental questions.

Finally, which nations should participate in international institutions for environmental control? Senator Muskie urged that the next General Assembly make the United Nations universal in membership; if this were not possible, it should at least invite all governments to participate in the Stockholm conference. This would mean mainland China and both Germanys, to mention the most important, and others such as both Koreas and both Vietnams.

There was strong sentiment at Rensselaerville for the proposition that participation at Stockholm should be universal. But this was coupled with a good deal of uncertainty as to whether the next General Assembly would make the United Nations universal in membership and whether, if it failed to do so, governments not admitted to the U.N. itself would be willing to come to Stockholm.

The Rensselaerville meeting served to underline the complexity of these unresolved organizational questions. Nevertheless, the meeting did reveal one bit of common phi-

losophy on environmental problems. It was best stated by Senator Muskie at the opening session:

"The simple truth is that . . . we are far from one world politically. But, by necessity if not by choice, we are one world environmentally. States have sovereign rights—but so do people. We cannot rely on the political habits of the past to save our environment for the future."

DETERIORATION OF BASIC STRATEGIC DEFENSE POSITION

Mr. CURTIS. Mr. President, there has been some questioning of the "newsworthiness" of recent efforts by Members in both Houses of Congress to call attention to what is seen as a deterioration of our basic strategic defense position and a developing attitude of neglect toward defense matters in general.

I participated in the Senate special order on July 29, joining six other Senators to discuss this problem and was, I regret to say, generally disappointed in the press reaction to that expression of concern, particularly in view of the minute detail with which seemingly every instance of criticism of defense spending and downgrading of defense priorities has been reported to the American people.

There were, however, notable exceptions. A number of the Nation's most responsible editors found the Senate special order of merit and eminently newsworthy. One outstanding example is the editorial coverage provided by the Cincinnati Enquirer.

The Enquirer set this issue squarely before its readers to judge, not only in an initial editorial on the special order itself, but by subsequently printing the full texts of several of the speeches on its editorial page.

This, in my opinion, exemplifies an editorial policy of treating people as intelligent beings, capable of rendering valid judgments if furnished with all the pertinent facts and viewpoints on both sides of an issue.

Mr. President, I ask unanimous consent that the Enquirer editorial of August 8, entitled "How Strong Is America?" and the other articles I have mentioned be printed in the RECORD.

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

HOW STRONG IS AMERICA?

Shortly before Congress recessed last Friday, seven lawmakers took the Senate floor and sought, at some length and in some detail, to alert Congress—and the nation—to the growing disparity between U.S. military power and that of the Soviet Union.

The colloquy was, in the words of Sen. Hugh Scott (R-Pa.), the Senate minority leader (who was not among the colloquy's participants), "a noteworthy attempt to call the attention of the Senate to the need to strengthen the President's hand."

It was that, to be sure. But it was also a reminder for all Americans that neither in national defense nor any other field of endeavor is a margin of superiority permanent.

Let the senators speak for themselves:

"The security of the United States," said Sen. James L. Buckley (Con-R-N.Y.), "is endangered to a degree unparalleled in its modern history. If present trends continue much longer, the ability of the President of the United States to support U.S. foreign-policy objectives in Europe, the Middle East, in Asia and even in the Caribbean will be in jeopardy because of the precipitate erosion of U.S. strategic power in the late 1960s and early 1970s."

"The United State virtually halted any increase in strategic strength during the entire decade of the 1960s," said Sen. Peter H. Dominick (R-Colo.), "while the Soviets devoted enormous sums and energy to the mushroom growth of their economic power. In relative terms, the United States is far weaker in relation to the Soviet Union than at any time during the past 25 years and . . . at present growth rates the Soviets will have superior strategic strength in the very near future."

"It is especially noteworthy," declared Sen. William E. Brock (R-Tenn.), "that the acceleration in the Soviet naval buildup was accomplished precisely at a time when the United States started to reduce the scope and offensive nature of our armed forces . . . Our unilateral reduction in forces did not stop the Soviet drive for more and newer sophisticated long-range weapons; rather, it seems to have spurred the Soviets on to a greater effort coupled with the all-out psychological and political offensive in every part of the globe."

"We shall be heading for serious trouble," said Sen. Harry F. Byrd Jr. (D-Va.), "If we let our hopes (for the success of the strategic-arms-limitation talks (SALT) and of President Nixon's impending trip to Peking), rather than our realistic assessment of the world situation, dictate our defense policies. None of us knows just what are Communist Russia's intentions. We do have evidence, however, as to her capabilities. It is on her capabilities that we must judge our defense needs."

"Today," said Sen. Strom Thurmond (R-S.C.), "the Soviets not only have a working antiballistic-missile (ABM) system around Moscow, they are working steadily toward achieving a crushing first-strike capability, a capability they could achieve within 36 to 48 months at their present rate."

"We must remember," said Sen. Edward J. Gurney (R-Fla.), "that the United States can never match its potential enemies in numbers of land armies or in ships or in numbers of tactical weapons. We can and must maintain an extensive leadtime in military technological superiority if we are to maintain a viable defense posture. And yet we appear to be engaging in a continued policy of eliminating projects involving scientific and technological progress."

"For some obscure reason," said Sen. Carl Curtis (R-Neb.), who spoke in support of the development, without further delay, of the B1 strategic bomber, "every heavy bomber ever built by the United States has fought its stiffest battle in Congress."

Senator Curtis reinforced his view by citing the conclusion of George P. Hunt, a former Marine Corps officer and a former Life magazine editor, who wrote in the June 18 issue of Life:

"In some eight years Russia has caught up and is now going ahead of us in many categories of missile strength. She could today concentrate off Cuba a powerful surface fleet, newer, faster than ours and equipped with weapons we do not have and an underwater fleet outnumbering ours by many times. It will surprise most Americans that today, as opposed to 1962, we are the ones who could find ourselves at a military disadvantage. It will take fast and skillful work to put (our) military back in shape."

Curiously enough, when the senators completed their discourse on the nation's defenses, the Senate shifted to a discussion of the railroad strike and never returned to the serious and far-reaching questions the senators raised.

Yet the dire warnings their colloquy imparted come on the heels of a growing number of similar alarm signals.

At roughly the time the senators spoke, in fact, the editor of "Jane's Fighting Ships," internationally recognized as the authoritative guide to naval power warned in London that U.S. naval power is in a serious decline. "By any standards," added Raymond V. B. Blackman, "the Soviet fleet now represents the "supernavy of a superpower."

Somewhat earlier, seven members of the Blue-Ribbon Defense Panel (appointed by President Nixon in 1969 to assess the nation's defense establishment) reported that "U.S. strategic superiority had ended." They added: "The situation which our country faces is without precedent . . . It is not too much to say that in the '70s neither the vital interests of the United States nor the lives and freedom of its citizens will be secure."

What makes such findings doubly disturbing is that they unfold in an era in which the military establishment—along with the so-called military-industrial complex—has become the favorite target for growing numbers of Americans and in an era in which every defense expenditure is represented as robbing the hungry, the jobless and the destitute.

The fact of the matter is that the nation's investment in the urgent business of national defense has been declining almost as rapidly as its expenditures in behalf of health, education and welfare have been increasing

As Senator Dominick told the Senate last month, the $76 billion requested for defense for the fiscal year that began July 1 is the lowest figure, when viewed as a percentage of the U.S. gross national product (GNP), since fiscal 1951—before the upsurge in spending occasioned by the Korean War.

The same figure—6.8% of the GNP— is notably lower than the 9.5% figure of fiscal 1968.

Almost as disturbing has been the failure of the nation's defense planners to keep abreast in the crucial area of research and development. "While military research and development expenditures made by the Soviet Union have been growing at a rate of approximately 14% per year," Senator Gurney told the Senate, "this country's funding in that category has remained nearly constant."

The further fact is that the Soviet Union has nearly one and a half times as many scientists and engineers employed in research and development as the United States.

Indeed, as Senator Gurney declared, existing pools of skilled technical and scientific personnel are being rapidly dissolved.

"A vast national resource of some of the most highly skilled workers in our history," Senator Gurney went on, "are now selling hamburgers or hot dogs, doing a host of things that any high-school dropout could do. Thousands are on welfare. Most are bitter and disillusioned. I do not doubt, that, in years ahead, we will look back in wonderment and inquire: How could a nation be so criminally wasteful of its greatest resource, skilled scientists and engineers and technical people?"

No less baffling has been the growing disposition to treat technology itself as a national enemy rather than as the principal advantage that stands between U.S. national security and the threat of any external enemy.

The state of the nation's defenses undoubtedly stems from a number of factors.

Certainly one of them was the conviction—widespread among many officials in the Kennedy and Johnson administrations—that the United States should seek no more than a strategic parity with the Soviet Union.

The theory was that continued U.S. superiority would only arouse Soviet fears and suspicions and spur the Russians on to achieve a clear-cut superiority.

Once the United States ceased forging ahead in the vast and complex business of strategic security, however, the Russians have been making it increasingly clear that they do not share our interest in parity. Hence, the conclusion of the seven members of the Blue-Ribbon Defense Panel that there is "convincing evidence that the Soviet Union seeks a pre-emptive first-strike capability."

Another factor in the narrowing strategic gap is the inclination among U.S. officials to take Soviet psychological attitudes into consideration, to attempt to outguess Soviet planners.

It was this inclination to which Senator Thurmond referred in his Senate analysis when he declared that the nation should "return to balanced defensive concepts which do not depend upon the psychological perceptions of the other side . . . The only reasonable plan is to be prepared to counter every military strategy that they have the capacity to put into operation against us."

Yet another factor undoubtedly is one born of hope—the hope that Soviet arms-control negotiators will agree to curtail the development and deployment of strategic weapons in a manner that could make the high cost of an adequate U.S. defense posture unnecessary.

Indeed, there is pending in the Senate at the moment a measure that would put into escrow funds allocated to the deployment of multiple and independently targetable re-entry vehicles (MIRV) until the President and Congress jointly decide that there is, in fact, a Soviet "threat."

All Americans, of course, hope and pray for the success of the various diplomatic initiatives Mr. Nixon has undertaken to reduce world tensions. And yet to hope realistically for their success is to recognize the urgency that the President and his emissaries will be capable of negotiating from a position of strength rather than weakness.

"Some people," Senator Brock told the Senate, "have let their expectations outrace the realities. As a matter of fact, the range of options among which the United States can choose at the negotiating table has narrowed considerably in recent years, especially since the balance of power began changing rapidly in favor of the Soviet Union.

"Thus, we have realized a paradox: The more important negotiations become, the fewer our choices and the more powerful must be our hand. The stronger a negotiator is, the better his opportunity for beneficial bargaining."

A final factor—and perhaps the most disquieting of all—is the resolve, particularly among the current crop of Democratic presidential candidates, to slash defense spending to make more money available for a variety of domestic priorities, ranging from welfare to health insurance and from urban renewal to environmental improvement.

The fact of the matter is any government's first obligation must be the preservation of its people from external assault.

Sen. Henry M. Jackson (D-Wash.) sought some weeks ago to put the issue into realistic perspective:

"My father and mother came from Norway back in the 1880s," he said. "That little country had one of the highest standards of living, relatively speaking, in the world. A thousand years of freedom, clean air and clean water. But what good did it do when the hobnailed boot moved in and took over in 1940 and destroyed the Norwegians' liberties, their freedom, their standard of living?

"The issue," he added, "is survival."

[From the Cincinnati Enquirer, Aug. 12, 1971]

NEEDED: A NEW STRATEGY

(By Senator JAMES L. BUCKLEY)

The security of the United States is endangered to a degree unparalleled in its modern history. If present trends continue much longer, the ability of the President of the United States to support U.S. foreign policy objectives in Europe, the Middle East, in Asia, and even in the Caribbean will be in jeopardy because of the precipitous erosion of U.S. strategic power in the late 1960s and early 1970s.

The strategic forces we now possess, with the exception of the Minuteman III and Poseidon MIRV programs, are the same forces which we had in 1965. The doctrine which has dominated our strategic policy was developed during the Kennedy and Johnson administrations by former Secretary of Defense Robert S. McNamara. This doctrine is known as "assured destruction," and we see its legacy in the present administration's doctrine of "realistic deterrence."

The policy of assured destruction established the notion that America's security was best safeguarded by the maintenance of sufficient forces-in-being to make sure that enough of these forces would survive a first strike launched by any aggressor or collection of aggressors to enable us to deliver a retaliatory strike which would inflict unacceptable losses upon the enemy.

As the Soviet strategic arsenal grew in recent years, it became increasingly evident that whatever validity the assured-destruction doctrine might have had in the early and mid-1960s, it was a policy which could no longer be supported. The significance of the Soviet strategic buildup emphasized some of the critical weaknesses of the doctrine.

Because a serious level of population defense was considered destabilizing under this doctrine, the Department of Defense became an instrument of a policy which would prefer the killing of enemy civilians to saving the lives of our own, should deterrence fail. The buildup of Soviet forces has now reached a point where it may soon become doubtful that the United States would have a sufficiently large retaliatory force available after a Soviet first strike to meet even the minimum requirements of assured destruction or of realistic deterrence.

What is required now is a new strategy —one which will accomplish the objectives of saving American lives in the event deterence failed, while insuring that the United States will have sufficient strategic and conventional power to support its foreign-policy objectives abroad.

In his annual state of the World message, the President stated that he should have some other option than simply retaliating against Soviet cities in the event of a Soviet first strike. This he does not have, because the legacy of the mistaken policy of assured destruction has led to steadfast opposition to a program which would improve the guidance systems on our Minuteman and Poseidon missiles which would give them the capability to destroy Soviet missiles in their silos following any Soviet attack on our strategic forces, and before they had an opportunity to threaten our cities.

In order to implement a new defense strategy appropriate to the conditions of the 1970s, we need to press for improvements in our strategic posture which must include the following: We must:

First, proceed on an urgent basis to upgrade the guidance systems of the Minuteman and Poseidon programs as far as the state of art will permit.

Second, replace all 1000 of our Minuteman II missiles with Minuteman III missiles rather than just the 500 or so now being replaced.

Third, replace all of the Polaris missiles with Poseidon missiles, rather than three-quarters of them as is now planned.

Fourth, proceed with all possible speed with programs currently in the advanced stage of research and development—especially the B1A manned bomber and the Undersea Long Range Missile System.

Fifth, conduct a stepped-up research and development program into means of reducing the vulnerability of U.S. citizens to strategic attack.

These incremental improvements in our strategic posture would make it possible for a new strategy to be pursued—one in which live Americans are valued more highly than dead Russians; one in which the Defense Department once again becomes the instrument for assuring the survival rather than the vulnerability of American citizens.

It is a new strategy which will assure an American President of the continuing ability to support American foreign-policy objectives as well as to protect her citizens. It is a strategy which is necessary, desirable, and feasible, and it is the only strategy which will secure our essential defense and foreign-policy objectives.

Senator Buckley is a Conservative-Republican from New York and a brother of Enquirer columnist William F. Buckley Jr.

[From the Cincinnati Enquirer, Aug. 11, 1971]

AN ARMS RACE IN WHICH ONLY ONE SIDE IS RUNNING

(By Senator WILLIAM E. BROCK III)

President Nixon has established as a basis of his foreign policy the maxim that we are entering an "age of negotiation" rather than confrontation. Unlike reaction policies of the past, the Nixon doctrine is positive and active. It emphasizes vigorous negotiation from a position of strength.

It is designed to prevent wars, not manage crises, as has been the case in the past. Taking the longer view, the President has recognized that we are in a world of different and shifting conditions. Such hopeful signs must be tempered by realistic recognition of human nature, and, perhaps, human frailties.

Some people have let their expectations outrace the realities. As a matter of fact, the range of options among which the United States can choose at the negotiating table has narrowed considerably in recent years, especially since the balance of power began changing rapidly in favor of the Soviet Union.

Thus, we have realized a paradox. The more important negotiations become, the fewer our choices and the more powerful must be our hand. The stronger a negotiator is, the better his opportunity for beneficial bargaining.

It is interesting to note that in the past 20 years the strategic policies of the United States and the USSR have evolved in opposite directions. In the 1953–60 period, our policy of collective security and massive retaliation coincided with our capability to take a universally recognized strategic position based on strength.

At the same time, the Soviet Union, while in the process of developing its nuclear forces and remodeling its armed forces to respond to new requirements, was, on the whole, keeping to a strategy based on a recognized position of weakness.

However, by the end of 1959, the reorganization and the re-equipment of the Soviet armed forces was virtually completed, and in 1960 the formation of the strategic-missile force officially inaugurated the new nuclear strategy of the Soviet armed forces.

At about the same time that the Soviet reorganization was completed, the United States, in 1961, shifted from its strategy of massive retaliation and the nuclear umbrella based on superiority to the so-called flexible response of assured destruction.

Significantly an immediate consequence of this shift in policy was the Cuban missile crisis in 1962, which found us able to take advantage of our superiority in the missile

and naval fields. The outcome of the crisis was not only the ouster of Khrushchev, but also a general step-up of Soviet military efforts, particularly in the fields of naval and missile development. They were not to be embarrassed again.

It is especially noteworthy that the acceleration in the Soviet naval buildup was accomplished precisely at a time when the United States started to reduce the scope and offensive nature of our armed forces.

This may seem strange to those who conceived our policies in that period, but it is not so strange to those who now view the situation realistically. Our unilateral reduction in forces did not stop the Soviet drive for more and newer sophisticated long-range weapons; rather, it seemed to have spurred the Soviets on to a greater effort coupled with the all-out psychological and political offensive in every part of the globe.

Now the balance of power more and more favors the Soviet Union. In spite of the best efforts of our negotiators, the basic realities of defense continue to exist. Soviet nuclear strategic weapons do not disappear because we sit down at the bargaining table. In fact, they are constantly being extended and improved. We cannot exclude the possibility that these weapons will be used. The possible use of these weapons remains a strategic consideration for the foreseeable future.

We have, then, a whole new concept of weaponry systems, based not only on nuclear power but also on new delivery methods using sophisticated guidance principles. Yet, while the weapons have changed, the superpowers controlling them have not.

Since introduction and development of these arms, very little has changed in the political philosophy or in the systems of mutual alliance and defense treaty commitments of the two superpowers.

The theory that the balance of power could be stabilized led some people to believe that it would be in the interest of both sides to create a condition of permanent equality in strategic weapons systems—a condition often called parity. In the interest of parity, it was considered good policy in the McNamara era for the United States to slow down the development and deployment of new systems to let the Soviet Union catch us in the "arms-race" competition.

We all know what happened to this reasoning. It collapsed when the Soviets were not satisfied with parity, but kept on going, and they have not stopped yet. Four years ago, Russia had 550 intercontinental ballistic missiles (ICBMs); today, they have over 1400. Four years ago, the United States had 1056 ICBMs; today we have 1056. How can there be a "race" when only one of the contestants is even running?

Thus we see that there is a gap between the expected and actual Soviet response to the behavior of the United States. In point of fact, the Soviets apparently regard our behavior as peculiar and possibly even a bit irrational.

We are still suffering from this McNamara thinking today. It has been argued by some that we should deliberately withhold attaining high accuracy which is technically within our power for our Minuteman missiles. It is argued that such accuracy would be provocative and lead the Soviets to think that we are seeking a first-strike capability. Baloney!

From the Soviet point of view, it is irrational to go into battle with a blunted sword. I agree. Nothing could be more provocative than a weakened and irresolute United States.

In my opinion, it is far less provocative to have accurate weapons, weapons capable of hitting military targets on the nose, than to say that our weapons are only capable of assuring the destruction of millions of their people. No military strategist worth his salt thinks in terms of killing millions of people, but rather in terms of eliminating the enemy's ability to retaliate.

Plainly, the persistence of the escalating Soviet development of strategic nuclear weapons has not been affected either by the unilateral slowdown by the United States in weapons deployment, or by the general disarmament discussions in Geneva or the strategic-arms-limitations talks (SALT) in Helsinki or Vienna. In fact, if anything, the rate of Soviet strategic improvement has increased in recent years as a result of these protracted negotiations.

What are the realities, therefore, with which we are presented in the era of negotiation? The realities are as follows:

The Soviet Union has been enthusiastically extending the range and quality of its negotiating power, a power based simply upon strategic capability.

The Soviets have been attempting to disjoint the Western alliance, particularly NATO, and during the last administration we saw the loss of a major military partner in that alliance.

The Soviets have sought to isolate and neutralize the World War II enemy states of Japan and West Germany, seeking to minimize their participation in the common defense effort in the Western world.

The Soviets have sought to destabilize the Middle East and establish their own presence in the Mediterranean. An enormously enhanced naval power in this area has brought this objective close to reality.

Finally, the Soviets have been striving for a decisive superiority in both strategic and conventional weapons systems—ground, naval and air force.

Defense Department experts estimate the Soviets are currently spending some 20% more each year than the United States on military and space research and development. Analyses indicate they reduce our technological lead by one year for every three they maintain that comparative tempo.

If this pace keeps up, we can well expect some surprises, and perhaps bitter disappointments, at the negotiating tables.

All of these policies have served to increase the negotiative flexibility of the Soviet Union and to obtain the power for optional pressure in any crisis area of the world.

The responsibilities of the United States, as the only other superpower in the world capable of withstanding Soviet pressure, have one sole measurement. That measurement is not set by the amount of funds we can appropriate for domestic programs at home and abroad. The only measure in a security that the United States can provide for the common defense effort with the other free countries of the world.

We must maintain a credible posture for constructive negotiations. Whether we deal with the Soviet Union, the People's Republic of China or an uncommitted nation, our basic strength is our ability to back up what we say . . . We cannot deal with the Soviets or China if it appears that we have become, in fact, a second-rate power.

Unless the President has demonstrable deterrent weapons at his disposal, the United States can find itself in difficult conditions. In such a case, it might be not only difficult, but almost impossible, to conduct effective negotiations. He would find it pointless to negotiate either in the realm of arms limitations or in the political solution of crisis conditions in various parts of the world. Unless we understand the intimate relationship between negotiations and power, we could well fade from the international scene as a nation which affects the course of human events.

Senator Brock, a Tennessee Republican, presented the foregoing analysis on the Senate floor on July 29.

SENATOR MONDALE'S COMMENTS ON THE NEW ECONOMIC POLICY

Mr. EAGLETON. Mr. President, the distinguished Senator from Minnesota (Mr. MONDALE) recently made a comprehensive statement on President Nixon's new economic plan.

Senator MONDALE applauds the President's bold and sensible initiatives on wages and prices, and on the international front, while vigorously criticizing those parts of the President's proposals with which he disagrees.

I recommend Senator MONDALE's statement to the Senate and ask unanimous consent that it be printed in the RECORD.

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

STATEMENT OF THE ECONOMY

(By Senator WALTER F. MONDALE)

For over a year and a half, our nation has been in the midst of economic stagnation.

Unemployment has hovered around 5 million; consumer prices have been rising at about 5% per year.

Two weeks ago, President Nixon announced his new economic plan. It called for an almost total reversal of past policies.

I commend the President for taking this action. I applaud the courageous and dramatic set of new initiatives.

I wish the President had acted sooner. Last April, after repeatedly advocating new policies, I sponsored legislation calling for many of the changes in the President's package. If these new policies had come sooner, we might now be well on our way to economic prosperity.

But at least the President recognized the need for new policies. And he did strike out boldly in a number of sensible directions:

Floating the dollar was a major step toward putting our foreign economic affairs in order;

The wage-price freeze buys us much needed time while we develop an effective policy to control the wag-price spiral;

The tax cuts mean that the President now recognizes an obligation toward the 5 million unemployed.

Some difficult problems remain, however.

First, the wage-price freeze is clearly inequitable;

Profits, interest rates and dividends are not covered; and the freeze on wages—policed by employers—will inevitably prove much more effective than the voluntary freeze on prices;

Moreover, wage-earners who have fallen behind in their wage-bargaining, are now prevented by the freeze from catching up.

And there are numerous other difficulties.

In this situation it is not enough to say that any freeze involves inequities, and that these must be tolerated in the interest of halting inflation.

What is needed, immediately, is a mechanism—such as the Wage Stabilization Board of the Korean period—to deal quickly and efficiently with the many complaints. The urgency of such a mechanism increases as the controls continue beyond the 90 days.

The new board should be composed of representatives of labor, business, consumers and government.

Up to the present, only government officials have been included in decision-making on the freeze. Other parties directly involved—such as labor and consumers—have not yet been consulted or included in any significant way. I think this has been a serious error.

Second, the President's package to stimulate the economy is overwhelmingly biased in favor of big business.

Adding the recent proposals to the guidelines for depreciation announced in January, we find that the President's program boils down to this:

$2.3 billion in tax cuts for consumers; and

$9 billion in corporate tax cuts (the largest in any year in our history).

This does not take into account removal of the $2.2 billion auto excise tax which is not, strictly speaking, either an individual or a corporate cut.

This allocation of tax cuts—about 2% for consumers and 20% for the corporations—is indefensible from the standpoint of social equity.

It is also bad economics.

The tax cuts for business are supposed to increase investment in plant and equipment—and thus jobs.

But with industry operating at 72% of capacity, businessmen have little incentive to expand their plant and equipment.

Meanwhile, almost all the experts agree that the key to economic recovery is increased consumer spending.

Under these circumstances, an extra dollar in the hands of the consumer will have a sharper, quicker impact than a dollar in the hands of corporate managers.

When Congress reconvenes, I intend to introduce legislation to redress the imbalance in the President's program.

This bill—the Economic Growth and Stability Act of 1971—would:

Substitute the 10% investment credit for the new guidelines covering the depreciation of plant and equipment. Firms will still get a large tax break for investment in plant and equipment, but at a loss to the Treasury of $3–4 billion a year less than in the President's package;

Accelerate the income tax cuts presently scheduled for 1972 and 1973 to January, 1971. This will give consumers a $4.5 billion tax cut this year, in contrast to the much smaller cut provided for by the Administration in 1972;

Delay the $4.3 billion social security tax increase presently scheduled to go into effect on January 1, 1972. This tax deferral would add almost $100 to the spendable income of the average wage-earner in 1972.

I also intend to press a number of additional concerns:

The Congress should move ahead full steam to pass welfare reform and revenue sharing legislation. There is no justification for delaying these vitally needed programs;

The President should release a substantial portion of the $13 billion that have been frozen by the Office of Management and Budget. These funds could create many jobs in urban and rural development projects. We should double the funds for the Emergency Employment Act, whose purpose is to create jobs in areas of high unemployment. Our state will receive over $10 million this year under this program.

Finally, Congress should provide extended unemployment compensation benefits to workers who have exhausted both their normal 26 weeks of coverage and the 13 weeks of additional benefits provided in periods of high unemployment. This is the least we can do for the victims of our past policies.

The bill that I have proposed will provide the economy with much more stimulation than the President's package. With unemployment above 5 million, our first priority must be to encourage a vigorous expansion that will put millions of unemployed back to work.

In spite of this greater impact, my bill is less inflationary than the Administration proposals. It would stimulate the economy now—when it is needed—and phase out in 1973 as the nation returns to full employment. In contrast, the President's package attains its maximum impact after 1972—when inflationary pressures may well be threatening again.

None of these criticisms should detract from the President's considerable achievement in putting together the New Economic Program. Nor should these disagreements—and others like them—be allowed to result in extended Congressional delay.

I fully share the Administration's view that quick action must be taken on the President's new proposals. I intend to cooperate fully in working toward this goal.

THE AGE OF ECOPOLITICS

Mr. BROOKE. Mr. President, it gives me great pleasure to ask unanimous consent that the name of the distinguished senior Senator from Connecticut (Mr. RIBICOFF) be added as a cosponsor of S. 1389, extending most-favored-nation status of the People's Republic of Rumania.

Senator RIBICOFF has long been concerned over the trading opportunities which are lost to American businessmen as a result of our restrictions on trade with the countries of Eastern Europe. Earlier this year, he traveled to Eastern Europe on a study mission to determine the extent of opportunity available for U.S. business. In the course of this trip, he delivered an address in Budapest, Hungary, on "The Age of Ecopolitics." Excerpts from this farsighted speech were recently published in the Wall Street Journal. His remarks are a welcome addition to the forthcoming debate on East-West trade and I ask unanimous consent that the text of the article be printed in the RECORD.

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

IS THIS THE AGE OF ECOPOLITICS?

(NOTE.—The following article is excerpted from a speech delivered last June in Budapest. The author, a Democratic U.S. Senator from Connecticut, traveled to Rumania and Hungary as chairman of the International Trade subcommittee of the Senate Finance Committee. In part, his remarks can be read as a rebuttal to the new mood of protectionism in the U.S. and other countries.)

(By Senator ABRAHAM RIBICOFF)

Most men in political life who started their careers in government in the 1940s have focused their attention on the political and military aspects of foreign problems. This should come as no great surprise, given the military conflicts and feverish diplomatic activities of this turbulent period. Our view of the world and of our own countries' destinies was shaped in an era when giant men moved across the stage of history.

The people of the world during that period were led by epic leaders who for good or ill were able to change the course of history through the force of their own intellects and personalities. The United States had Franklin Roosevelt; England, Winston Churchill; France, Charles de Gaulle; and Russia, Joseph Stalin.

The energies of statesmen and governments were directed toward the redrawing of political boundaries and the preservation of a strategic balance of power.

During the Second World War, my own country and the Soviet Union were able to put aside their ideological differences and join together to save Europe from the specter of Nazism.

DRASTIC REARRANGEMENTS

Following the war, the face of the globe was drastically rearranged, and the world shuddered under the impact of a number of revolutions occurring simultaneously—any one of which alone would have had the most far reaching consequences.

Colonial rule was overthrown in most of the southern hemisphere—and fledgling governments struggled to provide for their peoples.

A population explosion in the underdeveloped nations coincided with a revolution of rising expectations producing dangerous instabilities.

The dawning of a nuclear age threatened the very existence of all mankind for the first time.

The delicate balance of power maintained since the Congress of Vienna was replaced by the emergence of two superpowers.

A revolution in technology and scientific progress offered the promise of unprecedented abundance and prosperity.

But old attitudes and thinking persisted. Instead of harnessing their energies to meet the challenges of all the great changes taking place, the nations of both East and West allowed a cold war to come between them and divert their limited resources.

Ironically, it was economic growth, not the support of military establishments, which became the number one priority of the two defeated Axis powers—Germany and Japan. And their stunning recovery and prosperity today attests to this singleness of purpose, and the wisdom of pursuing economic gain rather than military power.

Increasingly, technological, economic and trade considerations are determining the nature of relations between nations. American diplomacy during the past two decades illustrates how these new realities were largely ignored.

While the United States was concerned with the NATO order of battle, the Federal Republic of Germany was more concerned with orders for Volkswagens. While the U.S. was placing restrictions on its exports to the East, Western European trade with the East was flourishing.

I am convinced that during the last quarter of this century, ecopolitics will replace geopolitics as the prime mover in the affairs of nations.

I am also convinced that because of this, it is time to relegate the cold war to the pages of history. In 1971 this is exactly where it belongs.

The recently concluded treaties between the Federal Republic of Germany and the Soviet Union, and between the Federal Republic and Poland also bear witness.

While politicians and diplomats still argue over the same old tired political issues, businessmen and bankers are rearranging the basic nature of relations between states and peoples. While the generals still busy themselves with planning their war games and maneuvers, increasing commerce between East and West, and the growing internationalization of production, are making the idea of a major armed conflict in Europe an absurdity.

The activities of multinational corporations, and the increasing use of joint ventures and consortiums are crossing frontiers and erasing national boundaries more surely and swiftly than the passage of armies and the conclusion of peace treaties. For 20 years the United Nations has been unable to agree on a definition of "aggression." But it certainly takes much less time than that for businessmen representing different nations and economic systems to bind themselves together in a mutually beneficial contract.

Whether one likes it or not, the nations of the world are becoming more dependent on each other. Those who are actively engaged in expanding trade and transmitting technology between East and West are in the front ranks of those creating these strong bonds of mutual interdependence.

What we don't need in attempting to cope with the implications of such a rapidly

changing world are attempts at simple solutions. One of my own countrymen, some 50 years ago, aptly stated—"for every human problem, there is a solution which is neat, simple—and wrong."

A TIME FOR RETHINKING

The simple solutions of a much simpler bygone age just don't work anymore. The time is past due for all national leaders to discard the notion that exports are good and imports are bad. This is the same as saying production is good and consumption is bad. Or that our standard of living improves when we give value away, but not when we receive value in turn.

It is time to grasp the idea that the proceeds of international trade increases productivity as surely as machinery and technology does.

And any leader—of either East or West—who ignores the economic implications of his political actions does so at his peril. . . .

There is still much that the countries of Eastern Europe must do to improve their export position.

They must be willing to commit a greater share of their own economics to foreign trade, and cease to regard it as an activity designed only to supplement domestic economic capabilities. They must be prepared to develop industries geared to export, and be more willing to depend on imports. They must seek greater understanding of the requirements of the American market and consumer tastes, if they are to sell their products. . . .

Aside from vigorous trade expansion programs, the East must also inject itself more forcefully into the mainstream of international trade and investment. The example of Poland's accession to the GATT should be emulated elsewhere. There should be more active interest shown in gaining membership in the International Monetary Fund and the World Bank.

I realize full well that these steps are not without certain risks. But it should be emphasized that both risks and the benefits will have to be shared equally by both East and West. Unless both sides show a willingness to move off dead center in settling of decades-old minor diputes, we will not be able to enjoy together the fruits of increased commercial relations.

Important changes have already taken place in the economies of the East and—I know you are all well acquainted with the rapid pace of reform undertaken here in Hungary, with its new economic mechanism. These changes are essential in meeting the requirements of international trade, and they have not been taken without attendant risks. In experimenting with different ways of modernizing and industrializing, the East should feel it will be able to draw more freely and easily upon the experience, technology and investment capital of the West. But it will not be able to do so unless it offers more information and greater assurance to Western investors and traders. . . .

THE YEARS AHEAD

In the years ahead, as nations realize that efficiency means greater reliance on economic rather than political considerations, both market and nonmarket economic systems will inevitably move closer to each other. It has been predicted that by 1980 two-thirds of all the employment in the United States will be in the service industries, and only one-third in the production of goods. As this same division holds true in other countries, and the export of services increases, it will become imperative for people to begin to understand the workings of different economic systems much better than they do today.

The communications and psychological barriers impeding trade and commerce remain formidable. The differences between the operations of state operated monopolies in a nonmarket economy, and in the mechanisms used by private corporations in my own country are great. Unfamiliarity with methods and institutions breeds distrust and a reluctance to even consider commercial relations. While it will be more difficult to tear down emotional barriers, it should be less difficult to overcome the lack of knowledge. . . .

Ultimately, only by broadening and deepening the base of discussions and meetings between representatives of East and West can the idea of peaceful coexistence be translated into reality.

Through mutual efforts and good will on both sides, and by a keener appreciation of how truly small the world has become, we will all benefit from what each nation has to offer in the marketplaces of goods and ideas.

The role that all of you here today will play in this process is crucial—it is not merely one of opening markets, maximizing profits, or creating material wealth. By improving economic relations between East and West, and by inducing greater responsibility and cooperation among the nations of the East and the West, you will also be perfecting the arts of peace. I can think of no worthier calling.

THE FUEL OIL SITUATION IN NEW ENGLAND

Mr. PASTORE. Mr. President, last week the distinguished Senator from New Hampshire (Mr. McINTYRE) began a series of hearings on current problems in the fuel oil markets of the Northeastern States.

One of the outstanding citizens of Rhode Island, Mr. Robert De Blois, testified at those hearings on behalf of the New England Fuel Institute.

The institute is an association covering the six State New England region, with a membership of more than 1,100 retail and wholesale home heating oil dealers and distributors, who sell nearly 75 percent of the No. 2 fuel oil in the region.

Mr. De Blois presented with clarity the critical problems facing our area and outlined the cause of high oil prices and the supply difficulties we have experienced in recent years. He pointed out that the program initiated last year for the importation of 40,000 barrels a day of No. 2 fuel oil into the Northeast has had some impact, but that improvements and the expansion of that program are needed if we are to stimulate competition and provide a real price break for consumers of home heating oil.

Mr. De Blois explained the New England Fuel Institute's four point program to abate the crisis:

First, immediate suspension of the Western Hemisphere purchase limitation in the No. 2 fuel oil program for district I. This will enable independent deepwater terminal operators to purchase more reasonably priced supplies available at European refineries.

Second, an immediate increase in the import level under the No. 2 fuel oil program from 40,000 barrels per day to 100,000 barrels per day.

Third, an immediate confirmation that the No. 2 fuel program will be extended through 1972.

Fourth, on January 1, 1973, complete decontrol of No. 2 fuel oil imports into district I—the east coast.

Mr. President, I strongly support these proposals. I am deeply concerned at the delay in acting upon them. As Mr. De Blois points out, the NEFI proposals were presented to Gen. George A. Lincoln, chairman of the Oil Policy Committee, last May. A thorough study and review of the No. 2 fuel oil program was conducted by the Oil Policy Committee and the Office of Emergency Preparedness; I understand that specific recommendations are now before the Oil Policy Committee.

There is no reason for further delay. The winter will soon be upon us. We in New England—and throughout the Northeast—must be able to plan intelligently and effectively for the heating season. Inaction and delay now by Federal oil policy officials could create serious supply and price problems early next year.

I call for prompt, positive action on the four-point program presented by the New England Fuel Institute.

Mr. President, I ask unanimous consent that the statement presented by the institute at the hearings of the Subcommittee on Small Business of the Committee on Banking, Housing and Urban Affairs, on September 8, be printed in the RECORD.

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

STATEMENT BY NEW ENGLAND FUEL INSTITUTE BEFORE SMALL BUSINESS SUBCOMMITTEE, ON BANKING, HOUSING AND URBAN AFFAIRS, SENATOR THOMAS J. McINTYRE, CHAIRMAN, WASHINGTON, D.C., SEPT. 8, 1971

Mr. Chairman: I am Robert DeBlois, Chairman of the Board of New England Fuel Institute. I am accompanied this morning by Donald Craft, President and Mr. Charles H. Burkhardt, Executive Vice President of the Institute. The New England Fuel Institute is an association covering the six state region, with a membership of 1,143 retail and wholesale home heating oil dealers and distributors. Members of our organization sell nearly 75% of the #2 home heating oil in New England. In addition, a number of our members retail substantial quantities of heavy fuel (#6) oil and also operate deepwater terminals.

Before proceeding I want to thank you Mr. Chairman, for the vigorous and effective work you have done over the past several years on behalf of the small heating oil retailers of New England and the thousands of consumers who depend on fuel oil in our area. This Committee has held a number of hearings on New England's unique fuel problems. I am sure you realize, Mr. Chairman, that your efforts and those of the other members of the New England Senatorial and Congressional delegation have distinctly helped spotlight the inequities of the existing import system as it affects New England consumers. Your efforts also have achieved some measure of relief from the cycle of supply shortages and high prices that have characterized our region during recent years. We are sure that this very constructive hearing will further assist us and New England Consumers in winning the greater relief that is so urgently needed.

Mr. Chairman, we think it would be helpful right at the outset to describe once again the reasons that lie behind the disproportionate prices New Englanders must pay for the heating oil they buy to heat their homes. We are talking about a commodity that is not a luxury item, rather it is a product which is of vital necessity to the health and well-being of seven out of ten New Englanders who heat their homes with oil.

The problem of oil prices, shortages and threats of shortages of home heating oil in New England stem from the fact that every drop of oil used in New England must come into the area by ship. New England has no oil production or refineries of its own. Nor does it produce any coal or natural gas. There are limited amounts of hydro-power available in New England but by and large, our region runs on oil, and every barrel of oil must come by ship.

Fortunately, New England is blessed with a number of fine harbors and under normal circumstances could expect to bring oil into our region priced competitively with any other area in the country. Unfortunately, normal market price transactions—normal flow of oil—cannot take place. Why? Because as of 1959 New England, like the rest of a 43 state area, has been subject to mandatory oil import controls. These controls negate New England's natural advantage of deep water harbor facilities because they prevent New England distributors from importing foreign oil (apart from heavy fuel oil, which as is known, is allowed entry).

Last year East Coast deep water terminal operators were for the first time, granted on a trial basis, a daily import quota of 40,000 barrels of #2 home heating oil. The quota stipulated that this product had to be imported from Western Hemisphere sources daily from the Carribbean area. We wish to address ourselves to that program at some length, further on in our testimony. Apart from that limited exception New England deep water terminal operators, including major company terminal operators must rely on domestic U.S. Supply Sources for all of their product requirement. Since we have no refineries in New England, we must, in effect, import refined products from other parts of the country.

Unfortunately, there have been no refineries built on the East Coast of the U.S., since the mandatory oil import program was initiated 12 years ago. Moreover, East Coast demand for product is well over double the volume produced in East Coast refineries. Thus we must look to the U.S. Gulf Coast areas for a substantial part of our supplies. The point we are trying to make Senator, is that the heart of the refining industry is located in the Gulf Coast area and New England, by a quirk of geography, happens to be at the farthest end of the supply line. These geographical facts coupled with the inability, because of the oil import program, to buy home heating oil in world markets at competitive market prices have placed New England in the position of paying higher prices for home heating oil than any other region of the country. The inequities of this situation are obvious.

What we have here, is a major oil import quota system justified on the basis of national security, which causes prices in one particular region of the country to be disproportionately higher than in others. If one accepts the thesis, which we do not, that there is a valid national security justification for the oil import program, we are in effect, paying more than our pro rata share of what should be a national burden. It is particularly unfortunate that the region that has to pay the highest prices for home heating oil is the very region that needs and uses more heating oil per capita than any other in the country.

There is another inequity Mr. Chairman, imposed on small businessmen by the Oil Import Program. We refer, of course, to the competitive inequity caused by the size and economic strength of the major integrated oil companies as well as the dependent position the quota program has forced on independent deep water terminal operators. These independent terminal operators have the hardware—that is the physical facilities to bring oil into the New England market from anywhere in the world, and indeed, when they were allowed to do so before the oil program was initiated, they were able to compete effectively with the major companies and bring to New England jobbers and small retail distributors an alternative source to major company supplies.

The oil import program, of course, changed all that by forcing independent terminal operators to acquire their supplies from a small number of major companies with refining capacity located inside the U.S. market. In short, the independent terminal operators are forced into the incongruous position of having to compete for jobber business with the very same companies upon whom they are dependent for an adequate supply at a reasonable price.

As this committee knows, we in New England have experienced difficulties as a result of the quota system in obtaining necessary fuel oil supplies ever since the winter of 1966–67. Each winter since, the supply situation has grown more severe and only emergency allocations from the Oil Import Appeals Board prevented home owners from running out of oil.

Last year for the first time, there was a ray of hope. An Oil Import Quota of 40,000 barrels was allocated to independent terminal operators starting in June of last year and continuing through 1971. This positive step was viewed at the time as a breakthrough which would lead to price relief for New England consumers as well as adequate supplies during last winter's season.

Unfortunately, the terminal operators were required to purchase the 40,000 barrels per day solely from Western Hemisphere sources. This restriction was a harmful and inequitable one. Within a few months from the time that the quota allocations were granted, prices for home heating oil in the Caribbean area rose from 6.5 cents per gallon to 9.5 cents per gallon, an increase of almost 50 percent. New England consumers were denied price relief by the companies who controlled the vast majority of Caribbean home heating oil companies.

Still, the program did have a positive impact. The added supplies gave New England its first winter in five years completely free of fear and threat of shortages. While the major impact on price that had been hoped for did not materialize, independent deep water terminal operators were able to competitively defend their business vigorously and in some cases seek new business. For those of us in the business as jobbers and retailers there was more competition by alternate suppliers bidding for our business. During the last half of the home heating oil season discounts to jobbers and distributors became general for the first time in more than five years.

However, more and more substantial relief is needed if the taste of competitive pricing, which we jobbers and distributors enjoyed last year, is to become meaningful this winter and for the future. The 40,000 barrels per day import quota should be sharply expanded to at least 100,000 barrels per day through 1972 and by January 1st, 1973 there should be complete decontrol of the No. 2 home heating oil imports into the East Coast. Of even more importance is the Western Hemisphere purchase restriction. This should be lifted so that terminal operators are allowed to buy supplies from all free world markets at lower prices than are currently available in the Caribbean.

This committee may be interested in how we view the prospect for supply and prices for this winter and the future. The price picture is, of course, still clouded somewhat by the Presidential freeze now in effect. Prior to the price freeze, one large refiner had announced a schedule of price increases on the wholesale level in steps starting with three-tenths of a cent in May and adding a total of another 1 cent per gallon in stages through November, December and January. Thus, we in New England face the bleak prospect of yet another increase in the cost of heating our homes unless the price freeze prevents it.

On the supply side, we believe that if a favorable decision is made to go forward with home heating oil quotas to deep water terminal operators on an expanded and unrestricted basis, there will be no shortages this winter. Large refining oil companies, of course, have argued that continuation of the quota is unnecessary; that inventories are at high levels and that we need have no fear of shortages this winter. Mr. Chairman, we have heard that before.

In reality, we don't think that the major companies or any party here, at this stage of the game, can be overly sanquine about the supply situation for this winter and the future.

In fact there are a number of trends underway today which could dramatically alter the demand for home heating oil this year and for the future. We refer, Mr. Chairman, to a number of substitutes that are being made which could cause an unusual increase in demand for home heating oil. We will cite a few examples to illustrate this point:

(1). Pollution controls governing the sulphur content in heavy fuel oil have been adopted by a number of states. Your own state of New Hampshire now requires sulphur levels not to exceed 2.2% by weight of heavy fuel oil (#6). Next year that level will be reduced to 1.5%. In my state of Rhode Island and in neighboring states as of October 1 this year, no heavy fuel oil can be brought into the state with sulphur levels exceeding 1% by weight. In Boston and a number of contiguous communities in Massachusetts, sulphur levels are to be reduced by October 1st, to ½ of 1%; while in New York City and New Jersey the permitted sulphur levels will drop to three tenths of 1%.

By January 1972 every state must file an implementation plan with the federal government showing what requirements they propose, to meet the primary ambient air standards as required by 1975 as provided for by last year's Federal Clean-Air Legislation. All of these controls will require a vast increase in the volume of low sulphur heavy fuel oil sold on the East Coast of the U.S.

One way in which companies are meeting these strict sulphur standards is by blending low sulphur home heating oil (#2) with high sulphur heavy fuel oil to meet requirements. Here then, is a whole new use for home heating oil which is already substantial and which will grow even more as additional states adopt stricter sulphur levels. It is this situation, as all admit, that has caused the tight supply situation in the Caribbean area.

(2). Another kind of pollution control already in effect in the metropolitan Boston area is a requirement that all buildings burning heavy fuel oil (#5 & #6), at a rate of 20 gallons per hour or less must be converted to #2 home heating oil or gas. We estimate that there are some 14,000 buildings in the metropolitan Boston Air Shed and its 20 surrounding cities and towns that have had to make this conversion. We think it is reasonable to estimate that these buildings on the average will consume #2 home heating oil at a rate of between 30,000 to 38,000 gallons per year. This all adds up to a minimum of 10 million barrels of new demand for home heating oil as a result of air pollution regulations. Obviously, to the extent that such regulations are adopted in other states the demand for home heating oil could further skyrocket.

(3). Electric utilities in New England and New York have purchased jet-type turbine power plants to drive generators to produce electricity. These jet engine turbines burn #2 oil and the rapidity and extent of conversion to this type of equipment could by

itself, significantly increase demand for home heating oil.

(4). Finally, the demand for #2 oil is likely to be affected by the developing natural gas shortage in the U.S. This is one subject on which the industry, majors and independent producers, all seem to agree—there is going to be an increasing shortage of natural gas. Until now, gas companies visited with a squeeze on supplies have usually preferred to cut back on their sales to industrial users while maintaining their deliveries to home consumers. In recent weeks this practice has been challenged by, among others, the governor of Pennsylvania, who urged that gas deliveries to industries be continued because home owners had alternate energy sources.

He was referring, of course, to home heating oil. If the natural gas shortage is to be partially solved by the conversion of these homes to heating equipment that will burn oil instead of gas, then a further demand for home heating oil will occur.

Mr. Chairman, we suggest that all these trends point in one direction. None of us can be too confident of the adequacy of supplies at reasonable prices of the product that we are discussing here this morning. It is clear to us that larger volumes of home heating oil must be allowed entry and that the Western Hemispheric restriction on such imports must be eliminated. We would hope this committee will make recommendations to this effect in the strongest possible terms.

In support of this we are submitting as an attachment to this testimony, NEFI's statement of position on this issue, dated May 10th. Our recommendations at this time would be identical to those in this May 10th position paper, namely:

1. Suspension as soon as possible of the Western Hemisphere purchase limitation in the No. 2 fuel oil program for District 1. This will enable independent deepwater terminal operators to purchase more reasonably priced supplies available at European refineries.

2. An immediate increase in the import level under the No. 2 fuel program from 40,000 barrels per day to 100,000 barrels per day.

3. An immediate confirmation that the No. 2 fuel program will be extended through 1972.

4. On January 1, 1973, complete decontrol of No. 2 fuel oil imports into District I (the East Coast).

Finally, Mr. Chairman, we would like to comment briefly on the recent proposal by the Oil Import Administration that existing regulations covering the importation of No. 6 fuel oil be amended. We strongly oppose the suggested changes or indeed any change, that could lead to a reimposition of import restrictions on No. 6 fuel. We are deeply concerned with the intent of the proposed rule changes and believe that they could involve a fundamental shift of oil import policy.

The East Coast currently imports some 90% of its requirements of this product because U.S. refineries have systematically reduced the volume of No. 6 fuel oil produced over the last 20 years. At present, domestic plans simply do not come anywhere close enough to producing enough No. 6 oil to meet demands.

The liberalization of No. 6 oil import quotas in 1965 was a direct result of strong and persistent efforts by New England and other East Coast Congressional Delegations. All of the benefit from that extensive and protracted effort is now being jeopardized. When a system works well and imports are freely allowed, it seems to us there has to be a reason for suddenly changing the regulations. The new allocation system would certainly be more cumbersome than the present one. What the Oil Import Administration appears to be doing is arbitrarily attempting to reimpose retrictions on imports of No. 6 fuel oil.

We hope this committee will take a searching look at these proposed regulations and investigate the real reasons for the proposed reimposition of import restrictions on No. 6 oil. We believe the proposed amendments involve a major grant of administrative authority. We strongly oppose such a measure.

Mr. Chairman, let us again express our gratitude and appreciation for being allowed the opportunity to present this testimony this morning. If you have any questions on any part of this testimony, Mr. Burkhardt, Mr. Craft and I will be happy to answer them.

STATEMENT OF POSITION

The New England Fuel Institute is an association covering the six state area, with a membership of 1,100 independent retail home heating oil dealer-distributors. Its members sell nearly 80% of the No. 2 (home heating) fuel oil in New England and are retailers of substantial quantities of No. 6 (residual) fuel oil.

The Institute commends the members of the Senate and House from New England for their untiring and effective fight to assure adequate supplies of fuel oil, at reasonable prices, for the consumers of our area.

The Institute is grateful for the efforts which culminated in establishment of the special program allowing for importation of 40,000 barrels per day of No. 2 fuel into the Northeastern states; this program assured adequate supplies for New England in the Winter of 1970–71.

Viewing the future, the New England Fuel Institute is deeply concerned about three aspects relating to No. 2 fuel oil.

1. *Demand.* The Oil and Gas Journal projects a 10–15% inrease in demand during the latter half of 1971. NEFI agrees with this projection, but warns that it could prove low for the New England area due to the following factors: record demand for No. 2 fuel by utilities; increased consumption by small apartment and factory buildings, converting from No. 6 burners to meet anti-pollution standards; increased use of No. 2 fuel in blending with high sulfur No. 6 oil, to meet more stringent anti-pollution rules going into effect during 1971–72.

2. *Supply.* Because of high nationwide demand for distillate fuels, domestic refineries may not produce adequate amounts for the coming winter. The supply picture in the Caribbean is bleak; major refiners in the area will have little product available for importation into New England and only at very high prices.

3. *Price.* Prospects for the Winter of 1971–72 are not good. The wholesale (cargo) price of No. 2 fuel oil will be increased along the East Coast by 1.3 cents per gallon by the end of 1971. These price moves will mean added costs to consumers of New England of $60 million per year.

RECOMMENDATIONS

The New England Fuel Institute urges that Federal Oil Import policies be changed to meet the problems outlined above. Specifically we recommend:

1. Suspension on or before June 1, of the Western Hemisphere purchase limitation in the No. 2 fuel oil program for District I. This will enable independent deepwater terminal operators to purchase more reasonably priced supplies available at European refineries.

2. An immediate increase in the import level under the No. 2 fuel program from 40,000 barrels per day to 100,000 barrels per day.

3. An immediate confirmation that the No. 2 fuel program will be extended through 1972.

4. On January 1, 1973, complete decontrol of No. 2 fuel oil imports into District I (the East Coast).

JOHN HEINZ

Mr. SCOTT. Mr. President, the other day I heard from a young man who used to work in my office. He is now working to become a Member of Congress from our great Commonwealth of Pennsylvania. John Heinz is his name. and he will make a fine Congressman. He is full of ideas and has the drive and determination to be one of the most outstanding leaders ever to represent Pennsylvania.

John Heinz has written to the President, urging an immediate cut in the income tax. He wants to put more dollars into the hands of the consumers—now. He wants to create new jobs and to restore confidence in the Nation's economy. When he wrote to the President, John Heinz sent me a copy of his telegram. Here is what he says:

It is today prices are high. It is today people are out of work. Accordingly, I have today urged the President to consider an across-the-board cut in the federal income tax.

It is essential that if this bold new plan is to work, every working man and home owner has to believe the program will work. I suggest that if given the tax relief I propose, these wage earners will have the confidence in the program necessary to successfully revive consumer spending and get people back to work.

I would also urge you to initiate welfare reforms now, rather than a year from now and give additional relief to wage earners and home owners. The immediate passage of H.R. 1, the Welfare Reform Act, would dramatically lower the cost of welfare to our states, and these savings can and should be passed on to state taxpayers in the form of reduced State taxes.

John Heinz has the courage of his convictions. He knows there is a need to stimulate the economy. What better way to accomplish this aim than to get more money in the hands of the consumers?

U.S. INVOLVEMENT IN VIETNAM—LETTERS FROM MONTANA STUDENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD two interesting letters from Montana relative to our involvement in Southeast Asia.

I commend the students at the College of Great Falls and the international relations class at Charlo High School. Their interest and initiative in this most important question speaks well for their sense of responsibility.

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

COLLEGE OF GREAT FALLS,
Great Falls, Mont., September 9, 1971.

SENATOR MANSFIELD: As stated in our night-letter of September 2, 1971, I am enclosing petitions signed by students of the College of Great Falls supporting your action to end the war in Vietnam and Southeast Asia. I sincerely hope these will be of value to you in support of your movement.

Sincerely,

FRANK A. MALENSEK, Jr.,
Commission of Public Relations and Information.

SEPTEMBER 3–13, 1971.

Hon. MIKE MANSFIELD,
Senate Majority Leader,
Senate Office Building,
Washington, D.C.:

We the undersigned students, faculty, friends of the College of Great Falls support Senator Mansfield's amendment to the Draft Bill concerning a cut-off date to the Vietnam war:

Rev. Dave Birchfield, St. Leo's High School, Lewistown, Mont.
Jarque Limiex, St. Leo's High School, Lewistown, Mont.
Sister Providence, College of Great Falls.
William Kelly, College of Great Falls.
Willis Jan Lover, College of Great Falls.
Eileen Murphy, 1615 9th Ave., S., Great Falls.
Gordon F. Chibroski, 616 7th St. South.
Sally Chibroski, 616 7th St. South.
John G. Higgins, Great Falls.
Roxcine Lencioni, Sand Coulee.
Michael Wade, Great Falls.
John S. Puta, Great Falls.
Gary Thorsen, Great Falls.
Larry Becher, 1801 10th Ave. So., Great Falls.
Clarence McDavid, 1801 10th Ave. So. No. 1, Great Falls.
Dana Darko, Box 23, Cascade, Mont.
James Hedger, 3420 6th Ave. So., Great Falls, Mont.
Roberta Denny, 1904 Colo Ave., Black Eagle, Mont.
Dianne M. Bartoletti, 1915 12th Ave. So.
Ed Coghlan, 1808 9th Ave.
Frank A. Malinsett, Billings, Mont.
Manuel Camulon, Jr., Seattle, Wash.
Rick Merenz, Fairfield, Mont.
Jim Parsineno, Great Falls, Mont.
Mike Murray, Collegeville, Pa.
Sister Joeven Shannon, Great Falls, Mont.
Donna Boyer, Great Falls, Mont.
Jack Mosier, Erie, Pa.
T. Flanagan, Cleveland, Ohio.
The Rev. Jacob D. Beck, 608 48th St. So., Great Falls, Mont.
Patrick W. Kelley, 321 Riverview West.
Bill Nelson, Denver, Colo.
Norma Stein, Glasgow, Mont.
Bobbi Conard, Danvers, Mont.
Clara Cichosz, Great Falls, Mont.
Kenneth Stein, Glasgow, Mont.
Scott Richard Hickman, Great Falls, Mont.
Linda Yates, Great Falls, Mont.
Cathy Lohman, Great Falls, Mont.
Tom Golik, Malta, Mont.
Tony Brilbad, Baker, Mont.
Barb Lodman, Beavercreek.
Dan Spurgin, Great Falls, Mont.
Roxcine Lincioni, Sand Coulee, Mont.
P. Michael Welch, 2806 2nd Ave. No.
S. Carol Ann Richlie, 1525 4th Ave No.
Anne Dahinden, Emily Hall.
Nancy Ownean, Emily Hall.
Karen Pupich, Emily Hall.
Denis F. Mora, 1100 8th Ave. No.
Benjamin J. Kennedy, 423 4th Ave. S.
Elof Nansen, 423 4th Ave. S.
Fesseha Dawit, 900 Carlos Drive.
Manuel Camilson, Jr., 1801 10th Ave. So. A8.
Thomas T. Balik, 900 5th Ave. So.
Paul Nash, Villa.
Howard A. Venotz, 1400 7th St. So.
Aaron Smith, 1801 10th Ave. So. Apt. 15.
Amy L. Runnion, 351 Carol Dr. Gt. Falls, Mont. 59405.
Sr. Joseph Th., College of Great Falls.
Diane Johnson, College of Great Falls.
Thomas McNitt, College of Great Falls.
Susan Werner, College of Great Falls.
Edla Billing, College of Great Falls.
Ted Stamper, 927½ 4th Ave. NW.
Sr. Judith George, College of Great Falls.
William T. Taylor, No. 8–17th Ave. South.
Russell A. Dinnert, 2120 6th Ave. N.
Jim Schermele, 1104 18th Ave. SW.
Mike Hurlbut, 2700 1 Ave. North.
Pete Bulley, 1801 10th Ave. So. Apt. No. 11.
Bill Coole, 1801 10th Ave. So. Apt. No. 8.
Gary Richmond, 121 Commercial Ave.
Richard Wilhelm (Rev.), CGF.
Rev. Robert J. Fox, CGF.
J, Mayo Ashley, 25 Riverview 21th Ast.

CHARLO HIGH SCHOOL,
Charlo, Mont., September 14, 1971.

Senator MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.

SIR: As a project in our American History class we are studying International Relations. Our first topic of discussion was the United States Involvement in the Viet Nam situation.

We became interested in the thoughts of the people in our community, concerning this involvement, and what they were doing to support their beliefs.

We also took the same survey within our class. The results were surprisingly close, they are printed on a sheet we have enclosed.

Stapled to all the survey sheets we distributed there was a post card addressed to a Congressman or Senator of Western Montana. We asked the people to fill this card out with their opinion, and mail it to the person it was addressed to.

We would appreciate a reply stating your opinion of American Involvement in Southeast Asia.

INTERNATIONAL RELATIONS, AMERICAN HISTORY CLASS.

OPINION OF AMERICAN INVOLVEMENT IN SOUTHEAST ASIA

As a project in our American History class we are studying International Relations. Our first topic of discussion was the United States Involvement in the Viet Nam situation.

We became interested in the thoughts of people in our community concerning this involvement, and what they are doing to support their beliefs.

This survey is designed to give us an idea of how the community feels on these topics.

1. Are you in favor of the U.S. involvement in Viet Nam?

Community:	Percent
Yes	19
No	78
Undecided	3
Total	100
Class:	
Yes	10
No	80
Undecided	10
Total	100

2. Would you recommend a definite date for the pullout of American forces in Viet Nam?

Community:	Percent
Yes	59
No	40
Undecided	1
Total	100
Class:	
Yes	65
No	35
Undecided	0
Total	100

3. Have you done anything to support your opinion? If so, please list below.

Community:	Percent
Yes	39
No	61
Undecided	0
Total	100
Class:	
Yes	20
No	65
Undecided	15
Total	100

In the community survey: Democrats, 28%; Republicans, 14%; and no party, 58%.

Occupation _____
Age _____
Political Party Preference _____

Stapled to this sheet is a post card addressed to a Congressman or Senator of Montana. We ask that you fill it out with your opinion on our involvement in Viet Nam and mail it.

Thank you.

INTERNATIONAL RELATIONS, AMERICAN HISTORY CLASS, CHARLO HIGH SCHOOL.

PHOSPHATE DETERGENTS

Mr. TAFT. Mr. President, on June 4, 1971, I discussed, on pages 18193–18194 of the RECORD, the effects of phosphates upon our environment and the move by some State and local governments to ban phosphate detergents from the market. At that time I stated that phosphate substitutes could be even more harmful and dangerous than the phosphate materials they replace. This assertion has now been proved valid by the Government's recent announcement that detergents developed to replace water-pollutant phosphate products were potentially more harmful to health and urged housewives to go back to using phosphate detergents.

Mr. President, I ask unanimous consent that an editorial entitled "Hazard Cited in 'Cleaner' Detergents," published in the Washington Post of September 16, 1971, be printed in the RECORD.

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

HAZARD CITED IN "CLEANER" DETERGENTS
(By Nancy L. Ross)

The government announced yesterday that detergents developed to replace water-pollutant phosphate products were potentially more harmful to health and urged housewives to go back to using phosphate detergents.

U.S. Surgeon General Jesse L. Steinfield told a news conference, "My advice to the housewife at this time is to use a phosphate detergent." He warned that phosphate substitutes were found to pollute streams and lakes, "are highly caustic and clearly constitute a health hazard, which phosphates do not."

William D. Ruckelshaus, administrator of the Environmental Protection Agency, participated in the conference along with Steinfeld and the Food and Drug Administration commissioner, Dr. Charles C. Edwards. Ruckelshaus urged states and localities which have banned phosphate detergents to reconsider. He also said the government would help finance removal of phosphates at sewage treatment plants.

All three officials emphasized that they still consider phosphates a leading water pollutant. Phosphates, used in 99 per cent of today's detergents, cause bodies of water which they enter to become rich in dissolved nutrients but deficient in the oxygen needed by fish.

Two years ago the Federal Water Quality Administration said removal of phosphates from detergents was essential to combat water pollution. Since then ecology-minded groups have succeeded in convincing authorities in a dozen or more places across the country to ban the use of detergents. Prince Georges County adopted such a measure last June.

The Canadian government sought to establish a treaty with the United States to ban phosphates in an effort to save the Great Lakes.

Reluctantly the detergent industry reduced its annual use of two billion pounds of phosphates and set about finding substitutes. It now turns out the cure proved worse than the disease.

Industry at first proposed the use of nitrilotriacetic acid (NTA) as a substitute. Then last year scientists began to warn NTA might prove even more dangerous to the ecostructure than phosphates. It has been linked with cancer and birth defects in animals. No detergents on the market today contain NTA.

Other phosphate substitutes, principally carbonates and silicates, were found to be toxic to the skin, eyes and mucus membranes. Earlier this year the FDA seized several such brands of detergent and ordered them to be labeled "Dangerous . . . Keep out of reach of children." Soon the agency may require detergents containing highly caustic substances to be packaged in "child-proof" containers.

Commissioner Edwards said yesterday he considered phosphates "the least of three evils" by comparison to NTA and caustic substances.

Concern, Inc., a Washington-based anti-pollution group which lobbied hard against phosphate detergents, yesterday expressed "disappointment" at the government announcement. "I hope that families without small children will continue to use low or non-phosphate detergents out of concern for the environment," said its spokeswoman, Mrs. Clyde E. Shorey.

Yet she praised government efforts to remove phosphates at sewage treatment plants, "although that will be a long time coming," she added. Ruckelshaus estimated yesterday it would cost up to $500 million in federal funds for the improvements. Plants boost-effective phosphate removal from 85 to 95 per cent would cost an extra $1.70 to $3.35 per person per year to operate, he said.

Procter & Gamble's president, Howard Morgens, expressed both "encouragement and disappointment." He was encouraged that the federal government has "at last given a clear direction to the country for dealing with the complex question of phosphates in relation to detergents, the environment and public health." He was disappointed by the government's conclusion that NTA should not be used because of unresolved questions about its possible long-term effects. Procter & Gamble is a leading detergent manufacturer and has spent millions developing non-phosphate products.

The Soap and Detergent Association, a trade group which had previously fought the government's decisions on phosphates and NTA, pledged "cooperation" yesterday.

LONG ISLAND SOUND

Mr. RIBICOFF. Mr. President, I was disappointed to learn that the Senate-House conferees on the public works appropriations bill eliminated the Senate's $1 million appropriation for the study of Long Island Sound. Instead of $1 million the sum finally agreed to was the $150,000 originally approved by the House of Representatives.

Officials in the administration have informed me that the plan of study prepared by the River Basins Commission represents an excellent beginning for the project, and I have been assured that another $205,000 will be made available this fiscal year from the budgets of other concerned departments and agencies.

This means that a total of $355,000 can be used by the Commission to continue this urgently needed study.

I am pleased to learn these additional funds will be provided and will continue to urge Congress and the administration to provide the funds needed to complete this study.

REPORT ON CHICAGO NURSING HOME HEARINGS

Mr. PERCY. Mr. President, on Tuesday of this week the Subcommittee on Long-term Care of the Special Committee on Aging conducted a followup hearing to the inquiry it began last April into nursing home conditions in the Chicago area. I shall recount very briefly the events which led up to the April hearings, and then share with my colleagues the new testimony presented to the committee on Tuesday.

The hearings on last April were prompted by the findings of a task force investigative team—composed of members from the Better Government Association and the Chicago Tribune—which revealed widespread mistreatment of old, chronically ill nursing home patients, and the misuse of large amounts of public funds.

The hearings not only substantiated the task force findings, but revealed further the existence of a veritable maze of nursing home regulations, and a confusing diffusion of responsibility, spread through four levels of government—city, county, State, and Federal—for implementing and enforcing the regulations.

While the news media exposé prompted the Senate committee hearings, it also touched off a number of other actions on the part of various government agencies and individuals involved. Mayor Daley of Chicago called for increased surveillance of city buildings' fire and health codes. The State department of public aid withheld public aid payments to nursing homes suspected of being substandard. The Metropolitan Chicago Nursing Home Association and its ethics committee would investigate charges made by the Tribune, and if found to be accurate, the association would consider suspending those homes in violation of the law. Governor Ogilvie increased the number of State inspectors of nursing homes and appointed a special deputy to crack down on substandard facilities.

All of these events took place over 5 months ago. It was—and is—my feeling that there must be followup to the original inquiries, for, all too often, a serious problem is uncovered with great force and drama in the press, and all too soon thereafter, the issue is forgotten. This is precisely what I believe we cannot allow to happen with the nursing homes, and this is why I asked the Aging Committee to conduct another hearing on the situation last Tuesday in Chicago.

Specific questions were raised at the hearing: Do abuses continue to exist, and to what extent? How are drugs used in the treatment of nursing home patients? What have State health officials done to improve nursing home conditions? Who owns nursing homes? What are the implications of interlocking ownership and management? And finally, what differences are there between mental illness and senility?

In summarizing the hearings, I wish to make several major points. The first is that abuses do still exist. One woman—who had been deceived by a Yellow Page ad into believing a certain home was "approved by medicare," when the home was not so approved—informed the subcommittee of the astounding fact that this home tried to charge her a fee for holding the bed of her father free for several days, even though he had already left the home, entered a hospital, and died several days earlier. To me, the attitude of the nursing home in question is one of unbelievable callousness. Significantly, this incident took place in a Chicago nursing home after the revelations of last spring.

My second point is that central nervous system drugs, especially tranquilizers, are the largest single category of drugs dispensed in nursing homes. A study done by the General Accounting Office on drugs used in Illinois reveals that central nervous system drugs comprise 35 percent, and tranquilizers account for 17 percent, of the total medicaid expenditures for the State. The tranquilizers most commonly used on nursing home patients are thorazine, mellaril, librium, and valium. Total medicaid drug expenditures for the State amount to $22 million, or about 11 percent of all Illinois medicaid costs.

These figures do not prove the misuse of drugs, but they do suggest that there may be some validity to the numerous complaints, filed over the years by relatives or nursing home patients and others, that drugs—especially tranquilizers—are given indiscriminately to patients as a substitute for better care and rehabilitation. We should be suspicious of the use of these strong drugs in such large volume, and investigate further the conditions under which they are dispensed.

My third impression from the Tuesday hearing is that Illinois State health officials have turned more of their attention to nursing home problems and have increased their surveillance of these facilities in recent months. The State witnesses were very honest in admitting at the hearings that they have not worked major miracles, but I was impressed with the candor and sincerity of Dr. Bruce Flashner, deputy director of the Illinois Department of Public Health, and the special man appointed by Governor Ogilvie to work on improving State nursing homes.

My fourth point is that a relatively small number of people own a disproportionately large number of the worst homes in Chicago. Although it is frequently difficult to determine who owns what homes because of secret land trusts designed to hide ownership and to maximize profits, the Better Government Association has discovered that the ownerships and managements of Chicago area nursing homes frequently interlock. In order to find out more about the operation of this particular group of homes, I invited 10 of the owners to appear at the hearing and to bring with them all of their pertinent financial records.

Owners of two of the 10 homes came to the hearing; the others sent representatives. I was pleased that the owners of at

least two homes took advantage of this opportunity to personally explain their operations, as their appearance also gave me an opportunity to improve my understanding of nursing home financing. I was disappointed, however, that some of the representatives for the remaining eight owners failed to bring with them the necessary financial records to enable the subcommittee to accurately determine the profitability of nursing homes. My purpose in raising this question was to find out whether or not Government reimbursement formulas for nursing home care are appropriate. Are we paying too much or too little in our attempt to enable nursing homes to provide good care?

I remain very curious about the finances of the eight homes whose owners did not come to the hearing, and I am looking forward to receiving more complete information requested of them. When this information is received, it will be closely reviewed by the Aging Committee staff.

The highlight of the hearing was the appearance of Dr. Karl Menninger, founder and chairman of the board of trustees of the world-renowned Menninger Foundation, and the leading authority in the field of neuropsychiatry.

In only a few short minutes of testimony, Dr. Menninger cut through all of the confusion created by government bureaucracies, studies, inquiries, investigations, rules, regulations, standards, and point systems. He quickly zeroed in on the real problems and suggested what we must do. He did this by telling us the story of about 88 aged patients who had been diagnosed as hopelessly senile and psychotic, and placed in a geriatric ward of the Topeka State Hospital in Kansas. The patients had been vegetating in the gloomy ward for about 10 years—and one of the patients had been there for 58 years.

The situation changed dramatically, however, with the arrival of a young doctor and his team of aides. They transformed the cheerless atmosphere of the ward into one of hope and raised spirits. They did this by bringing in such things as music, television, bird cages and potted plants. The doctor set up a social program, and the patients responded by beginning to paint and sand furniture, and to work with leather and play bingo. A measure of the patients' improved spirits was found in their construction of a ramp over a difficult flight of stairs, and in the painting of a shuffleboard court on the floor.

Three weeks following the initiation of this program, one patient was discharged and sent home to live with his relatives. A year later, only nine patients were still bedridden, and only six were incontinent. Twelve more returned to live with their families, six left the ward to live by themselves, and four found comfortable nursing home provision. Another four found work and became self supporting. The five remaining patients died.

In relating this story to us, Dr. Menninger quoted directly from his own book entitled "The Vital Balance":

That hospital ward was transformed from a museum of dying specimens into a hospital home in the best sense. The effects were perceptible immediately and many of those supposedly hopeless senile and psychotic patients recovered or drastically improved. Each patient was made to feel as though he was the focus of attention.

Here were 88 supposedly hopeless, senile, psychotic patients. They had been told, they were forced to believe, and they were treated as though they were hopeless. This was the same institution as before; the only difference was that someone took an interest in them.

The tendency is to think they are worse than they are and to lose hope, and then they lose hope and it is a self-fulfilling prophecy.

By telling us this story, Dr. Mennniger gave us an excellent example of what can be done when people care. His words, and his own personal efforts over the years to give people hope and to rehabilitate those with seemingly impossible problems, are an inspiration to all of us.

In closing, I wish to express my deep appreciation to Mr. Val Halamandaris, a staff member of the Senate Special Committee on Aging, and to Mrs. Constance Beaumont of my own staff, both of whom put so much time and work into making this hearing meaningful.

A FINE PUBLIC SERVICE

Mr. McINTYRE. Mr. President, the Keene Evening Sentinel of Keene, N.H., has won and deserved many compliments over the years for its steadfast devotion to the public service. That dedication has led it to tackle the thorny problem of rural poverty in my State and to urge passage of tough new legislation on campaign spending to make politics a more respectable and responsive business.

Now, Mr. President, the Keene Sentinel has done an in-depth study of the problems of drug abuse, publishing an extensive supplement carefully defining the problem as it directly applies to its own community.

I have not seen a more impressive piece of local reporting and public service in many years. The supplement contains more than two dozen separate articles examining every side of the issue: The extent of drug abuse, problems of law enforcement and the difficulties encountered in the rehabilitation of addicts.

Mr. President, the supplement is much too long to place in its entirety in the RECORD, but I would like to share one particular article with Senators because I think it is a very timely piece. It deals with the fact that drug abuse reaches far deeper into our society than the mere use of illegal drugs. The core of the problem is a society which increasingly believes that there are chemical solutions to all of life's problems. After all, that is the message constantly relayed to us by the advertising media—"Don't suffer any discomfort, don't feel tired, don't worry, just take a pill and the world will be OK again."

Mr. President, this week a committee on which I serve, Senator NELSON'S Subcommittee on Monopoly, of the Select Committee on Small Business, will look into just this problem: Is advertising turning us into a Nation of pill poppers? And if so, what can we do about it?

I think the article in the Keene Sentinel's supplement relates directly to that question, and I would hope that Senators would read it with interest. I ask unanimous consent to have printed in the RECORD an article on drug abuse, entitled "All Drugs Are Still Drugs, No Matter What the Commercials Would Tell You," published in the Keene Sentinel supplement.

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

ALL DRUGS ARE STILL DRUGS, NO MATTER WHAT THE COMMERCIALS WOULD TELL YOU

"Do you ever feel really lousy? I mean just plain lousy?"

So begins a current television commercial in which a man who is feeling really lousy pours himself a glass of seltzer, drinks it and senses quick relief from his misery.

He then nods to a competitor's product still busily dissolving itself in its glass of water. It is not ready to go to work.

The sales pitch of this commercial, and of many others like it, is not that one drug is any more effective than another. The real message is that one drug is faster-acting than the other, and in this case the difference is a matter of seconds.

"When you hurt, when you really hurt," the man says, "you don't want to have to wait."

HIGH-POWERED

This kind of public relations drive behind today's medicine commercial has prompted a Keene pharmacist to suggest that, like advertisements for cigarettes, they be banned from the television screen.

If that measure seems a little harsh, it is only because E. George Roentsch, the pharmacist, believes the consequences of leaving drug commercials on the air are just as drastic as those from cigarettes, or more so.

"We have raised kids who, because of the incessant activity on television, know that to be able to feel good, to be a success, all they've got to do is take a pill," Roentsch said. "And then we turn around and tell kids they shouldn't take drugs."

He is suggesting the television ban of commercials for "patent" medicines—aspirin, sleeping pills, decongestants and others—not necessarily as a strategy for adults who might want to have "clean hands" when they talk about the harm of marijuana, hashish, LSD or heroin.

The commercials, he says, are only an elaboration of what he sees as a problem of legal drug use. The real issue, he feels, is the easy availability of patent medicines and something which a federal source book on drugs calls "the widespread belief that 'medicines' can magically solve problems."

SUBSTANTIATED

Production statistics substantiate use of the term "widespread."

The National Instructional Television Center in Bloomington, Ind., which has published a manual on drug use, says 27 million pounds of aspirin are produced annually in the United States. It estimates the amount is sufficient to treat more than 17 billion headaches.

A recent article in Fortune Magazine, entitled "Putting Some Limits On Speed," cites federal records as showing 3.7 billion doses of amphetamines (10 milligrams each) are legally manufactured in the United States each year.

There is an important distinction to be made between aspirin, a patent medicine which can be bought off the grocery or drug store shelves, and amphetamines, which must be prescribed by doctors.

Supposedly, people buy aspirin when they think it will ease any number of aches or pains. But, theoretically, doctors prescribe

amphetamines only when they know the drug is the necessary treatment, and this may somehow justify the large-scale production of that drug.

But how long can that volume of production be justified? In Huntington, N.Y., 153 of the town's 240 licensed physicians have voluntarily agreed to stop prescribing amphetamines except in two "medically required cases."

The cases are narcolepsy (a type of "sleeping sickness") and hyperkinesis (overactivity in children). Until the voluntary ban, the doctors had been prescribing the drug as as treatment for obesity and depression, as well.

AGREEMENT

More than half of Huntington's 42 registered pharmacists agreed to support the ban, which was initiated, a county medical authority said, because they believe it is "necessary to crack the drug sequence for all members of the community."

Only time will tell how far the step will go towards diluting our "national drug orientation," a term used by David Pierpont, health education coordinator at Keene High School. Since the target of the ban was abuse of amphetamines, the end result might be alternative drug treatments.

Amphetamines are not the only drugs which can be abused legally. There are other medicines which have been used for their effects, either for the sake of euphoria alone or as an incidental attraction. A few of them are sleeping pills, stay-awake pills, barbiturates, common cold remedies, laxatives, constipates, codeine, tranquilizers and aspirin.

All those medicines, in one form or another, are available without prescription. And according to Roentsch, "There are very few of them that cannot be abused."

Because the New Hampshire Board of Pharmacies shares that view, it once tried to put all those drugs in the hands of registered pharmacists alone. Two years ago it asked the state legislature to pass a bill requiring that patent medicines be dispensed only by pharmacists.

But, according to Roentsch, the proposal was trounced through the efforts of grocery store owners who said it would be unfair to make them hire pharmacists to sell patent drugs.

While abuse of a constipate may be hard for the layman—or the non-abuser—to comprehend, it is not so difficult to understand legal abuse of prescribed drugs and another drug which is on the open market: alcohol.

"Although alcohol abuse is not as popular a subject, as a problem it far overshadows abuse of all other drugs," said Dr. Carl Bridge, a Keene psychiatrist. People with problems either directly or indirectly related to alcohol abuse make up a "substantial" part of his practice.

As for abuse of prescribed drugs, Bridge said, "The number of older people really hooked on drugs—tranquilizers, amphetamines—is probably a bit lower than young people. But it is a different kind of dependency, since they do it alone."

One way prescribed drugs are abused, he said, is that a person will visit various doctors, picking up prescriptions. The individual doctors will not be told of the other prescriptions.

DETECTION

Bridge said there are only three ways to detect this type of drug abuse. One of the doctors will find out through discussing the patient's medical "problem," the pharmacist who fills some of the prescriptions will begin to ask questions, or, Bridge said, "On rare occasions there will be an overdose and the person will be found at home in a semi-stupor."

Legally manufactured drugs can be abused through other channels. According to the board of pharmacies, mail order drug houses are one of them.

Kenneth Fortier, a board member, said there is "practically no way a person can be stopped from getting any drug he wants once he gets hold of a doctor's signature."

In contrast to the mail order practice, Fortier said Roentsch say their own pharmacies never fill prescriptions unless they know either the patient or the doctor who prescribed the drug.

FEDERAL RECORDS

The mail order sales, however, are at least recorded with the federal government. That is more than can be said for the 13 per cent of the 3.7 billion doses of legally manufactured amphetamines which went "unaccounted for" on government records last year.

The Fortune Magazine article notes that the U.S. Bureau of Narcotics and Dangerous Drugs estimates the actual volume of illicitly-channeled "legal" amphetamines may be as high as 30 per cent of the total production.

But stolen drugs, whether they are lifted from warehouses or bathroom medicine cabinets, are only a small part of the "drug scene."

Drug abuse is many things, and all drugs are drugs.

"It is the heroin-user injecting his bag of H, the methedrine user high on 'speed,' the teenager smoking 'pot,' the 12-year-old sniffing model airplane glue," says the National Education Association in its article on drug education.

"But it is also the adult starting his day with an amphetamine for needed pick-me-up, and ending it with several drinks to unwind and a barbiturate to put him to sleep."

SENATOR WINSTON L. PROUTY, OF VERMONT

Mr. BEALL. Mr. President, it is with great sorrow that the Senate and the Nation mark the passing of Senator Winston Prouty, of Vermont.

We who are new to this body looked to Win Prouty for both his strength of character and his high sense of duty to this country. I had the honor and privilege to serve with Senator Prouty on the Committee on Labor and Public Welfare, where his deep concern for the well-being of all Americans was so often exhibited.

Win Prouty devoted his 21 years of congressional service to the poor, the sick, the needy, and the underprivileged of the country. He fought diligently for greater educational opportunities for all his countrymen. He labored tirelessly for the aged, making certain America did not forget the people who made her great. In short, no Member of this body better understood the human needs of his country than did Winston Prouty.

Those of us in the Senate will miss him. Those whose cause he so eloquently advocated will also miss him. It falls to us to continue with even greater vigor his humanitarian work for the betterment of this Nation. That will be the most fitting eulogy. Winston Prouty would have it no other way.

PROJECT SANGUINE

Mr. NELSON. Mr. President, Environment magazine is a publication of the Committee for Environmental Information, a nonprofit organization based in St. Louis, Mo. Environment is also the official publication of the Scientists' Institute for Public Information, an organization in New York City that provides leadership to groups throughout the country with the purpose of providing unbiased scientific information relevant to a variety of public issues. As an important publication of information about the effects of technology on the environment and about the peaceful and military uses of nuclear energy, Environment reflects the policy of the Committee for Environmental Information "to provide scientific information relevant to political and social issues, without bias or prejudgment, in the belief that the dissemination of such information is necessary for a democratic society in a technological age."

The September 1971 issue of Environment—volume 13, No. 7—contains an article entitled "Talking to Ourselves," by Michael McClintock, Paul Rissman, and Alwyn Scott. The article deals with the technical and scientific feasibility of the Navy's proposed Project Sanguine, a communication's network employing extremely low-frequency radio waves that would cover thousands of square miles of northern Wisconsin with a maze of crisscrossing cables buried 6 feet underground.

Since we will be discussing this particular Project Sanguine proposal in the near future as a part of the military procurement authorization bill for fiscal year 1972—H.R. 8687—I invite the attention of the Senate to the article and ask unanimous consent that it be printed in the RECORD.

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

TALKING TO OURSELVES

(By Michael McClintock, Paul Rissman, and Alwyn Scott)

(NOTE.—Michael McClintock is senior scientist at the Space Science and Engineering Center, Paul Rissman is a graduate student in electrical engineering, and Alwynn Scott is professor of electrical engineering, all at the University of Wisconsin. The authors are also members of the Wisconsin Committee for Environmental Information. The views expressed in this article are those of the authors and are not intended to represent those of the University of Wisconsin.)

In 1969, the U.S. Navy announced plans to build a worldwide communication system which would employ extremely low-frequency radio waves between the continental United States and the U.S. nuclear submarine fleet.[1] About $50 million has already been spent on feasibility studies, and the projections of ultimate cost have been between $750 million and $1.5 billion.[2] What is the U.S. taxpayer receiving for this huge expenditure? Our investigations strongly indicate that the system, called Project Sanguine, would be unreliable as a last line of defense in our military communications network, the role for which it appears to be designed. As we shall demonstrate, the system is too slow—and therefore subject to electronic countermeasures (jamming) from an enemy—to be useful in the nuclear age. Our calculations show further that even if the amount of electrical power needed to make Sanguine work were increased to the equivalent of three large-scale nuclear power plants for its exclusive use, at greatly increased additional cost, transmission time would still be long enough to make the system easy susceptible to jamming.

The heart of the project is an underground antenna in the form of a huge grid that would cover 6,400 square miles, according to the most recent design. The tentative site for

Footnotes at end of article.

the project is in Wisconsin, and the Wisconsin Committee for Environmental Information became interested because of the possible effects on the environment. During our investigations, however, we became aware of certain technical problems which cast serious doubts on the scientific feasibility of the entire Sanguine concept, environmental questions aside. Our report and research by Professor Albert Biggs of the University of Kansas prompted Senator Gaylord Nelson of Wisconsin to question Naval officials, and as a result, the Navy has indicated that it will request a review of the technical feasibility of Project Sanguine from the National Academy of Science and the National Academy of Engineering.[3]

DESCRIPTION OF THE SYSTEM

The principles of the Sanguine communications system are indicated schematically in Figure 1. The system essentially consists of a buried transmitting antenna which radiates an extremely low-frequency (elf) electromagnetic wave (45 or 75 cycles per second) into the air space between the surface of the earth and the ionosphere (about 50 miles above the earth.) The transmitting antenna must have physical dimensions comparable with the wave length of the signal. Thus, the extremely low-frequency (very long wave length) radiation of the Sanguine system requires the very large antenna installation discussed here. The wave propagates through the air space to a position above a submarine. A small fraction of the wave power then leaks downward through the rather highly conductive sea water and is received by the submarine[4] along with atmospheric noise (commonly called "static") which originates at many sources.

The Sanguine antenna, of course, is really only one link in the transmitting system. Immediately associated with it is electronic equipment that fulfills the basic functions involved in radio communcation. The equipment is powered by electricity, in the case of Sanguine by very large amounts of electricity. The first step in the process is generation of a carrier current, which is necessary for production of radio waves. The carrier current is then modulated, which in essence means that the information to be transmitted is impressed on the carrier current in the form of an electrical signal. The transmitting-antenna system then converts the now modulated carrier current into electromagnetic waves which are radiated by the transmitting antenna (Sanguine, in this case) and detected by the receiving antenna (on the submarine). In the submarine, the signal is tuned, amplified, and demodulated to recover the original signal, which can then be reproduced by a teletype printer, loudspeaker, or other devices. Since the Sanguine frequency is so low, noise modulation is impossible, and a more elemental form of modulation must be used. This can be thought of as being analogous in some respects to the familiar Morse code keying of a transmitter, although the more sophisticated method of frequency shift keying will actually be used in Sanguine.

The power fed into the transmitting antenna is indicated schematically in Figure 1. A fraction of this power is actually launched into the wave which propagates through the air space. This fraction is very small for underground antennas operating at low frequencies, and constitutes one of the most serious losses of the Sanguine system. In other word, the underground antenna has inherently low efficiency. The power per unit of surface area in the radiated wave becomes less intense as it propagates away from the transmitting antenna because it spreads out and covers a wider area. There are other propagation losses as well, but we ignore them.

Atmospheric disturbances, such as lightning, radiate random waves into the air at the Sanguine frequency. Such waves can interfere with the proper reception of a Sanguine signal. One of the main requirements of the system must be to insure that the Sanguine signal in the vicinity of a submarine is sufficiently large, compared with the noise power intensity, so that the signal can be reliably received.

The technical data and equations at the end of this article show that a Sanguine system with a sub-surface antenna operated at the power levels suggested by the Navy will have an extremely low data-transmission rate. In our calculations, the benefit of every doubt has been given to Sanguine. Yet a conservative estimate indicates that at least 100 seconds would be required to transmit a single bit of information (a bit, or binary digit, is the binary unit of information capable of expressing such quantities or concepts as "0," "1," "yes," "no," "off," or "on"). About 1.7 hours would be needed to transmit a simple twelve-letter message. Furthermore, Sanguine would be a one-way communication system from the transmitting antenna to the submarine fleet.[2] Thus it would not be a "communication system" in the normal sense. It is clearly a highly specialized system for the transmission of very limited messages (perhaps code words, which convey more complex meaning by indexing to a code book) under conditions that would prevent the use of normal, more efficient communication devices. Such emergency conditions could arise, for example, if a nuclear exchange between nations had ionized a portion of the earth's atmosphere, preventing transmission by conventional systems.

From its easily determined characteristics, then, we conclude that Sanguine's main purpose is to serve as the communications link in a "last strike" capability of this nation. This would be a way to insure the launching of Polaris and Poseidon missiles from our submarines toward preselected targets even if the start of a nuclear war prevented use of normal communication systems. Indeed, an indication of this has already been provided in a news story carried in the Madison, Wisconsin *Capital Times* of March 9, 1971. This story quotes the Navy's John R. Hennessey, director of public and congressional affairs for the Naval Electronic Systems Command in Washington, as saying in reference to Sanguine, "It's got to be survivable. The fact that you can hit back is a good reason for the other guy not to hit you." In other words, the merits of Project Sanguine would appear to rest upon its credibility as a "last strike" weapon system to deter an enemy attack. If a Sanguine signal can be easily jammed, however, the system's credibility is seriously impaired.

JAMMING OF SANGUINE

A recent study by Biggs and Marier[5] pointed out that the Sanguine system is indeed very susceptible to jamming by an enemy nation. An unreliable Sanguine system has little "last strike" strategic value.

A conventional high-frequency communication system is difficult to jam because it can broadcast information very rapidly (in a fraction of a secnd) and at any one of many available frequencies. Thus it is almost impossible for an enemy to know when and at what frequency he must radiate a jamming signal. Furthermore, in a two-way communication system the receiving station can always request a confirmation of the message.

We shall show that Sanguine would necessarily be a *slow* "communication system." With greater input power the transmission time can be reduced, but no reasonable power input can reduce the transmission time of even a simple message to less than one minute. The Sanguine frequency would therefore be precisely known to anyone who chose to monitor its radiation. Thus an enemy would not need to overpower the Sanguine signal; he would only need to introduce errors into the transmitted message. A submarine commander, of course, would require absolutely reliable information before he launched a nuclear missile.

For the following reasons, the power required to jam a Sanguine system would likely be less than the power needed to operate such a system:

1. A much more efficient above-ground antenna could be used for jamming, since its survivability would not be crucial. For example, section of a conventional power line could be employed on a part-time basis or specially constructed for the purpose.

2. The jamming antenna could be closer to the submarine than the submarine is to Wisconsin. In this case also, the jamming antenna would require less power.

CONCLUSIONS

We have shown that a Sanguine-type communication system with a buried transmitting antenna either would have an excessively slow message transmission rate or would require an excessive amount of input power. One disadvantage can be traded for the other, as shown in Figure 2. With the power input to the antenna announced by the Navy, for example, the time required to transmit a message of twelve letters would be almost two hours. These conclusions can easily be calculated from both experimental and theoretical work in the scientific literature. The conclusions cannot be contradicted by the assumption that sophisticated receiving equipment will be used since they are an inevitable result of the extremely poor efficiency of underground, low-frequency transmitting antennas.

It should be noted that it is not the low antenna efficiency in itself which casts doubt on the feasibility of Sanguine, but the fact that low antenna efficiency leads to a low data-transmission rate. The slow transmission rate of the Sanguine system makes it susceptible to jamming by another nation. If such a nation were willing to use a long above-ground transmitting antenna for jamming—an easily available power line for example—the power requirement would be far less than that of the Sanguine system. Sanguine would therefore be easy to render ineffective.

Thus, on the grounds that if either requires an unrealistic amount of power or is an extremely slow system of communication, and that these features lead to its susceptibility to jamming, the Sanguine system must be regarded as technically infeasible.

CALCULATING SANGUINE'S EFFICIENCY

In our analysis of the feasibility of the Sanguine system, we first determined the approximate radiation efficiency of the most plausible of the Navy's designs for a Sanguine antenna from well-known relations published in the standard technical literature. There are more accurate ways to do this, but we resorted to the simplest, one which finds agreement among the several investigators who have published in this field, and which furthermore can be supported by plausible physical arguments. It was adequate for the estimation we made.

Using a power input to the antenna that has been announced by the Navy, we next calculated the signal strength at a point one-quarter of the earth's circumference from the antenna. We then required that the signal strength per unit bandwidth be at least equal to the mean atmospheric noise at the Sanguine frequency, and thus obtained the maximum bandwidth for a receiver designed to detect the Sanguine signal.

Since the bandwidth is inversely related to the response time of the receiver, the time necessary to transmit one elementary "bit" of information is next obtained, and from this, the minimum time required to transmit a message of 60 bits. The time is long,

Footnotes at end of article.

approximately two hours using numbers that are generous to the Sanguine system at every turn. Furthermore, no reasonable power input to the antenna could reduce this transmission time to the fraction of a minute that is required to be certain of sending a message before a jamming antenna were put into operation.

Determination of Antenna Efficiency

It is clear from the preceding discussion that the antenna efficiency, F, (or the fraction of antenna input power which is actually radiated into the propagating wave) is an important system parameter. The Navy has indicated that [4]

F=less than or equal to 10^{-4}.

We will show here that this value is very optimistic and that a more reasonable value is

$$F=10^{-6}$$

The problem of transmission from an antenna buried in the earth has been thoroughly discussed in the scientific literature. In 1942 Sommerfeld and Renner investigated the radiation fields of both vertical and horizontal buried dipole antennas.[6] They showed that the radiation into the air from a buried horizontal antenna (the "Nutzstrahlung" or useful radiation) falls rapidly to zero as the ground conductivity increases. Some of these results were confirmed experimentally by Proctor [7] and summarized by King.[8] In 1952 Wait considered the radiation efficiency of a submerged magnetic dipole,[9] and in 1961 Wheeler published simple formulas for calculating the radiation efficiencies of a buried vertical loop and a buried horizontal dipole.[10] The Sanguine antenna is only a slight modification of the first of these, and the difference is not significant to the calculation of the radiation efficiency of the antenna.

In 1962 Biggs studied the radiation fields of a buried horizontal electric dipole in detail [11] and showed that the effect of burying an antenna to a depth h is equivalent to reducing the radiation field intensity by a factor e^{-h}/δ where δ is the elecromagnetic skin depth of the earth. Hansen gave a thorough review of the performance of buried antennas in 1963, paying particular attention to the calculation of radiation efficiency.[12] Experimental confirmation of these results was provided by Hasserjian and Guy.[13] More recently Biggs has carried out an extensive study of the performance of antennas buried in the arctic and antarctic regions.[14] Thus, there is no shortage of scientific literature applicable to the Sanguine system, and the application is straightforward.

As the Navy points out, the Sanguine antenna is equivalent to a current loop lying in a vertical plane which penetrates into the earth a distance of the order of __, the electromagnetic penetration depth.[4] This antenna is often referred to as a grounded horizontal dipole. The entire antenna system will consist of an array of such elements, the implications of which are considered later.

The efficiency of one element of the antenna for radiation into the appropriately polarized mode (electric vector vertical) can be calculated from the formula [15]

(1) $F=8\pi^2\delta^2L/\lambda^3$.

This applies to a buried antenna near the surface of the earth. Eq. (1) neglects power loss in the end (or grounding) resistance and in the conductor (or wire) resistance,[10] factors which would reduce the efficiency further. The efficiency will be reduced in addition by the factor

(2) $e^{2h/\delta}$

if the antenna is buried a distance h, where

(3) $\delta=1/\sqrt{\pi f\sigma\mu^0}$ (meters)

is the electromagnetic penetration depth, and

L is the total length of the antenna (meters)
λ is the wave length in free space (meters)
h is the depth of the antenna (meters)
f is the transmission frequency (cycles per second)
σ is the ground conductivity (mhos per meter)
μ_o is the magnetic permeability of free space ($4\pi\times10^{-7}$ henrys per meter)

The ground conductivity in Northern Wisconsin is taken by the Navy as [16]

(4) $\sigma=5\times10^{-4}$ mhos per meter.

For a system frequency [4]

(5) f=45 cycles per second

(we have used the value 45 cycles per second since ionospheric losses become unfavorably high at 75 cycles per second).[17]
we find from Eq. (3) that

(6) $\sigma=3.3\times10^{3}$ meters.

The free space wave length for a frequency of 45 cycles per second is

(7) $\lambda=6.7\times10^{6}$ meters.

Several alternative antenna systems have recently been mentioned in a communication from the Navy to Senator Nelson.[18] These are divided into "nonsurvivable," "surface survivable," and "deep underground" antennas. As has been pointed out. Sanguine would be primarily useful to provide a "last strike" nuclear capability; thus "nonsurvivable" antennas are of little practical interest. A "surface survivable" system might be of limited practical interest. The most efficient "surface survivable" system suggested by the Navy is a grid 81 x 81 miles buried near the surface. Of the systems of practical interest proposed by the Navy, this system leads to the most optimistic calculation of antenna efficiency, so this is the one we will consider in detail. Suppose the grid consists of ten elements each 81 miles long running parallel to each other, crossed by another such array perpendicular to the first. For a submarine at a given location, only ten elements are effective in transmitting a signal, so the total antenna length would be 810 miles or

(8) $L=1.3\times10^{6}$ meters

Substituting (6), (7), and (8) into (1) yields $F=3.9\times10^{-6}$. Taking conductor and grounding losses into consideration would reduce the efficiency to at most [19]

(9) $F=10^{-6}$

for a "surface survivable" antenna, that is, for a Sanguine-type antenna near the surface of the earth. For shallow depths, the reduction factor given by Eq. (2) can be neglected, but for a "deep underground" antenna the efficiency would become even smaller. Suppose, for example, that the antenna were buried to a depth

(10) $h=10^{3}$ meters,

then the factor given in Eq. (2) would be equal to 0.55. Such an antenna would necessarily be considerably shorter than 810 miles because of the high cost of such long tunnels. Thus we should expect the efficiency to be at least as small as

(11) $F=10^{-7}$

for a "deep underground" antenna. For the present, however, we adopt the more optimistic figure of 10^{-6}.

FEASIBILITY OF SANGUINE

To evaluate the feasibility of the Sanguine communication concept as outlined by the Navy [4] we have used the following system parameters:

1. Generator power.[4] (Level suggested by the Navy)

$P_G=3\times10^{7}$ watts

2. Radiated fraction of generator power (We use the more optimistic of the two figures calculated in Section III of this report for a "surface survivable" antenna.)

$F=10^{-6}$

3. Height of ionosphere.[17]

$H=8\times10^{4}$ meters

4. Circumference of the earth.

$C=4\times10^{7}$ meters

As discussed above, only FP_G watts of input power will actually be radiated into the propagating wave. This wave "spreads out" over a greater area as it propagates, and is weakest one-quarter of the way around the earth, assuming no losses into the surface of the earth or to the ionosphere. For submarines located one-quarter of the way around the earth, the cross-sectional area of the atmosphere through which the wave passes equals HC. Thus, at most, the

(12) $\frac{\text{signal power}}{\text{area}}=\frac{FP_G}{HC}=10^{-11}$ watts/meter^2.

Actually, this power would be considerably smaller due to refractive losses into the ionosphere and ground.[17] An alternative way to make this calculation involves consideration of the space between the surface of the earth and the ionosphere as a resonant cavity. This approach would include ionospheric losses which, for simplicity, we have chosen to ignore.

This power level must be compared with atmospheric noise (generated by natural phenomena at the Sanguine frequency) which will interfere with reception of the signal. The atmospheric noise level can be expected to vary greatly with local thunderstorm activity. A mean value for Boulder, Colorado is about 60 decibels below 1 volt per meter in a cycle per second between 10 and 100 cycles per second.[20] (We do not suggest that submarines will actually be located at Boulder. This is simply one of the stations at which reasonably reliable mean atmospheric noise data in the 50-to-100-cycle-per-second range is available.) This corresponds to a

(13) $\left[\frac{\text{noise power}}{\text{bandwidth area}}\right]=2.5\times10^{-9}\frac{\text{watts}}{\text{cycles per second-meter}^2}$

Dividing (12) by (13) gives a receiver bandwidth of 4×10^{-3} cycles per second for which the signal power level will be equal to the mean atmospheric power level at Boulder, Colorado. In practice, one would certainly wish to have the signal power level greater than the mean atmospheric noise level because of seasonal and local variations.[21] This would place even more severe requirements on the Sanguine antenna. But again ignoring this effect and adopting the most optimistic figure for the system, the receiver bandwidth must be at least as small as

(14) [receiver bandwidth] $=4\times10^{-3}$ cycles/second.

(This narrow bandwidth, of course, can be obtained by using electronic filters at the receiver input, cross-correlation of the receiver output with a known signal wave form, or some combination of the two.)

The receiver bandwidth directly limits the response time of the receiver. It is related to the bandwidth by: [22]

(15) $[\text{response time}]=\frac{0.4}{\text{bandwidth.}}$

From (14) and (15) it is evident that the

(16) [receiver response time] $=10^{2}$ seconds

or almost two minutes.

The receiver response time is the time required for the receiver to determine that the transmitter has changed its state. It is the time necessary to transmit one "bit" or fundamental unit of informtion. To send a message in the English alphabet, for example, a 5 bit symbol is required for each letter. Thus to transmit a twelve-letter message (for example, "FIRE MISSILES") would require 60 bits of information. Via this system, the sending of such a message would require 6×10^{3} seconds or 1.7 hours of transmission time. Other codes might be used, of course, but for such weighty matters as those communicated to missile submarines,

Footnotes at end of article.

this many bits or more would be desirable to prevent error.

Such a lengthy transmission time for a short message is clearly unacceptable for reasonable communications. The receiver bandwidth could be increased and, through Eq. (15), the receiver response time could be shortened if the power input to the antenna were correspondingly increased. To decrease transmission time of "FIRE MISSILES" from 1.7 hours to one minute would require an increase of antenna input power by a factor of 100. This would imply

(17) $P_0 = 3{,}000$ megawatts

or about three nuclear power stations each producing 1,000 megawatts. The design dilemma according to this very optimistic analysis may be epitomized in the following way:

(18) [Number of 1,000 megawatt power stations] × [Number of minutes to transmit the message "FIRE MISSILES"] = 3.

This relation is illustrated in Figure 2, where one sees the necessity of trading an increase in input power to obtain a shorter transmission time. No point on this curve would appear to present an attractive prospect for a reasonable communication system, and yet the Sanguine system can do no better than this.

But even one minute falls far short of acceptibility. When the transmission time exceeds a few seconds, the ease of jamming the signal by a foreign nation increases greatly.

It must be emphasized that Eq. (18) is not the result of a "worst case" analysis. On the contrary, whenever there was an uncertainty, we have chosen those parameter values most favorable to the system. In particular we have neglected to consider the following effects which could degrade system performance:

1. Higher ground conductivity near the surface. In calculating antenna efficiency we have used a value for deep-ground conductivity estimated by the Navy.[16] The conductivity near the surface, where near-field losses predominate, will be larger,[23] especially during rainy weather. Due to this factor alone, the antenna efficiency could easily be an order of magnitude (factor of ten) smaller than the value given in Eq. (9).

2. Ionospheric losses. As Wait has shown,[17] ionospheric losses cannot be neglected in a realistic calculation of elf-wave attenuation. Thus Eq. (12) considerably overestimates the signal power per unit area a quarter of the way around the globe. If we had evaluated the system at 75 cycles per second, the antenna efficiency would have increased by a factor of about three, but the increased ionospheric losses would have more than cancelled out this slight advantage.

3. Fluctuation in the noise level. Our calculations were made for an observed average value of atmospheric noise. The instantaneous noise level can be expected to vary considerably about this mean. The system, of course, must be designed to operate reliably at peak noise levels.

4. Reduced efficiency of "deep underground" antennas. We have estimated in Eq. (11) that the efficiency of a "deep underground" antenna would be at least an order of magnitude less than that for a "surface survivable" antenna. We have not, however, used this lower value of efficiency in our calculations.

5. Attenuation of the signal in sea water. The Sanguine signal will be strongly attenuated as it attempts to penetrate the sea water to a deeply submerged submarine. Eventually the signal would become so weak that other noise sources (thermal noise, electrical noise generated in the submarine, etc.) must be taken into account. We have not considered this effect.

6. Antipodal cancellation. The waves propagated from the Sanguine antenna will cancel at the antipode of Northern Wisconsin. Thus the system would be relatively useless for a large area in the Indian Ocean.

Consideration of these effects would lead to a system evaluation several orders of magnitude less favorable than our "best case" results of Eq. (18) and Figure 2.

NAVY TESTS

After a preliminary version of this report was prepared, we received data from the Navy on the tests which were conducted using a transmitting antenna at Site Alpha in Western North Carolina and Virginia.[24] Important data from these tests are:

1. Power to antenna: 120 kilowatts at 78 cycles per second.

2. Power radiated from antenna: 0.96 watt at 78 cycles per second.

3. Antenna length 176 kilometers on 10-meter-high telephone poles. Effective elevation angle zero; azimuth angle 23 degrees east of north.

4. Maximum distance to submarine 3,864 kilometers.

5. "Minimum observable power" at receiver with an integration time of 300 seconds. (We take this as the response time of the system.)

6. Tests conducted during the first several months of 1963 with receivers at New York, Labrador, Iceland, and Norway.

The results of these tests can be compared with the calculations for response time presented above.

It is important to note (item 6) that these tests were run in the Northern Hemisphere during the winter months. Noise levels in the 10–100 cycle-per-second frequency range can be expected to be 15 decibels (or a factor of 30 in power) higher during the summer months.[20] Thus the system's response time would need to be increased by a factor of 30 to about 10^4 seconds in order to operate at "minimum observable power" during the summer with a radiated power of one watt and a range of 3,864 kilometers. The figure should be increased even more to allow for reception at 10,000 kilometers and a more reliable receiver power level.

Our calculations in Section IV [see Eq. (16)] indicate a response time of 10^2 seconds for a radiated power of 30 watts. The corresponding response time for a radiated power of one watt to allow direct comparison with the Navy's feasibility test would be

3×10^3 seconds,

in acceptable agreement with our own calculations. Thus on the basis of the Navy's test data it appears that our calculations are conservative in the sense that our results tend to make the Sanguine system look better than it actually would be. The main reason for this discrepancy, aside from the difference in path length, is probably that we have neglected to include in Eq. (12) the refractive losses into the ionosphere and into the ground (propagation losses).[17]

Note, however, that while the Navy's test established that a submarine at "significant depth" can receive an elf signal, it confirmed the essential weakness of the Sanguine concept: The transmission time is too long to prevent jamming.

FOOTNOTES

[1] Brand, F. L. (Captain, USN), "Project Sanguine: A New Voice in the North Woods," speech given at Madison, Wisconsin, March 5, 1969.

[2] U.S. Navy figures quoted in T. J. Murray, "Evaluating Project Sanguine: A Non-Scientist's View," University-Industry Research Program, The University of Wisconsin, Madison, January 1971, p. 16.

[3] Private communication from the office of Senator Gaylord Nelson.

[4] "Sanguine System Environmental Compatability Assurance Program (ECAP) Status Report," Appendix A, *The ELF Communication Concept*, December 1970.

[5] Biggs, A. W., and D. L. Marier, *A Technical Feasibility Analysis of Project Sanguine*, Northern Environmental Council Report #5, September 14, 1970. Professor Biggs is a highly respected scientist with an established research position in the design of underground antennas (see Notes 11 and 14). This report seriously questions the Sanguine communication concept on the basis of the inherent inefficiency of buried antennas at low frequencies. Some questions have been raised concerning the credibility of this report (see Note 2). These questions appear to be misunderstandings of the ambiguities which often arise in the attempt to explain scientific technicalities to a nonscientific reader. We have examined the NOREC Report #5 in detail and feel that its Summary and Conclusions should be given serious consideration.

[6] Sommerfeld, A., and F. Renner, "Strahlungsenergie and Erdabsorption bei Depolantennen," *Annalen der Physik*, 41:1–36, 1952.

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[8] King, R. W. P., *Theory of Linear Antennas*, Harvard University Press, Cambridge, 1956, pp. 799–808.

[9] Wait, J. R., "The Magnetic Dipole Antenna Immersed in a Conducting Medium," *Proc. IRE*, 40:1244–1245, 1952.

[10] Wheeler, H. A., "Useful Radiation from an Underground Antenna," *Journal of Research of the NBS*, 65D, 1961, pp. 89–91.

[11] Biggs, A. W., "Radiation Fields from a Horizontal Electric Dipole in a Semi-Infinite Conducting Medium," *Transactions of the IEEE on Antennas and Propagation*, AP–10, 1962, pp. 358–362.

[12] Hansen, R. C., "Radiation and Reception with Buried and Submerged Antennas," *Transactions of the IEEE on Antennas and Propagation*, AP–11, 1963, pp. 207–217.

[13] Hasserjian, G., and A. W. Guy, "Low-Frequency Subsurface Antennas," *Transactions of the IEEE on Antennas and Propagation*, AP–11, 1963, pp. 225–231.

[14] Biggs, A. W. and H. M. Swarm, "Radiation Fields from an Electric Dipole Antenna in Homogeneous Antarctic Terrain," *IEEE Transactions on Antennas and Propagation*, AP–16, 1968, pp. 201–208. Biggs, A. W., "Dipole Antenna Radiation Fields in Stratified Antarctic Media," *IEEE Transactions on Antennas and Propagation*, AP–16, 1968, pp. 445–448. Biggs, A. W., "Influence of Inclination Angles for Antennas Buried in Arctic Terrain on Space Wave Radiation," *IEEE Transactions on Antennas and Propagation*, AP–17, 1969, pp. 790–795.

[15] Wheeler, *loc. cit.* Hansen, *loc. cit.* Private communication from A. W. Biggs.

[16] "Sanguine System Environmental Compatability Assurance Program (ECAP) Status Report," December 1970, pp. 2–28.

[17] Wait, J. R., *Electromagnetic Waves in Stratified Media*, Pergamon Press, 1970, Ch. X.

[18] "Alternative Sanguine Systems," Sent by Rear Admiral F. J. Fitzpatrick to Senator Gaylord Nelson on April 8, 1971.

[19] "Some technical aspects of Project Sanguine," received from W. K. Hartell, March 25, 1971.

[20] Watt, A. D., *VLF Radio Engineering*, Pergamon Press, 1967, p. 479, Fig. 5.3.6.

[21] *World Distribution and Characteristics of Atmospheric Radio Noise*, Report 322, International Telecommunication Union, Geneva, 1964, p. 45.

[22] Stewart, J. L., *Circuit Theory and Design*, Wiley, 1956, p. 331.

[23] Fine, H., "An Effective Ground Conductivity Map for Continental United States," *Proc. IRE*, 42:1405-1408, 1954.

[24] "Some technical aspects . . ." *loc. cit.* Merrill, J., "An Overview of ELF Propagation Investigations prior to July 1970," presented at CSC, Falls Church, Virginia, February 17, 1971.

LAND-TO-THE-TILLER PROGRAM

Mr. BELLMON. Mr. President, during the past 3 years, the Government of Vietnam—GVN—has increasingly recognized the importance of land reform. This recognition led to the revolutionary land-to-the-tiller law passed 1 year ago by the National Assembly in March 1970.

This program is one of the major developments in the troubled land of South Vietnam. Its success or failure will likely do much to influence the future stability of the Government of that country and may determine whether or not the tremendous sacrifice the United States has made in Southeast Asia will produce lasting results.

Recently, a land-to-the-tiller briefing paper came to my attention, and I read it with great interest. I believe other Members of the Senate will be interested and helped by this information. I ask unanimous consent that the paper be printed in the RECORD.

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

LAND-TO-THE-TILLER BRIEFING PAPER

GOAL

The GVN goal for the Land-to-the-Tiller program is to transfer one million hectares (2.5 million acres) in the three years of the program's operation. This represents nearly half of all paddy rice and secondary crop land in South Vietnam. Of the total, 200,000 hectares was the target for 1970. Prolonged legislative deliberation and the amount of time required for procedural planning delayed the start of widespread implementation until September 1970, although President Thieu distributed the first titles in August 1970. Progress accelerated rapidly thereafter and the goal of 200,000 hectares was officially exceeded during the six month period completed February 28, 1971, the end of the GVN's 1970 Pacification Year. The goals for 1971 and 1972 are 400,000 hectares in each year.

In more general terms, the goal is largely to eliminate farm tenancy, now estimated at 60 percent of all riceland area. Since complete tenancy statistics do not exist and since some abandoned land is expected to be cultivated and transferred with the continuation of improved security conditions, the precise extent of the program is not yet known. Assuming an average of one to two hectares (2.5 to 5 acres) to be distributed to each family, as many as one million families, or about six to seven million people in rural Vietnam, may be direct beneficiaries of the program. The economic effects of the program will thus be far reaching. The average farm family, which had been paying rental of 25–35 percent of production for use of the land, will have an additional 30–50 percent disposable income.

BACKGROUND

During the past three years, the Government of Vietnam has increasingly recognized the importance of land reform. This recognition led to the revolutionary Land-to-the-Tiller law passed one year ago by the National Assembly in March 1970. The first public statement of the new GVN interest in land reform was President Thieu's speech at Ba Tri in September 1968, in which he promised that no farmers in newly pacified areas would be evicted and that they would receive title to the land they were farming. This implicit recognition of prior Viet Cong land distribution and the initial formulation of the concept of Land-to-the-Tiller have since developed into a new and sweeping program of land reform.

THE FREEZE ON OCCUPANCY AND RENTS

In preparation for new land reform measures, the Government took two steps to freeze the tenure situation in the countryside. This was done to ensure that the present occupant of the land would be the beneficiary of reform. The first step was a Directive in February 1969 freezing occupancy and rents in newly pacified areas. This had the effect of recognizing changes in occupancy which had occurred during periods of Viet Cong control, and it thus removed one of the reasons for landless farmers' opposition to Government pacification. The second step was an April Directive extending the freeze nation-wide.

THE LAW

In April 1969, the newly appointed Minister for Land Reform and Agriculture initiated a comprehensive review of the planning that had been done for a new land reform program. The result of this review and subsequent discussions was the Land-to-the-Tiller bill approved by the Cabinet and submitted to the Assembly by President Thieu in July. The Executive bill was passed by the Lower House in September 1969, in a greatly weakened form. The Senate Agriculture Committee then undertook a thorough review of the bill and restored almost all of the original provisions. Action on the bill was delayed by intervening events which took the full attention of the National Assembly, but the bill was finally passed by the Senate and approved by the Lower House. President Thieu declared a national holiday and signed the bill in a ceremony in the Delta on March 26, 1970. Key provisions of the law are:

No retention limit. Previous land reform legislation and many of the recent proposals for modification permit a landlord to keep some land for rental purposes in addition to what he farms himself. The Land-to-the-Tiller law allows for no retention of tenanted lands, except for specific limited categories such as ancestral worship lands and lands owned by religious institutions. However, landowners can retain up to 15 hectares if they are cultivating it directly or with wage labor.

No payment. In the previous land reform program of Ngo Dinh Diem, recipients of the land were required to pay the government purchase price. The Land-to-the-Tiller law provides for transfer free of charge to the applicant, with the landlord to be paid by the Government.

Recognition of present farmer. By providing that land will be transferred to the present cultivator, the law for the first time recognizes the rights of squatters and Viet Cong appointed farmers. The "freeze" of February 1969, prevents evictions carried out to evade the Land-to-the-Tiller principle.

Communal land. Lands owned or managed by the villages have not been involved in past transfers. The law provides for distribution of communal land and provides for payment to the village to compensate for loss of communal lands, and distribution of some revenues. However, separate implementation procedures remain to be worked out for communal lands in Central Vietnam will likely be delayed for some time yet.

Land valuation. The law specifies landlords will be compensated at a rate of 2.5× the value of the average annual yield. An inter-ministerial committee has established paddy rice prices and five-year average yields for each province in the country. Based on these figures, the national average land price will be about VN$120,000. Within a given province the paddy price to be used in the formula is fixed but the yield is to be determined on a local basis, with Province officials ensuring that the average yields of all villages do not exceed the known Province five-year average.

Payment terms. The law provides for 20% cash payment to the landlord with the remainder to be paid in eight bonds redeemable annually over an eight-year period. Compensation is due from March 26, 1970 for cultivated riceland, but difficulties in designing a fair and equitable valuation schedule delayed the start of large volume payments. Landlords will thus receive 10% interest, in addition to the regular interest paid on the bonds, for the period from March 26, 1970 to the date of payment.

Worship land. Owners will be allowed to retain up to five hectares (12.5 acres) of tenanted land if it has previously been registered as worship land. Income from this land is used for ancestral veneration.

THE DECREE

The implementing decree for the Land-to-the-Tiller law was signed by the Prime Minister on June 5, 1970. The decree expands upon the law and provides the basic procedural framework for implementation. By declaring all land covered by the law to have been expropriated on the date of promulgation of the law, the decree terminated all rents on those lands from March 26, 1970.

COST

One of the key issues is the cost of the proposed program and the inflationary impact it will have. The U.S. Mission has urged the GVN to keep costs down by avoiding high initial cash payments to landlords and has offered dollar commodity support to help offset the inflationary impact of the program. At the time the bill was introduced an agreement was signed, subject to passage of the bill and initiation of land transfers, to provide $10 million for U.S. commodities through the Commercial Import Program. To the extent that the piasters spent on Land-to-the-Tiller are transferred into demand for imports, this dollar support will counteract the inflationary impact of the increased money supply generated by compensation to the landlords. To date $5 million of this amount has been released.

The total cost of the program to the GVN, based on present assumptions about land prices and area to be transferred, will be approximately VN$190–200 billion including interest (US$750 million equivalent). This will be spread over a period of years, but the inflationary impact will nevertheless be substantial. Therefore, additional U.S. dollar support is contemplated in amounts dependent on the pace of program implementation, the need for foreign exchange and the availability of funds voted by the Congress for support of the program. The U.S. Government in April 1971, obligated another $15 million in addition to the initial $10 million, and plans to obligate an additional $15 million in fiscal year 1972 in specific agreements tied to progress in land transfer and compensation payments. Subsequent support throughout the life of the program will be considered as part of overall U.S. economic stabilization assistance.

U.S. TECHNICAL ASSISTANCE

Although a village-level land reform program of the magnitude described could not and should not be implemented by Americans, there is a need for American technical assistance and support. The number of U.S. personnel, however, is relatively small. A USAID land reform advisory staff of 32 is currently employed, including 13 advisors assigned to the CORDS four regional headquarters. In addition, the program is supported by other CORDS personnel at the Provincial and District levels.

Implementation of the program is the direct responsibility of the GVN Directorate General of Land Affairs, which has a staff of approximately 1,000 people in the provinces and 400 in Saigon. About three-fourths of these are technicians, the remainder, administrative and clerical personnel. In general, the organization is technically compe-

tent and experienced in the traditional methods of land identification and registration, but unfamiliar with the new practices, e.g. the use of aerial photography, required to complete Land-to-the-Tiller in the projected time frame. During the first several months of implementation however, many officials in the DGLA exhibited a remarkable adaptive capacity to the new methods and procedures.

The sheer volume of transfers involved requires not only new methods, but also a decentralization of responsibility. This has already been achieved to a large degree, and represents an outstanding achievement given the short period of operation. Instead of relying entirely on provincial land service employees as in previous programs, the GVN has recruited and trained one Village Land Registrar in each village who with the Village Agriculture and Land Reform Commissioner, has responsibility for taking applications, identifying the land, and maintaining the land register.

Some of the specific tasks with which the U.S. is assisting the Vietnamese Government are: developing training programs for Province personnel and officials in nearly 2,000 villages on the meaning of the new legislation and its detailed administration; developing and disseminating publicity about the program to the rural population; developing and improving procedures to handle the huge flow of applications; producing aerial photography for land identification; and using automated data processing for issuing new titles, updating land registers and compensating landlords.

ECONOMIC IMPACT

Although the Land-to-the-Tiller was designed as a political program and its primary impact will be political, there will nevertheless be positive economic benefits. The new landowners will have for possible investment purposes the income from the 25 to 35% of the crops which they previously paid to the landlords in rent. Because of their new tenure security they will also have a greater incentive to make long run improvements in the land. Some people have expressed concern that by fragmenting land holdings, the Land-to-the-Tiller law will prevent future agricultural development. It is important to recognize that no fragmentation of cultivation patterns is involved; titles are issued to present tenants or squatters against current cultivation patterns. The resulting widespread ownership pattern will perhaps make more difficult the consolidation of holdings and the development of large scale production, and properly so, because now the farmers will have to agree voluntarily to any absorption of their fields into larger farms. Thus Vietnam will avoid the illusory development which occurs when farms are consolidated and the previous tenants or farm laborers migrate to overcrowded cities without the job market to absorb them in useful labor. It is important to remember that small farms are not inconsistent with agricultural development. While the large farms in the United States, Canada, Australia and elsewhere produce the highest output per man, it is countries like Taiwan and Japan, with small farms, which have the world's highest agricultural output per hectare. Since land is scarcer than labor in Vietnam, it is the latter pattern that Vietnam will emulate, at least for the foreseeable future.

MONTAGNARD HAMLET IDENTIFICATION PROGRAM

A companion program to Land-to-the-Tiller is the Montagnard Hamlet Identification Program. A primary cause of Montagnard alienation from previous Vietnamese Governments has been encroachment upon lands traditionally held by Montagnards. The ethnic minority tribal people, numbering approximately 850,000, cultivate roughly 360,000 hectares of land in the Highlands of Central Vietnam.

The promulgation of Decree 138, November 9, 1970, establishes the legal basis for hamlet identification. Hamlet boundaries will be drawn to encompass both privately owned and communally used land which exists within the general hamlet confines. Identifying traditional hamlet landholdings is of the greatest importance in removing the danger of recurring land conflicts in the Highlands. The Ministry of Land Reform and Agriculture now considers this the priority program in the Highlands. At the heart of the hamlet identification program will be the delineation of each Montagnard hamlet's "living area". This living area will be held strictly for Montagnard use and control.

USAID/ADLR is working closely with the Directorate General of Land Affairs and the Ministry for Development of Ethnic Minorities in the preparation of an Implementation Circular which will clarify all points of Decree 138. Also being prepared is a work plan which will outline the role of the central government, the Province, Village and Hamlet in completing procedures for hamlet identification. For 1971, it is expected that 600 hamlets will be identified and "living area" boundaries drawn.

CHILD DEVELOPMENT IN MINNEAPOLIS

Mr. MONDALE. Mr. President, last weekend I had the opportunity to participate in a series of events celebrating the opening of the Northside Child Development Center in Minneapolis.

This child development program, sponsored by Control Data Corp., the Dayton-Hudson Corp., and the Federal Reserve bank, with financial support from the Federal Government, represents an extremely promising initiative in the field of development day care. It is symbolic of the encouraging day care initiatives in the Minneapolis area under the creative leadership of the Greater Minneapolis Day Care Association.

An editorial published recently in the Minneapolis Tribune summarizes well the significance of the new center and the entire movement for developmental day care in Minneapolis. I ask unanimous consent that this excellent editorial be printed in the RECORD.

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

[From the Minneapolis Tribune, Sept. 14, 1971]

CHILD-CARE CENTER FOR NORTH SIDE

The need for a vast expansion of daycare services in the United States becomes increasingly urgent. More and more mothers of small children are going to work, by choice or economic necessity or both. It has become national policy to encourage mothers on welfare to seek employment, if at all practical in their family circumstances. Existing licensed day-care facilities in the country can accommodate only 640,000 children, although about 4.6 million women with children under six years old now work, and many more would like to work. Employable women often cannot leave home for jobs; employers are unable to hire qualified women who cannot make provision for their children, and many children of working women are not properly cared for during the day. Meanwhile, families that might get along with little or no public welfare support are completely dependent.

Such problems are as familiar in Hennepin County as elsewhere, but progress in the last year has been encouraging. The Greater Minneapolis Day Care Association has been leading the movement to get new centers organized and functioning. The most significant achievement thus far is the new North Side Child Development Center, established through the efforts of the association, Control Data Corp., Dayton's department stores and the Federal Reserve Bank. The three business firms provided the local share of funds, to be matched three-to-one with federal money, and children of their employees will use the center. The Hennepin County Welfare Department, though not involved financially (except in potential savings), is cooperating in the project.

The North Side center is expected to be a prototype because it is the first in the country to use the federal funds available with such a combination of industry-community-government sponsorship. It is designed to give much more than routine care; an educational program will be offered 120 children ranging from 6 months to 12 years old. The center was launched last weekend with the enthusiastic support of Sen. Walter Mondale, who sees it as an example of the kind of constructive program his child-development bill, just passed by the Senate, aims to establish.

The organizations, business firms and residents involved in the planning and operation of the new center for children deserve goals, they will show the way for many congratulation. If they accomplish their more such centers.

ARE THE FARMERS' VOICES HEARD?

Mr. EAGLETON. Mr. President, as America becomes a more urban nation, national programs enacted by the Congress in areas such as highway safety, water pollution control, and environmental protection are increasingly being felt by our agricultural community. This is as it should be. Many of these programs extend the same kinds of protection afforded to residents of urban areas to those who comprise the agricultural sector of our economy, and who often reside in nonurbanized parts of our country. This continues the national trend toward erasing past differences between urban and industrial America and rural agricultural America.

But any of our national programs have been developed in response to needs experienced first, or in their most aggravated forms, in urban and suburban America. One result of this has been that the impact of these programs in the agricultural community have not always received the careful attention it deserved.

Developments in a number of areas over the past several months demonstrate that the special problems of agriculture are being examined more carefully in the adoption of national programs by the Congress and in their implementation by executive branch agencies.

In the August 25 issue of Hoard's Dairyman, Mr. Lynn Stalbaum, the Washington representative of the Associated Dairymen, reflects on several of these developments and the increasing progress being made by the legislative and executive branches of Government in adopting and carrying out our national program with increased awareness of their significance for agriculture.

Mr. President, I commend Mr. Stalbaum's article to the attention of the Senate for the important, and hopeful, lessons it contains. I ask unanimous con-

sent that the article be printed in the RECORD.

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

FARM VOICES MISSING—AS NEW PROGRAMS ARE DRAFTED IN WASHINGTON

(By Lynn Stalbaum)

There's a new trend in law-making in Washington and farmers had better be concerned about it. The impact of what is being done can make their occupation a more difficult one, or, in some instances, completely force them out of business. This year, more than ever, new programs are being developed in the nation's capital which have legitimate and highly-accepted national goals but which, when applied to farmers, create serious problems. Who among us is opposed to such objectives as clean water, highway safety, or the general safety and health of workers? Yet, as each is developed, its application to farmers creates special problems.

Before the impact of each is discussed, it should be pointed out that Congress does not pass laws as it did "in the good old days." It doesn't dot every "i" and cross every "t" any more. Instead it turns over to some government bureau or agency the development of the programs it wants.

FARM TRUCKS

A good illustration is highway safety. Congress, in effect, said, "Injuries and deaths on our highways are a serious national problem. The Department of Transportation shall develop comprehensive programs to improve highway safety." This the Department of Transportation has proceeded to do, including motor carrier safety regulations.

One section covered trucks, all trucks and truck drivers. When these were published, it was found that any farm boy under 21 would be prohibited outright from driving farm trucks!

Last December, representatives of farm groups met with Dr. Robert A. Kaye, director of the Bureau of Motor Carrier Safety, and learned why. Dr. Kaye admitted that the Department of Agriculture and farm groups had never been contacted for their views, though there had been many conferences with others interested in trucking.

Fortunately, Dr. Kaye recognized this deficiency when it was pointed out to him. He deferred action on farm trucks for a year, invited comments from farm groups, and has indicated several substantial modifications from his earlier stand, including exempting all farm pickup trucks from the regulations.

Farm trucks are not the only instance. Water pollution control efforts show a similar pattern.

WATER POLLUTION CONTROL

For this program, Congress didn't even have to pass a new law. They found one which was passed in 1899 which could be used. Under it, the Army Corps of Engineers could require a permit from anyone who dumped anything into a "navigable stream or tributary thereof." Though intended, when passed, to assist in eliminating navigation hazards, it has been found to be usable to curb the dumping of pollutants into streams.

The Army Corps of Engineers, working with the newly created Environmental Protection Agency, developed a system whereby anyone who drained anything into any stream which polluted it would have to pay a $100 application fee and apply for a permit by July 1, 1971.

Did this requirement apply to farmers? And, if so, to which ones? No one seemed to know. Its impact on agriculture had been completely overlooked in developing the program.

On May 5, 1971, less than two months before the permit program was to start, General Frederick J. Clark of the Army Corps of Engineers told the House of Representatives Committee on Agriculture that he was not then prepared to tell how this program would be applied to dairies, feedlots, or other agricultural production enterprises.

At the same hearing, William D. Ruckelshaus, administrator of the Environmental Protection Agency, stated that the purpose of the permit program was to establish a pollution abatement schedule for some 40,000 industries, but that no determination had been made as to the impact of this program on agriculture.

Incredible as it seems, they apparently had completely overlooked the possibility of this program affecting more than half a million commercial livestock operations (including dairy farms) in the United States.

Here, again, modifications were made after agriculture's voice was heard. The permit program is now limited to those with over 1,000 animal units who discharge waste from a single discharge outlet. A 1,000-animal unit is calculated to equal 1,000 steers, 700 dairy cows, 4,500 butcher hogs, 12,000 sheep, 35,000 feeder pigs, 55,000 turkeys, 180,000 laying hens, or 290,000 broilers. It is estimated that there are 3,400 such operations of all types in the United States.

Most observers believe that, in the years ahead, these standards will be modified to include more farm operations but, at least, they are the standards for now.

SAFETY, HEALTH

The Occupational Safety & Health Act will apply to agriculture, as well as to industry. Under it, the Secretary of Labor is directed by Congress to establish safety and health standards for agricultural workers.

Understandably, farmers have expressed concern as to what these standards will be.

Currently standards are being announced in four areas in which there is general agreement and which would apply to some agricultural operations. These are: (1) Sanitation in temporary labor camps, (2) storage and handling of anhydrous ammonia, (3) pulpwood logging, and (4) accident prevention signs on slow-moving vehicles on public roads.

The Labor Department has publicly stated that other standards for farm operations will be developed only after full consultation with the U.S. Department of Agriculture, with other experts, and with representatives of farm organizations. Under this program, a special activity devoted to agriculture and farm operations is being set up by the Department of Labor.

This indicates that farmers' voices will be heard at an earlier point than was true on truck and water pollution regulations.

PESTICIDES

Until recently, the U.S. Department of Agriculture had authority over pesticides, but this has been transferred to the new Environmental Protection Agency. As a result, USDA continues to make recommendations.

The House Committee on Agriculture, however, held hearings on the Federal Pesticide Control Act of 1971 through most of the month of March this year. This hearing record, covering over 900 pages, is largely devoted to striking a balance between benefit and risk in using these products.

Under Secretary of Agriculture J. Phil Campbell pointed this out in his statement to the committee. He said, "There is no question but that the health of the people is the paramount criterion . . . (however) we strongly believe that the impact of pesticide decisions on the opportunity for agricultural producers to make a livelihood must be an important criterion in such decisions when criteria other than that of public health are being considered."

These are some storm warnings on pesticides, however, from the farmer's standpoint.

In May 1970, a trio of federal judges in Washington, D.C., ordered the Food and Drug Administration to hold hearings on why the tolerance of DDT in or on raw agricultural products should not be set at zero.

Because of the persistence of DDT, it is generally accepted that traces will remain and that it is all but impossible to reduce these traces to an absolute zero. Yet, the judges forced agricultural interests to carry the burden of showing why existing tolerances should continue instead of forcing those individuals who desired change to show why such change was needed.

Fortunately, after the hearings, the Food and Drug Administration apparently concluded that some tolerance was needed. The standards for DDT were not changed.

The pattern we have attempted to show here is evident. All of the programs cited have a definite effect on agriculture; yet this effect has not always been considered when the program was being developed.

Those who are given the responsibility of developing these programs generally have shown themselves to be sincere and dedicated men. Their dedication, however, is to their program, whether this be highway safety, water quality, or others, rather than to agriculture.

As a result, a whole new burden is being placed on those who represent agriculture in the nation's capital. Instead of a dairy organization now being solely concerned with such programs as school milk, price supports, and milk marketing orders, they must keep a watchful eye on new broad programs which may not appear to have anything to do with farming but which can have a tremendous impact on agricultural operations. And, as the nation moves from an agricultural to an urban economy, there will be more and more of these.

ANNIVERSARY OF SOVIET ATTACK ON POLAND

Mr. PERCY. Mr. President, on September 17, 1939, the Red Army swept into Poland and attacked the Polish forces which were already attempting to repulse the German invaders. The people of Poland found themselves caught between the advancing troops of two large nations.

Certainly the Polish people will never forget September 17. Neither should we. The date will always represent the violation of international law, of human rights, and of common decency. The date will always represent aggression, violence, and terror.

On the anniversary of September 17, 1939, I call on Americans to rededicate themselves to support for the peoples of Eastern Europe who have suffered so much these past three decades, but who maintain their faith in ultimate independence and freedom.

MAXWELL J. LIBERMAN

Mr. RIBICOFF. Mr. President, I note with deep regret the death of Maxwell J. "Max" Liberman, the bowling editor of the Hartford Courant. Max, who would have been 75 years old next week, died Wednesday, September 15 in Hartford. He was a dear and longtime friend of mine. Everyone who knew him mourns his passing.

The will to perservere in the face of pain and ill health is a great human

virtue. But to persevere and then to inspire others—to bring humor and pleasure to their lives—is even greater.

Although he suffered from ill health for many years, Max Liberman always had a word of good cheer or a joke or words of encouragement to pass on to his friends. All of us knew what tragic physical suffering he endured. In the many years I knew Max I never heard him complain once. But time and again he expressed concern about the problems of others.

On the sports section staff of the Hartford Courant for more than 38 years, Max earned a national reputation as one of the best and most knowledgeable bowling writers in the country.

In the Hartford area, though, Max was known and loved for other achievements as well in as his reporting. His work on behalf of charities was an enormous contribution to his community.

For 31 years he served as chairman of the Bowlers' Fund of the March of Dimes and was credited with raising more than $80,000 for the Hartford chapter. Even while he was in the Hartford Hospital as a patient, he worked to help others as he raised some $2,900 for the March.

Of his fund raising efforts, Max once observed:

I just keep fighting away.

That remark, perhaps more than any other, shows the kind of man Max was. He kept fighting against adversity and, all the while, devoted his efforts to making a better life for others. Max was a man of good will, a human being who cared about other human beings. I will miss him. All who knew him will miss him.

I ask unanimous consent that an article and an editorial published in the Hartford Courant of September 16, 1971, be printed in the RECORD.

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

"MAX" LIBERMAN DIES—COURANT BOWLING EDITOR

Courant Bowling Editor Maxwell J. Liberman, known as one of the top bowling writers in the country, died Wednesday, six days before his 75th birthday.

"Max" as he was fondly known by Courant Staffers, bowlers and the thousands of persons he helped through his fund-raising work for charities, was dead on arrival at Hartford Hospital. He had been released from the hospital on Sept. 7 after being hospitalized on and off for the last several years. He lived at 610 Asylum Ave.

Well known as a sports writer on ten pin, duckpin and lawn bowling, Max was with The Courant for more than 38 years. The last of his columns, entitled "Highlights of Bowling," appeared Sunday.

He was fulltime supervisor of the telegraph department at the Hartford Insurance Group up until his death, joining the company nearly 50 years ago. The job had a special place in his heart. "To the best of my ability, with the allotted time given me I'll aim to continue writing 'Highlights of Bowling' as best as possible, remembering my first love is with the telegraph department of the Hartford Insurance Group," he said in a column last year.

But holding down two jobs and battling illnesses didn't slow Max down. "We can live in constant newness of life," he said in his Jan. 1 column last year. "Each moment affords us new opportunities to feel free from the past."

His charitable work had a simple philosophy behind it. "I'm thankful to the man upstairs," he said in the same column, "for the health I've known even with the conditions I now bear. Because of it I try to free my fellow man of care."

In the past 31 years that he served as chairman of the Bowlers' Fund of the March of Dimes, he was credited with raising more than $80,000 for the Hartford Chapter. Max raised more than $2,900 for the fund while he was a patient at Hartford Hospital from last December to April. Of his fund raising effort, he said modestly, "I just kept fighting away . . ."

Even as he suffered from the pain of a years' old hit-and-run accident and a worsening heart condition, Max closed his 1968 New Year's column with a reminder of his beloved Bowler's Fund and the good it would do crippled children.

In 1961, his scholarship made it possible for a group of youngsters to hold a quarter midget racing car meet in Manchester. While still recovering from his 15th operation, he heard about the needs of the Clara Barton Camp for Diabetic Children and raised $200 with a ringside appeal at a local boxing match. He was also well known for his campaign work with the Heart fund.

Max was born in New York. The son of a cigar maker, he held an apprentice's card in the Cigar Makers' Union at age 14.

His family moved to New London when he was young and he was graduated from Bulkeley High School there. While in high school he played a little football—until his father found out about it. "I came home one night with a couple of teeth knocked out and my father gave me the licking of my life," Max once recalled.

PRINTING TRADE

After high school, Max took up the printing trade, joining the printing department of the Hartford Fire Insurance Co. in 1922. He became an underwriter for a few years then moved on to the telegraph department. He laughingly quipped a few years ago that he had joined the company "for a few months to see how it would work out."

During his many years with the insurance company, Max was president of the Men's Club twice, head of the 25-year club and served many times as publicity director and chairman of the minstrel show put on to benefit Camp Courant and the Times Farm. On his 45th anniversary he referred to his years with the insurance company not as 45 years but as 12,000 days because he believed that life should be taken as it comes, day-by-day.

But insurance work took up only half of Max's busy days. At 4:30 p.m., when most of his coworkers went home, Max would hustle over to The Courant to start work on his bowling column.

He always took the time to greet his friends with a shy smile and made a special effort to get to know the newer members of The Courant staff. "He remembered little things," said Courant photographer Harry Batz, who recalled that Max had often brought coffeecakes in on Sunday mornings for the photographers who gave him rides home to the Netherlands Hotel at the end of one of his long days.

The width and breadth of Max's friends was most evident during his stays at Hartford Hospital. Among the people from all walks of life who dropped by the hospital to see him was Gov. Dempsey. Max, who continued to write his columns from the hospital as soon as he could be propped up in bed, would always thank his visitors warmly in print.

Once, when Gov. Dempsey visited him at The Hartford Group to make good a promise made when he was hospitalized, Max thanked the governor in his column and told of the excitement of his visit.

"I bow my head in a silent prayer, thanking God, for the many kind words spoken in my behalf and, in closing, while I had to take some extra pills to get my system back to its normal running, it was worth it," he wrote.

Recognized for his knowledge of bowling, he was called "one of the top sports writers on lawn bowling in the United States" by the London (Ont.) Free Press. He served as president of the National Duckpin Bowling Congress from 1962 to 1963 and has several bowling tournaments named after him. One of the largest was the Max Liberman Labor Day Tournament, inaugurated in 1965 by the Greater Hartford lawn bowlers.

He was given honorary life membership and was elected to the National Duckpin Bowling Congress Hall of Fame, and to the Hall of Fame of the Eastern Division of the American Lawn Bowling Association in 1960. Max was also a member of the Connecticut Sports Writers' Alliance and the Bowling Writers' Association of America and served as public relations director of the U.S. Singles and Doubles Lawn Bowling Championships.

Max received countless awards and citations for his work. In 1967 he was honored with a poem written for him by Gerry Hoban of the Hartford Group. Of his work with the company, the poem said, "Now 45 years is a mighty long time to do a job well, and ye've done yours just fine . . . I'm guessin' that sometimes the work wasn't easy . . . Especially on days when your health made you queasy . . . But ye've conquered arthritis, and that's a quite a feat . . . Yes, Max Liberman, ye just can't be beat . . ."

Among his survivors are three daughters, Mrs. V. Florence Piscitello, Mrs. Ruth Petit and Mrs. Dorothy Hagley, all of New London; two brothers, Morris Liberman of New London and Phillip Liberman of New York.

Funeral arrangements were incomplete late Wednesday night.

MAXWELL J. LIBERMAN

To those who knew him—and there are few individuals in these parts who had more friends—Max Liberman was among other things a study in raw courage. Burdened by tremendous physical handicaps which increased as the years passed, he remained serenely cheerful to the end. As he once said after one of his most strenuous bouts with pain, he felt sorry for those who were in the same boat he was in. But he never complained. And to the last, he still had a corny joke for everyone.

Max was The Courant's bowling editor for nearly 40 devoted years. He put in a full eight-hour day here—morning newspaper people call it a "day" although most of them, like Max, work mostly nights. It was a strenuous job as he worked at it, with, among other things, long hours on his feet in the composing room making up and checking his bowling columns. Newcomers to the staff found it hard to believe that the bent, cheerful, untiring little old man shuffled down Broad Street to The Courant each afternoon after putting in a full work day at the Hartford Insurance Group where he worked full time days as supervisor of the telegraph department.

For years Max lived, as he and his friends knew, not only in pain but in the shadow of death. As he observed only last week, he may have been (as indeed he was) physically bent, but he never broke. His colleagues here will sorely miss him as will that vast circle of friends he built up outside of the newspaper.

RHODESIAN CHROME

Mr. BROOKE. Mr. President, it is a matter of grave concern to me that the military procurement authorization bill contains a section which would have the effect of requiring this country to import chrome from Southern Rhodesia.

When this proposal was considered by the Foreign Relations Committee earlier this year, I testified before the committee against the bill on the grounds that it would seriously jeopardize our relations with other nations of the world, and would, in fact, pose a clear threat to the continued existence of the United Nations.

I shall have more to say on this subject at a later date; at this point, however, I ask unanimous consent that my testimony before the committee be printed in the RECORD.

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

STATEMENT OF SENATOR EDWARD W. BROOKE BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE ON S. 1404

Mr. Chairman and members of the Committee:

I am strongly opposed to S. 1404, not only because of my basic belief that sanctions against Southern Rhodesia are justified, but because of my concern that, if approved, the bill would pose a clear threat to the continued existence of the United Nations as a viable force in international affairs.

Let me explain this second point first. The United Nations, while not always effective in preventing war nor fostering goodwill among nations, has served as an effective and open forum for the mediation of disputes and has made important contributions to economic and social development throughout the world.

Any measure which might cripple the UN ought to be examined thoroughly by the Senate because of the long history of support which this body and, especially, this Committee have lent to the organization.

Articles 39 and 41 of the United Nations Charter, to which the United States, with Congressional approval, has bound itself, gives the Security Council the power to impose a complete or partial interruption of economic relations with an offending state on behalf of all the UN member nations.

On December 16, 1966, with the support of the United States, the Security Council approved Resolution No. 232 imposing selective mandatory economic sanctions against Rhodesia, including a prohibition on the importation of chrome. This action resulted from a determination by the Council that the rebellion in Southern Rhodesia which resulted from the assumption of control by a racist regime and its imposition of suppressive control over the nation's Black majority, constituted a threat to international peace and security.

Article 25 of the UN Charter states that "The members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present charter."

Clearly, this article requires that the United States refrain from purchasing chrome or any other product from Southern Rhodesia under any circumstances unless and until the Security Council repeals its resolution.

Furthermore, Article 5 sets forth the general requirement that "All members shall . . . refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action." Thus, we should recognize that approval by the Congress of the United States of S. 1404 would represent a serious threat to our continuing as a member in good standing of the United Nations.

Important considerations of domestic law should also be kept in mind by the Committee. Section 5(a) of the UN Participation Act (22 U.S.C. 287(c)) authorizes the President to take whatever steps are necessary to enforce economic sanctions established by the Security Council. According to the report of the Foreign Relations Committee accompanying the 1945 legislation, this broad grant of power was approved by the Congress as the result of its belief that "the Security Council must be placed in the most effective position possible to act under Section 41."

In accordance with this law, President Johnson, on January 5, 1967, issued an Executive Order which legally bound this nation to the terms of the Security Council resolution. There can be little dispute of the authority of the President to conduct foreign affairs as it relates to this matter.

S. 1404 poses a threat not only to the continued role of the United States in the U.N., but also, it imposes limitations on the power of this country to take action consistent with our responsibilities and obligations under the Charter, a power not seriously questioned in the quarter of a century during which this country has belonged to the United Nations.

Beyond the legal implications, however, this bill is a clear attempt to lend vital economic support and political recognition to the government of Ian Smith, a blatantly authoritarian and racist government that makes little provision for the participation of 95 percent of its people in the political, educational or economic system of the country.

Our nation's policy in opposition to this government has been quite clearly and properly stated by both President Johnson and President Nixon. The United States government's policy of non-recognition of the present Southern Rhodesian government is definitive.

In particular, I applaud the fact that President Nixon last year ordered the closing of our consulate in Salisbury, Southern Rhodesia because of his desire to deny any formal recognition to the Southern Rhodesian government. This strong condemnation, announced by Secretary of State Rogers, should be supported by the people and the Congress of this country.

The statutory intention of S. 1404, which is to prevent the imposition of a prohibition on importation of a strategic and critical material from any free world country so long as the importation of that material from a Communist country is not prohibited, is an arbitrary and unnecessary limitation on the conduct of our foreign policy. At a time when the President is making significant efforts to open up the trade doors with the Communist nations which are "liberalizing" their policies and seeking trade alternatives with the West, the limitation proposed by S. 1404 could be highly detrimental to a fostering of this expanded contact.

Moreover, the specific matter of chrome from Southern Rhodesia which is the principal concern underlying this proposed legislation is an issue presently of no strategic or economic concern to the United States government. Although we import a significant percentage of chrome from the Soviet Union, both the State Department and the Office of Emergency Preparedness believe that there is no realistic danger that the Soviet Union would cut off this trade. Moreover, our available stockpile reserve has been judged to be adequate for the nation's industrial needs.

Mr. Chairman, it is readily apparent that approval of this legislation would constitute a grave threat to the legitimacy and strength of the United Nations, would be contrary to the support provided by Congress to the President in order to carry out Security Council resolutions, and would provide a vital prop to a government which represents the antithesis of our domestic goal of self-determination, justice and majority rule for the people of the world. I fervently hope that this legislation will not receive the favorable consideration of this Committee.

CHARLESTON, S.C., BOY SACRIFICES LIFE TO SAVE FRIEND FROM TURBULENT CREEK

Mr. THURMOND. Mr. President, the Greenville, S.C., News has been publishing a series of feature articles entitled "The Blue Ribbon Bonus Series." Strongly emphasized in this series are the heroic exploits of young people throughout our Nation, especially young people whose acts of valor have resulted in their being awarded the Young American Medal for Bravery by the President of the United States.

One of these young persons was John N. Caruso, Jr., of Charleston, S.C. This young man gave his own life to save a friend from drowning. His parents, Mr. and Mrs. John N. Caruso, Sr., were awarded the Medal for Bravery by President Nixon, on November 3, 1970, posthumously honoring this extraordinary feat.

There is much that one can say about the character of this Nation's youth. Nothing speaks louder, however, than an example of that character at work. Such an example is provided in an article written by Theodor Schuchat and published in the Greenville, S.C., News of September 6, 1971. I ask unanimous consent that the article be printed in the RECORD.

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

AMERICA'S KIDS COURAGEOUS—CHARLESTON BOY SACRIFICES LIFE TO SAVE FRIEND FROM TURBULENT CREEK

(By Theodor Schuchat)

(EDITOR'S NOTE.—The most heroic boys and girls in the United States have been honored, since 1951, by an official national tribute—The Young American Medal for Bravery. Only the President himself can award this unique medal. Only a few youngsters, all under age 19, have won it with their valor.)

John N. Caruso, Jr., and Carl Chavis were "best friends," even though John was 12 and Carl only 10. They were neighbors on John's Island, near Charleston, South Carolina, and often explored the outdoors together.

On the warm afternoon of June 28, 1968, just after the school term ended, the two friends were riding their bikes along a narrow inlet near Church Creek, which separates John's Island from Wadmalaw Island.

Spotting a pair of crabbers downstream, they left their bikes at a bridge and clambered along the creek bank toward them. After watching for almost an hour, they began making their way back to their bikes.

Suddenly, about 25 yards from the bridge, Carl slipped in the mud, lost his footing and tumbled into turbulent Church Creek.

Carl could not swim. John was a "fair" swimmer but had never taken a lifesaving course. Nevertheless, he quickly removed his shoes and plunged in after his friend.

Swimming about ten yards against a heavy current, John reached Carl and began pushing him to safety. Before long, Carl was clinging to the muddy bank.

His rescuer, however, found his feet were trapped in the muck of Church Creek! Exhausted, John could not fight his way to safety through the swift current.

Carl saw with horror that the friend who had saved him was flailing helplessly in the water. He seemed to be going under!

Carl reached for John but found himself again slipping from the muddy bank. Seeing that he could not hope to save his friend alone, Carl ran toward the two crabbers, shouting for help.

Leaving their seine in midpull, the two men ran to the tragic scene. They arrived but a moment too late.

John had once again disappeared beneath the surface. So muddy were the waters of Church Creek that he could not be seen. He never came up again.

One of the men, Charles West, stood helplessly watching the swirling water where John was last seen. The other, Horace Rooke, ran with Carl to sound the alarm and summon help.

John N. Caruso, Sr., reached the bridge before the police and rescue squads. Two hours later, they found his son's body on the bottom of Church Creek, 12 feet down and only a few feet from where he was last seen.

At the White House on December 3, 1970, President Richard Nixon presented to Mr. and Mrs. Caruso the Young American Medal for Bravery in recognition of the heroism of their son, who laid down his life that his young friend might live.

During the two decades in which the medal has been awarded by the President of the United States, only two other posthumous citations are recorded.

"We hear too much these days about the very small minority of young Americans who have lost faith in their country," the President said as he honored John N. Caruso, Jr.

"We hear too little about the great majority of young Americans, young Americans who display courage in their daily lives, young Americans who are willing to sacrifice in order to save the lives of others," he declared.

JEWISH WAR VETERANS ASK U.S. WITHDRAWAL FROM INDOCHINA

Mr. PERCY. Mr. President, on August 13, at their convention in Minneapolis, the Jewish War Veterans of the U.S.A. adopted a resolution calling for the withdrawal of all U.S. Armed Forces from Indochina by December 31, 1971.

The resolution reads as follows:

As much as any war in the history of the United States, the Vietnam conflict has been a vortex of frustration, vituperation, division and hopelessness.

Through four administrations, Presidents from the entire spectrum of political attitudes and both major political parties have agonized over the United States participation in the war.

There is little to be gained from extensive arguments over how, why or who was responsible for the decisions that resulted in our country becoming mired in the bottomless pit of Indo-Chinese geopolitics. Hindsight will contribute nothing to the solution of the Vietnam quagmire.

The Jewish War Veterans of the United States of America, cognizant of all the foregoing, calls upon the President of the United States to announce the total withdrawal of all U.S. armed forces from Indo-China by December 31st, 1971.

I understand that this is the first time a national veterans organization has taken a position in favor of total withdrawal from Indochina by a specified date. It was an act of courage and of leadership, acknowledging the tragic error of American involvement in a war which does not serve the national interest.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The PRESIDING OFFICER. The Chair lays before the Senate the pending business, the conference report on H.R. 6531, the extension of the Draft Act, which will be stated by the clerk.

The second assistant 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 authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate proceeded to the consideration of the conference report.

Mr. GRAVEL. Mr. President, much has been said about the crisis that is supposed to be developing due to the expiration of the draft. We have heard shrill pontifications on the cataclysmic occurrences happening to our national defense posture from knowledgeable citizens, not the least of whom, of course, is the President of the United States, who stated yesterday that the Senate was acting most irresponsibly in not renewing his powers to induct young men into the armed services.

In all these statements, there has been little proof and little fact to back up the projections.

The era of a nation of sheep has long passed. When we are told by those in high office that something bad will happen, we now demand a little more proof.

The fact that the President and some leaders in Congress may think something bad will happen does not necessarily mean it will happen. It does not even necessarily mean that they have any facts to back up their statements.

In fact, the evidence of the past 2 months demonstrates adequately and conclusively, including the specific evidence of the numbers of men who have enlisted, that the draft is not needed. That the leaders in this country, in the face of this evidence, continue to give pessimistic statements without the actual facts is a disservice to the Nation, if not actually a misleading of the people of this country.

Two days ago I inserted in the RECORD the enlistment figures for July of this year; namely, 35,800 men, as compared with 32,400 the year before.

That means that in the month of July, this year, without the draft, there were more volunteer enlistments in the armed services than volunteered last year when we had the draft.

Of course, the argument used by my colleague, the distinguished chairman of the Armed Services Committee, that the reason that happened was fear of the draft, does not hold water, because there is no reason for a young man to enlist out of fear of the draft until he has received his physical. Of course, during July, that was not the case because inductions were suspended for that period of time. There was no immediate fear of the draft, yet the enlistments went up. The increases amount to 10,700 men, which is significant.

The experience over past years indicates that enlistments declined in July and August from a high in June. This year there was a decline, but less of a decline than had occurred previously.

I might note also the fact that the Washington Post published an article on August 9, 1971, reporting on the results of N. W. Ayer & Son, the advertising firm that was hired by the Army to promote enlistments for a volunteer army. It stated that the enlistments in armor, artillery, and infantry, during this period of time, March, April, and May, increased sevenfold.

That means that enlistments, which were 1,039 during the same months in 1970, increased to 7,642 in 1971.

It is interesting that when the draft expired the DOD halted the advertisements, I think to make a case, as was done in 1948, to bamboozle Congress into passing draft legislation. They are trying as hard as they can now to make a case that they need men. If they have to give early discharges, if they have to cut off their own programs which they have initiated, I think they will do that in order to make their argument.

But the argument is not made because, in the face of no advertisements, enlistments have increased over this period of time.

I do not know what further proof we can demand as to what are the elements of the argument. We who oppose the draft have put forth the actual figures of the enlistments.

Those who are for the draft merely state that the national defense posture is in danger. I believe that any objective person, any intelligent person, can realize that we are offering specific figures and they are offering only opinions.

Yesterday, the distinguished chairman of the Armed Services Committee spoke of projections; in other words, the events and facts of today cannot make his case, so he must rely upon projections, under the leadership of Secretary of Defense Laird and the President; projections that, obviously, will make their case and not our case for 6 months from now.

I submit that Congress will still be here 6 months from now. If there really is something bad happening to the defense posture with regard to the force levels, then Congress can do something about it at that time.

Mr. President, I should like now to address myself to another subject area, namely a communication I had with the Secretary of Defense last August. Along with the expiration of the President's powers to draft, there also expired the suspension of troop force levels that have been in existence since the Korean war.

In 1948, Congress instituted the force levels of slightly over 2 million men. Today we have about 2.7 million men under arms.

I wrote and asked the Secretary of Defense what plans he had afoot, what considerations, what thoughts, what undertakings, to bring the force levels down in conformity with the law, which is a little over 2 million men.

The answer I received, paraphrased, is merely that they, of course, were waiting to see what Congress would do and until that time they were obeying the spirit of the law.

It is interesting that when Congress voted the draft in 1948, in an era prior to missiles, the electronic battlefield, and the computerization of our forces, we were told by the military experts that what we needed to defend the country was 2 million men. At that time, we had about 1,200,000 men under arms.

After the institution of the redundancy of three defense systems, Polaris, Minuteman, and bombers, we are still being told that in order to defend the country adequately we need 2.5 million men under arms.

I submit that the situation has not changed, that we can get along adequately with 2 million men under arms.

I would hope that the administration, which is so fond of indicating its prowess with respect to law and order, which has been so harsh in polarizing the youth of the Nation in its accusations of youthful disobedience and lack of obedience of the laws, would begin to follow the law. I see no difference between civil disobedience on the part of the President and the Secretary of Defense than I do with regard to civil disobedience on the part of our youth. In fact, I would be much more prone to tolerate the civil disobedience of the latter since certainly they would have some excuse through lack of knowledge and lack of experience. However, that certainly cannot be said with respect to the Chief Executive of this country. Melvin Laird and Richard Nixon know the law of the land, and if they chose deliberately not to obey the law of the land, I can only say it is typical of the schizophrenic approach that prevails in higher circles. It is utter hypocrisy.

With respect to the President's statement of yesterday that the act of letting the draft expire is one of the most irresponsible acts of the Senate that he could imagine, I can only say that I disagree with him totally. The Senate is probably guilty of many irresponsible acts. I think the most irresponsible act that we have been guilty of is that we have daily let him have the power to continue the war in Vietnam. And if we do not stand up and rally in support of an immoral act of the Government, he accuses us of being irresponsible in denying him the fuel to wage war. I think the shoe is certainly on the other foot.

I think the President has not kept faith with his promise of 1968 that he would do away with the draft. He has not kept faith with the American people with regard to his promise to end the war and to end the draft. He made those promises in 1968.

There are only two reasons why he would want to continue the draft legislatively at this time. One is so that he might end it himself before election time and very dramatically claim that he had kept his promise. The second is that it would give him a choice as to what he wanted to do.

I do not think it would be good for the country to give him the draft in either instance. I would hope that the Senate would table the conference report and let the Senate and House conferees renegotiate so as to end the war.

I think it is the greatest tragedy of our time that this war can continue and that we in the highest offices in the land can only stand aside and watch this holocaust and this butchery. This is truly the most irresponsible thing that the Senate has done, and we do it daily, in permitting him to have the power to kill human beings.

Mr. President, I yield the floor.

Mr. PERCY. I intend to vote to table the draft bill conference report because there is still ample time for the conferees to return a bill more in line with the overwhelming vote of the Senate on a sharing of responsibility by Congress to end the war, and on increasing military pay raises in the lower ranks, so we can work more rapidly toward an all-volunteer army.

The Secretaries of the Army, Navy, and Air Force have stated it is essential that the draft be resumed by November. The conferees would have sufficient time to revise the bill so that Congress could meet that deadline.

AMERICAN LEGION SUPPORT FOR SPEEDY APPROVAL OF DRAFT EXTENSION

Mr. THURMOND. Mr. President, the national commander of the American Legion, John H. Geiger, has sent me a telegram urging that I oppose the planned motion in the Senate to table the conference report on the draft extension bill.

The Legion is to be commended for the interest taken in this important vote today; and if other Senators received a similar wire, as I suppose they did, it is my hope they will weigh carefully the words of Commander Geiger.

The text of this wire reads as follows:

> The American Legion urges you support extension of Selective Service Act to maintain essential strength of active and reserve forces. Failure to extend the draft will create manpower crisis and, in our judgment, seriously impede our nation's defense effort.

Mr. President, I have spoken at length several times this week in opposition to any move to table the draft conference report. Some say the Nation can do without a draft the next few months; others feel there is no need to extend the draft at all.

The facts I have presented, and those offered by the members of the Armed Services Committee, as well as by other Members of the Senate, fully support the argument that the draft must continue.

While it may be argued that the no-draft situation since July 1 has not resulted in any great manpower shortages, the indicators clearly show that vital manpower accessions are in a dangerous downtrend.

The situation may be compared to that facing the pilot of an aircraft which has lost power. The plane is falling fast, and while it may not have yet crashed into the ground, the fact is that it will surely crash unless power is regained.

Let us not make the error of gambling with our national security and then being faced with the need for rapid and costly steps which will undoubtedly result if the present no-draft situation continues.

Mr. President, I urge Senators to reject the motion to take the draft extension bill conference report.

Mr. HOLLINGS. Mr. President, today I am voting in favor of the House-Senate conference report on the extension of the draft. In a time of shifting foreign policy and a continued arms race, we can ill afford to scrap the system of defense which has seen us through history's most troubled times. As I said at the Citadel last March, nothing can demonstrate as clearly as the draft the resolve of our people to shoulder the burdens of defense. The draft mirrors the strength and the will of a people. And I have always believed that the draft is the most equitable way to organize the Nation's defense. This bill will not only continue the draft, but will also put an end to college deferments, which are not in keeping with the spirit of the draft.

The conference report does not include the Mansfield amendment, which I voted for last June. This measure declared it to be American policy to end the war and to provide for the orderly withdrawal of our troops within 9 months of passage, subject to the release of our prisoners of war being held throughout Indochina. The House-Senate conferees diluted the Mansfield amendment by changing it into a sense of the Congress resolution and by omitting the 9 months' deadline. Still, if the conference report is passed, the House will go on record with the Senate as advocating the swiftest possible withdrawal from Indochina, subject to the release of our prisoners. It will be the first time that both Houses of Congress have called for an end to the war. While the original Mansfield amendment is stronger, the conference report is a long step forward. And given the urgent necessity of reinstituting the draft, I am not about to sacrifice national security by insisting on the original version.

I have just returned from a meeting of the Inter-Parliamentary Union in Paris. While there, I did not call on the Vietcong or the North Vietnamese. We have but one President, and when I travel abroad my politics remain at home. However, I did talk with the President's negotiators, both of whom I had known personally—Ambassadors Porter and Habib. I am convinced from my conversations with them that the chance still exists to negotiate an end to the war. I believe Congress can help the President end the war by assuming as much of the responsibility as possible. The President operates under the fear of the first defeat. No Commander in Chief would like the results in Indochina. And no Commander in Chief can be expected to shoulder all of the responsibility. In short, Congress can no longer avoid sharing the burden of ending the longest and most frustrating war in our history. By adopting the conference report, Congress would be living up to the harsh de-

mands of leadership. And it would also be playing the more active role in foreign policy that the Founding Fathers envisioned when they wrote the Constitution almost 185 years ago.

By continuing the draft and by assuming its share of the burden on Indochina, Congress would help insure a sound American national defense. If we were to jettison the draft as we withdraw from Indochina and disengage elsewhere, we would be inviting grave danger. Our first priority is always national defense; for without the shield of security, we could not go about the business of nurturing and encouraging the many liberties we hold dear. Let us, then, preserve the draft, showing the rest of the world that we in America are more interested in asking what we can do for our country than what our country can do for us. John Kennedy's summons to the 1960's must become the reality of the 1970's.

Mr. MUSKIE. Mr. President, I shall vote to table the conference report on the draft bill today because it is essential that the original language of the Mansfield amendment be restored as an essential step toward ending our involvement in the war in Vietnam.

I feel that the best way to end the war—the quickest way, the surest way to obtain the return of our prisoners, and the best way to reallocate resources to our own society—is to set a date certain for the withdrawal of all our military personnel from Indochina. The Mansfield amendment language, although it does not cut off funds beyond a date certain, does set a date. For that reason, I feel it must be adopted.

Many argue that continued delay of the draft bill will seriously weaken our military effectiveness. I believe that a reasonable delay in order to allow the conferees to agree on restoring the Mansfield language would not cause any weakening of our national security.

The best way to protect our national security is to push with all our strength to withdraw from Vietnam. Therefore, I shall vote to table the conference report and shall vote in favor of sending the bill back to conference with instructions to accept the Mansfield language.

Mr. HATFIELD. Mr. President, yesterday we were told that this body is on the verge of one of its "most irresponsible acts," and that a vote to table this conference report "is a vote that will make the United States the second strongest nation in the world, with all the implications that has insofar as the ability of the United States to keep the peace and to negotiate for peace in this critical period."

Seldom have words from the administration on such an issue disturbed me so deeply. Let us examine just who is being irresponsible. The administration has raised the threat that somehow our Armed Forces are suddenly dissipating in the absence of the draft during the past 2½ months. Yesterday I attempted to point out, as others have, the real facts and figures which give ample evidence for the needlessness of the draft, and I have consistently stated my opposition to the continuation of the conscription.

But that is not the real question before us. We all know that the administration can have the draft extended in a moment if they really feel it is all that vital. All they have to do is adopt the Mansfield amendment, and tell the American people that we will have our troops out and military operations end in Indochina by next spring, provided we have our prisoners returned.

The irresponsibility falls on those who refuse to say we will be completely out of Indochina by next spring.

If the administration actually believes what it says, and if they really believe that failure to extend the draft will make the United States a second-rate power and destroy our ability to keep the peace, then why do they not simply accept the Mansfield amendment?

The question we face then, is not whether the draft shall be extended. We are deciding whether this war will be further prolonged, or whether it shall be ended.

Let no one cloud the issue by false threats about the perils to our security. We are voting once again on the war—a war that, more than any other factor, has weakened the true security of our Nation, and destroyed our image as a peacemaker.

It is this war that we must face again. Since the Senate overwhelmingly adopted the Mansfield amendment, 270 more Americans have given their lives in Indochina.

Every reason for fighting this war has been discredited.

We have been told we were fighting: to stop aggression from the North; to contain Communist China; to maintain our Nation's credibility; to keep the dominoes from falling; to avoid being a "pitiful, helpless giant"; to get back our prisoners of war; and to give the South Vietnamese people a chance to choose their own destiny.

It has been these justifications which have fallen like dominoes. The pretense of our fighting there to give the South Vietnamese a chance to choose their own destiny—something our military presence has consistently made impossible for the South Vietnamese—now has been revealed as the final farce by the forthcoming one-man election.

So with no reasons left to defend the war, its defenders have turned to not talking about the war.

The economy has suddenly captured the stage as supposedly the paramount issue. So we forget about the war and look for a solution to our economic woes—which is about like forgetting about germs and looking for a cure to disease.

Yesterday in the paper we read about a Cambodian village which was "liberated" from the enemy—and completely napalmed by American planes. The story read:

> Today there are only blackened holes where the many wooden houses stood. The nearby trees are scorched from the heat of the fire that obliterated the empty town after air strikes by United States and Cambodian bombers.

Today in the news we have heard about a savage battle in South Vietnam, with the body count reported: 91 Vietcong killed, 47 South Vietnamese, and one American adviser. The Vietnamese, the Cambodians, and the Laotians have not been able to forget about the war. Neither have the families of the 270 Americans who have perished there since the Senate approved the Mansfield amendment. Some may find it easier to worry about their pocketbooks instead of our foreign policy—particularly as more dark-skinned, and fewer light-skinned people give their lives in support of our policy, and the version of one-man democracy that we now underwrite.

But I do not believe that the American conscience can be so easily numbed.

This body must reflect both the conscience and the will of our people. Even more, each Member of this body is answerable to his own conscience. He bears the responsibility, given to each of us by the Constitution, for determining whether or not there shall be an end to the bombing of villages, and the daily killing and maiming of Americans and Asians by our bullets and bombs. Let us again express our will, and make it the policy of our country that we shall totally end our involvement in this war, provided only that our prisoners are returned

We must not allow the power of conscription to be extended as long as the executive branch refuses to totally terminate this tragic war—a war that we all can never afford to forget.

NOTICE OF MOTION TO TABLE—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, for the information of the Senate, and in view of the fact that the distinguished Senator from Mississippi, the manager of the bill, should have advance knowledge, I wish to announce to the Senate that I will offer a motion to table at 11:30, before which there will be a brief quorum call.

In the meantime I ask unanimous consent, Mr. President, that the remaining time between now and the hour of 11:30 be equally divided between the distinguished Senator from Mississippi, the manager of the bill, and the Senator from Montana now speaking.

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

Mr. MANSFIELD. Mr. President, I yield all of my time to the distinguished Senator from Mississippi with the exception of 15 minutes, which I would like to have his permission to use at the conclusion of the debate.

Mr. STENNIS. Mr. President, if the Senator would yield, I understand the leader's position here. The statement was made yesterday that the motion to table would come at 2 o'clock yesterday afternoon, and it would have if there had not been intervention by the Senator from Montana. I understand the situation, and the Senator can understand my situation here.

I am not in the role of agreeing to a motion to table. However, I understand the Senator's position fully, and I appreciate his advance notice and the division of time.

Mr. MANSFIELD. Mr. President, I thank the Senator.

Mr. STENNIS. Mr. President, as I understand it now, the time is divided and

the Senator yielded to me his half of that time except for 15 minutes which would be at the conclusion.

Mr. MANSFIELD. The Senator is correct.

Mr. STENNIS. Mr. President, since yesterday afternoon, even before we adjourned for the day and last night and this morning, we have been trying to ascertain further additional facts and trends as are shown in the enlistments in the four services during that interval when we have had no authority in the law books for the President to make inductions, and we also tried to get further calculations about the prospects of those trends if we have no draft bill passed and what the impact would be on it. We have put together a brief statement regarding these matters.

I again express the greatest disappointment that there is not a better chance to get these facts to the Members of the Senate. It was too late to put the information in another memorandum letter to send to the Senators. However, we produce for the record now such information as we have. The limited time simply would not permit the culling of the records and the assembling of detailed data of the sort we had hoped to produce.

Mr. President, before I proceed, I would like to refer Senators to my remarks of Wednesday, September 15. I stated then some of the figures which had been provided to us as of that time. I stated those figures for the record.

Today I would like to state for the record some additional material, that small part which we have been able to assemble overnight. I expect to have more next week.

Mr. President, let me emphasize two important points. This data is just starting to become available because the trends are only beginning to show. Also, the summer is seasonally the best time for recruiting all of the services. That is traditionally true and has been for many years.

In some of the services, there were small manpower pools, about 1 month's worth of recruits on which the recruiters could draw.

These were men who had already committed themselves to go into the services. As I will show in a moment, these small manpower "savings accounts" are rapidly being depleted.

Second, there is still some draft pressure encouraging enlistments. There is not so much as would be the case if the President actually had the authority to induct, of course. However, since some young men do commit themselves to enlistments up to 6 months ahead of time, we are still seeing some enlistments for which commitments were made last spring. Also, the lottery has been held. Physical examinations are being administered. Some young men doubtless believe, as many of us hope, that the draft will be reinstituted soon. They are making their plans under this assumption.

Of course not all young men are still responding this way. Many who would have been motivated to enlist in the Regular services or the Reserve are not doing so, and their numbers are increasing daily.

On the average, the services will require about 42,000 new men per month during this fiscal year. The best estimates provided to us are that, without the draft, they will be about 13,000 men per month short. Now, men are not like dollar bills—each man cannot be used in the same job as any other. You cannot make an aviation machinist's mate—a job which requires over a year of specialized schooling—out of a rifleman who has less than 1 year to go on his enlistment. So the effect of numerical shortages will begin to be felt very soon. These are highly relevant facts and that is one reason why I am so concerned about the situation we have drifted into already. The armed services are like an intricate machine. You cannot tell a man who needs a carburetor for his car that there are no shortages because you can provide him with plenty of hubcaps.

That is the way it is throughout the services. There are many illustrations. There are not only machinists for airplanes, but also for submarines, missiles, and the whole host of very involved weapons that are an essential part of any armed services preparation. When we talk about being prepared, regardless of how many fine weapons we have, if we do not have the right kind of trained manpower they are useless.

Some shortages have shown up already. Over 50 percent of marine officers are draft-motivated and this important service obtained only 59 percent of its officer requirements in July and August. Day in and day out and year in and year out we can depend on the Marines because, Mr. President, you just do not find them getting caught short in men, weapons, or training. But here we are letting a situation develop and it is already moving in appreciable amounts even though the draft has been cut off the books, so to speak, and the President without the power in connection with the draft for only about 75 days.

I repeat for emphasis that over 50 percent of marine officers are draft-motivated, and this important service obtained only 59 percent of its officer requirements in July and August. That is the period when the draft was inactive; the draft power was not in the hands of the President and it still is not.

Other shortages are now beginning to appear, and thus the manpower gaps which will appear this winter and spring as a result of a delay this fall.

Shortages in the Navy caused by delay in the draft legislation will be translated into a lack of readiness for combat operations. The Secretary of the Navy and Admiral Zumwalt have informed us that a 9-month delay in restoring induction authority would probably result in up to 40 ships and 33 aircraft squadrons not being ready for combatant service due to manpower shortages.

Mr. President, I do not believe the American people or the membership of this body are willing to accept a set of facts like these. A shorter delay will put American ships and American planes on the sidelines.

The passage of a motion to table will be a major step in a road running downhill from here on in the effort to block passage of any draft bill.

I point out there is no criticism except the very slightest voiced in this Chamber with respect to the provisions of the Draft Act as it is contained in this bill. Some few little disappointments have been expressed, but I submit this is the best, most evenly balanced, and fairest draft bill that has ever been passed by Congress. That is not any reflection on any previous Congress. They did the best they could. The microscope has been put on what was the law before June 30. It has been examined in every conceivable way by members of the committee and skillful staff members, and volumes of testimony have been taken. Sweeping modifications have been made in the law.

I repeat that there is no real criticism. Perhaps there is a little difference of opinion but there is no basic assault made on this draft law. We have gotten off into another realm altogether. We have really gone into the realm of foreign policy and it is a matter which the committee would benefit by having a study and recommendation by the Committee on Foreign Relations about this foreign policy with respect to the war in Vietnam. I did not say that in criticism of any Senator for putting in an amendment but I am talking about the real substance and the real merit of the legislation before us.

Some of those improvements we have adopted. We got the 1-year liability provision started last year as an amendment to the old law, as well as calls being made on the basis of a drawing of numbers. The new law will put a ceiling on the number of inductees per year of 130,000 for fiscal year 1972 and 140,000 for 1973. There is a reason for that slight difference. I will not stop to explain it now. This bill will abolish the mandatory student deferment except those who were freshmen last year and had already started college. There are far more procedural rights for each individual inductee whose case may come up before these boards.

We had six amendments by the Senator from Massachusetts (Mr. KENNEDY) either accepted by the committee or put on the bill by agreement or by votes on the Senate floor. We took those to conference and came back here with five of them. Five of them are in this bill. All of them are of substance.

We have a provision in the bill requiring the approval of a Governor before the collocation of the local boards can be carried out. I will not go into detail about the Kennedy amendments, but as I have said here before, I think these amendments are valid. They were sustained. They greatly improve the procedural matters and the strength of the bill.

I am very pleased with the fact that we have a rounded out bill. The draft part of it is a rounded out bill and almost beyond controversy.

Now, back to these manpower problems: The Air Force projects now being 7,000 men short in key areas by the end of this calendar year, the end of 1971, and 25,000 men short by the end of the fiscal year. We had already made some reductions—not a great deal—in the Air Force, but this legislation carries some manpower reductions, and these estimates make allowance for that. The Air

Force will still be 7,000 men short in key areas of the Air Force by the end of this calendar year, and 25,000 men short by the end of the fiscal year, next June 30.

The Air Force shortage in fiscal year 1971 was not insignificant. Yet, without the draft we can expect four times that shortage within the next few months.

Those are hard facts, and to me they are really alarming. I do not have any preferences in the services, unless it leans a little to the Army because of the many problems the Army has, but I just have to say that the Air Force, in a way, has many attractive places to offer to a young man. The Air Force has been very successful in attracting young men as volunteers, and it has been successful in attracting the young men when the draft has had something to do with motivating them. But their calculations are, according to these figures, that by the end of this year they will be 7,000 men short, and 25,000 men short by the end of the fiscal year, June 30, 1972. They expect the shortage to run four times as fast within the next 4 months as any time recently, without the draft.

As I reported to you yesterday, the Reserves and National Guard are immediately and seriously affected by the shortages caused by delay on this bill. The Marines have seen their reserve strength decline by 4,000 in these few short months as a result of reduced pressure by the draft.

It was argued here by inference yesterday that these were not facts of life; that they were just inflated ideas and speculative figures. These are the hard facts of life.

There has not been a chance to get them to the Senate and present them. My observation has been that when we get the facts here and get them into the minds of the membership and establish a case based on facts there is seldom any trouble in getting the Senate to establish those facts. But here is a case where we have had this experience without the draft, and enough time is not permitted even to take the measure upon what has happened in these 75 days.

Even in this short time, quality has declined for all services. I believe this is most serious. As I pointed out on Wednesday, the percentage of non-high-school graduates entering the Army has jumped sharply. Last year, on the average, only one-third of the recruits were non-high-school graduates—below high school graduates in the level of education. In July and August of this year—those are 2 months in which we did not have the benefit of the draft inducement—one-half have not completed high school. There are now reports on the same trend in the Air Force, which requires highly trained men for virtually all of its technical jobs. To confirm this trend in the Air Force, the numbers of men in top mental categories has fallen sharply in the past year—from 54 percent to 40 percent.

There is a drop that has shown up within the last year, and a good part of it was within those last 2 months—very definitely there was a trend downward in the level of intelligence.

What are we talking about? We are talking about men that can be trained and given these highly responsible positions of being crew members on or at our intercontinental ballistic missile sites, our attack submarines, our antisubmarine warfare submarines, our nuclear-powered submarines, our Poseidon submarines, and all the rest of the most modern ones, including the Polaris, of course. Then we must have crews for our carriers at sea, on the decks, crews that maintain planes on the carriers. There are just literally hundreds and hundreds of different types of crews throughout the services that maintain instruments in the field of radar and other high techniques and avionics of all kinds.

They are the kinds of men we must have. They are the kinds of men we have been getting under the draft inducement. They are the kinds we are going to fail to get unless we have the law.

I am talking about this bill as being a draft bill. That is what it is primarily. One can hang any controversial subject on a bill that is not directly related to it and germane and have a chance to block it, but here is one where, I submit, it is a serious error to further delay this bill because of a disagreement about the war in Vietnam. I do not think of this bill in terms of getting men to go to Vietnam, because I know there are very few of them who are going to be going there under the present situation, and there is very little activity there by our men. That war is being drawn down as fast as it reasonably can be, I think, without just turning and running and ignobly leaving under fire. I do not think that the majority of the American people, by any means, want that done. But we are divided on it. There is an honest difference of opinion here on the floor. My plea is, do not let that problem block what is necessary for our protection, our shoreline, our people here—the 200 million and more people in the 50 States. That is what we are doing for the time being. We are letting a problem here overwhelm the Senate, in blocking the passage of this bill.

Mr. President, I have said before, and repeat it again for emphasis: You are not going to settle the war, after all, by a floor amendment offered in one body of our legislative branch of the Government, and go to conference where the other body has voted just the other way, directly opposite.

We did bring back, though, a very substantial part of the Mansfield amendment regarding the war, and that is all we can get. I am willing for someone to take a try at it, but that is all we can get; and the Senator from Montana, honest man of candor that he is, agreed on this floor the other day, in open debate, that the substance of what was brought back and is in this bill now of the Mansfield amendment was something worthwhile, that there was some substance in it, and that it was a step forward in his legislative efforts here on that subject.

All the other avenues are open to him or any other Senator, to put in a resolution of any kind and send it to a committee that might be more friendly to it. We had a measure introduced yesterday by the Senator from Georgia, a joint resolution that proposed that same question. I assume it was referred to the Foreign Relations Committee, a very capable committee with fine leadership, both majority and minority, and I would be mighty glad to see them have that before them and work on it, and, if they see fit to report it out, it would certainly get the utmost consideration here on the Senate floor.

But back to this policy, again, Mr. President: Even in this short time, now, these trends have developed. They would be important, Mr. President, if they affected only our technical capability. It should be obvious to all Senators that our B–52 and FB–111 bombers, carrying nuclear weapons on alert, must have absolutely perfect maintenance.

Notice that "carrying nuclear weapons on alert." We think that that is necessary, and it is a part of our policy of protection under the orders of the President. We can hardly turn around and say we are not going to supply them with the necessary type of manpower. But there are other facts about men in lower mental categories in the military.

I would call to the attention of the Senate the recent series of articles in the Washington Post about problems of morale, behavior, and crime in the U.S. Army. These problems are extremely serious. And they are made worse by requiring the services to accept higher percentages of men in the lower mental categories. We must speak plainly about this, Mr. President, or we will be deluding ourselves. Twenty-three percent of all men in the Army are in what is called category four. This is the lowest mental category and comprises men who score between 10 and 30 percent on the tests given to all entering servicemen. Those who score below 10 percent are not accepted for mental reasons. This 23 percent of the Army accounts for 45 percent of the men serving time in Army prisons for crime, based on data of this summer. Men in mental category four come before courts-martial twice as often as men in the other three mental categories.

The problems of crime and morale in our military services are extremely serious and I charge the Senate that further delay on this draft bill will serve to make these problems approach dimensions of tragedy.

One other point, Mr. President, has not yet been made in this debate. I address it to those who believe that there is really no harm done by delaying the draft and that no harm would be done by delaying it a bit longer.

I have tried to directly disprove both of those contentions. Now I suggest, in addition, that draft delays will subject a new inequity into the draft machinery.

In submitting additional material to me, Secretary Laird has stated that further delay "would place an unfair burden on the calendar year 1972 draft pool, because 1972 draft calls probably would have to be larger than otherwise would have been the case in order to make up for the absence of a draft since July 1."

That means, Mr. President, that as the services move to recoup their shortages,

after the draft is resumed, next year's pool of draft eligibles will be tapped for some of this year's deficiencies.

Senators should remember that under the current plan, the draft lottery is keyed to birth dates, and vulnerability for each young man lasts for 1 year.

So, as long as we defer these matters and accumulate these shortages, we are lessening the burden for the fiscal 1972 group, but we are dumping that same burden over on the young men of fiscal 1973. That is an unfairness and an inequity that is created by our delay, and one that we tried to remedy here last year.

Mr. President, I am glad to yield the Senator from Arizona such time as he may require.

Mr. GOLDWATER. Mr. President, I have stayed out of this debate thus far, mainly because of my uncertainty as to what would happen during this past summer, when we have been without a draft. I should like to address myself now to the vote that will be held within the hour.

Mr. President, my position opposing the draft is known all over this country. I was the first man, I believe, to speak out against the draft when I did so in 1964. My basic reason for doing so was that I do not believe our Government has the right, morally or constitutionally, to tell any American citizen what he is going to do with a period of his life except, Mr. President, during periods of grave national emergency such as wars of the size of World War I and World War II, when it is otherwise impossible to raise armies, navies, air forces, and marine contingents of the size that are needed.

Having that feeling, I might be expected to vote to table the pending compromise; but, Mr. President, I shall not vote to table it, and my vote on the bill itself is not certain to me yet. I would much rather see us vote this measure up or down, because in it are some other things of importance to the military, other than the draft. We have pay raises, and while they are certainly not the ones that we voted for in the Senate, or the ones that were voted for in the House of Representatives, nevertheless they do constitute another pay raise for the lower grades.

Mr. President, last year and the year before the Senator from Oregon (Mr. HATFIELD) and I introduced legislation as an amendment to this bill that would have established, at that time, guidelines for the voluntary military. We offered pay raises; we offered fringe benefits; we said that we were not seeking the volunteer army at that time, we were not seeking an end to the draft; we were perfectly willing to allow it to end at its normal time, which it did earlier this year.

The Senate rejected this proposal, and now we are hearing practically the same arguments made in debate that were used at that time. We need guidelines. We need to find out how these young men will react to increased pay, better fringe benefits, and so forth. I wish the Senate had had the wisdom at that time to have followed the suggestions we were making. Had we done so, the question would not be raised today about whether a volunteer army will work. I do not think there is any question that it will work.

When I first joined the Army in 1930, it was volunteer. The esteem in which the public held the military at that time was probably as low as it is today, due to the same conditions—the pacifists, the peaceniks, and the others in this country who did not at that time, nor do they today, understand the world situation and how grave things were then and how grave they are today.

I think we can do it if we improve pay, if we improve fringe benefits, if we recognize that a man in the service has the rights that a man out of the service has, if we improve the morale of the military by demanding and getting better leadership, by treating the men in uniform with more respect.

Mr. President, I have seen some figures last night and today, and I have listened to the distinguished chairman of the committee use these figures. I have no reason to doubt them. They come from the men in the military and civilians in the Pentagon whom I have known for years, whom I have known to be perfectly honest, and I have no reason to doubt them. These figures are frightening.

I was prone to believe that enlistments were improving. In fact, they had, in some isolated cases. But the long-range effect of trying to provide men for the remainder of this year, I think, is in very grave jeopardy. If this continues at the present rate, in the Air Force alone we can fail to man four combat wings by the end of this year. I am talking about the ICBM wings, the Minuteman wings. This, of course, would be disastrous.

I would hope that we could defeat the tabling motion, although I do not know yet how I am going to vote up or down on the bill. I would like to see us vote up or down on this. I would like to see us remove the Mansfield amendment once and for all.

I do not think that Congress has any business meddling with the war powers of the President, unless we change them by constitutional amendment. I think it is wrong for any legislative body, particularly the Congress of the United States, to think that suddenly it has the strategic and tactical intelligence to control a war, to end it, or to start it. These—whether fortunately or unfortunately—are the sole prerogatives of the President. I think we are making a major mistake if we try to enact legislation containing the so-called Mansfield amendment.

But all these are things on which I think we should vote. I do not think we should vote to table the conference report. We should defeat the motion to table and then should go on, as quickly as possible, to vote up or down on the entire compromise.

Mr. President, I admire the Senator from Mississippi for his courage to stand on this. He and I have differed rather strongly at times, but I have to express my admiration for the way he has conducted this debate. I wish that more Members of this body would pay attention to what he has to say, to be here more often than not during these very important days, when he is trying to explain to the entire Senate the perilous position of the United States.

I might conclude, Mr. President, by reminding the Senate once again that the United States is no longer the world's No. 1 military power. It is No. 2. And if we are going to be No. 2, we might as well be No. 10. Strangely, people do not seem to be interested in this.

On the day before the August recess, 94 Members of the House of Representatives stood up and made that precise statement, and it did not appear, to my knowledge, in one eastern newspaper. I do not know what the combine is back here, on this side of the Mississippi, where men try to tell the American people the state of our preparedness and the eastern press refuses to print it. I think we should all move out West, where we can enjoy honesty and completeness in the newspapers.

I thank the Senator from Mississippi for yielding.

Mr. STENNIS. Mr. President, I thank the Senator for what he has said. I thank him, too, for a very substantial contribution to this debate. He is unusually well qualified, not only in military matters but also in personnel matters, one of his specialties.

He is an advocate of and has supported the volunteer army concept, and he believes in it honestly. He now sees a situation, as I understand his remarks, and he is capable of judging what that situation is. He sees a situation that makes this transition period absolutely necessary. I thank him. If the Senator is not heeded today, he will be heeded on the points he has made before we get out of this situation.

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

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

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Georgia, and if he requires more time, I will yield it to him.

Mr. HUGHES. Mr. President, a point of inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUGHES. Are we under a controlled time situation?

The PRESIDING OFFICER. The Senator is correct. We are under controlled time.

Mr. HUGHES. Is there a control in opposition to the distinguished chairman? How much time remains on each side?

The PRESIDING OFFICER. Senator MANSFIELD has the last 15 minutes. The Senator from Mississippi has the remaining time.

Mr. HUGHES. Is there a time certain for a vote?

The PRESIDING OFFICER. There is no time certain for a vote.

The Senator from Georgia may proceed.

Mr. TALMADGE. Mr. President, I supported the Mansfield amendment. I supported the amendment, because I think the time is long overdue for us to withdraw our troops from Southeast Asia. We have been involved in a war there for some 10 years. It is a war that we made no real effort to win. The people of America have become disgusted with a war which they cannot understand. Our country has made no real effort to fight the war to a military conclusion.

That amendment was adopted by the Senate. The Senate conferees did everything they could to uphold that amendment in conference. They met with unrelenting resistance on the part of the House conferees. In my judgment, if they were to go back to conference, they could come out no better, and perhaps worse, than they did when they went there.

Mr. STENNIS. Mr. President, may we have order in the Senate? I ask that the Chair direct staff members not to talk and not to walk about.

The PRESIDING OFFICER. The Senate will be in order. Staff members will remain seated.

Mr. TALMADGE. Under the circumstances, I think it would be futile for the Senate conferees to return for another hassle on this matter. The Senate conferees did get something out of this conference. It was declared to be the policy of this country to withdraw from Vietnam at the earliest possible date, and it places our Government on record in that connection.

I am deeply sympathetic to the situation in which the President finds himself with reference to Vietnam. It was not a war of his own making. It was not a war of his own choosing. It is a war that he inherited from three of his predecessors. It had its origin under President Eisenhower. It was escalated further under President Kennedy, and it was escalated further under President Johnson. President Nixon has now withdrawn more than half the troops that were in Vietnam at the time he was inaugurated President of the United States.

But, the issue before the Senate is not the Vietnam war. The issue before the Senate is whether the United States will try to maintain military supremacy or at least parity. We know that we cannot do that without the draft.

Many colleagues in the Senate favor unilaterally disarming the country. I do not take that position. When I look at our potential enemies, what do I see?

I see the Soviet Union with military power much larger than our own.

They have many intercontinental ballistic missiles allegedly of higher destructive power than our own. They are further advanced than we are with their antiballistic missile system. They have a much larger standing army than we have. They have many more tanks than the United States of America has. They are continuing to build up that power. They have also built a new, modern navy in recent years capable of operating on every ocean in the world.

What are the facts regarding Red China? Red China is also a nuclear power. They have 800 million people in Red China which is approximately 25 percent of the world's population.

The big argument between the Soviet Union and Red China is how best to bury the United States of America.

To disarm under those conditions, I think, would be fantastic and foolish.

I would favor disarmament provided the rest of the world joined hands with ironclad inspections and further provided that our potential enemies would disarm also. But I am unwilling to disarm the United States of America unilaterally.

If we cease the draft, in my judgment, that is exactly what will happen. As much as we desire it, we are not going to have volunteers for the military forces. We are not going to have volunteers for the National Guard. We are not going to have volunteers for Reserve units.

In short, the military power of this country would begin to evaporate in short order.

No one dislikes more than I the idea of drafting a young man and taking him away from his education or his job. But we are living in a dangerous world and, therefore, every able bodied American should do his duty as long as this dire threat exists. I see no alternative other than to continue the draft.

I thank the distinguished Senator from Mississippi for yielding me this time.

Mr. STENNIS. I thank the Senator from Georgia for his splendid remarks. They are practical and down to earth. As one who supported the Mansfield amendment, he sizes up the situation in an excellent way.

Mr. President, of the Senators now in the Chamber, does anyone desire some time?

Mr. GRIFFIN. Mr. President, will the Senator from Mississippi yield me 4 minutes?

Mr. STENNIS. I am glad to yield 4 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 4 minutes.

Mr. GRIFFIN. Mr. President, I rise to support the conference report and urge Senators to vote down the tabling motion which will shortly be before the Senate. I do so, not because I want to see the draft continued indefinitely, because I do not. I do so, not because I want to see U.S. troops maintained permanently in Europe, because I do not. On the contrary, I look forward to the day—and I hope it will be soon—when it will not be necessary to draft our sons into the military services. I look forward to the day when we will not have to support a sizable strategic force in Europe.

But, Mr. President, that day has not yet arrived. More important, that day will not come unless we proceed toward those goals in a reasonable, rational, and orderly way.

If we do not support the President of the United States on this issue today, I fear that we will dangerously undercut and destroy his brilliant and thus far effective efforts to bring about a generation of peace.

During the past 2 years, important strides have been made toward the goal of peace in the world. President Nixon will soon be visiting Peking. A four-power agreement has been reached in Berlin. The SALT talks appear to be progressing well. Some semblance of peace, although uneasy to be sure, has been brought to the Middle East. And there is a realistic hope that our military involvement in Vietnam will soon be terminated.

But, Mr. President, all of these important steps have given rise to a realistic and justified hope for peace that could be destroyed if, suddenly, there is registered here in the Senate a signal of weakness—a lack of resolve, a failure in commitment.

We seem to be on the road to peace in the world. But it could turn out to be a road to international disaster if the Senate were to act irresponsibly.

The security of our people and the security of people throughout the free world depend in a real sense upon what the Senate does here today.

Thus, Mr. President, I hope and I urge the Senate today to vote down the tabling motion.

Mr. BENTSEN. Mr. President, will the Senator from Mississippi yield me 5 minutes?

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mr. BENTSEN. Mr. President, vital issues which bring out sharp differences of opinion are not unusual in this body. One of the characteristics of the Senate is that men of differing opinion can disagree, without questioning the patriotism or motives of those who hold opposing views. Deliberation is a hallmark of this legislative body, and certainly honor and integrity of the Members are seldom questioned.

It was with some concern, and not a little chagrin I might add, that I read the stories today in the newspapers about the administration's efforts for passage of this conference report on the draft by the Senate.

This effort included the pay raise "trade" by the President with the Senator from Colorado. I understand that. I appreciate the practicality of that arrangement. I do raise some question about the poor judgment of not doing a better liaison job with the other Members, including the committee chairman and members of the Armed Services Committee—but that is not of any great consequence, just a tactical error.

The activities yesterday also included a press conference remark by the President, a hard remark. I do not criticize the President for his comments about the Senate and passage of the draft bill. Again, it is an acceptable form of pressure, calling on the people to support his position. As a matter of fact, I happen to support the basic premise that the draft must be extended, that failure to do so would raise some serious questions of weakening our defenses. I do not question the sincerity of those who see

it differently; I question again their understanding of the situation which we in the committee have so thoroughly examined in our hearings.

The real question I raise is about the reported action of the White House staff, action for which I can see no reason, nor logic, revealed in news stories that a ranking White House staff member charged that the distinguished majority leader was using tactics of threats for votes for his position.

Anyone who has served a day in this body takes offense at such charges. The men of this body are sincere men, and I resent deeply the allegation that the majority leader would resort to the pressure and threats of campaign fund usage.

The point, Mr. President, is that I fear that in their zeal some of the White House staff have made a basic error which can damage the President's position. Surely the President controls his people, and he should forthwith publicly reprimand his speechwriter.

Certainly, there is no intent in my remarks to question the sincerity of the President; neither do I believe his people should question the sincerity of Members of this body.

I believe that his staff people do him damage when they question the sincerity of the Members of this body.

However, I say that if there is failure of the vote here today, certainly part of the problem lies in the ineptness of efforts by the administration, and the uncalled for activities of some of the staff around the President in seeking to impugn the motives of Members here.

There are just too many reports about activities of the White House staff—this latest is not the only incident—that leads one to believe that instead of showing the concern for our Nation's needs, they think too much about electoral politics.

It may be time for the President to take another look at some of the people who are not doing him any good, and who are poisoning the relationship of the executive with the legislative branch.

I believe the men here are of sufficient stature to put into proper context the inept and—yes, even stupid—activities of some staff members downtown, and I am confident the vote here today will be one of sincere conscience by every Senator.

I, for example, voted for the Mansfield amendment on passage because I believed it did express a sense of the Senate that the President should accelerate the withdrawal of our troops from Vietnam. I see no tieing of the hands of the President in that resolution. I see no reason the administration cannot be more candid with us about plans in Vietnam, and withdrawal. It would make easier the hard effort to extend the drafting of our young men if we felt that we were getting full information about the troop withdrawal plans.

I also read this morning in the Wall Street Journal that the President has told political associates that he plans a surprise a month before election. I would hope that if he expects the support of the country and the Congress, that there will be leadership, not by surprise, but through confidence and respect.

From both ends of Pennsylvania Avenue, there has to be a balance of trust, and a balance of understanding between the two, Executive and the Congress, if we are to have a cohesive people and confidence in Government. The activities of the past couple of days by some of those directly responsible to the President do not instill that trust. Let me turn for a moment to the issue in the bill we consider here.

We are considering today the final product of some 7 months of hard work and difficult decisionmaking.

The decision to extend the draft and to continue to use inductees to man our armed services is neither easy nor popular.

The draft extension issue has been thoroughly discussed and debated both here in the Senate and within the Committee on Armed Services. This, I feel, is an important point. The draft extension bill was debated intensely within our committee and was approved only after the most searching consideration of this issue.

One frequently hears the charge that the Armed Services Committee serves as an unquestioning advocate of the military position. The charge is made that our committee members reflect only a militaristic point of view.

This is simply not the case.

There is a wide divergence of viewpoints within our committee.

Critical issues such as the ABM and the draft extension bill have caused intense debate and our decisions were certainly not uncontested.

The committee has just this session cut the military procurement request from the Pentagon by 5.3 percent. This equals or betters the record of any other Senate committee in cutting back a major budget request by an executive agency.

The members of our committee are men of strong wills and independent minds.

They frequently disagree and certainly never accept a position without serious consideration. There is only one position they unanimously agree on and that is that the Nation's security must remain inviolate.

The draft extension bill represents the best consensus available on this most difficult issue.

If the motion to table the draft bill which is currently before us is carried, it will effectively kill the bill for this session. This, in my opinon, would have disastrous consequences.

Tabling the bill will surely result in the total subversion of the long and deliberate process begun last winter which has resulted in the expenditure of thousands of man-hours of work. The draft bill has been the subject of unending debate and analysis, compromise and passage in both the House and the Senate. A substantial portion of the 91st Congress was devoted to this process.

If all the time and effort that have gone into the bill before us are wasted by virtue of our favorable vote on the motion to table, we will have caused a serious breech of trust in our duties to the American people.

It would be sad indeed if our feelings about the South Vietnamese political situation and about the long, distasteful war there would so blind us as to cause us to take this action. In my opinion it would be in complete disregard of the national security needs of our own country, and it would have serious repercussions around the world. To further obstruct the draft bill would serve no useful purpose nor would it contribute constructively to our peace-seeking efforts around the world.

The draft bill in its current form has ceased to be an appropriate vehicle for criticism of our Indochina policy.

There are far more suitable bills before us which would better serve that purpose. To effectively defeat the draft bill would be unwise, and illogical. I urge my colleagues to resist this temptation.

Let us look at the possible impact. The Defense Department which is already worried over the problems of low morale, undermanned units, drugs, and racial tensions in our forces, has indicated that the failure to enact the draft bill would worsen these conditions. Not only would our failure to act remove the incentive for the many thousands of volunteers to enlist, it would cause manpower shortages which would seriously jeopardize the readiness of the Army.

The situation is critical. It was critical several months ago and can only worsen as we continue to delay here.

Strategically, the situation is equally dismaying. Because of the sustained drive by the Soviet Union to gain strategic superiority with the United States and to gain superiority in nuclear and conventional weaponry, the strategic balance is now measured in very small increments. The magnitude of the shift in power caused by shortfalls of 15,000 men per month would cause this balance to shift suddenly and dangerously.

Since the influence of the state of the balance of power directly affects the assessment by our adversaries of each potential troublespot, every crisis area of the world will be directly affected. In a word, the United States would be inviting confrontation and challenge.

A deplorable consequence of the lapse of the draft will be the impact upon our negotiating efforts. In going more than halfway for peace in our discussions with the Soviets, we have been able to make significant progress in such matters as the settlement of the Berlin question, and limitations on strategic arms limitations. If, as a result of the lapsing of the draft, there follows a serious deterioration in the readiness of our forces, our strength at the bargaining table will surely suffer.

Those who seek peace and a reduction of military tensions in this body should consider the impact on our efforts in that regard which a decimated American Armed Forces would have. It can only be negative.

Let us set aside our feelings about Vietnam and the other distracting questions and vote on the motion before us strictly on the basis of its impact on our own national security. Further delay can accomplish nothing but a weakening of

our Armed Forces and a deterioration of our national security posture.

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

Mr. BENTSEN. Mr. President, would the Senator yield me 2 additional minutes?

Mr. STENNIS. Mr. President, I deeply regret that my time is virtually up. I want to save 1 minute. I yield 1 additional minute to the distinguished Senator from Texas.

Mr. BENTSEN. I close by saying that the distinguished chairman of the committee throughout the hearing gave an audience to all of these dissenting voices. We have brought in a bill that is a bill which shows deep concern for the future of our country and for the military security of our country. I congratulate the distinguished Senator from Mississippi, the chairman of the committee.

Mr. STENNIS. Mr. President, I thank the Senator greatly. I thank him also for his valuable help.

Mr. President, there remains only a few short minutes here, 2 or 3 minutes, for the presentation of this matter.

I point out with all the emphasis that I can that the real issue before the Senate is whether we have a draft law. We have a bill before us that has some addenda in it. However, here is a completed draft bill that is greatly improved over the 1967 act. It is needed. These figures prove it. As day follows day, they will become stronger and stronger.

This is a procedural vote. A motion to table does not solve anything. Anyone who will vote against the draft in the end can vote against tabling now with full consistency and reserve his right on the final vote on the draft bill.

I speak with the greatest deference. Many of those who are holding out for the full substance of the Mansfield amendment will tell us frankly that if we put all of the Mansfield amendment in the bill they still will not vote for it.

Our frank and trustworthy majority leader himself is entirely consistent about this matter. He voted against it 4 years ago. He is just not for the draft. However, my goodness alive, with the conditions we are facing today and the need for this, it is imperative that the bill be passed. I want to help everyone wind down this war. However, I cannot go all out for the Mansfield amendment. However, in the name of everything pertaining to the security of our people, not Vietnam and not Europe, but our people, let us pass the bill and get the manpower that is required to give the volunteer plan a chance. Let us get the war over the best way we can. Let us do it by a revolution on this floor, if we want to do so.

There are other avenues open to us. A Senate joint resolution was introduced yesterday by the very fine Senator from Georgia (Mr. GAMBRELL). It is a joint resolution on the entire subject of the war. It would be referred to the Foreign Relations Committee where it could get the best kind of expert treatment. The staff of that committee is as fine a staff as we could find. The Senate will have a chance to act upon that matter. If we do not do that, we could put it on some other bill—and I hope it will not be on a bill that I will have to present.

The door is open parliamentarywise.

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

The PRESIDING OFFICER. The Senator from Mississippi has 15 seconds remaining.

Mr. STENNIS. The Senator can have 10 seconds.

Mr. GAMBRELL. Mr. President, I want to ask if the Senator is aware that the resolution I introduced on yesterday has been placed on the calendar.

Mr. STENNIS. Yes, I thank the Senator. It is on the calendar. It is lying on the table as we say.

Mr. President, back to my last few seconds, all of the life left in me says that this draft bill has been modified and rectified and made more equitable, although it is not perfect. It is absolutely essential for our security.

Time has run out. We are burning up the daylight. I hope that we will reject this motion and then move into the next necessary step to get the bill enacted into law.

I thank the Chair.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Senators will be seated so that the debate may continue.

Mr. MANSFIELD. Mr. President, may I say that regardless of the outcome of the matter, I am glad that the Senate is having an opportunity to face up to this issue today.

The issue really is not the draft, but it is the Senate amendment which sought to bring about within a 9-month period an end of the war in Vietnam. That termination was tied with the simultaneous release during that period of all prisoners of war and those identifiable among the so-called MIA's or those missing in action.

May I say that the administration, as near as I can determine, has set up a tripod as a means of achieving peace in Vietnam. That tripod consists of a "reasonable chance" for the Government of South Vietnam to get on its feet and to survive.

The second point to the tripod calls for the release of the POW's, of whom there are anywhere from 400 to 1,600 on the basis of the figures I can recall. That includes those who are missing in action and who have not been identified.

The third part was, of course, the withdrawal of all United States troops—I emphasize the word "all," because that is the way the amendment was drawn up—at the same time that the POW's were being released.

I note with interest that the one-man democracy which is emerging in South Vietnam in the person of President Thieu—and I speak of him personally only because of the American involvement there—has stated in the press this morning that he needs U.S. troops in South Vietnam through 1973, and the number is 50,000.

It also says in this news story that:

> Thieu's position on the need for an American residual force remains basically unchanged since July of last year, when he told another group of journalists much the same thing.

Again quoting from the article:

> The President appeared unperturbed by the possibility that Congress might direct the withdrawal of U.S. Forces before he is ready to see them go. But he stressed the need for continued American air support "for many more years."

"He said he is optimistic about his chances for a solid majority" next month. If we ran our elections on that basis, I suppose we would be just as optimistic, too.

In short, the United States is expected to keep forces in Vietnam until 1973. But I would point out that this body on June 22, 1971, by a vote of 61 to 38, adopted an amendment which sought to bring about a complete withdrawal within 9 months, with the only proviso being that during that period all POW's would be released. I have heard a great deal about POW's in the past several years. Now, we have a chance to do something in their behalf, if we will. The question is, Will we? Perhaps the question should be, Do we want to?

On June 22, nearly 3 months ago, 61 Members of this body said—

> Let us end the involvement. Let us stop the killing. Let that be our policy. Let us share this responsibility with the President. Let us think of the POW's.

On June 22, nearly 3 months ago, 61 Senators—an overwhelming majority—unequivocably went on record in connection with the draft bill—the pending measure—to declare that within 9 months all U.S. forces be removed. On June 22, nearly 3 months ago, the Senate said that all Americans held prisoner in Southeast Asia should be returned home.

Nearly 3 months—nearly 90 days—have passed since that Senate action. What has happened? In that time there have been well over 1,200 more American injuries. Almost 350 more Americans have been killed. Over 200,000 tons of bombs have been dumped from American aircraft. Between $2 and $3 billion more has been spent.

During this period, just how many more Americans have been made to survive a living death as prisoners of this tragic war, I cannot say. But they are there. They are a part of the grim and tragic statistics. So are the amputees. So are those who have been fragged to death. So are the drug addicted; and those who have been demoralized, those who are the living dead. And—as I said—there are the billions that must be added to the billions and billions and billions it has cost in all, and billions and billions it has cost us all up to this time and will cost well into the next century.

I repeat, Mr. President, more than 61 Members of this body chose on June 22 to put an end to this tragic episode in American history; to close this chapter once and for all.

In the interim—in the time since June 22—much has happened. First of all and most regrettably, what the Senate did on June 22 has been undone. What 61 Senators said so clearly and unequivocally has been unsaid.

That is not all. Much more has hap-

pened. Much, in my judgment, that would warrant beyond question an additional conference on this measure. It need not take long. There is but a single issue. And make no mistake, there is not a single matter of national security that exceeds this issue; no interest of the Nation is more important. It is inconceivable to say there is not sufficient time to meet again to resolve this issue—the most critical issue of our time.

A great deal has happened in the interim. Nearly 3 months ago when the Senate voted, South Vietnam was preparing to exercise a fundamental right of a free, democratic society—it was setting the stage for the "free and open" elections that were to be held this fall. Fall is almost upon us and with the change in season has come an even more alarming change in the nature and character of those so-called "free and open" elections. It is no wonder that more voices have joined in to ask, "For what have we been fighting? For what purpose have the nearly 360,000 U.S. deaths and casualties over the past 10 years been sustained? On what have we been spending billions in Southeast Asia?" Surely not for an uncontested, one-man referendum that is paraded under the label of democracy.

And what about conditions here at home in that time—in the last 2 or 3 months? What about the billions which have been spent in Vietnam which should have gone instead to shore up our ailing economy—an economy wracked as seldom before in our history; what of the billions needed in our decaying cities and rural areas to assist the aged and infirm, to clean the air and water. Billions were needed but were not available. They were spent instead to continue this tragic war.

It has been a long two and a half months. Much has happened. Much has happened in casualties, in cost, and much has happened in the thinking of the American people. There is not much I can add to what has already been said. But once again I am going to read to the Senate the actual casualty list as of yesterday: 301,589 wounded Americans, 45,501 dead Americans in combat, 9,757 Americans wounded or dead in noncombat activities, for a total casualty compilation of 356,847. Those figures speak louder than any words.

There are the casualties, the deaths, the money spent. And there is the travesty on freedom. What were to have been open, contested elections have turned into a charade that, in my judgment, has done a grave disservice to the words honesty, freedom, and democracy. It has been a long 2½ months and I would hope that the conferees would take note not only of the passage of time—nearly 90 days—but also of the events that have occurred. I would hope the conferees on this measure would look again at the product of their earlier efforts in light of these changed circumstances—not only the events in South Vietnam and the added deaths and casualties that have occurred but at the changed status of the Nation's health and welfare here at home. Is it too much to insist that at least we set the final date for the last American boy to be shot down defending a cause that has lost all meaning and validity. And what could be more appropriate than to consider that question in connection with a draft bill which compels young men to serve such a cause? Oh, there will be a draft. And deep down, every Member of this institution knows it. That is not the issue. It has been raised only to cloud and confuse the real issue.

The issue is Vietnam. The issue is going back to conference in order to get out of Vietnam. It need not take long. No longer is the question obscured by matters of pay increases, pay effective days. They have been stripped away. There can be no confusion over the vote. It is the question of Indochina. It is the question of ending the war. That the conferees can resolve this matter with dispatch I have no doubt. Suggestions of manpower potential or whatever simply are not germane at this time.

What is germane is that the Senate, each of us acting independently and in accordance with our own judgment decided to choose this measure, H.R. 6531, as the appropriate measure on which to seek an end to Vietnam. It is now asked only that the conferees endeavor to carry out the Senate's will on Vietnam. That is what confronts the Senate now. That is all that confronts the Senate.

I would only add that should the tabling motion prevail, it is my intention to move to instruct the conferees as follows:

> To insist upon the amendment calling for a withdrawal within 9 months of all U.S. forces from Indochina subject to the release of all prisoners of war taking into consideration the fact that nearly 3 of the 9 months called for have already elapsed.

I believe it is what the Senate wishes. I believe it is what the American people want. I believe it is what the Nation needs.

Mr. President, in relation to the matter before us, I received a number of telephone calls at my home last evening from members of the press and the news media in general. On the basis of these telephone calls I have been told that a number of Senators and their staff members were contacted on yesterday with the report that on Wednesday or some day last week at a Democratic caucus or meeting of Democratic Senators I, as the majority leader, and as a Senator from Montana, made a statement with reference to a date for Vietnam withdrawal to the following effect, and this is a direct quote:

> This is a party matter affecting the 1972 elections. Any Democrat who votes to approve the conference report will be denied money and political support from the Democratic Campaign Committee.

May I say that I am not only somewhat amazed by the report but also at the source to which the report is attributed. I did not know the gentleman's name until I read it on the ticker this morning and in the newspapers. I met the gentleman in question just a short time ago and was impressed by his intelligence and integrity which is to be expected, of course, in staff personnel at the White House. In the circumstances, I am at a loss to find his name linked with this matter and can only conclude that there must be some mistake in the attribution for the story as it appears in the press.

I hesitate to refer to such a matter, but no doubt many Senators and others read references to it. In the circumstances, it should be said that no such statement was made by me or to my knowledge, for that matter, by any one else—at any time or any place.

I would say further that, having been now in public life for 25 years or more, perhaps I should not be surprised at all by a report of this kind. For what purpose it was advanced in this situation I can only speculate. Nonetheless, I have every confidence that there is not a Member of this body on either side of the aisle who would take such a report seriously, much less believe it. Every Member of this body knows my attitude with regard to the integrity of the Senate and the independence of every Senator's vote as determined solely by the dictates of his judgment and conscience, free of any and all outside influence and pressures. I have stood on that all of my life. I stand on it today. I shall continue to do so.

Insofar as I am concerned, there is no "price" on this vote today, and there has never been on any other. No one owes me a thing and the Senate knows it.

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.

Mr. MANSFIELD. Mr. President, I move to table the conference report, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the motion to table the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, a point of order. The Senate is not in order to the extent that we cannot hear the responses. I think all Senators are entitled to hear them.

The PRESIDING OFFICER. The Senate will please be in order. Attachés will exit from the Senate Chamber. Senators will please take their seats.

The rollcall will resume.

The rollcall was resumed and concluded.

Mr. PASTORE (after having voted in the affirmative). On this vote I have already voted in the affirmative, but word has reached me that the distinguished Senator from Colorado is necessarily absent. If he were present and voting, he would vote "nay." I have already voted "yea." Therefore, I withdraw my vote.

Mr. COTTON (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Washington (Mr. MAGNUSON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. MOSS (after having voted in the affirmative). On this vote I have a pair with the junior Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. NELSON (after having voted in the affirmative). On this vote I have a pair with the junior Senator from Louisiana (Mr. LONG). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. SPARKMAN (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Minnesota (Mr. HUMPHREY). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), are necessarily absent.

I further announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), are absent on official business.

On this vote, the Senator from Oklahoma (Mr. HARRIS) is paired with the Senator from North Carolina (Mr. ERVIN).

If present and voting, the Senator from Oklahoma would vote "yea" and the Senator from North Carolina would vote "nay."

On this vote, the Senator from Massachusetts (Mr. KENNEDY) is paired with the Senator from Ohio (Mr. SAXBE).

If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Ohio would vote "nay."

I further announce that, if present and voting the Senator from South Dakota (Mr. MCGOVERN), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), 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.

If present and voting, the Senator from Kansas (Mr. PEARSON) would vote "yea."

The pair of the Senator from Colorado (Mr. ALLOTT) has been previously announced by the Senator from Rhode Island (Mr. PASTORE).

On this vote, the Senator from Ohio (Mr. SAXBE) is paired with the Senator from Massachusetts (Mr. KENNEDY). If present and voting, the Senator from Ohio would vote "nay" and the Senator from Massachusetts would vote "yea."

The result was announced—yeas 36, nays 47, as follows:

[No. 223 Leg.]

YEAS—36

Aiken	Fulbright	Metcalf
Baker	Gravel	Mondale
Bayh	Hart	Muskie
Brooke	Hartke	Pell
Burdick	Hatfield	Percy
Case	Hughes	Proxmire
Chiles	Inouye	Ribicoff
Church	Javits	Schweiker
Cook	Jordan, N.C.	Stevenson
Cooper	Mansfield	Symington
Cranston	Mathias	Tunney
Eagleton	McIntyre	Williams

NAYS—47

Allen	Eastland	Packwood
Anderson	Ellender	Randolph
Beall	Fannin	Roth
Bellmon	Fong	Scott
Bennett	Gambrell	Smith
Bentsen	Goldwater	Spong
Bible	Griffin	Stafford
Boggs	Gurney	Stennis
Brock	Hansen	Stevens
Buckley	Hollings	Taft
Byrd, Va.	Hruska	Talmadge
Byrd, W. Va.	Jordan, Idaho	Thurmond
Cannon	McClellan	Tower
Curtis	McGee	Weicker
Dole	Miller	Young
Dominick	Montoya	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—5

Moss, for.
Nelson, for.
Pastore, for.
Cotton, against.
Sparkman, against.

NOT VOTING—12

Allott	Jackson	McGovern
Ervin	Kennedy	Mundt
Harris	Long	Pearson
Humphrey	Magnuson	Saxbe

So the motion to lay on the table was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. STENNIS. Mr. President, am I recognized?

The PRESIDING OFFICER. The Senator is recognized.

The Senate will be in order.

Mr. STENNIS. Mr. President, I had a conference with the majority leader, after the result became evident from the rollcall, and he is familiar with and in accord with what I am going to say about procedure.

Mr. BYRD of West Virginia. Mr. President, may we hear the Senator a little better? May we have order?

The PRESIDING OFFICER. The Senate will please come to order.

Mr. STENNIS. Mr. President, the pending business, as Senators know, is the motion to adopt the conference report. The committee is prepared to continue to present that to the Senate. Based upon the developments over the rugged road that this bill has had to travel, I anticipate that there will be a disposition on the part of some to continue to engage in considerably more debate; and I think it is necessary that we file a cloture motion.

Under the procedures, if the motion is filed today—and I intend to ask others to join me in the motion—that would carry the vote on the cloture motion over until Tuesday, because it is not contemplated that there will be a Saturday session.

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

Mr. STENNIS. I yield.

Mr. SCOTT. I should like to simply add to what the distinguished Senator from Mississippi, the chairman of the committee, has said.

I have joined with him in signing a cloture motion, and I am glad to hear that he intends to file the motion today.

Mr. President, there comes a time in all debates when it seems to me that the rights of the majority should also be considered, much as we respect the rights of every individual. The interest of the Nation is involved here. The effect on foreign countries is very great, indeed.

The spectacle we present when 90 Senators, more or less, want to do something and others do not is one which we thoroughly understand and respect. We all take advantage of it at one time or another. We have no right to criticize someone else or deny someone else that privilege. But the rules also operate in favor of ongoing business.

Four appropriation bills are pending. A great deal of work remains to be done. The country is watching us. They have watched us as for the weeks we virtually got nowhere.

I think it is high time that we give careful consideration to bringing an end to the debate. Therefore, I am going to support the cloture motion and every other cloture motion that is necessary to effect, finally, if not the will of the majority of the Senate, the will of two-thirds of the Senate.

So I commend the distinguished chairman of the committee for the decision he has made.

Mr. STENNIS. I thank the Senator.

Mr. President, as everyone knows, I do not have enthusiasm about a motion for cloture, particularly taking part in it; but it is only under the rule of necessity as I see it.

I have been asked this question: If the cloture motion is filed today, at what time on Tuesday will it be voted on?

Senators will recall that the rule states 1 hour after convening of the Senate on that day, so that I judge the leadership will ask for a convenient date of some kind and will make it, probably, a morning vote—by noon, anyway. So that will be the effort now of the committee, to continue to present, in as acceptable a way as possible, the conference report. The procedure, of course, would be, if cloture is invoked, Senators recall, that each Senator will have 1 hour to speak on debate, at the conclusion of which there will be a vote.

Everyone has been most cooperative about this matter. We are down to the point where we cannot put these things off any longer. The Senate does not have time to spare. We have the military procurement bill here and we are ready to proceed on it as soon as we can get this other matter disposed of.

Thus, unless there are other questions,

that is all I have to say now, except I shall re-present to the Senate some new facts, new figures, and new trends that we have received as late as last night as to the enlistment record which will be relevant to present, and it will all be in the CONGRESSIONAL RECORD.

Let me repeat that any member of the committee, and all other Senators that can assist in presenting this matter, I shall be delighted to have them. I do not want to take up further time. We want to terminate this matter as soon as we can under the rules of the Senate, so that I trust we can have a good attendance in the Chamber to listen to the new facts and figures that I have on this matter.

I do not push for the floor now. If a Senator has another matter to bring up, let him do so.

I yield the floor.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. EAGLETON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE SO-CALLED PENTAGON PAPERS

Mrs. SMITH. Mr. President, now that the dust has somewhat settled on the cause celebre Pentagon papers that reached the dizzy judicial heights of the Supreme Court with record speed, it is well to start viewing these papers for what they really are rather than the false image given to them of being literally a bible of gospel and unerring truth.

The best place to start is with the introduction and covering memorandum written by the chairman of the Office of the Secretary of Defense Task Force for Secretary of Defense Clark Clifford. While the text of this memorandum introduction was carried in full by the newspapers, there was a surprising dearth of press observations and commentary on the admissions of limitations and weaknesses in the studies as admitted by the chairman of the task force. This was in sharp contrast to the otherwise aura of gospel truth image generally given the Pentagon papers by the news media.

The fascination over and the intense public debate that followed disclosure of the secret Vietnam war study may have had a more realistic balance if the cover memorandum introducing the study had been taken for what it is instead of for what is is not. This introduction points out several limitations and even seems to question its own validity.

The introduction to the study is two pages long and contains what sounds like a series of apologies for not having done what the assignment asked for and gives the impression that about the only reason for turning it in at all was to justify the time and effort spent on it.

The words responsibility and emotion get tangled up so badly in the hassle to reveal the story of involvement that the validity becomes even more doubtful and understanding of the subject increasingly confused instead of enlightened.

The possibility of such a conclusion stands out right from the beginning of the introduction. It is dated January 15, 1969, as a memorandum for the Secretary of Defense and is entitled "Final Report, OSD Vietnam Task Report." It is written on Office of the Secretary of Defense letterhead and signed by the chairman of the task force.

It contains so many apologies that call attention to enough shortcomings of the project as to cast doubt to its value. It is a remarkable thing that what appears to be an incomplete account is being considered as anything other than what it is.

The first reservation is noted at the very beginning when the study was being considered. It states that on—

> June 17, 1967. Secretary Robert S. McNamara directed that a Task Force be formed to study the history of United States involvement in Vietnam from World War II to the present.

Since Mr. McNamara was at that time considering a change of employment the question can be raised as to what direction and whose direction.

Secretary McNamara was nominated to his current job as president of the World Bank on November 29, 1967. Speculation on Mr. McNamara's interest in another job goes as far back as 1966. The Defense Secretary himself said he was approached for the new job on April 18, 1967. The date of his termination was February 29, 1968.

This change of job speculation and eventual resignation, anywhere from 2 months to a full year prior to the start of the war study, suggests that Mr. McNamara had other things on his mind and that the management or the lack of it placed the study in the background leaving it with no clear lines to proceed by and perhaps even lacking the interest of the one who ordered it in the first place. What it amounts to is that the study had just enough direction to get it started and after that not much attention was given to it. This is a questionable approach to such a gigantic undertaking.

The memorandum goes on to explain that Mr. McNamara's guidance was simply to do studies that were "encyclopedic and objective." Yet, the introduction memorandum states:

> Of course, we all had our prejudices and axes to grind and these shine through clearly at times . . .

And one could ask "what guidance and whose guidance?" As for the words "encyclopedic and objective," the word encyclopedic indicates comprehensive which is admitted the study was not even though it has 43 volumes. As to the "objective" part, the average length of time anyone worked on it was 4 months per person, hardly enough time to be objective and suggests a hit-and-run approach.

The memorandum states that six were assigned to do the work that was to be completed in 3 months. Instead it took one and a half years and involved 36 people. With so many people coming and going for such short periods of time it would seem more like this became a training ground where personal opinions of the war were disposed of rather than a serious effort to accomplish the original aim.

Another apology:

> Without the memories of people to tell us, we were certain to make mistakes. Yet, using those memories might have been misleading as well. This approach to research was bound to lead to distortions, and distortions are sure to abound in these studies.

This is commendable honesty, but nothing else.

Another of the shortcomings noted:

> We had to rely more on outside resources.

This raises the question of what were the outside resources.

The uncertainty of the authors is further noted by the following:

> And because these documents, sometimes written by very clever men who knew so much and desired to say only a part and sometimes written very openly but also contradictorily, are not immediately self-revealing or self-explanatory. . . .

It further notes:

> These outstanding people. . . . Some came for a month, for three months, for six months, and most were unable, given the unhappiness of their superiors, to finish the studies they began.

With the involvement of "six times six professionals" and with unhappy people, one continues to doubt the final result of the study. It borders on delusion.

Without a doubt the study has some value but considering the strange introduction outlining so many shortcomings and casting doubt as to its own validity seems to indicate that it ought to be taken at face value for what it is instead of what it is not. In view of these reservations and distortions it would be possible to suggest that the whole project has been taken out of proportion. This is not surprising as it is easy to understand the many emotions connected with this subject but it does not make responsibility any less important.

It is an extraordinary thing that what was represented as being weak and limited, with guidelines that were uncertain along with having so many authors participating in such short periods of time, turns out to be what has become known as the now famous Pentagon papers that required the attention of the Supreme Court. This becomes even more amazing when in effect the study chairman in his letter of introduction warns that it ought to be taken with a grain of salt.

Taking this memorandum at face value it would be possible to conclude that the task force study was plainly inadequate and stands to be challenged or a further explanation of the memorandum is needed. Having been prepared in such an atmosphere of confusion and what sounds like a collapse of direction

this presents an irony of being ridiculous while at the same time fantastic.

Mr. President, I ask unanimous consent to place in the body of the RECORD at this point the introduction memorandum to which I have alluded. I not only invite the attention of the Members of the Senate to it, but I also call attention to those pertinent portions of the memorandum which I have underscored myself and I hope will be noted in the printing with italics.

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

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., January 15, 1969.

MEMORANDUM FOR THE SECRETARY OF DEFENSE

Through: Mr. Paul C. Warnke, ASD/ISA; Dr. Morton H. Halperin, DASD/Policy Planning and Arms Control/ISA.

Subject: Final Report, OSD Vietnam Task Force.

On June 17, 1967, Secretary Robert S. McNamara directed that a Task Force be formed to study the history of United States involvement in Vietnam from World War II to the present. Mr. McNamara's guidance was simply to do studies that were *"encyclopedic and objective."* With six full-time professionals assigned to the Task Force, we were to complete our work in three months. A year and a half later, and with the involvement of six times six professionals, we are finally done to the tune of *thirty-seven studies* and *fifteen collections* of documents contained in *forty-three volumes.*

In the beginning, Mr. McNamara gave the Task Force full access to OSD files, and the Task Force received access to CIA materials, and some use of State Department cables and memoranda. *We had no access to White House files.* Our guidance *prohibited personal interviews* with *any of the principal participants.*

The result was not so much a documentary history, as a history based solely on documents—checked and rechecked with ant-like diligence. *Pieces of paper,* formidable and suggestive by themselves, *could have meant much or nothing.* Perhaps this document was never sent anywhere, and perhaps that one, though commented upon, was irrelevant. *Without the memories of people to tell us, we were certain to make mistakes.* Yet, using those memories might have been misleading as well. *This approach to research was bound to lead to distortions, and distortions we are sure abound in these studies.*

To bring the documents to life, to fill in gaps, and just to see what the "outside world" was thinking, we turned to newspapers, periodicals, and books. We never used these sources to supplant the classified documents, but only to supplement them. And because *these documents,* sometimes *written by very clever* men *who* knew so much and *desired to say only a part* and sometimes written very openly but also contradictorily, are not immediately self-revealing or self-explanatory, we tried both to have a number of researchers look at them and to quote passages liberally. Moreover, when we felt we could be challenged with taking something out of context, we included the whole paper in the Documentary Record section of the Task Force studies. (Parts V and VI. A and B). Again seeking to fend off *inevitable mistakes in interpretation and context,* what seemed to us key documents were reviewed and included in several overlapping in substance, but separate, studies.

The people who worked on the Task Force were *superb*—uniformly bright and interested, although not always versed in the art of research. We had a sense of doing something important and of the need to do it right. *Of course, we all had our prejudices and axes to grind and these shine through clearly at times,* but we tried, we think, to suppress or compensate for them.

These outstanding people came from everywhere—the military services, State, OSD, and the *"think tanks."* Some came for a month, for three months, for six months, and *most were unable,* given the unhappiness of their superiors, *to finish the studies they began.* Almost all the studies had several authors, each heir dutifully trying to pick up the threads of his predecessor. In all, we had *thirty-six professionals* working on these studies, with an average of four months per man.

The quality, style and interest of the studies varies considerably. The papers in Parts I, II, III, and IV.A, concerning the years 1945 to 1961 tend to be generally non-startling—although there are many interesting tidbits. Because many of the documents in this period were lost or not kept (except for the Geneva Conference era) *we had to rely more on outside resources.* From 1961 onwards (Parts IV.B and C and VI.C), the records were bountiful, especially on the first Kennedy year in office, the Diem coup, and on the subjects of the deployment of ground forces, the decisions surrounding the bombing campaign against North Vietnam, US–GVN relations, and attempts at negotiating a settlement of the conflict.

Almost all the studies contain both a Summary and Analysis and a Chronology. The chronologies highlight each important event or action in the monograph by means of date, description, and documentary source. *The Summary and Analysis sections, which I wrote,* attempt to capture the main themes and facts of the monographs—and *to make some judgments and speculations which may or may not appear in the text itself.* The monographs themselves stick, by and large, to the documents and do not tend to be analytical.

Writing history, especially where it blends into current events, especially where that current event is Vietnam, *is a treacherous exercise. We could not go into the mind of the decision-makers, we were not present at the decisions, and we often could not tell whether something happened because someone decided it, decided against it, or most likely because it unfolded from the situation.* History, to me, has been expressed by a passage from Herman Melville's *Moby Dick* where he writes: "This is a world of chance, free will, and necessity—all interweavingly working together as one; chance by turn rules either and has the last featuring blow at events." Our studies have tried to reflect this thought; inevitably in the organizing and writing process, they appear to assign more and less to men and free will than was the case.

LESLIE H. GELB,
Chairman, OSD Task Force.

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 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 OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, has the operation of the Pastore rule on germaneness expired for the day?

The PRESIDING OFFICER (Mr. EAGLETON). It has.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday next.

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

(Subsequently this order was changed to provide for the Senate to convene at 12 o'clock noon on Monday.)

ORDER FOR THE RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on Monday next, immediately following the recognition of the two leaders under the standing order, the junior Senator from West Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

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

ORDER FOR RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on Tuesday next, September 21, 1971, immediately following the recognition of the two leaders under the standing order, the junior Senator from West Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

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

ORDER FOR RECOGNITION OF SENATOR TALMADGE ON FRIDAY NEXT, SEPTEMBER 24, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on Friday next, September 24, 1971, immediately following the recognition of the two leaders under the standing order, the distinguished senior Senator from Georgia (Mr. TALMADGE) be recognized for not to exceed 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 assistant legislative clerk proceeded to call the roll.

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

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

THE MAJORITY LEADER

Mr. BYRD of Virginia. Mr. President, I want to comment briefly on the published report quoting a White House official as having stated that the majority leader of the U.S. Senate threatened Senators concerning their votes on today's motion to table the conference report on the Selective Service Act.

Mr. President, all of us in the Senate know Senator MANSFIELD. All of us know that such a report is an inaccurate one. We know that whoever made that statement to the press either does not know Senator MANSFIELD or does not know him very well.

I do not know anyone with whom I have served in legislative bodies—and I have served in two legislative bodies over the period of 24 years—who is more fair or more considerate of his colleagues than is the distinguished majority leader.

Mr. President, the reported threat to withhold campaign funds from Democratic Senators who did not support the views of the majority leader is, of course, ridiculous.

As the majority leader pointed out in his press interview today, or perhaps it was yesterday, the funds are handled by a committee, the chairman of which is the distinguished and able Senator from South Carolina (Mr. HOLLINGS), who himself is a man of impeccable fairness.

I know for a fact that in the election last year the campaign committee under the leadership of the distinguished Senator from Hawaii (Mr. INOUYE) handled the disbursement of those funds with complete fairness, as did the Senator from Washington (Mr. MAGNUSON) 2 years before that.

I am perhaps the only Member of the Senate seeking reelection last year who received no funds from either the Democratic campaign commitee or the Republican campaign committee.

I sought no such funds. I was not involved in the distribution of funds, on my own initiative. But I know how completely fair those who handled such funds have been in the past, and are today under the chairmanship of the distinguished Senator from South Carolina.

I rather suspect that the majority leader, being the modest man he is, would prefer that I not make these remarks today. Senator MANSFIELD needs no defense from such absurd charges. However, I do not want such a report to go unchallenged, because there is no individual with whom I have had contact for whom I have a higher regard or who is held in higher esteem by all of his colleagues than is the senior Senator from Montana.

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

The PRESIDING OFFICER. Would the Senator withhold his request?

Mr. BYRD of Virginia. Mr. President, I withhold my request.

Mr. PELL. Mr. President, I commend the Senator from Virginia for his statement and I agree with him completely. The Senator from Montana would have found unthinkable the tactics that were mentioned and I am glad to reaffirm my really profound affection, regard, and respect for the majority leader.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provision of section 2(b), Public Law 89-491, as amended, the Speaker had appointed Mr. Williams of Pennsylvania as a member of the American Revolution Bicentennial Commission, to fill a vacancy thereon, on the part of the House.

The message announced that the House had agreed to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 9, and 10 to the bill (H.R. 4713) to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of committees of the House of Representatives to the use of certain currencies; that the House had agreed to the amendment of the Senate numbered 3 to the bill, with an amendment, in which it requested the concurrence of the Senate; and that the House had agreed to the amendment of the Senate to the title of the bill.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1746. An act to further promote equal employment opportunities for American workers; and

H.R. 9936. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Labor and Public Welfare:

H.R. 1746. An act to further promote equal employment opportunities for American workers; and

H.R. 9936. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes.

EXECUTIVE SESSION

Mr. PELL. Mr. President, I ask unanimous consent that the Senate go into executive session.

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

THE INTERNATIONAL CONVENTION RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES OF OIL POLLUTION CASUALTIES—CERTAIN AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR PREVENTION OF POLLUTION OF THE SEA BY OIL

Mr. PELL. Mr. President, I ask unanimous consent that the Senate proceed to consider Calendar No. 8 and Calendar No. 9 on the Executive Calendar, Executive G—91st Congress, second session—which are the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties and certain amendments to the International Convention for Prevention of Pollution of the Sea by Oil.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive G—91st Congress, second session—the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties and certain amendments to the International Convention for Prevention of Pollution of the Sea by Oil, which were read the second time as follows:

INTERNATIONAL CONVENTION RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES OF OIL POLLUTION CASUALTIES

The States Parties to the present Convention,

Conscious of the need to protect the interests of their peoples against the grave consequences of a maritime casualty resulting in danger of oil pollution of sea and coastlines.

Convinced that under these circumstances measures of an exceptional character to protect such interests might be necessary on the high seas and that these measures do not affect the principle of freedom of the high seas.

ARTICLE I

1. Parties to the present Convention may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil, following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. However, no measures shall be taken under the present Convention against any warship or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

ARTICLE II

For the purposes of the present Convention:

1. "maritime casualty" means a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo:

2. "ship" means:

(a) any sea-going vessel of any type whatsoever, and

(b) any floating craft, with the exception of an installation or device engaged in the exploration and exploitation of the resources of the sea-bed and the ocean floor and the subsoil thereof;

3. "oil" means crude oil, fuel oil, diesel oil and lubricating oil;

4. "related interests" means the interests of a coastal State directly affected or threatened by the maritime casualty, such as:

(a) maritime coastal, port or estuarine activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;

(b) tourist attractions of the area concerned;

(c) the health of the coastal population and the well-being of the area concerned, including conservation of living marine resources and of wildlife;

5. "Organization" means the Inter-Governmental Maritime Consultative Organization.

ARTICLE III

When a coastal State is exercising the right to take measures in accordance with Article I, the following provisions shall apply:

(a) before taking any measures, a coastal State shall proceed to consultations with other States affected by the maritime casualty, particularly with the flag State or States;

(b) the coastal State shall notify without delay the proposed measures to any persons physical or corporate known to the coastal State, or made known to it during the consultations, to have interests which can reasonably be expected to be affected by those measures. The coastal State shall take into account any views they may submit;

(c) before any measure is taken, the coastal State may proceed to a consultation with independent experts, whose names shall be chosen from a list maintained by the Organization;

(d) in cases of extreme urgency requiring measures to be taken immediately, the coastal State may take measures rendered necessary by the urgency of the situation, without prior notification or consultation or without continuing consultations already begun;

(e) a coastal State shall, before taking such measures and during their course, use its best endeavours to avoid any risk to human life, and to afford persons in distress any assistance of which they may stand in need, and in appropriate cases to facilitate the repatriation of ships' crews, and to raise no obstacle thereto;

(f) measures which have been taken in application of Article I shall be notified without delay to the States and to the known physical or corporate persons concerned, as well as to the Secretary-General of the Organization.

ARTICLE IV

1. Under the supervision of the Organization, there shall be set up and maintained the list of experts contemplated by Article III of the present Convention, and the Organization shall make necessary and appropriate regulations in connexion therewith, including the determination of the required qualifications.

2. Nominations to the list may be made by Member States of the Organization and by Parties to this Convention. The experts shall be paid on the basis of services rendered by the States utilizing those services.

ARTICLE V

1. Measures taken by the coastal State in accordance with Article I shall be proportionate to the damage actual or threatened to it.

2. Such measures shall not go beyond what is reasonably necessary to achieve the end mentioned in Article I and shall cease as soon as that end has been achieved; they shall not unnecessarily interfere with the rights and interests of the flag State, third States and of any persons, physical or corporate, concerned.

3. In considering whether the measures are proportionate to the damage, account shall be taken of:

(a) the extent and probability of imminent damage if those measures are not taken; and

(b) the likelihood of those measures being effective; and

(c) the extent of the damage which may be caused by such measures.

ARTICLE VI

Any Party which has taken measures in contravention of the provisions of the present Convention causing damage to others, shall be obliged to pay cmpensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in Article I.

ARTICLE VII

Except as specifically provided, nothing in the present Convention shall prejudice any otherwise applicable right, duty, privilege or immunity or deprive any of the Parties or any interested physical or corporate person of any remedy otherwise applicable.

ARTICLE VIII

1. Any controversy between the Parties as to whether measures taken under Article I were in contravention of the provisions of the present Convention, to whether compensation is obliged to be paid under Article VI, and to the amount of such compensation shall, if settlement by negotiation between the Parties involved or between the Party which took the measures and the physical or corporate claimants has not been possible, and if the Parties do not otherwise agree, be submitted upon request of any of the Parties concerned to conciliation or, if conciliation does not succeed, to arbitration, as set out in the Annex to the present Convention.

2. The Party which took the measures shall not be entitled to refuse a request for conciliation or arbitration under provisions of the preceding paragraph solely on the grounds that any remedies under municipal law in its own court have not been exhausted.

ARTICLE IX

1. The present Convention shall remain open for signature until 31 December 1970 and shall thereafter remain open for accession.

2. States Members of the United Nations or any of the Specialized Agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice may become Parties to this Convention by:

(a) signature without reservation as to ratification, acceptance or approval;

(b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or

(c) accession.

ARTICLE X

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Convention with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to those Parties shall be deemed to apply to the Convention as modified by the amendment.

ARTICLE XI

1. The present Convention shall enter into force on the ninetieth day folowing the date on which Governments of fifteen States have either signed it without reservation as to ratification, acceptance or aproval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. For each State which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such State of the appropriate instrument.

ARTICLE XII

1. The present Convention may be denounced by any Party at any time after the date on which the Convention comes into force for that State.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

ARTICLE XIII

1. The United Nations where it is the administering authority for a territory, or any State Party to the present Convention responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territories or take such other measures as may be appropriate, in order to extend the present Convention to that territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.

2. The present Convention shall, from the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.

3. The United Nations, or any Party which has made a declaration under paragraph 1 of this Article may at any time after the date on which the Convention has been so extended to any territory declare by notification in writing to the Secretary-General of the Organization that the present Convention shall cease to extend to any such territory named in the natification.

4. The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Secretary-General of the Organization.

ARTICLE XIV

1. A conference for the purpose of revising or amending the present Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the State Parties to the present Convention for revising or amending the present Convention at the request of not less than one-third of the Parties.

ARTICLE XV

1. The present Convention shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(a) inform all States which have signed or acceded to the Convention of:

(i) each new signature or deposit of instrument together with the date thereof;

(ii) the deposit of any instrument of denunciation of this Convention together with the date of the deposit;

(iii) the extension of the present Convention to any territory under paragraph 1 of Article XIII and of the termination of any such extension under the provisions of paragraph 4 of that Article stating in each case the date on which the present Convention has been or will cease to be so extended;

(b) transmit certified true copies of the present Convention to all Signatory States and to all States which accede to the present Convention.

ARTICLE XVI

As soon as the present Convention comes into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE XVII

The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE at Brussels this twenty-ninth day of November 1969.

ANNEX

CHAPTER I.—CONCILIATION

ARTICLE 1

Provided the Parties concerned do not decide otherwise, the procedure for conciliation shall be in accordance with the rules set out in this Chapter.

ARTICLE 2

1. A Conciliation Commission shall be established upon the request of one Party addressed to another in application of Article VIII of the Convention.

2. The request for conciliation submitted by a Party shall consist of a statement of the case together with any supporting documents.

3. If a procedure has been initiated between two Parties, any other Party the nationals or property of which have been affected by the same measures, or which is a coastal State having taken similar measures, may join in the conciliation procedure by giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

ARTICLE 3

1. The Conciliation Commission shall be composed of three members: one nominated by the coastal State which took the measures, one nominated by the State the nationals or property of which have been affected by those measures and a third, who shall preside over the Commission and shall be nominated by agreement between the two original members.

2. The Conciliators shall be selected from a list previously drawn up in accordance with the procedure set out in Article 4 below.

3. If within a period of 60 days from the date of receipt of the request for conciliation, the Party to which such request is made has not given notice to the other Party to the controversy of the nomination of the Conciliator for whose selection it is responsible, or if, within a period of 30 days from the date of nomination of the second of the members of the Commission to be designated by the Parties, the first two Conciliators have not been able to designate by common agreement the Chairmen of the Commission, the Secretary-General of the Organization shall upon request of either Party and within a period of 30 days, proceed to the required nomination. The members of the Commission thus nominated shall be selected from the list prescribed in the preceding paragraph.

4. In no case shall the Chairman of the Commission be or have been a national of one of the original Parties to the procedure, whatever the method of his nomination.

ARTICLE 4

1. The list prescribed in Article 3 above shall consist of qualified persons designated by the Parties and shall be kept up to date by the Organization. Each Party may designate for inclusion on the list four persons, who shall not necessarily be its nationals. The nominations shall be for periods of six years each and shall be renewable.

2. In the case of the decease or resignation of a person whose name appears on the list, the Party which nominated such person shall be permitted to nominate a replacement for the remainder of the term of office.

ARTICLE 5

1. Provided the Parties do not agree otherwise, the Conciliation Commission shall establish its own procedures, which shall in all cases permit a fair hearing. As regards examination, the Commission, unless it unanimously decides otherwise, shall conform with the provisions of Chapter III of The Hague Convention for the Peaceful Settlement of International Disputes of 18 October 1907.

2. The Parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between the Parties and the Commission. Each of the Parties may seek also the assistance of advisers and experts nominated by it for this purpose and may request the hearing of all persons whose evidence the Party considers useful.

3. The Commission shall have the right to request explanations from agents, advisers and experts of the Parties as well as from any persons whom, with the consent of their Governments, it may deem useful to call.

ARTICLE 6

Provided the Parties do not agree otherwise, decisions of the Conciliation Commission shall be taken by a majority vote and the Commission shall not pronounce on the substance of the controversy unless all its members are present.

ARTICLE 7

The Parties shall facilitate the work of the Conciliation Commission and in particular, in accordance with their legislation, and using all means at their disposal:

(*a*) provide the Commission with the necessary documents and information;

(*b*) enable the Commission to enter their territory, to hear witnesses or experts, and to visit the scene.

ARTICLE 8

The task of the Conciliation Commission will be to clarify the matters under dispute, to assemble for this purpose all relevant information by means of examination or other means, and to endeavour to reconcile the Parties. After examining the case, the Commission shall communicate to the Parties a recommendation which appears to the Commission to be appropriate to the matter and shall fix a period of not more than 90 days within which the Parties are called upon to state whether or not they accept the recommendation.

ARTICLE 9

The recommendation shall be accompanied by a statement of reasons. If the recommendation does not represent in whole or in part the unanimous opinion of the Commission, any Conciliator shall be entitled to deliver a separate opinion.

ARTICLE 10

A conciliation shall be deemed unsuccessful if, 90 days after the Parties have been notified of the recommendation, either Party shall not have notified the other Party of its acceptance of the recommendation. Conciliation shall likewise be deemed unsuccessful if the Commission shall not have been established within the period prescribed in the third paragraph of Artcle 3 above, or provided the Parties have not agreed otherwise, if the Commission shall not have issued its recommendation within one year from the date on which the Chairman of the Commission was nominated.

ARTICLE 11

1. Each member of the Commission shall receive remuneration for his work, such remuneration to be fixed by agreement between the Parties which shall each contribute an equal proportion.

2. Contributions for miscellaneous expenditure incurred by the work of the Commission shall be apportioned in the same manner.

ARTICLE 12

The parties to the controversy may at any time during the conciliation procedure decide in agreement to have recourse to a different procedure for settlement of disputes.

CHAPTER II.—ARBITRATION

ARTICLE 13

1. Arbitration procedure, unless the Parties decide otherwise, shall be in accordance with the rules set out in this Chapter.

2. Where conciliation is unsuccessful, a request for arbitration may only be made within a period of 180 days following the failure of conciliation.

ARTICLE 14

The Arbitration Tribunal shall consist of three members: one Arbitrator nominated by the coastal State which took the measures, one Arbitrator nominated by the State the nationals or property of which have been affected by those measures, and another Arbitrator who shall be nominated by agreement between the two first-named, and shall act as its Chairman.

ARTICLE 15

1. If, at the end of a period of 60 days from the nomination of the second Arbitrator, the Chairman of the Tribunal shall not have been nominated, the Secretary-General of the Organization upon request of either Party shall within a further period of 60 days proceed to such nomination, selecting from a list of qualified persons previously drawn up in accordance with the provisions of Article 4 above. This list shall be separate from the list of experts prescribed in Article IV of the Convention and from the list of Conciliators prescribed in Article 4 of the present Annex; the name of the same person may, however, appear both on the list of Conciliators and on the list of Arbitrators. A person who has acted as Conciliator in a dispute may not, however, be chosen to act as Arbitrator in the same matter.

2. If, within a period of 60 days from the date of the receipt of the request, one of the Parties shall not have nominated the member of the Tribunal for whose designation it is responsible, the other Party may directly inform the Secretary-General of the Organization who shall nominate the Chairman of the Tribunal within a period of 60 days, selecting him from the list prescribed in paragraph 1 of the present Article.

3. The Chairman of the Tribunal shall, upon nomination, request the Party which has not provided an Arbitrator, to do so in the same manner and under the same conditions. If the Party does not make the required nomination, the Chairman of the Tribunal shall request the Secretary-General of the Organization to make the nomination in the form and conditions prescribed in the preceding paragraph.

4. The Chairman of the Tribunal, if nominated under the provisions of the present Article, shall not be or have been a national of one of the Parties concerned, except with the consent of the other Party or Parties.

5. In the case of the decease or default of an Arbitrator for whose nomination one of the Parties is responsible, the said Party shall nominate a replacement within a period of 60 days from the date of decease or default. Should the said Party not make the nomination, the arbitration shall proceed under the remaining Arbitrators. In the case of decease or default of the Chairman of the Tribunal, a replacement shall be nominated in accordance with the provisions of Article 14 above, or in the absence of agreement between the members of the Tribunal within a period of 60 days of the decease or default, according to the provisions of the present Article.

ARTICLE 16

If a procedure has been initiated between two Parties, any other Party, the nationals or property of which have been affected by the same measures or which is a coastal State having taken similar measures, may join in the arbitration procedure by giving written notice to the Parties which have originally

initiated the procedure unless either of the latter Parties object to such joinder.

ARTICLE 17

Any Arbitration Tribunal established under the provisions of the present Annex shall decide its own rules of procedure.

ARTICLE 18

1. Decisions of the Tribunal both as to its procedure and its place of meeting and as to any controversy laid before it, shall be taken by majority vote of its members; the absence or abstention of one of the members of the Tribunal for whose nomination the Parties were responsible shall not constitute an impediment to the Tribunal reaching a decision. In cases of equal voting, the Chairman shall cast the deciding vote.

2. The Parties shall facilitate the work of the Tribunal and in particular, in accordance with their legislation, and using all means at their disposal:

(*a*) provide the Tribunal with the necessary documents and information;

(*b*) enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene.

3. Absence or default of one Party shall not constitute an impediment to the procedure.

ARTICLE 19

1. The award of the Tribunal shall be accompanied by a statement of reasons. It shall be final and without appeal. The Parties shall immediately comply with the award.

2. Any controversy which may arise between the Parties as regards interpretation and execution of the award may be submitted by either Party for judgment to the Tribunal which made the award, or, if it is not available, to another Tribunal constituted for this purpose in the same manner as the original Tribunal.

Mr. PELL. Mr. President, a few days before the August recess, the Committee on Foreign Relations completed its consideration of the 1969 IMCO oil pollution conventions and amendments and favorably reported them to the Senate.

The committee's consideration covered the Convention Relating to Intervention on the High Seas and the Convention on Civil Liability for Oil Pollution Damage, as well as the amendments to the 1954 Convention for the Prevention of Pollution of the Sea by Oil.

Although the committee favorably reported all of these agreements to the Senate, it recommended in the report, which I filed on the committee's behalf, that final Senate action on the Civil Liability Convention be withheld until such time as it can be considered in conjunction with a supplementary convention which is now in its final negotiating stages.

While such procedure is somewhat unusual, this recommendation is consistent with the recommendation made to the Foreign Relations Committee by the Subcommittee on Oceans and International Environment, which I have the honor of chairing. It is also consistent with recommendations filed by Senator MUSKIE's Subcommittee on Air and Water Pollution, and by Senator HOLLINGS, who chairs the Subcommittee on Oceans and Atmosphere of the Commerce Committee.

The reasons for this recommendation as well as a complete explanation of the convention and amendments is contained, of course, in the committee's report, and I ask unanimous consent that a portion of the report be printed at this point in the RECORD.

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

WHAT THE CONVENTIONS AND AMENDMENTS WOULD DO

The Convention Relating to Intervention on the High Seas would establish, with appropriate safeguards, the right of a coastal nation to take whatever action it deems necessary "to prevent, mitigate or eliminate" the threat of oil pollution arising from a maritime accident.

The Convention on Civil Liability for Oil Pollution Damage would write into international law the standard of absolute liability against the owner of a tanker involved in any maritime accident which causes oil pollution damage.

The Amendments to the 1954 Oil Pollution Convention would change substantially existing rules and regulations governing the intentional discharge of oil at sea and would require such discharge to conform to a specific rate-of-discharge formula.

BACKGROUND

The S.S. *Torrey Canyon* was a "jumboized" supertanker with a total cargo capacity of 120,890 tons. In 1967, she was the thirteenth largest ship afloat and carried with her Lloyd's highest rating of seaworthiness. The vessel was registered in Liberia, owned by a Bermuda-based subsidiary of the Union Oil Company, chartered by British Petroleum, and operated by an Italian crew.

At 8:50 a.m., the morning of March 18, 1967, the S.S. *Torrey Canyon* ran aground in international waters off the Southeast coast of England. The supertanker was loaded with 119,328 tons of Kuwait crude and, on impact, its six starboard tanks ruptured immediately. Following unsuccessful efforts to refloat the tanker, the British government began aerial bombardment in an effort to burn off as much of the oil as possible. In the end, however, about half the vessel's cargo or 60,000 tons of crude oil was released into the Atlantic, causing severe ecological damage and incurring millions of dollars in costs and damages to the Governments of England and France and to their citizens.

Although the Government of England made the decision to firebomb the *Torrey Canyon*, it delayed ten days before doing so because of the legal uncertainties as to what action, if any, it was permitted to take against a foreign-flag vessel lying beyond its territorial sea. Thus, England's decision to proceed with the fire-bombing of the vessel was taken in the absence of any international law sanctioning such action and was based solely on the pollution threat posed by the vessel's cargo.

Similar uncertainty surrounded the issue of establishing liability for the damages and clean-up costs incurred as a result of the accident. Nor was it clear where suit could be filed or what liability limits, if any, were applicable. (According to unofficial reports, final settlement totaled approximately 7 million dollars or about half of the claims that were reported filed.)

In response to these uncertainties, the Legal Subcommittee of the Inter-governmental Maritime Consultative Organization drafted two conventions in 1968 and the members of IMCO completed work on them in the Fall of 1969. The United States signed both conventions on November 29, 1969.

(Since the adoption of the Civil Liability Convention, IMCO has been engaged in drafting a supplementary convention which would establish an International Oil Pollution Fund. The amount of the Fund has not been determined. The final negotiating session is scheduled for December, 1971.)

Simultaneous to the drafting of the two conventions, IMCO's Maritime Safety Committee undertook a review of the 1954 Convention for the Prevention of Pollution of the Sea by Oil. The Committee's review resulted in several amendments to this convention, which were adopted in October, 1969.

THE IMCO CONVENTIONS

Article I of the Convention Relating to Intervention on the High Sea establishes a nation's right to 'take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil, following upon a maritime casualty or acts related to such casualty . . ." (The only exception to this provision applies in the case of any warship "or other ship owned or operated by a State and used, for the time being only on government non-commercial service.") Article III lists various requirements, including notification of the other parties involved, relating to the measures permitted by Article I. Article V stipulates that measures taken "shall be proportionate to the damage actual or threatened . . ." and Article VI provides for compensation to be paid "to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in Article I."

The Convention on Civil Liability for Oil Pollution Damage provides under Article III that the owner of a ship involved in an incident "shall be liable for any pollution damage caused by oil which has escaped or been discharged from the ship as a result of the incident." This provision applies except for incidents incurred as the result of (1) an act of war; (2) a natural phenomenon of an "irresistible" character; (3) an intention on the part of a third party to cause such an incident; and (4) an act of negligence on the part of any government or other official authority. When the owner is liable for damages, Article V permits him to limit his liability to $134 per gross registered ton or $14 million, whichever is lesser, providing the incident did not occur as a result of his "actual fault or privity." In order to avail himself of the limitation, the owner must establish a fund or an acceptable guarantee equivalent to the sum representing the limit of his liability. Under Article VII, each contracting party shall issue a certificate to ships under its registry attesting to the owner's compliance with the financial requirements prescribed in Article V, and "each Contracting State shall ensure, under its national legislation, that insurance or other security to the extent specified . . . is in force in respect of any ship, wherever registered, entering or leaving a port in its territory, or arriving at or leaving an offshore terminal in its territorial sea, if the ship actually carries more than 2,000 tons of oil in bulk as cargo."

AMENDMENTS TO 1954 CONVENTION

The principal amendment to the 1954 Convention on the Pollution of the Sea by Oil prohibits the discharge of oil at sea, except in accordance with the rate-of-discharge formula prescribed by the amendment; "the instantaneous rate of discharge of oil content" shall not exceed 60 liters per mile. According to the State Department, "This new criterion of limiting a rate of discharge per unit of distance introduces a practical limit below which pollution has been shown in practical experiments to be negligible."

THE 1970 WATER QUALITY IMPROVEMENT ACT

The 1970 Water Quality Improvement Act contains legislation comparable to several of the provisions in the proposed Convention on Civil Liability, and there is some controversy as to which one affords the United States greater protection.

The principal area of difference concerns the limit to which the owner of a vessel may limit his liability for oil pollution damages. The Water Quality Control Act stipulates that the vessel owner shall be liable *to the United States Government* for the clean-up costs it incurs up to $100 per gross ton or $14 million, whichever is lesser. The Convention, on the other hand, provides that a vessel owner's total liability resulting from *both government and private claims* may be limited to $134 per gross registered ton or $14 million, whichever is lesser.

SUBCOMMITTEE HEARINGS

Pursuant to a request from the Chairman of the Foreign Relations Committee, the Subcommittee on Oceans and International Environment considered these agreements during a full day of hearings on May 20, 1971. At that time, the Subcommittee heard from a total of eleven witnesses: (1) Mr. James J. Reynolds, President, American Institute of Merchant Shipping; (2) Mr. Herbert Steyn, American Petroleum Institution; (3) Mr. Milton Phillips, Vice President, FRAM Corporation; (4) Mr. Roland C. Clement, Vice President/Biology, National Audubon Society; (5) Dr. Eugene V. Coan, Consulting Marine Biologist, Sierra Club; (6) Professor L.F.E. Goldie, Naval War College, Newport, Rhode Island; (7) The Honorable U. Alexis Johnson, Under Secretary for Political Affairs, Department of State; (8) Mr. Russell E. Train, Chairman, Council on Environmental Quality; (9) Rear Admiral William Morrison, Chief Counsel, United States Coast Guard; (10) Mr. Fitzhugh Green, Director of International Affairs, Environmental Protection Agency; and (11) Mr. Clarence M. Tarzwell, Director, National Marine Water Quality Laboratory, West Kingston, Rhode Island. In addition, the Subcommittee had available to it a written report on the Civil Liability Convention from the Subcommittee on Air and Water Pollution, plus individual statements from two of its Members, Senator Muskie (Chairman) and Senator Cooper. Senator Hollings, Chairman of the Subcommittee on Oceans and Atmosphere, also filed a statement for the hearing record.

COMMITTEE'S FINDINGS AND RECOMMENDATIONS

The Committee on Foreign Relations considered the IMCO conventions and amendments in executive session on July 30. The Chairman of the Subcommittee on Oceans and International Environment reported to the full Committee on the Subcommittee's hearings.

As a result of this report and the discussion on it, the Committee finds there is overwhelming support for the Convention Relating to Intervention on the High Seas and the Amendments to the 1954 Convention for Prevention of Pollution of the Sea by Oil. Accordingly, the Committee on Foreign Relations recommends that the Senate give its advice and consent to them without further delay. In recommending immediate action on the Amendments, the Committee does so in the belief that acceptance of them will hasten the day when the international community prohibits all intentional discharge of oil at sea and will assist the Administration in achieving its announced goal of seeking such a prohibition by 1975.

With respect to the Convention on Civil Liability for Oil Pollution Damage, the Committee recommends that final Senate action be withheld pending the outcome of current negotiations on an International Compensation Fund Convention which is intended to supplement the Civil Liability Convention.

The Committee makes this recommendation because of a number of questions surrounding the adequacy of the liability limits contained in the convention. These questions arise not only from the ongoing negotiations for a supplemental convention but, also, from a comparison between the convention and existing domestic legislation and from objections raised by other countries, most notably Canada, who have expressed the view that the present limits are not satisfactory in terms of recovering costs and damages that might be incurred from a major oil spill. This issue is particularly pertinent with the advent of the supertanker and the even greater increases forecast over the next few years in the cargo carrying capacity of these vessels.

While the Committee believes these concerns are sufficiently compelling to recommend that final Senate action be withheld until such a time as the pending convention can be considered in conjunction with the supplemental convention, it also believes that the Civil Liability Convention merits a favorable report by the Committee. A favorable report would recognize that this convention goes a long way—as it does—toward providing an effective multilateral solution to the oil spill liability issue and it would also help our negotiators in their efforts to secure more realistic liability limits in the convention that is being negotiated now.

In suggesting this course of action, the Committee wants to emphasize and to impress upon our negotiators the importance which it attaches to the negotiations on this convention. The Committee firmly believes that the liability issue arising from high seas oil spills is one that is inherently international in nature and one that the international community—in this case represented by IMCO—has a responsibility to resolve by devising a system that will afford adequate financial recovery from the damages and costs incurred by oil spills. The Civil Liability Convention—standing alone—does not suggest a *complete* awareness of this responsibility.

The supplemental convention now being negotiated represents a second chance for IMCO and the Committee earnestly urges IMCO negotiators to use this opportunity to remedy the deficiencies in the pending convention.

Mr. PELL. Mr. President, I hope the Senate will endorse the course of action recommended by the Committee on Foreign Relations and will, at this time, give its approval to the Convention Relating to Intervention on the High Seas and to the amendments to the 1954 Oil Pollution Convention.

The PRESIDING OFFICER. If there is no objection, the convention and the amendments will be considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification, which will be read.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties. (Ex. G, Ninety-first Congress, second session.)

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Certain Amendments to the International Convention for Prevention of Pollution of the Sea by Oil. (Ex. G, Ninety-first Congress, second session.)

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on Calendar No. 8, Ex. G (91st Cong., 2d sess.) occur immediately upon the conclusion of morning business on Monday morning next.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on Calendar No. 9, Ex. G (91st Cong., 2d sess.) occur immediately following the vote on Calendar No. 8 on Monday morning next.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays at any time in legislative session or in executive session on these two conventions.

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 return to the consideration of legislative business.

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

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. PELL. Mr. President, I voted today in favor of tabling the conference report on the military draft and pay raise bill. I have done so because I believe it important that the Congress fulfill its constitutional responsibilities for determining the basic policies of the United States in matters of peace and war. The Mansfield amendment, as adopted by the Senate, would fulfill that responsibility.

I must say that I am astounded and dismayed at the administration's shifting tactics on this legislation. When the Senate was considering the military pay raise, we were warned by the administration that the pay proposal offered by the senior Senator from Colorado was unacceptable, and could, in fact, endanger our national security. Now, we understand that the pay raise, which I supported, is, after all, acceptable and no longer irresponsible.

The administration stresses the vital necessity of prompt passage of the draft extension. I think the administration knows full well that prompt passage would be assured if it would indicate its willingness to accept the Mansfield amendment. So the responsibility for delay rests equally with the administration and with the Congress.

According to press reports within the past week, the administration now looks toward removal of virtually all U.S. forces from Vietnam by next spring. If these reports are accurate, the Mansfield declaration could only be considered in support of the administration's goal. If they are not accurate, then all the more rea-

son for firmly stating congressional policy in this field.

In the course of a few short weeks, the administration has completely reversed its position on military pay. If the administration will do likewise on the Mansfield declaration, it will be doing its part toward prompt action on this legislation.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR YEAS AND NAYS ON CALENDAR NOS. 8 AND 9, EXECUTIVE G (91ST CONGRESS, SECOND SESSION), ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that it be in order to order the yeas and nays on both of the treaties scheduled for a vote on Monday.

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

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on both conventions.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

I inform Senators there will be no more rollcall votes today.

ORDER FOR YEAS AND NAYS ON CALENDARS NOS. 8 AND 9, EXECUTIVE G (91ST CONGRESS, SECOND SESSION), BEGINNING AT 3 P.M. MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the time for the roll call vote on Calendar Order No. 8, Executive G (91st Congress, Second Session), occur at 3 o'clock p.m. on Monday next, and that the vote on Calendar Order No. 9 occur immediately thereafter.

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

Mr. BYRD of West Virginia. I thank the Presiding Officer, and I thank Senators.

The Unanimous-Consent Agreement reads as follows:

Ordered, That on Monday, September 20, 1971, at 3 p.m., the Senate proceed to vote on the resolution of ratification to the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (Cal. No. 8); to be immediately followed by a vote on the resolution of ratification to Certain Amendments to the International Convention for Prevention of Pollution of the Sea by Oil (Cal. No. 9).

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT—ORDER FOR CONSIDERATION OF CONFERENCE REPORT ON DRAFT BILL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, at the conclusion of orders for the recognition of Senators, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes, and that at the conclusion of the period for the transaction of routine morning business, the Senate resume the consideration of the conference report on the extension and revision of the draft, it being a privileged matter.

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

ORDER THAT THE 1 HOUR FOR DEBATE UNDER RULE XXII COMMENCE AT 11 A.M. ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, if a motion to invoke cloture is filed today—and it is my understanding that such a motion will be filed—the 1 hour under rule XXII for debate on that motion begin running on Tuesday next—notwithstanding the provisions of that rule—at the hour of 11 a.m.

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

ORDER FOR ADJOURNMENT FROM MONDAY UNTIL 10:30 A.M. TUESDAY, SEPTEMBER 21, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stands in adjournment until 10:30 a.m. on Tuesday next.

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

ORDER TO PROVIDE FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY

Mr. BYRD of West Virginia. I ask unanimous consent that at the conclusion of the remarks of the junior Senator from West Virginia (Mr. BYRD) on Tuesday next, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to extend beyond 11 a.m. on that day.

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

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 1:30 p.m. today.

The motion was agreed to; and (at 12 o'clock and 40 minutes p.m.) the Senate took a recess until 1:30 p.m.

The Senate reassembled at 1:30 p.m., when called to order by the Presiding Officer (Mr. BYRD of Virginia).

ORDER FOR ADJOURNMENT UNTIL NOON ON MONDAY, SEPTEMBER 20, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

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

ORDER FOR CONTROL OF TIME UNDER RULE XXII ON TUESDAY, SEPTEMBER 21, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the 1 hour on Tuesday next under rule XXII be equally divided between and controlled by the distinguished majority leader (Mr. MANSFIELD) and the distinguished Senator from Mississippi (Mr. STENNIS).

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 (Mr. HUGHES). 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.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. HUGHES). The Chair, on behalf of the Vice President, pursuant to Senate Resolution 33, 87th Congress, appoints the Senator from Vermont (Mr. STAFFORD) to the Special Committee on Aging.

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.

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. Mr. President, for the record, what is the pending order of business before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the conference report on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967.

CLOTURE MOTION

Mr. STENNIS. All right. Mr. President, in connection with that question, I file herewith a cloture motion, duly signed, and ask that it be given proper disposition at this point.

The PRESIDING OFFICER. The motion will be stated.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the adoption of the conference report on 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.

1. Hugh Scott
2. John Stennis
3. Lowell Weicker
4. Robert Griffin
5. Robert Dole
6. Gale McGee
7. Robert Taft
8. Glenn Beall
9. John Tower
10. Charles Percy
11. J. Caleb Boggs
12. Hiram Fong
13. Edward W. Brooke
14. Marlow W. Cook
15. Peter Dominick
16. Bill Brock
17. Lloyd Bentsen
18. Wallace Bennett
19. Margaret Chase Smith
20. Jennings Randolph
21. Clifford Hansen
22. Howard Baker

Mr. STENNIS. Mr. President, in connection with the motion, I have already explained why I thought it was necessary to take this step. I explain further that it is reluctantly done on my part, but the motion is filed solely because I think it is a matter directly connected with our national security.

Under the operation of the rules, I understand, the filing of the motion now will bring the vote up on this motion on Tuesday next.

The able assistant majority leader is here. If it is in order, I would like to call on him to make a statement for the RECORD of what he has in mind as to how this vote will be handled on Tuesday.

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

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. In response to the request of the able Senator from Mississippi, under rule XXII, a vote on the cloture motion will occur immediately following a mandatory quorum call at the expiration of 1 hour following the convening of the Senate on the following calendar day but one after the filing of the cloture motion. Inasmuch as the Senate will not be in session tomorrow, Saturday, this would mean that the cloture vote will occur on Tuesday next.

A unanimous-consent order has already been entered to the effect that the Senate will convene on Tuesday next at 10:30 a.m. That convening hour is subject to change, but under the unanimous-consent order that has been entered, the hour of debate on Tuesday next on the motion to invoke cloture will begin running at 11 a.m. At the expiration of that hour, to wait at 12 noon, there will be a mandatory quorum call. Upon the establishment of a quorum, the rollcall follows automatically. Therefore, the rollcall should occur on Tuesday next at about 12:15 p.m.

Mr. STENNIS. I thank the Senator very much. That is valuable information for Senators.

Mr. President, between now and the time of that vote, all Senators will have ample opportunity to make such arguments on this matter as they may see fit, and I certainly expect to be on the floor Monday and Tuesday, and will have something to say and some activity on the subject matter, as will other members of our committee.

Earlier today, Mr. President, following the vote on the motion to lay on the table I suggested that I would have additional remarks this afternoon, even though they might be largely a repetition of certain matters on which I spoke this morning, particularly these data that I have. I find on checking through, though, Mr. President that I have already made remarks for the RECORD that carry forth these figures and facts on the trends that are developing in the services without the persuasive power of the Selective Service Act, and I think that for the material that I have finished now, that is complete enough. We do have some additional facts but not yet sufficiently in proper form for presentation, so I have decided just to carry that over until Monday, and get it in better form and present it at that time.

So, Mr. President, I believe that concludes everything that I wish to present here on the bill today.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. STENNIS. Mr. President, I yield the floor.

The PRESIDING OFFICER. What is the pleasure of the Senate?

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

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

Mr. BAKER. Mr. President, I have today signed a motion to invoke cloture on further debate of the conference report on H.R. 6531, the draft extension bill. I will vote on Tuesday next to invoke cloture so that the issues posed by the conference report may be determined on their merits. If cloture is invoked, however, it is my intention to vote against the conference report itself, and I want to make use of this brief opportunity to state as clearly as possible my position on this bill and the reasons for which I have taken that position.

Since 1966, when I sucessfully campaigned for the Senate in Tennessee, the Volunteer State, I have strongly, openly, and consistently supported the concept of the all-volunteer armed force. I have applauded President Nixon for his support of the volunteer army, and I welcomed the conclusions of the distinguished commission headed by former Defense Secretary Thomas Gates that the volunteer army could be readily achieved if certain incentives were provided.

Since President Nixon took office in January 1969, the manpower requirements of the Armed Forces have steadily diminished. This fact is due in large part to the President's policy of Vietnamization and the Nixon doctrine, which states that the United States expects its allies around the world to provide for their own military manpower needs. By the end of the year, the authorized troop level in Vietnam will have been reduced from 535,000 American men in January 1969, to 184,000 or less. American troop levels in other parts of the world have been reduced. While the U.S. commitment to the free world has in no way been weakened, as a result of the President's policies the number of American troops needed to back up our commitment has wisely been reduced.

I am convinced that the time has come for an all-volunteer Armed Force in this country. No matter how hard we might try to design an equitable system, any military conscription system short of universal military service will by definition be inequitable. A force of well-paid, well-trained, well-equipped, highly motivated volunteers is far more consistent with our national principles of individual freedom of choice than is a larger force of men conscripted against their will.

On June 24 of this year I voted against the draft extension bill when it was pending in the Senate, and I voted against the bill for two principal reasons: First, I was opposed to the 2-year extension of the draft contained in the bill because I believed that such an extension would delay for an unconscionably long period of time the realization of the all-volunteer army concept. Second, I was opposed to the language of the so-called Mansfield amendment, which sought to limit the flexibility of the President with respect to his Vietnamization policy.

The conference report now pending in the Senate still contains the 2-year draft extension and a modified version of the Mansfield amendment. I would therefore vote against the conference report on these two grounds alone.

But the conference report also contains what I believe to be grossly inadequate provisions relating to increased pay for men and women in the armed services, particularly with respect to the lower enlisted and officer pay grades. The pay provisions contained in the version of the bill passed by the Senate in June, while perhaps inadequate, would certainly have had the effect of hastening the transition to the volunteer army far more rap-

idly than the pay provisions contained in the pending conference report.

Therefore I will vote against the conference report for three reasons: the 2-year extension of the draft, the language which would restrict the President's flexibility in ending the war in Vietnam, and grossly inadequate pay provisions.

Mr. President, within this century America has fought four long and costly wars, in each instance sacrificing lives and treasure in the defense of freedom for other nations. The United States will continue to be the bulwark of freedom against aggression, whatever its origin. This country must be second to none in its military strength, whether that strength be measured by the adequacy of its armaments or the effectiveness of its military manpower. I am wholly convinced that this end can best be met by a dedicated all-volunteer force, and that the time for such a force is now.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. Moss when he submitted Senate Resolution 169 are printed earlier in the RECORD under Submission of a Resolution.)

NURSING HOME REIMBURSEMENT AND PROFITS

Mr. MOSS. Mr. President, I am presently very concerned about issues raised during the course of hearings conducted by my Subcommittee on Long-Term Care of the U.S. Senate Special Committee on Aging. These relate to medicaid nursing-home reimbursement formulas and to the returns realized by the nursing home industry.

Under the present law the medicaid system unlike its counterpart the medicare ECF program, does not impose upon the States any one reimbursement formula. Most States pay their nursing homes a flat fee, perhaps $14 a day for skilled nursing-home care. Others follow the medicare formula of reasonable costs. Still others have variations of these such as the points systems which function in several States including Connecticut and Illinois.

These and others have been proposed as possible uniform national reimbursement formulas under medicaid. As such they merit our study and concern. All have strengths and weaknesses and will have to be carefully considered—if indeed we are committed to making changes in the present system.

I want to talk about two "points" systems here today; one very good and the other very bad. One system places direct financial incentives in favor of neglecting patients and giving them poor care. The other places a direct financial incentive in favor of becoming what the State calls a "Class A" nursing home.

In Illinois the "points" system makes a medical judgment of how debilitated a patient is, that is, how much and what kind of medical care he needs. This judgment is expressed in points. The more "points" the more care that is needed.

As I understand it, the skilled nursing-home base—including the first seven points—available to most nursing homes is $380 per month in Illinois, with the nursing home being compensated $6 for each point of patient disability thereafter.

I first became alarmed about this system when a nursing home operator told me in confidence that nursing home operators in Illinois commonly would refer to a bed sore as "being worth $48 a month."

To my very great dismay I learned that large bedsores once developed by the patient are worth eight points and at $6 a point, the reimbursement to the nursing home increases by $48 a month.

I make it clear that I am not accusing every nursing home operator in Illinois of deliberately letting patients lie unattended in order to increase his reimbursement. I simply point out the opportunity is there. I point out that there is a direct financial incentive in favor of poor care. A few more examples:

A patient who requires assistance in eating because of his being tied in a chair or because of the necessity of catheterization is worth three points or $18 a month.

Continuous catheterization itself is worth eight points or $49. It a patient is in restraints and not assisted to go to the bathroom, there is a good chance that he will become totally incontinent of bowel or bladder which is worth six more points or $36.

If the patient now becomes loud and boisterous to the point where he can be classified as a behavior problem requiring the frequent attention of staff then he becomes eligible for eight more points or $48. What is more, if it is difficult to give him a tranquilizer by mouth and he is then given daily injections of liquid thorazine, his rate of compensation goes up another $24 per month because the need for daily injection is worth four points.

I am sure the possibilities for abuse of the system and poor patient care are obvious from these examples. If it were possible to allocate all these examples to one patient, the reimbursement would grow from $380 to $602 a month. I believe these temptations are too great and that the Illinois system must be modified.

I am not taking irrevocably a position against higher compensation for so-called heavy care patients. I realize the reluctance of nursing homes to accept these patients from the State and this is probably what motivated the State of Illinois to adopt their present system.

As a solution to the problem I have been favorably impressed by the "points" system as it has functioned in the State of Connecticut. Dr. Franklin Foote has done an excellent job in that State which is commonly recognized as having one of the best nursing home systems in the Nation. To be sure, there are problems with this system, as its originator Dr. Foote quickly admits, but with some minor revision it might provide a useful model for the use of other States.

This "points" system focuses on the nursing home as a total entity. The State health department measures the nursing home on the basis of its physical plant, general conformity to regulations, the care provided, in short, on its total environment. The home's positive achievements are expressed in points, the total of which determines whether the nursing home belongs in class A, B, C, D, or F, and ultimately on its rate of compensation. Significantly, demerits are given as well as positive points. Typically, a class A nursing home will receive about $1 a day more than a class B nursing home and $2 a day more than a class C nursing home, and so forth.

Under this system there is a direct financial incentive in favor of becoming, in the judgment of the State health department, an excellent nursing home.

The weakness of this plan has been that it has been possible for some nursing homes to accumulate points which cost comparatively little, such as the services of a minister of religion and recreation programs, as opposed to accumulating more expensive points for higher nurse-patient ratios or larger expenditures for food and food services. These weaknesses are being corrected so that more points will be awarded for those more costly and critical items, without downplaying the importance of such items as recreation and religion.

Leaving the subject of reimbursement, I want to take up briefly the question of nursing home profits. This subject more than any other is at the heart of the controversy over nursing homes. The spectacle of nursing home associations like Michigan threatening to turn public patients out into the street if the State Legislature did not grant an increase in rates is burned into the public memory. Most of the time the public supports the industry and it is the State Legislature which is made the heavy. I have supported the industry on many occasions stating on the floor of the Senate that the typical $14 a day which is allocated to patients by States is grossly inadequate.

Logic certainly supports this view. Most of us spend more than $14 a day on a hotel room where we get one of the services we insist the nursing homes provide, the foremost being food and nursing services.

Thus, it does seem clear that $14 a day is very inadequate to purchase the kind of institutional care we expect from nursing homes. At the same time we recently had testimony in Chicago from nursing home operators receiving approximately $320 a month per patient who made enormous profits, the thesis apparently being, if care is reduced or not given and food costs are kept to a minimum, then it is possible to make great profit.

The examples from our Chicago hearings are, of course, isolated. Even the fiercest critics of nursing homes would not put them all in the same class with a man who received $400,000 yearly from the State, spent 54 cents per patient per day for food and showed a profit of $185,000. As Senator PERCY pointed out, even jails in the Chicago area spend 65 cents a day for food.

Still it is significant that this home's profits came to our attention because of alleged poor care. The State of Illinois, according to testimony, had been trying to close the home in question for a great number of years. Finally, it has been closed and the patients removed.

It is against this background that I have received a study performed by the Hospital Cost Commission Finance and Budget Division of the State of Connecticut. The results of this survey of Connecticut proprietary nursing homes is quite alarming. The study shows an overall 44 percent return on investment. When officers' salaries are pulled out, the return on investment is 15.6 percent.

I hasten to admit that my accounting background is limited and I recall the expression that you can prove anything with figures. For these reasons and because this issue is so important, I will be a little cautious with the results of this study until I get more background on its methodology.

On its face, the study does indicate that nursing home business in Connecticut at least shows an excellent rate of return, much more than most industries. Significantly, the class C nursing homes in the State showed the highest rate of return—some 61 percent.

I have heard the argument that the State of Connecticut is unrepresentative because of its unique points system, which will pay a home more per patient if it meets or exceeds State standards. I do not think this argument is well founded because the State of Connecticut has a maximum rate of $486 per month. There are at least 11 States that have higher maximum monthly medicaid rates counting the six reasonable cost States. There are at least 12 States that have higher average rates for medicaid than Connecticut's $338 per month.

All of this information raises very interesting and crucial questions which must be answered in the immediate future. I believe the industry is committed to providing excellent care for a reasonable return. I have supported the industry when the Government has sought to arbitrarily withdraw its commitment and its funds. I now ask for cooperation from the industry in establishing the facts.

The issue of costs, profits, and return on investment is, as I have said before, very much the heart of this controversy. I will ask the staff of the Senate Committee on Aging to undertake a study of costs. I hope the industry will cooperate.

I ask unanimous consent, Mr. President, to enter in the RECORD the report to the State of Connecticut prepared by their hospital cost commission, department of Finance and control.

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

STATE OF CONNECTICUT,
DEPARTMENT OF FINANCE AND CONTROL,
Hartford, Conn., July 27, 1971.

MR. BENJAMIN LATT,
Management Consultant, Nursing Home Branch, Public Health Service, Parklawn Building, Rockville, Md.

DEAR MR. LATT: Your request concerning nursing homes has been referred to me for reply.

In accordance with your request, I am enclosing copies of the studies conducted.

If you have any questions please feel free to contact me.

Sincerely yours,
EDWARD S. KARNASIEWICZ,
Executive Director,
Hospital Cost Commission.

NURSING HOMES

FINDINGS

An overview of nursing homes

As of 1970 there were 237 convalescent hospitals, 40 rest homes with nursing supervision, 5 children's nurseries and 161 homes for the aged.

The number of convalescent beds increased from 14,737 to 15,319 for the fiscal year ended September 30, 1970. Of the total number of licensed beds, 86% of the beds are classified as A and 14% are in the B to D classifications. State patients comprise 65% or 9,249 patients of total patient census of 14,310.

Analysis by source of reimbursement indicates that 46.5% of the facilities i.e., 86 of 185, reported no medicare patient days for the fiscal year ended September 30, 1970. This may be indicative of over-looking medicare eligibility which means that the burden is inadvertently transferred to medicaid thereby increasing the state's share of support.

Concerning invested capital

Based on 15,000 beds and an estimated construction cost of $8000/bed the nursing homes capital investment is estimated at $120 million but the amount of ownerships equity is maintained at minimum level and in a number of instances indicates a negative capital. The general practice has been to invest personally the least amount possible with a major portion being financed by banks and other mortgagees. In most instances equity and retained earnings are being kept at a minimum which may indicate that the principals are milking the corporations.

NURSING HOMES

Employee/patient ratio

An analysis of nursing services indicates that there is approximately one employee for every two patients providing on an average 2.4 hours of nursing services for each patient per day.

Projected gross cost to the State[1]

Based on the suggested rates the projected gross post to the state for convalescent care and other related services is estimated at 64.6 million for the fiscal year 1971–72. This represents an increase of $1.8 million over the prior fiscal year projection.

The projected increase of $1.8 million is primarily due to a weighted average increase of 9.6% in basic costs to which adjustments for Time Lag and compensation are added.

The alternative gross cost projections for the fiscal year 1971–72, range from $64.6 million to $68.8 million.[2]

The overall weighted average per diem of $15.43 for the fiscal year ended September 30, 1970, represents an increase of $1.35 or 9.6%.

[1] Page 44.
[2] Page 124.

The per diem rate for Class A–1, which represents 72% of the total beds, increased from $15.03 to $16.41 an increase of $1.38 or 9.2% for the fiscal year ended September 30, 1970.

Recommendations

(1) It is recommended that reimbursement rates be developed which would provide for a standard compensation factor.

(2) A prospective time lag adjustment factor should be included based on the lower of actual or state-wide average by class.

(3) Reimbursement based on multiple levels of care provided in accordance with patients' needs should be explored and evaluated as to feasibility.

(4) It is recommended that, the weighted average per diem cost be determined on the basis of relative utilization which basis would reflect an appropriate reimbursement value for state patients.

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION

(A Study of Convalescent Hospitals Return on Investment, fiscal year ending September 30, 1970)

This study indicates the return on investment and return on asset value realized by owners of Convalescent Hospitals in Connecticut, for the fiscal year ended September 30, 1970. The study undertaken includes 83% of all licensed proprietary hospitals in the state.

METHODOLOGY

The information for this study was extricated from cost reports submitted by the hospitals to the Commission, in accordance with the provision of section 17–314 of the General Statutes.

In general, three criteria were used:

Return: Includes—Net gain or loss as reported for Federal tax purposes and corporate officers' salaries. Consideration of officers' salaries is required to reflect the corporate "return" on a basis consistent with that of partnerships and sole proprietorships.

Investment: Includes—Capital stock and equity of sole proprietorships and partnerships, additions to capital, reinvested earnings, loans to and/or from owners, and prior years' adjustments. Dividends paid during the reported period are excluded.

Net Assets: Represents total assets less allowance for doubtful accounts and accumulated depreciation.

This methodology is essentially in agreement with Medicare principles; however, the following liberal considerations were made:

1. The return does not include any profits realized in rental payments to related realty companies.

2. The investment does not consider prior years' corporate officers' salaries which may have been excessive, or dividends in excess of income earned which resulted in negative retained earnings. Theoretically, such payments are reductions of investment and should be treated accordingly; however, the required historical information was not available.

In addition, Medicare principles exclude from the return on investment a "reasonable" amount for owners' compensation, where owners render "necessary" services to the hospital. It was not possible to verify the "reasonableness" or "necessity" of the services claimed by the owners since the existing staff unit does not have sufficient time available to undertake such a project. A field audit unit would be required for this assignment. As a result, the amount claimed by owners as compensation for their services, was included as a part of the return.

FINDINGS

The over-all return on investment is 44.0%. Excluding officers' salaries, the return on investment is 15.6%. The allowable return for

proprietary providers under Medicare for this period is 11.109%.

CONCLUSIONS

A recent issue of "Forbes" presented an interview with Royal Little, who originated and implemented (Textron) the idea for the working conglomerate, as we know it today. Little is of the opinion that the days of the 15% return on capital equity are over and a lower return can be expected.

Why, therefore, did owners of extended care facilities in Connecticut realize a 44.0% return on investment, before personal compensation for services?

Probably the most significant contributing factor is the low level of personal investment required by owners of these facilities. Most banks have liberal criteria for mortgage eligibility since the income of a convalescent hospital is now, essentially, guaranteed as a result of federal and state involvements. To illustrate this point consider the following:

Construction Costs Per Hospital Construction Section—State Health Department [1]—$8,000 per bed.

Mortgage Allowance Per Local Hartford Bank—$6,000 per bed.

Capital Investment Required by Owner—$2,000 per bed.

A 40 bed A–1 facility would require a capital investment by the owner of $80,000. Assume the per diem cost of this hypothetical facility to be the weighted average cost for the A–1 classification, $13.10. With a state reimbursement of $15.25, the return per patient would be $2.15 per day or $785 per year. The annual return for 40 patients would amount to $31,400 resulting in a 39.3% return on investment ($31,400÷$80,000.)

One factor contributing to the high return on investment is the interim adjustment effected in the state's approved reimbursement rates, the state assuming financial responsibility for approximately 60% of the caseload. In the A–1 (2) classification, for example, the interim rate effected on October 1, 1969, represented a 9.5% increase over the reimbursement rate authorized three months earlier, resulting in a reimbursement 16.4% over the average cost for this classification.

Another important factor for consideration is the cost matrix employed in determining state reimbursement rates. An average cost, weighted on the basis of "total" occupancy is used as a base point. Therefore, theoretically speaking, the assumption is made that 50% of all state patients are treated in facilities with actual costs above this base point with the offsetting 50% treated in facilities with costs below the base point. This was not a valid assumption to make. The average cost, weighted on a basis of "state" occupancy indicates that there are more state patients in facilities with costs below average. The estimated cost to the state for fiscal 1971–72 was projected [2] using both base points. Use of the state average, as opposed to the total average, reduces the total state payment to convalescent hospital providers by $3 million.

FOOTNOTES

[1] It was estimated that $8,000 per bed would be required to construct a facility which would meet minimum licensing requirements. The cost would be reduced were the owner to handle the contracting function personally, thus further reducing the capital investment required.

[2] Refer to "Convalescent Hospitals Et Al., Alternative Reimbursement Rates, Fiscal 1972–71".

CONVALESCENT HOSPITALS—RETURN ON: INVESTMENT AND NET ASSETS, BY CLASSIFICATION, FISCAL YEAR END SEPT. 30, 1970

Classification	Return [1]	Investment	Net assets	Percentage return on Investment	Percentage return on Net assets
A–1	$3,209,449	$7,154,160	$42,821,703	44.9	7.5
A–2	749,404	2,120,344	5,094,975	35.3	14.7
A–3	132,996	372,499	860,808	35.7	15.5
B	272,890	602,948	1,969,619	45.3	13.9
C	547,588	890,342	2,205,545	61.5	24.8
D	35,349	102,321	169,988	34.6	20.8
Total	4,947,676	11,242,614	53,122,638	44.0	9.3

[1] Net gain or loss for tax purposes plus corporate officers' salaries $3,195,030.

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION

CONVALESCENT HOSPITALS ET AL.—STATISTICAL INFORMATION

	1970 Number licensed	1970 Number of reports used [1]	1960 Number licensed	1960 Number of reports used [1]	1968 Number licensed	1968 Number of reports used [2]
1. Convalescent hospitals:						
Class A–1	124	98	122	99	15	----
Class A–2	40	30	36	30	78	----
Class A–3	20	15	13	11	74	----
Total, A's	184	143	171	140	167	----
Class B	22	17	23	17	22	----
Class C	25	23	37	32	40	----
Class D	6	2	8	4	9	----
Class E	0	0	0	0	2	----
Total	237	185	239	193	240	----
2. Children's hospitals	5	5	5	5	6	----
3. Rest homes with nursing supervision	40	27	39	24	41	----
4. Homes for the aged	161	70	158	64	156	----

[1] Additional reports were received and reviewed; however, not all reports are used in average cost studies. Incomplete reports and/or reports reflective of significant nonrecurring circumstances, the most common being short period reports, are excluded from average cost studies.

[2] Figures not supplied.

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION

CONVALESCENT HOSPITALS COMPARISON OF PER DIEM BASIC COSTS, BY CLASSIFICATION AND COST CENTER, YEAR ENDED SEPT. 30, 1970

Cost centers	A–1	A–2	A–3	B	C	D
Administration:						
Salary	$0.60	$0.42	$0.19	$0.22	----	----
Nonsalary	1.85	1.64	1.53	1.46	$1.31	$1.11
Subtotal	2.45	2.06	1.72	1.68	1.31	1.11
Rent	.69	.30	.11	.15	.24	.11
Depreciation	.86	.55	.54	.56	.44	.29
Plant operation and maintenance:						
Salary	.33	.28	.19	.21	.12	.12
Nonsalary	.64	.57	.71	.74	.61	.47
Subtotal	.97	.85	.90	.95	.73	.59
Dietary:						
Salary	1.20	.99	.98	.99	.83	.46
Nonsalary	1.46	1.18	1.22	1.25	1.25	1.05
Subtotal	2.66	2.17	2.20	2.24	2.08	1.51
Laundry and linen:						
Salary	.15	.14	.12	.16	.15	.28
Nonsalary	.30	.23	.19	.25	.24	.15
Subtotal	.45	.37	.31	.41	.39	.43
Housekeeping:						
Salary	.51	.35	.26	.38	.39	.13
Nonsalary	.11	.09	.08	.09	.11	----
Subtotal	.62	.44	.34	.47	.50	.13
Nursing service:						
Salary	6.92	5.96	6.26	5.75	5.31	3.44
Nonsalary	.23	.11	.08	.11	.13	.02
Subtotal	7.15	6.07	6.34	5.86	5.44	3.46
Other service:						
Salary	.36	.35	.13	.12	.05	----
Nonsalary	.19	.16	.12	.05	.12	.05
Subtotal	.55	.51	25	.17	.17	.05
Other expense	.01	----	.01	----	.01	----
Total	16.41	13.32	12.72	12.49	11.31	7.68

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION

CONVALESCENT HOSPITALS—COMPARISON OF PERCENTAGE DISTRIBUTION OF BASIC COSTS BY CLASSIFICATION AND COST CENTER YEAR ENDED SEPT. 30, 1970

Cost centers	Classification [1] A–1	A–2	A–3	B	C	D
Administration	14.9	15.5	13.5	13.5	11.0	10.0
Rent	4.2	2.2	.9	1.2	2.1	1.4
Depreciation	5.2	4.1	4.2	4.5	3.9	3.8
Plant operation and maintenance	5.9	6.4	7.1	7.6	6.5	7.7
Dietary	16.2	16.3	17.3	17.9	18.4	19.7
Laundry and linen	2.7	2.8	2.4	3.3	3.4	5.6
Housekeeping	3.8	3.3	2.7	3.8	4.4	1.7
Nursing service	43.6	45.6	49.8	46.9	48.7	49.5
Other services	3.4	3.8	2.0	1.3	1.5	.6
Other expenses	.1		.1		.1	
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Accounted for as:						
Salary	61.4	63.7	63.9	62.7	60.6	57.7
Nonsalary	38.6	36.3	36.1	37.3	39.4	42.3
Adjustments to basic cost: [2]						
Timelag 21 months	4.3	5.2	14.3	10.9	11.5	9.2
Officers salaries	4.9	6.7	6.0	9.6	11.6	14.1
Partner or proprietor Comp	9.9	11.5	12.1	10.0	9.7	

[1] No facility was assigned an "E" classification by the Health Department for the 1970–71 reimbursement period.

[2] Percent of total basic cost.

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION

CHILDREN'S HOSPITALS, PER DIEM BASIC COSTS BY COST CENTER—YEAR ENDED SEPT. 30, 1970

Cost centers	Per diem cost
Administration:	
Salary	
Nonsalary	$0.90
Subtotal	.90
Rent	.09
Depreciation	.21
Plant operation and maintenance:	
Salary	.09
Nonsalary	.32
Subtotal	.41
Dietary:	
Salary	.31
Nonsalary	.53
Subtotal	.84
Laundry and linen:	
Salary	.23
Nonsalary	.13
Subtotal	.36
Housekeeping:	
Salary	.16
Nonsalary	.04
Subtotal	.20
Nursing service:	
Salary	4.87
Nonsalary	.01
Subtotal	4.88
Other service:	
Salary	
Nonsalary	.12
Subtotal	.12
Other expense	.05
Total	8.06

REST HOMES WITH NURSING SUPERVISION, PER DIEM BASIC COSTS BY COST CENTER—YEAR ENDED SEPT. 30, 1970

Cost centers	Per diem costs
Administration:	
Salary	$0.41
Nonsalary	1.10
Subtotal	1.51
Rent	.56
Depreciation	.65
Plant operation and maintenance:	
Salary	.27
Nonsalary	.67
Subtotal	.94
Dietary:	
Salary	.97
Nonsalary	1.37
Subtotal	2.34
Laundry and linen:	
Salary	.10
Nonsalary	.12
Subtotal	.22
Housekeeping:	
Salary	.52
Nonsalary	.06
Subtotal	.58
Nursing service:	
Salary	2.78
Nonsalary	.07
Subtotal	2.85
Other service:	
Salary	.34
Nonsalary	.07
Subtotal	.41
Other expense	.01
Total	10.07

HOMES FOR THE AGED, PER DIEM BASIC COSTS BY COST CENTER—YEAR ENDED SEPT. 30, 1970

Cost centers	Per diem costs
Administration:	
Salary	$0.39
Nonsalary	.83
Subtotal	1.22
Rent	.23
Depreciation	.54
Plant operation and maintenance:	
Salary	.24
Nonsalary	.72
Subtotal	.96
Dietary:	
Salary	.89
Nonsalary	1.37
Subtotal	2.26
Laundry and linen:	
Salary	.09
Nonsalary	.09
Subtotal	.18
Housekeeping:	
Salary	.60
Nonsalary	.13
Subtotal	.73
Nursing service:	
Salary	.60
Nonsalary	.03
Subtotal	.63
Other service:	
Salary	.15
Nonsalary	.07
Subtotal	.22
Other expense	.03
Total	7.00

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION, CONVALESCENT HOSPITALS ET AL., COMPUTATION OF TIMELAG—3-YEAR MOVING AVERAGE

	Per diem basic cost 1967 (1)	1968 (2)	1969 (3)	1970 (4)	Cumulative percent increase (decrease) (5)	Monthly average col. 5÷36 (6)	Average percent, 21 months (col. 6×21) (7)
1. Convalescent hospitals:							
A–1: Basic cost	$15.46	$13.76	$15.03	$16.41			
Percent increase or (decrease)		(11.000)	9.230	9.182	7.412	0.2059	4.3239
A–2: Basic cost	12.31	11.37	12.70	13.32			
Percent increase or (decrease)		(7.636)	11.697	4.882	8.943	.2484	5.2164
A–3: Basic cost	10.39	9.09	11.39	12.72			
Percent increase or (decrease)		(12.512)	25.303	11.677	24.468	.6797	14.2737
B: Basic cost	10.46	10.45	11.77	12.49			
Percent increase of (decrease)		(0.096)	12.632	6.117	18.653	.5181	10.8801
C: Basic cost	9.35	10.20	10.60	11.31			
Percent increase of (decrease)		9.091	3.922	6.698	19.711	.5475	11.4975

Footnotes at end of table.

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION, CONVALESCENT HOSPITALS ET AL., COMPUTATION OF TIMELAG—3-YEAR MOVING AVERAGE—Continued

	Per diem basic cost				Cumulative percent increase (decrease)	Monthly average col. 5÷36	Average percent, 21 months (col. 6×21)
	1967	1968	1969	1970			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
D: Basic cost	$6.72	$8.04	$7.26	$7.68			
Percent increase or (decrease)		19.643	(9.701)	5.785	15.727	.4369	9.1749
E: Basic cost	6.96	13.11			(1)	(1)	(1)
Percent increase or (decrease)		88.362			(1)	(1)	(1)
2. Children's hospitals:							
Basic cost	5.77	6.58	6.90	8.06			
Percent increase or (decrease)		14.038	4.864	16.812	35.71	.9921	20.8341
3. Rest homes with nursing supervision:							
Basic cost	6.94	6.47	8.43	10.07			
Percent increase of (decrease)		7.637	12.851	19.454	39.942	1.1095	23.2995
4. Homes for the aged:							
Basic cost	4.79	5.94	6.28	7.00			
Percent increase or (decrease)		24.008	5.724	11.465	41.197	1.1444	24.0324

[1] No facilities assigned "E" classifications by the Health Department.

STATE OF CONNECTICUT, HOSPITAL COST COMMISSION—CONVALESCENT HOSPITALS ET AL., COMPUTATION OF PER DIEM TIMELAG ADJUSTMENT BASED ON A 3-YEAR MOVING AVERAGE AND TOTAL [1] UTILIZATION OF SERVICES

	Sept. 30, 1970, basic cost [1]	Timelag percent	Timelag adjustment
Convalescent hospitals:			
A-1	$16.41	4.3239	$0.71
A-2	13.32	5.2164	.69
A-3	12.72	14.2737	1.82
B	12.49	10.8801	1.36
C	11.31	11.4975	1.30
D	7.68	9.1749	.70
Children's hospitals	8.06	20.8341	1.68
Rest homes with nursing supervision	10.07	23.2995	2.35
Homes for the aged	7.00	24.0324	1.68

[1] Average per diem cost weighted on a basis reflective of total patient-days without special consideration for State utilization.

STATE OF CONNECTICUT, HOSPITAL COST COMMISSION—CONVALESCENT HOSPITALS ET AL., COMPUTATION OF PER DIEM TIMELAG ADJUSTMENT BASED ON 3-YEAR MOVING AVERAGE AND STATE [1] UTILIZATION OF SERVICES

	Sept. 30, 1970 basic cost [1]	Timelag percent	Timelag adjustment
Convalescent hospitals:			
A-1	$15.48	4.3239	$0.67
A-2	13.17	5.2164	.69
A-3	11.68	14.2737	1.67
B	11.59	10.8801	1.26
C	10.07	11.4975	1.16
D	7.74	9.1749	.71
Children's hospitals	8.04	20.8341	1.68
Rest homes with nursing supervision	8.97	23.2995	2.09
Homes for the aged	6.23	24.0324	1.50

[1] Average per diem cost weighted on a basis reflective of State patient days.

STATE OF CONNECTICUT, HOSPITAL COST COMMISSION—COMPUTATION OF PER DIEM TIMELAG ADJUSTMENT BASED ON LOWER OF ACTUAL TIMELAG PERCENT OR AVERAGE AND TOTAL [1] UTILIZATION OF SERVICES

	Sept. 30, 1970 basic cost [1]	Maximum timelag percent [2]	Timelag adjustment
Convalescent hospitals:			
A-1	$16.41	4.3239	$0.71
A-2	13.32	5.2164	.69
A-3	12.72	8.2047	1.04
B	12.49	8.2047	1.02
C	11.31	8.2047	.93
D	7.68	8.2047	.63
Children's hospitals	8.06	20.8341	1.68
Rest homes with nursing supervision	10.07	23.2995	2.35
Homes for the aged	7.00	24.0324	1.68

[1] Average per diem cost weighted on a basis reflective of total patient days without special consideration for State utilization.
[2] Timelag for various convalescent hospital classifications limited to the average percentage increase of 8.2047 percent.

CONVALESCENT HOSPITALS ET AL., COMPUTATION OF PER DIEM TIMELAG ADJUSTMENT BASED ON LOWER OF ACTUAL TIMELAG PERCENT OR AVERAGE AND STATE [1] UTILIZATION OF SERVICES

	Sept. 30, 1970 basic cost [1]	Maximum timelag percent [2]	Timelag adjustment
Canvalescent hospitals:			
A-1	$15.48	4.3239	$0.67
A-2	13.17	5.2164	.69
A-3	11.68	8.2047	.96
B	11.59	8.2047	.95
C	10.07	8.2047	.83
D	7.74	8.2047	.64
Children's hospitals	8.04	20.8341	1.68
Rest homes with nursing supervision	8.97	23.2995	2.09
Homes for the aged	6.23	24.0324	1.50

[1] Average per diem cost weighted on a basis reflective of State patient days.
[2] Timelag for various convalescent hospital classifications limited to the average percentage increase of 8.2047 percent.

STATE OF CONNECTICUT, HOSPITAL COST COMMISSION—CONVALESCENT HOSPITALS ET AL., COMPARISON OF ESTIMATED PER DIEM VALUES [1] FOR PROPRIETARY SERVICES 1970 THROUGH 1967

	1970	1969	1968	1967
Convalescent hospitals:				
A-1	$1.62	$1.44	$1.33	$1.42
A-2	1.53	1.49	1.35	1.30
A-3	1.54	1.31	1.00	1.07
B	1.25	1.24	1.17	1.07
C	1.10	1.15	1.14	.97
D			1.02	.96
E				
Children's hospitals	1.01	.84		
Rest homes with nursing supervision	1.00	.86	.83	.84
Homes for the aged	.78	.64	.55	.52

[1] Based on 10 percent of gross income.

STATE OF CONNECTICUT, HOSPITAL COST COMMISSION—CONVALESCENT HOSPITAL ET AL., COMPARISON OF PER DIEM CORPORATE SALARIES, 1970 THROUGH 1967

	1970	1969	1968	1967
Convalenscent hospitals:				
A-1	$0.81	$0.75	$0.69	$0.17
A-2	.89	.90	.69	.70
A-3	.76	1.01	.87	.93
B	1.20	.95	1.35	1.17
C	1.31	1.41	1.37	1.04
D	1.08	1.03	1.26	1.87
E			.67	1.01
Children's hospitals	1.67	1.55	.95	1.40
Rest homes with nursing supervision	.98	1.01	.61	.78
Homes for the aged	.35	.30	.23	.31

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION—CONVALESCENT HOSPITALS ET AL., COMPARISON OF BASIC COST, 1970 THROUGH 1967

	1970	1969	1968	1967	Percent increase 1970 over 1969
	(1)	(2)	(3)	(4)	(5)
1. Convalescent hospitals:					
A–1	$16.41	$15.03	$13.76	$15.46	9.2
A–2	13.32	12.70	11.37	12.31	4.9
A–3	12.72	11.39	9.09	10.39	11.7
B	12.49	11.77	10.45	10.46	6.1
C	11.31	10.60	10.20	9.35	6.7
D	7.68	7.26	8.04	6.72	5.8
E			13.11	6.96	
Weighted average	15.43	14.08	12.80	11.44	9.6
Increase over prior year (percent)	9.6	10.0	11.9	13.5	
2. Children's hospitals	$8.06	$6.90	$6.58	$5.77	16.8
3. Rest homes with nursing supervision	10.07	8.43	7.47	6.94	19.5
4. Homes for the aged	7.00	6.28	5.94	4.79	11.5

CONVALESCENT HOSPITALS ET AL., COMPUTATION OF EQUITABLE PER DIEM COMPENSATION—YEAR ENDED SEPT. 30, 1970

	Average number of employees per bed	Conversion factor percent of total beds	Weighted component average number of employees (column 1×2)	Index average number of employees to weighted average (column 1÷average 0.5734)	Overall average per diem corporate salaries	Equitable compensation (column 4×5)
	(1)	(2)	(3)	(4)	(5)	(6)
Convalescent hospitals:						
A–1	0.66	57.9	0.3821	1.15	$0.8277	$0.95
A–2	.61	9.4	.0573	1.06	.8277	.88
A–3	.67	2.9	.0194	1.17	.8277	.97
B	.68	3.6	.0245	1.19	.8277	.99
C	.58	4.1	.0238	1.01	.8277	.84
D	.48	.3	.0014	.84	.8277	.70
Children's hospitals	.51	1.4	.0071	.89	.8277	.74
Rest homes with nursing supervision	.37	8.6	.0318	.65	.8277	.54
Homes for the aged	.22	11.8	.0260	.38	.8277	.31
Total		100.0				
Average number of employees per bed (total col. 3)			.5734			

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION—CONVALESCENT HOSPITALS ET AL., COMPUTATION OF OVERALL AVERAGE PER DIEM CORPORATE SALARY—YEAR ENDED SEPT. 30, 1970

	Per diem corporate salary	Conversion factor percent of total patient days	Weighted salary component (col. 1 by 2)
	(1)	(2)	(3)
Convalescent hospitals:			
A–1	$0.81	58.8	$0.4763
A–2	.89	9.6	.0854
A–3	.76	2.9	.0220
B	1.20	3.6	.0432
C	1.31	4.1	.0537
D	1.08	.3	.0032
Children's hospitals	$1.67	1.4	$0.0234
Rest homes with nursing supervision	.98	8.4	.0823
Homes for the aged	.35	10.9	.0382
Average per diem corporate salary		100.0	.8277

Convalescent Hospitals Et Al.—Average Percent of Occupancy, Year Ended September 30, 1970

Convalescent Hospitals and	Percent
A–1	93.7
A–2	94.5
A–3	92.6
B	90.7
C	90.6
D	95.5
E	----
Children's Hospitals	98.9
Rest Homes with nursing supervision	90.2
Homes for the Aged	85.0

TRIBUTE TO THE LATE SENATOR PROUTY

Mr. MOSS. Mr. President, I rise to join my fellow Members of Congress in paying appropriate tribute to the memory of our esteemed colleague, the late Senator from Vermont, Winston L. Prouty.

For 33 years, Senator Prouty faithfully served the people of his State and Nation as a man of high integrity, championing the causes of education, the workingman, and the elderly. His long record of public service included positions 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.

Mr. President, in past years I have served with Win Prouty on the Commerce Committee and the Senate Special Committee on Aging. I know firsthand his distinguished efforts especially on behalf of the elderly.

Senator Prouty's thoughtful manner and effective advocacy as a dedicated public servant will be sorely missed by the Senate, the citizens of his State, Vermont, and the entire Nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR YOUNG NEXT FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Friday next, immediately following the remarks by the distinguished senior Senator from Georgia (Mr. TALMADGE), the distinguished Senator from North Dakota (Mr. YOUNG) be recognized for not to exceed 15 minutes.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, if the distinguished assistant Republican leader has anything to say, I shall yield to him for that purpose. If not, I will proceed with the statement of the program for Monday.

Mr. President, the program for Monday next is as follows:

The Senate will convene at 12 o'clock noon. Following the recognition of the two leaders under the standing order, the junior Senator from West Virginia (Mr. BYRD) will be recognized for not to exceed 15 minutes. This will be followed by a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes. At the close of the routine morning business, the Senate will resume the consideration of the conference report on the extension and the revision of the draft.

At 3 p.m., two rollcall votes will occur consecutively on the following:

First, the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties; and

Second, certain amendments to the International Convention for Prevention of Pollution of the Sea by Oil.

Following the two rollcall votes, the Senate will resume consideration of the conference report on the draft.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 20, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 2 o'clock and 40 minutes p.m.) the Senate adjourned until Monday, September 20, 1971, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 17, 1971:

U.S. ARMY

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Harris Whitton Hollis [redacted] Army of the United States (brigadier general, U.S. Army).

IN THE NAVY

The nominations beginning Guy Harold Able III, to be lieutenant, and ending Margaret Anne Zuger, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on August 6, 1971.

EXTENSIONS OF REMARKS

NATIONAL HIGHWAY WEEK OBSERVED—NATIONAL ROAD SYSTEM CONTINUES TO GROW IN SERVICE TO AMERICAN PEOPLE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, September 17, 1971

Mr. RANDOLPH. Mr. President, the week of September 19–25 has been designated National Highway Week and it is appropriate that we give notice to the contribution of the American highway system to the continued growth and strength of our country.

Roads have been an increasingly important means of transportation from the earliest days of the frontier when primitive trails were hacked through the wilderness. These first arteries bear no resemblance to the great superhighways that today connect every section of our country. But there is a direct link between the two in the steady growth and refinement of the highway system.

The Federal highway program has been in existence for more than 50 years, giving the Federal Government a major role in the development of better highways.

America has come to be increasingly reliant on motor vehicles of all types for the transportation of goods and people. More than 108 million vehicles now use our streets and roads and this number is growing yearly.

The Interstate Highway System is the most ambitious highway program ever undertaken and has frequently been called the greatest public works project in the history of the world. It is difficult to argue with this conclusion when we see the vast improvements in highway transportation that have been made possible by the Interstate System. The interstates are now more than 75 percent completed and their impact on the country has been great.

Highways, however, are more than just a means or transportation. They have a significant impact on many aspects of our national life. Highways not only determine what people will eat and where they will go on their vacations, they also influence where and how people live, the development of whole regions and levels of economic prosperity enjoyed by communities throughout the country.

From the beginning, Federal involvement in highway development has been one of partnership with the States. This is a joint effort that has grown over the years and has been successful in providing the world's most advanced highway system.

While we have made greater progress in developing our highway system, we know that it is far from adequate and far from perfect. There is a large and dedicated team composed of government, industry, and individual citizens constantly at work to make our roads better and more responsive to the needs of our country. It is these individuals that I salute during this National Highway Week of 1971.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. FRASER. Mr. Speaker, during the hearings I recently concluded in Minneapolis a new organization was represented by Mr. Thomas P. Cook. Mr. Cook is the executive secretary of the Hennepin County Medical Society and the new Metropolitan Health Care Foundation. A statement explaining the foundation's activity is included.

Mr. Cook, and another witness, Dr. Walter McClure, representing the American Rehabilitation Foundation, discussed health maintenance organizations. In Mr. Cook's view the success of HMO's depends on three factors: First, public acceptance; second, professional acceptance; and third, the ability of HMO's to meet the health needs of society at a reasonable cost. He further indicated that there was very little resistance to the idea of HMO's, but that their future success was not guaranteed.

Dr. McClure has worked long and hard on proposals to establish HMO's. In his statement he emphasized a number of aspects of HMO's and how to create them.

He discussed the incentive system that would be built into the HMO concept. On the one hand these organizations would receive more money for the greater number of people they enroll, providing an incentive to increase their enrollment. On the other hand, preventive medicine would be emphasized since that avoids the high cost of curative medicine. Professional staff members of HMO's would receive additional financial incentives to keep their members well. Dr. McClure argued very persuasively for Congress to improve the delivery of health care while continuing to debate the improvements needed in financing health care.

Also, Dr. McClure discussed the role of insurance companies and Blue Cross as part of a new system. He sees the role of insurance companies as managers and marketers for the newly established HMO's. At the same time, however, Dr. McClure made a strong case for stringent Federal regulations of HMO's while favoring lesser day-to-day regulation in terms of "tinkering regulations."